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## INTRODUCTION

This volume contains TVA responses to public comments on the Shoreline Management Initiative (SMI) Draft Environmental Impact Statement (DEIS). In response to some comments, the text of the Final Environmental Impact Statement (FEIS) has been changed. Even when a comment did not require modifying the FEIS text, TVA has provided a response to the issue raised.

Comments were received from June 28, 1996, through October 15, 1996. (See Section 1.7.2 of the FEIS for additional information about SMI's public involvement efforts.) TVA received 9,444 comments during the comment period. Participants could voice their reaction to the DEIS by writing a letter, speaking at one or more of the 16 public meetings, completing a meeting evaluation form, and/or returning a public involvement questionnaire. Additional comments were taken from transcripts of two lake association meetings held during the public comment period. Table C/R-1 shows the number of comments made by method of participation.

Letters	Public Meetings	Evaluation Forms	Questionnaires	Lake Association Meetings	Total
1,737	1,559	275	5,845	28	9,444

Due to the volume of comments and their frequent similarity, TVA has summarized and combined the comments and responses. The summarized and combined comments, totaling 3,135, have been categorized for easier public review. Because the comments were summarized, the exact wording of the comments was not always used. Also, in some cases, the commenters listed with a specific combined comment may not have raised all of the points in the comment. For example, some commenters stated that recreational users and lakefront property owners want to partner with TVA to control erosion, stop pollution, clean up trash, and protect water quality and aquatic habitat. "Jane Doe" may be listed under a combined comment supporting partnerships for all of these reasons when her comment, in fact, only addressed partnering with TVA to control erosion and clean up trash. Therefore, it should not be assumed that all commenters identified with a combined comment necessarily support all facets of that comment. TVA attempted to retain all important discrete nuances, or differences among comments, when summarizing and/or combining comments. A number of summarized comments may still be somewhat repetitious because further refinements could have distorted an important element of a specific comment.

Comments were categorized using 44 subject areas. Comments were then ordered within a specific subject area, based on their similarity. Comments were not arranged according to the number of people that made a comment or ranked by importance. Comments received from letters, meetings, evaluation forms, and questionnaires are all categorized and listed together. In other words, one combined comment may be from one person who wrote a letter, two people who spoke at separate public meetings, one person who commented on an evaluation form, and three people who provided comments via the questionnaire.

When distributing the public involvement questionnaire, TVA promised that the respondent's name would not be linked to any of his/her answers. Therefore, only the total number of different survey comments is reported. For example, a comment like "Erosion is a serious problem" may have been written on five different questionnaires. Under that combined comment would be "5 survey comments." Evaluation form comments also frequently lacked a commenter's name. As such, comments were handled in the same manner as the questionnaire comments. Responses to the tabular portion of the questionnaire can be found in Chapter 11 of this volume.

***Responses to Public Comments***

The index, located in the back of this volume, was created so that the commenters can more easily find responses to their comments. The index shows the name of each commenter, followed by the assigned comment number(s) made by that person. Each section within a chapter has a short introduction that provides the reader with a brief overview of the kind of issues found in that section. The Table of Contents provides a list of the 44 subject areas.

## Chapter 1 – Shoreline Management Initiative

During the 1996 public scoping process, many citizens or groups offered general comments about TVA's Shoreline Management Initiative (SMI). These included comments on:

- The scope of SMI, i.e.,
  - TVA's responsibilities for environmental protection and shoreline management
  - Extent of residential shoreline development impacts on the environment
  - Cost of SMI
  - Long-range forecast of SMI
  - Problems on nonresidential land and from nonresidential sources
  - Land Between The Lakes (LBL) shoreline
  - Timeliness of SMI
- Support for SMI
- Opposition to SMI

**1** **Comment:** *TVA has probably had the greatest single overall impact on the environment in the Valley area, both good and bad.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

**2** **Comment:** *TVA's top priorities should be protecting the environment, preventing erosion, protecting wildlife, and preserving natural beauty.*

**Comment by:** 6 survey comments

**3** **Comment:** *I think a priority should be established based on long-term effect, i.e., those areas where irreversible consequences are possible get first priority (endangered species, water quality, aquatic wildlife, vegetation, etc.). Second priority should be given to those people who by law own property, i.e., they have a right to build or use their property as long as they conform to guidelines established by the preceding priorities. Everything else is a matter of logic and cost.*

**Comment by:** 1 survey comment

**4** **Comment:** *TVA should give more attention to environmental issues, such as pollution and declining water quality. Also, the high-tension poles that TVA puts up can cause environmental problems.*

**Comment by:** Paul Keller, 1 survey comment

**5** **Comment:** *I am concerned that the environment is being given a back seat to economic interests in SMI's DEIS.*

**Comment by:** 1 survey comment

**Response:** Sixty percent of the Valley residents contacted in the 1993 Gallup public opinion survey agreed with the comment that environment should be top priority. TVA protects endangered and threatened species, wetlands, floodplains, archaeological sites, and historic buildings to fulfill responsibilities as a steward of public lands and waters. In addition, protection of these resources is the

subject of federal laws and executive orders. TVA would emphasize protection of important resources under any of the alternatives. No one has the right to build water-use facilities on the Tennessee River system without TVA approval. This requirement would be continued under any alternative. The primary goal of SMI is to find better ways to protect the environment while accommodating reasonable access to the water by adjacent residents.

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**6** **Comment:** *The DEIS questions whether TVA should assume a more limited compliance-oriented role? What this means is that TVA will begin to manage less rather than more. I would strongly disagree with this approach. There is no other agency set up to manage lands that stretch across several states, many hundreds of counties, and through countless municipal districts. How can any other agency maintain any consistency throughout the region if TVA does not do it? We in this room all know that environmental issues and problems transcend all political and geographical lines. Is it right that destructive practices such as massive development be allowed in Tennessee, only to have the siltation and refuse flow downstream to Alabama, where the problems will have to be fixed by those who did not cause them? To me, this is a real abdication of TVA's responsibility, that of overseeing and coordinating all the environmental issues that occur on the lands and waters of this region, and seeing that there is consistency from state to state. I urge you not to give up this responsibility but to assume even more as problems become larger.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**Response:** The limited TVA role was only one of the alternatives (Alternative A) considered in the EIS and is not TVA's preferred alternative. The TVA Act of 1933, as amended, makes TVA responsible for promoting the unified development and management of the Tennessee River system. SMI was initiated because TVA wanted to improve how it meets this responsibility.

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**7** **Comment:** *Many TVA lakes are within rural counties, though they may be near urban areas and their population pressures. Most of these rural counties do not have land management regulations which are sophisticated enough to deal with shoreline management problems. And if they do attempt to promulgate these regulations, my experience has been that they are not adequately staffed and equipped to enforce these regulations. A regulation which is poorly enforced or not enforced at all is of no value. Since TVA lakes are an attraction which draw people in greater numbers, I take the position that TVA should assume considerable responsibility to assist and complement local regulations relative to shoreline land use management. It is going to require the best efforts of all units of government to maintain acceptable levels of development around the lakes.*

**Comment by:** T. Jeff Browning, Jeanie Browning

**Response:** TVA agrees that cooperation among all units of government is a good way to properly manage shoreline development. TVA is willing to work with counties, other local governments, and states to complement, but not duplicate, their efforts. Because the borders of the Tennessee Valley are watershed boundaries, TVA offers the strength of being able to implement standards and management practices within ecologically defined watershed units rather than being forced to operate within political boundaries of counties or states.

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**8** **Comment:** *To ensure successful development and implementation of the shoreline management plans, the existing residential and managed residential categories must be focused and remain focused on the following provisions: 1) Allow only reasonable, nonexcessive*

*recreational access/shoreline erosion protection to residential dwellers with property adjacent to land owned or controlled by TVA. 2) Allow only recreational access/shoreline erosion protection that minimizes the public perception of “privatization” or “private exclusive use” of publicly owned land. 3) Consider that reasonable recreational access/shoreline erosion protection and natural resources along lake shorelines can and should coexist.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** Comment noted. The purpose of SMI (as stated in Section 1.2) is to review existing permitting practices with the public and establish a policy that better protects shoreline and aquatic resources, while accommodating reasonable access to the water by adjacent residents. Several of the SMI alternatives would increase protection of natural resources while meeting residential access needs.

**9** **Comment:** *I suggest you endeavor to grasp the magnitude of the program you now attempt to manage versus the magnitude of the more aggressive program for which you hope to gain public approval. I suggest you never enter into any initiative until it truly demonstrates that the quality improvement program has made some impact in the nature of the product that TVA produces.*

**Comment by:** 1 survey comment

**Response:** Comment noted. The purpose of SMI is to review existing permitting practices with the public and establish a policy that better protects shoreline and aquatic resources, while providing adjacent residents reasonable access to the water. To do this TVA must assess the amount of shoreline that potentially could be developed and promote the use of environmentally responsible standards on shoreline that is developed.

**10** **Comment:** *In reading the DEIS one gets the impression that TVA was somehow “caught off guard” by the fact that persons with deeded outstanding access rights would eventually want to build on the neighboring land. This is not a new trend, and TVA has had the statistics for years.*

**Comment by:** 1 survey comment

**Response:** TVA is aware of the access rights on its reservoirs since these rights were conveyed by TVA. SMI addresses two key issues: 1) Should TVA continue existing permitting guidelines or adopt new standards? and 2) Should TVA permitting requirements apply only where access rights currently exist or should additional shoreline be opened for access?

**11** **Comment:** *Page 2-14 of the DEIS states it is not possible to prohibit future residential shoreline development. We believe it could be prevented on TVA-owned lands until local controls are clearly and firmly in place to guide development and there is interagency cooperation to examine and resolve issues such as underground water quality and health, residential density problems, lake-use behavior problems, erosion, etc., on a case-by-case basis if necessary.*

**Comment by:** Ottolene Browning, Virginia Browning Eslinger

**Response:** TVA already controls development of its properties and addresses other problems in its permitting activities under Section 26a of the TVA Act. Improved cooperation between TVA and local communities would help address environmental problems more effectively. Through its watershed

management efforts, TVA is working closely with local communities and citizen groups to address water quality problems.

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**12** **Comment:** *Given TVA's performance history, should TVA's control be expanded to include creating and enforcing engineering and design standards? Is TVA capable of accepting the liability associated with these activities?*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** Decisions made as a result of SMI will not expand TVA's control or responsibility of shoreline management activities. Under Section 26a of the TVA Act, TVA must approve all obstructions affecting navigation, flood control, or public lands. TVA's liability associated with shoreline management activities will not change as a result of SMI.

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**13** **Comment:** *Considering the political climate in Washington and with Congress balancing the budget, what would happen to the SMI effort if TVA should ever be privatized?*

**Comment by:** Sid Roorda

**Response:** Reservoir lands and water would still need to be managed if TVA is privatized. The identity of the caretakers and the management practices they would use are not known.

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**14** **Comment:** *Why the overkill to want to manage/control/limit/minimize/replace?*

**Comment by:** 1 survey comment

**Response:** TVA does not view SMI as overkill. It is a timely study aimed at identifying better ways to protect the environment while accommodating reasonable access to the water by adjacent residents.

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**15** **Comment:** *By means of SMI, TVA is trying to convince the public that there are environmental problems, but residential development is perhaps the least significant environmental issue on TVA reservoirs. TVA is misleading the public by fabricating solutions to problems that are minor or do not exist; therefore, SMI's drastic measures are not justified.*

**Comment by:** Edwin E. Howard, Patricia Howard, Thomas Schmidt (Timberlake Estates Homeowners Association), 6 survey comments

**16** **Comment:** *This DEIS is only addressing minor things in terms of the overall effect on our lake system.*

**Comment by:** Cliff Griggs (Friends of the Tennessee River)

**17** **Comment:** *Soils, wetlands, floodplains, and aquatic habitat are not actually factors and should not even be considered.*

**Comment by:** 1 survey comment

**18** **Comment:** *TVA is doing a study, and I am a little concerned about that. How valid is this DEIS, and how valid is TVA's research? TVA has done several studies in this county in years past. One of them was a nuclear plant; we lost 2,500-5,000 acres of privately owned property there, and it is still not producing. The other study predicted roughly 25,000 in*

*population for the city of luka by the year 2000, and I do not think we are going to make it. TVA blew it and walked away; yet, we are still here, and it is our problem. Now TVA is coming in here and telling us that this is a great and wonderful plan, but is it really? How valid is their information?*

**Comment by:** Harold Lemenick (State Farm Insurance)

**19** **Comment:** *All these issues are nice but not new. I have been around TVA lakes since 1954 and to tell you the truth, I see no major problems. All of a sudden TVA wants to be environmentally perfect. What about the Tellico Dam problem, the little darter. TVA sure acted environmentally concerned then. What has changed?*

**Comment by:** 1 survey comment

**Response:** As stated in the FEIS, TVA started SMI in response to growing concern among the public and other agencies about the long-term effects of residential shoreline development on the environment. The FEIS documents conclusions from TVA research and references relevant studies by other scientists. Residential shoreline development is the major shoreline disturbance activity causing adverse environmental impacts on the TVA reservoir system.

**20** **Comment:** *A major ecology problem has been created by the lake itself and by recreation, not by the degree of residential development.*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**Response:** TVA agrees that creation of the lakes substantially altered the character of the Tennessee River system and that recreational use of the reservoirs has some effect on TVA lands and shorelines. Issues such as recreation carrying capacity, public needs, land capability, and other factors are taken into account in TVA reservoir lands planning efforts, as well as in preparing recreation plans for specific sites. Chapter 4 of the FEIS explains how the level and extent of shoreline modification associated with residential development impacts reservoir shoreline resources.

**21** **Comment:** *How do agencies like the USACE and other power companies manage their lakes and shoreline?*

**Comment by:** Bogue Waller, 1 survey comment

**22** **Comment:** *What do people other than us and TVA do to monitor shorelines and keep them beautiful and maintained?*

**Comment by:** Keith Dicken, 1 survey comment

**23** **Comment:** *Has TVA studied what other power companies are doing in relation to lake management? How are they allocating their budget to manage their lakes? What is the cost/benefit relationship?*

**Comment by:** Nick Hamilton

**Response:** TVA has talked to several other organizations that manage shorelines, including Duke Power, Georgia Power, South Carolina Power and Light, and the USACE. All of these organizations have shoreline permitting programs. They also have shoreline development standards that define maximum dock sizes and specify how waterfront vegetation will be managed. Some also produce shoreline management plans designating the best use for various shoreline segments. Each one considers land management and lakeshore management to be very important elements of their

business. Detailed budget allocation data were not available. The USACE has several management strategies which govern the development of their lakes and shoreline.

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**24** **Comment:** *I would like to see the DEIS compare the impact on the resource issues with other parts of the country and/or world and provide a lessons learned section from this comparison.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**25** **Comment:** *The DEIS calls on the history of land management; it does little or nothing to outline recommendations for the future.*

**Comment by:** Johnny L. Boyles

**Response:** The DEIS presents six policy alternatives that offer different recommended management strategies. In response to public comments, the FEIS includes an additional policy option, the Blended Alternative. This alternative combines features of several of the previous alternatives. For more information, see Chapter 2 of the FEIS.

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**26** **Comment:** *How much has SMI cost (including TVA salaries, travel, telephone, office space, materials, printing, and mailing), and what is TVA's current operating budget for shoreline management-related activities? Who paid for all of the SMI materials that were sent out? What does TVA anticipate their budget to be if SMI is implemented?*

**Comment by:** Thomas C. Quinby, 1 anonymous letter comment, J. E. Hatton, Jewel B. Hatton, 1 evaluation form comment (Harriman, TN), 9 survey comments

**27** **Comment:** *What is the cost of Lakescapes?*

**Comment by:** Dennis Thacker, James A. McIntosh, Rex Dove, Sid Nelson

**28** **Comment:** *This DEIS has been in preparation for many years, but then I read in the statement that much of the basic environmental data that you are going to need to create the management plans has not been collected. What have you done with the \$900,000 that you had for three years? Where is this data?*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**29** **Comment:** *The document states that TVA will develop a "comprehensive set of standards" by which to develop shorelines and manage TVA lands. The costs associated with developing, implementing, and maintaining such a system (including personnel, travel, benefits, and other administrative expenses) should be included as part of the evaluation of alternatives.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**30** **Comment:** *Effective management of such large shoreline areas requires a major commitment of resources to manage and monitor the program. It is unclear in the SMI what the success of the current program is or the additional resources that will be required for implementation of the selected alternative.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**31** **Comment:** *In light of today's shrinking budgets, both public and private, TVA should give more consideration to the cost of each alternative.*

**Comment by:** 2 survey comments

**32** **Comment:** *For a budget to go from \$900,000 to \$1,000,000 convinces me that TVA needs to get an objective outsider to estimate what the cost will be to TVA and the property owners if one of these more ambitious schemes, including Alternative C1, is implemented.*

**Comment by:** John Shacter

**33** **Comment:** *TVA's budget is getting smaller, and people want less government in their lives. So, how is TVA going to pay for the added work this initiative describes? How will TVA manage, implement, and enforce SMI regulations with fewer people?*

**Comment by:** Kenneth Wills (Alabama Environmental Council), 4 survey comments

**34** **Comment:** *TVA is not going to be able to manage and enforce 11,000 miles of shoreland under any kind of budgetary program that you might envision. It is not going to happen.*

**Comment by:** Hugh M. McCue, 1 survey comment

**35** **Comment:** *Since TVA's nonpower budget will likely be cut by Congress, TVA should concentrate on ongoing efforts.*

**Comment by:** 1 survey comment

**36** **Comment:** *This is a typical governmental document chock full of statistical numbers and information concerning every facet of every conceivable problem and concern of everyone, printed on the most expensive paper you could find, bound elegantly and presented by people who either spend little time on the water or do not really care, except for their own agenda and extending their importance and job description. Do not waste our time and money. Just help us with problems we do have.*

**Comment by:** 1 survey comment

**Response:** The total cost of TVA's SMI EIS project from 1994 to its conclusion (including estimated costs for the remainder of 1998) was approximately \$3.3 million. This amounts to an average annual cost of about \$825,000 per year. Work funded under the SMI Project has included baseline data collection about existing development, resource inventories, environmental and economic analysis, public involvement, responding to public comments, and preparation of the DEIS and FEIS.

The SMI FEIS is a summary of the land use, shoreline development, resource, and other data and analyses that were collected and developed during the SMI study. Chapter 3 of the FEIS provides detailed baseline information about existing resource and development conditions. The vast majority of this baseline assessment data was compiled specifically for this study. The analyses of environmental and economic effects were also developed specifically for SMI. Much of the SMI data will serve as the foundation for the analyses that will be conducted when TVA does specific reservoir plans and other reservoir studies.

Environmental documents prepared under NEPA are required to disclose detailed analyses of any major actions being considered. TVA attempts to do this as inexpensively as possible, but there is a trade-off between saving money and presenting the analyses with sufficient clarity and simplicity (i.e., with the use of charts, pictures, and graphs). The costs of producing this regional EIS were not out of line with other programmatic assessments, which often cost \$3-5 million or more. However, EISs of this type are inherently more expensive than site-specific environmental reviews.

The SMI project has been funded with a mix of congressional appropriations and power revenues. The cost of implementing new SMI standards would be funded through TVA's Section 26a permitting and lands planning projects. Any SMI policy would be implemented with existing staff. Additional people would not be hired, and TVA program costs would not be materially increased under any of the alternatives.

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**37** **Comment:** *It is good to develop a plan for the long run.*

**Comment by:** 1 survey comment

**38** **Comment:** *SMI is a great idea. It should be reviewed and updated periodically.*

**Comment by:** 1 survey comment

**39** **Comment:** *This is a very detailed study of interest. I was pleased to see a long-range forecast for TVA shorelines.*

**Comment by:** 1 survey comment

**40** **Comment:** *This program in general looks good on paper. I suggest reviewing it on an annual basis for the first five years to see if it really works.*

**Comment by:** 1 survey comment

**41** **Comment:** *How do we know any decisions made now will still be in effect in 50 years? Things have changed dramatically in 10 years in the shoreline structures (those in and on the water—not the actual homes). What happened to the original dock limitations (at Tellico Village)?*

**Comment by:** 1 survey comment

**42** **Comment:** *TVA is looking 25 years down the road but should also consider 50 and 100 years in the future.*

**Comment by:** Dustin L. Mackey (The University of Tennessee - Martin)

**43** **Comment:** *I would like to have seen the issues considered from the point of view of those living 50-100 years from now, assuming current trends continue.*

**Comment by:** 1 survey comment

**44** **Comment:** *Where is the 100-year or 200-year plan? From 13 to 38 percent in one year?*

**Comment by:** 1 survey comment

**45** **Comment:** *Develop a decade-by-decade, 200-year development plan.*

**Comment by:** 1 survey comment

**46** **Comment:** *Allow existing city, county, and state government to oversee a good 200-year plan.*

**Comment by:** 1 survey comment

**Response:** SMI looks at projected impacts over a 25-year period. Individual reservoir plans have a minimum 10-year planning horizon and would be updated to account for changing circumstances. Changes to policies adopted as part of SMI would receive additional review.

**47** **Comment:** *This DEIS is trying to initiate a program on 11,000 miles of shoreline without the benefit of piloting or testing this over some time period. I think TVA has plenty of its own land to test these alternatives.*

**Comment by:** Hugh M. McCue, Tommy Haun (Tennessee State Senate)

**Response:** TVA has worked with the Tellico Reservoir Development Agency and the developer of Rarity Bay on Tellico Reservoir to pilot test shoreline planning, procedures for designating environmentally sensitive shorelines, and new approaches to vegetation management. TVA has worked with Cooper Communities on Tellico Reservoir and several other developers on other lakes to define water-use facility and/or vegetation management standards for inclusion in their property owner requirements.

**48** **Comment:** *SMI is incorrectly named. It should be Residential Shoreline Management Initiative.*

**Comment by:** L. Mac Toth, 1 survey comment

**Response:** Comment noted. SMI is the name of the project under which TVA conducted the study to assess the impacts of residential shoreline development. The title of the EIS identifies SMI as an assessment of residential development impacts.

**49** **Comment:** *Evaluation of more restrictive proposals is difficult because of undetermined requirements that could result from terms such as standardized designs, TVA prescribes stabilization techniques, and when needed for resource protection, etc.*

**Comment by:** 1 survey comment

**Response:** These terms are used in Alternatives C1, C2, and D in Chapter 2 of the FEIS. *Standardized designs* refer to typical drawings of water-use facilities that could be used in applying for permits. The phrase about stabilization means TVA would examine the severity and causes of erosion and determine how it could be treated most effectively. The last phrase means when necessary to protect threatened and endangered species, wetlands, or other important resources.

**50** **Comment:** *The SMI DEIS attempts to address two issues that should be handled separately: shoreline development standards and the amount of allowable shoreline development. These two issues should not be linked, and decisions about them should be made independently.*

**Comment by:** Larry Richardson (Tennessee Conservation League), Michael A. Butler (Tennessee Conservation League), Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge)

**51** **Comment:** *The DEIS deals too much with the details of shoreline regulations. These are important, but they are not as critical as the amount of land TVA allows to be developed. Deal with this first, and then focus on the details of dock regulations, vegetation management standards, etc.*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**Response:** As SMI proceeded, it became obvious that there was a strong interrelationship between standards and the amount of land open to development from an impact assessment standpoint. For example, the impacts from opening new lands can be mitigated by the standards applied to those lands. To adequately examine the cumulative effects of residential shoreline development, it was

necessary to predict the effect of different standards on the amount of shoreline that could be developed. Predicting the amount of development was also required to fully explore the question of whether TVA should make new areas available for residential access. These issues are so interconnected that addressing them at the same time was more cost-effective than evaluating them separately.

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**52** **Comment:** *The SMI seems to address only shoreline miles as the key measurement element, while other areas of land and water involved and influencing the management policy are not addressed.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** The key indicators that were used in the assessment of resource impacts are listed at the end of each section in Chapter 4. The number of shoreline miles is an important indicator, but not the only one.

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**53** **Comment:** *Does the study area only include where TVA owns up to private residential property or is it the entire TVA system?*

**Comment by:** Leo Potts

**54** **Comment:** *One-quarter mile seems to be a magic distance for all evaluations. This might be a good baseline distance, but shoreline slopes and other conditions could also be important factors influencing final allocation decisions.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** The study area boundaries are explained in FEIS Section 3.2 (see *Figure 3.2.1*). The study examines the effects of residential shoreline development across the entire TVA reservoir system. TVA recognizes that slope and other conditions influence an area's suitability for development. The one-quarter mile measure was chosen because it is close to the average depth (distance from shoreline to back boundary) of existing subdivisions. Resource impacts were assessed beyond the quarter-mile distance when it was appropriate to do so.

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**55** **Comment:** *In TVA's view, where does a river end and a lake begin?*

**Comment by:** 1 survey comment

**Response:** The answer to this question depends in part on the resources and reservoir in question.

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**56** **Comment:** *SMI can be a valuable planning tool for lakes. Reservoirs are an entirely different issue.*

**Comment by:** 1 survey comment

**Response:** SMI takes into account that TVA is responsible for managing reservoirs and the public land that surrounds those reservoirs. Even though the terms *lakes* and *reservoirs* are often used interchangeably, TVA realizes that it manages reservoirs and not lakes.

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**57** **Comment:** *SMI should be expanded to include nonresidential areas like islands and commercial, industrial, municipal, and corporate areas. The 13 resource issues should include all aspects of shoreline management.*

**Comment by:** Dave Cooper, Gene Price (Friends of the Tennessee River), Granville Major, James A. McConkey, 1 evaluation form comment (Harrison, TN), 3 survey comments

**Response:** The purpose of SMI is to review permitting practices with the public and establish a policy that will better protect shoreline and aquatic resources, while providing adjacent residential landowners reasonable access to the water. The resource analysis and impacts assessment conducted for each of the 13 resource issues support this stated purpose. However, other aspects of shoreline management were considered in the assessment of cumulative impacts.

Nonresidential areas like TVA-owned islands and property suitable for commercial and industrial development would be addressed during the preparation of individual reservoir land use plans. Commercial and industrial development proposals are also subject to site-specific environmental reviews, as appropriate.

**58** **Comment:** *Nonresidential pollution sources such as industrial and agricultural activities as well as discharge of sewage from the city of Knoxville were considered by TVA to be outside of the scope of the study because they operate with 26a permits. There are two things wrong with this rationalization; these permits were issued utilizing procedures and guidelines established several decades ago, and, there is presently no system in place to ensure compliance. The DEIS proposes nothing to correct existing conditions, nor any clear course of action to prevent additional problems in the future*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**Response:** The focus of SMI is residential development and associated shoreline uses on TVA lakes. However, TVA does recognize the importance of these other activities, and industrial, agricultural, and urban pollution were taken into account when the cumulative impacts of residential shoreline development were assessed.

**59** **Comment:** *Do not focus only on residential property owners to find solutions to the pollution problems of the lakes and waterways. Solving these problems should be shared by large commercial and government agency polluters.*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**60** **Comment:** *The DEIS makes out lakefront property owners as villains because they are smaller and not as well organized as the municipalities and industries that are polluting. I wholeheartedly support Alternative A. If TVA through the years had made an effort to be a good steward of the lake and had exerted their influence on the polluters and cleaned up the pollution, I would be more receptive to their request for cooperation.*

**Comment by:** Jack Carrier

**61** **Comment:** *TVA has done a deplorable job with water quality, safety, navigation (other than the channel), sediment pollution by farmers, and cleanup of flotsam and jetsam. Water quality has consistently grown worse over the years because of sediment from farms. Our boat harbor was at one time 31 feet deep. At high pool, it is now 6 feet at most, because of farm sediment runoff which you allowed for years. Doneghan Slough is even worse. And TVA does nothing. Sewage is dumped, along with other pollutants and chemicals. Dead*

*fish, tree stumps, and logs collect everywhere. These things are never cleaned up. I have been to enough meetings and spoken directly with EPA, ADEM, and TVA; spent two years (1991 and 1992) fighting TVA, ADEM, and a farmer who violated the Alabama Water Pollution Control Act; sailed the waters and seen the swamps created by pollution; run into the debris floating around, etc., to know TVA and others are not going to do anything for us common folks who live and die on this system. It was a real education for me and our sailing club to try and stop this pollution of your system. TVA says they want to stop pollution, and yet for two years the sailing club and I were treated as though we were a plague and should go away. Here was an identified culprit polluting your system; yet, instead of supporting us and fighting with us, you chose to hide. What a big help you were. For you to intimate that landowners and people such as ourselves, who have invested hundreds of thousands of dollars in property and a home on your precious land, are stupid enough to allow our land to erode into your polluted water is preposterous and unfair.*

**Comment by:** 1 survey comment

**62**

**Comment:** *In all, my family has lived here for 45 years. My father, with our help, always used blocks or hand-carried stone to stabilize the banks from erosion. We rarely used fertilizer, as we disliked mowing enough as it was. Cleaning trash from the river was and still is an ongoing project of ours, and at least twice each year we devote an entire weekend to collecting trash and garbage from the shoreline. It has been a real pleasure in life to have known people (friends and neighbors) who live on this river. It seems that everyone I meet is more than willing to help stranded boaters, keep shorelines free of trash, avoid disturbing nesting wildlife, and protect banks from erosion. I find it hard to believe your group can be so arrogant to accuse or portray adjacent property owners as the destroyers of nature. Do you conveniently forget the hundred of thousands of acres that fill the reservoirs, or do you think it only rains on our lots? Have you taken into consideration the thousands of miles of roadways, the buildings and construction sites in our cities, the annually fertilized farm lands and farm animal waste that drain into the reservoirs through creeks and storm drains, and all sorts of toxic chemicals from industrial plants, dump sites and landfills? I do not know just how stupid TVA thinks the general public is or more likely, if they really care; but I for one would like to see how TVA can justify any of its figures.*

**Comment by:** 1 survey comment

**Response:** TVA does not view lakefront property owners as villains or destroyers of nature. Lakefront property owners do many things to improve conditions around the lakes like cleaning up litter and trash dumped by others and controlling erosion. However, SMI's analyses indicate that residential shoreline development and some landowner practices, such as mowing to the water's edge, do adversely impact reservoir ecosystems. When examining cumulative impacts, SMI did consider impacts from all activities, although SMI's primary focus is on residential land uses. See FEIS Section 4.10 and the Water Quality section of this volume.

TVA is working on improving its stewardship of the lakes. Among other things, TVA has initiated new efforts to control erosion. TVA has recently surveyed erosion conditions around the lakes, conducted some demonstration erosion control projects, and is now working to protect severely eroded sites.

The discharge of pollutants into the waterway is regulated under the Clean Water Act by states and other regulatory authorities. When TVA identifies pollution entering the river system, the state water quality authorities are notified immediately, and TVA works with them to address the problem. TVA is also working to identify who is responsible for illegal hazardous waste dumps on TVA land. When the responsible party cannot be found and the site poses a health and safety hazard, TVA cleans up the site. TVA's River Action Teams are building partnerships in local communities to help address water quality problems. Over the past few years, TVA has also been actively working to prevent looting of

archaeological sites, preserve critical habitat for endangered plants and animals, install fish attractors, plant water-tolerant native vegetation along riparian areas, and conduct many other stewardship activities.

**63** **Comment:** *TVA should not allow more chip mills and should restrict commercial logging.*

**Comment by:** 3 survey comments

**64** **Comment:** *I think TVA has overlooked one detriment to Norris and that is the new chip mill and the plans to clearcut the mountains and hills surrounding Norris by Champion Paper Company. This will have a negative impact on fish, erosion, and wildlife.*

**Comment by:** 1 survey comment

**65** **Comment:** *Timber cutting near or along the shoreline must be balanced with the public's right to enjoy aesthetically pleasing views of the lake. I think TVA does have some control over this, and I encourage you to build into your alternative proposals the necessary protections so that landowners and recreational users can enjoy the lake and not have their experiences ruined.*

**Comment by:** Ronald Poe

**Response:** Forestry activities occur within the watersheds of all TVA reservoirs. Forestry, along with agriculture, industry, and commercial industrial development of the watershed, has been accounted for in the SMI Valleywide cumulative impacts analyses. Individual shoreline projects and reservoir plans would make a more detailed assessment of cumulative impacts on the resources being affected by the action. SMI's regional cumulative impact analysis for shoreline resources suggests that nonresidential land uses would impact only a small portion of the shoreline within the next 25 years and would not have significant impacts on reservoir fish, soils, or wildlife.

**66** **Comment:** *Is the shoreline around Land Between The Lakes included in the scope of this DEIS?*

**Comment by:** Paul Erwin

**67** **Comment:** *I find that people are confusing the SMI DEIS with the recent LBL use alternatives.*

**Comment by:** 1 survey comment

**68** **Comment:** *Turn LBL over to TWRA. Save a bunch of money.*

**Comment by:** 1 survey comment

**69** **Comment:** *The main purpose and objective of the SMI is development of public land for residential and recreational use in order to raise money for TVA projects. Previous development projects by TVA at Land Between the Lakes have broken the hearts of many families and communities uprooted and disturbed for recreational purposes. That was very wrong, and this is my basic objection to the destruction of the land in question (Land Between The Lakes).*

**Comment by:** 1 survey comment

**70** **Comment:** *I observed the “ruination” of many pristine areas in southern Ohio while I lived and camped there; so it was easy to decide what might be good for LBL. I would like to see resort homes built in clusters—using one dock and miles apart. The beauty and calmness afforded by LBL will be ruined with intensive development. Also, admissions and/or season passes must be started. I understand other government areas do this. Save LBL for my grandchildren and their children. Too much of God's beauty has been destroyed.*

**Comment by:** Esther R. Hetman

**Response:** As stated in DEIS Section 1.5.3, the shoreline around LBL is not included in the scope of this EIS. LBL has withdrawn the concepts that were formulated to explore how to manage that property in a more self-sufficient manner.

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**71** **Comment:** *The impacts of the proposals on farmer-owner land and uses should be addressed.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**Response:** None of the SMI alternatives would impact how privately owned farmland is managed.

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**72** **Comment:** *As a recreational user of TVA lakes, I am concerned that the SMI does not adequately address the long-term effects of gradual development in terms of degradation of the semi-wilderness experience possible in some remote areas.*

**Comment by:** 1 survey comment

**Response:** Long-term recreational impacts have been addressed in FEIS Section 4.11.

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**73** **Comment:** *SMI needs to be done now, not later.*

**Comment by:** 1 survey comment

**74** **Comment:** *This is excessive study of the problem. Make the decision.*

**Comment by:** 1 survey comment

**75** **Comment:** *SMI is well meaning but too extensive. Do more and talk less.*

**Comment by:** 2 survey comments

**76** **Comment:** *How long will it be before a decision is made on the new shoreline management policy? I hope it does not take another five years.*

**Comment by:** 1 evaluation form comment (Tims Ford, TN)

**77** **Comment:** *I recommend that decisions be announced and the public informed as soon as possible after close of the comment period. Implementation should not be delayed.*

**Comment by:** 1 survey comment

**78** **Comment:** *Alternative C1 should go before the Board without further delay. Any further meetings or questionnaires will only confuse everyone involved. After all is said and done, TVA must make the final decision. They are your lakes.*

**Comment by:** 1 survey comment

**Response:** Prior to making a decision, TVA must evaluate all of the comments it received on the DEIS and appropriately respond to them. An FEIS can then be issued, but TVA must wait at least 30 days before making a decision which will be documented in a Record of Decision (ROD) published in the Federal Register. The ROD must be published before implementation of the decision.

**79** **Comment:** *SMI seems to move too quickly to the right. Consider phasing in the chosen alternative.*

**Comment by:** 1 survey comment

**Response:** The SMI alternative that TVA decides to implement would be phased in. Existing development would be exempt from the new standards as discussed in the Grandfathering section of this volume. If new standards are adopted, there would be a six-month transition period in which permit applications would still be reviewed using the existing requirements.

**80** **Comment:** *In an age of federal downsizing, reservoirs with less residential access (Alternative C2) would be easier for TVA to manage than those with greater residential access (Alternative C1). Monitoring of inaccessible natural areas (prescribed burns, wildlife/habitat surveys, assessments, inventories, etc.) would require a smaller management staff and less time than monitoring the status of developed areas (water quality, erosion control BMPs, nonpoint-source runoff, etc.) with an enforcement/compliance staff. Efforts to manage developed areas that are being stressed could then be emphasized with the reduced staff available in order to still benefit the environment and the overall TVA system.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** None of the proposed alternatives would result in the hiring of additional TVA employees. Although TVA budgets have declined, it has an interest in and responsibility for maintaining natural areas. TVA does focus its limited resources where they are most needed.

**81** **Comment:** *Do not start a program without full commitment, including financial, to complete these efforts.*

**Comment by:** 1 survey comment

**82** **Comment:** *The ultimate success of any of the selected alternatives will depend on a commitment to on-the-ground management.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**83** **Comment:** *It is most important to control the future of the waterways before it is too late. Now I will wait to see if the study is an expensive exercise or if positive action takes place.*

**Comment by:** 1 survey comment

**84** **Comment:** *I feel slightly that this entire study is a smoke screen covering over TVA's expensive blunders with atomic energy plants. If this study is to be placed into effect, I hope TVA funds it so that it is not just on paper but really works.*

**Comment by:** 1 survey comment

**85** **Comment:** *I question TVA's commitment to the DEIS. Even though I know that the decision will be a good one, I always fear that the plan will not be followed; so I hope TVA makes a sincere effort to live by the precepts in the plan and to follow through.*

**Comment by:** Kim Pritchard

**Response:** SMI is not a paper exercise or "smoke screen" to cover up some other TVA activity. The purpose of SMI is to improve the way TVA manages its shoreline. The proposed alternatives represent actions that TVA is capable of implementing.

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**86** **Comment:** *We are glad that people are interested in SMI, because it is a good idea and justified by the circumstances. Overall, we think you have used a fair process and are doing the right thing. We will continue to support your efforts.*

**Comment by:** Barbara Walton (Citizens Advisory Panel), 7 survey comments

**87** **Comment:** *The SMI team has done a good job, and we commend them for bringing about a better place for us to live and enjoy. We appreciate that TVA cares enough to develop a long-term plan for protecting the scenic beauty, natural resources, and recreational values of our lakes and shoreline that are so important to us.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group), Lester J. VoHS, Mike Everett (East Tennessee State University), James M. Ross, Jack Cecil, 40 survey comments

**88** **Comment:** *The American Planning Association applauds the action of TVA in proposing to establish a policy which protects the shoreline of the Tennessee River and its tributaries, while allowing for reasonable access to the reservoirs.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**89** **Comment:** *The TVA Act provided that the agency could establish a model of leadership in conservation and protection of the Valley's natural resources. The proposed SMI is an opportunity to follow this establishment. States, local governments, industry, and communities will respond if shown the will and leadership required to achieve desired results of the SMI.*

**Comment by:** Marvin Johnson (Tennessee Valley Sportsmen's Club)

**90** **Comment:** *We commend TVA for recognizing the importance of these issues, involving the public, and attempting to provide a comprehensive and reasonable plan of action.*

**Comment by:** Stephen Hall (North Carolina Department of Environment, Health, and Natural Resources), 8 survey comments

**91** **Comment:** *TVA is to be commended for undertaking an assessment of residential shoreline development impacts in the Tennessee Valley and for its involvement of the public in this undertaking. I hope TVA continues to consider the total impact of its operations upon the Valley instead of just bottom-line profitability.*

**Comment by:** 1 survey comment

**92** **Comment:** *We applaud TVA for their proactive approach to shoreline management and for their extensive efforts to address the problems associated with diverse and often conflicting*

shoreline uses. We appreciate the difficulties involved in managing land on such a large scale and understand the need to increase efforts to maintain a quality asset.

**Comment by:** Randy Brown (Foothills Land Conservancy), David L. Yow (North Carolina Wildlife Resources Commission), Michael P. Murphy (Virginia Department of Environmental Quality), 2 survey comments

- 93** **Comment:** *TVA's Land Management office only gets \$15 million a year to manage 11,000 miles of shoreline and all of the public land they own. About 113 million recreational visits occur on TVA's reservoirs and lands every year. If you do the math, that is a pretty good value for your tax dollar. Fifteen million dollars is what they get from the federal government, and that is about 1/1,000 of a percent of the federal budget.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

- 94** **Comment:** *The TVA SMI team is to be commended for undertaking a new, comprehensive look at TVA standards and guidelines for shoreline management. Your team has a complex and complicated task, given that each reservoir was planned and developed in different eras with differing philosophies. That task has been further complicated in that land management activities have been decentralized over the years with the implementation (or evolution) of policy reflecting the particular manager, staff, and/or region.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation)

- 95** **Comment:** *We think the SMI is important to our environment, and we are grateful for the opportunity to express our concerns about the issues. We need to discuss and evaluate these ideas and suggestions and implement those that will make TVA waterways clean and useful as recreation and aesthetic landmarks.*

**Comment by:** 7 survey comments

- 96** **Comment:** *I am honored and appreciate the opportunity that you have given me to participate in this study. I served in the military for 33 years, and my retirement dream was to reside on one of your lakes. I did that, and now I wish not only to maintain the beauty of this lake (Cherokee) for my family, but for generations to come. Your initiative, if properly implemented, will accomplish that. Keep up the outstanding work.*

**Comment by:** 1 survey comment

- 97** **Comment:** *I speak only of Hiwassee Lake. A lot of people forget that this area would not be what it is without the contributions of TVA. The lake and the employment provided by TVA have probably been the biggest items in this area. The employment is no longer here, but the lake is one of the most beautiful in this area.*

**Comment by:** James E. Sherrill

- 98** **Comment:** *Look what TVA has done to Tellico Lake. I think this is a huge example of a TVA success story.*

**Comment by:** 1 survey comment

- 99** **Comment:** *Shoreline management is a necessary function for TVA, especially as development and water-related activities increase and the need to protect the environment becomes more important.*

**Comment by:** 3 survey comments

**100** **Comment:** *TVA should use a fair and reasonable approach as they continue to make good decisions about the management of our shorelines and waterways. TVA staff are competent, and we believe in their ability to protect the unique and varied environmental and cultural resources in the Tennessee Valley watershed.*

**Comment by:** Bobby Loggins (Cedar Creek Boat Dock), 6 survey comments

**101** **Comment:** *We have owned four waterfront homes on Watts Bar Lake (Watts Bar Estates) and have had nothing but good experiences with TVA representatives. They have always shown concern for and control over the waterfront environment.*

**Comment by:** 1 survey comment

**102** **Comment:** *I think this project was needed, but TVA has the seemingly impossible task of satisfying the majority of the people. There are many ideas of what should be done, ranging from the “no interest but the environment” crowd to the “develop without regard for the consequences” group. As a lakefront property owner, my desire is for TVA to maintain its role as steward of the shoreline.*

**Comment by:** 1 survey comment

**103** **Comment:** *I told the hearing officers that I was pleased with the planning TVA was doing, asked them not to be so apologetic in setting standards, asked them to insist on high standards, and complimented them on a nice job of writing the DEIS. Personally, I feel that with the next century only three and a half years away, it is time for Tennesseans to abandon the 1950 mindset that seems to be so much in evidence and get with the program. I look for and place my trust in TVA to help us do this with respect to our waters.*

**Comment by:** Lester J. Vohs

**104** **Comment:** *Your knowledge and understanding of all issues involved indicates why experts are needed before decisions can be made regarding preservation of the entire resource system. This is not the time to turn supervision over to the uninformed.*

**Comment by:** 1 survey comment

**105** **Comment:** *TVA should maintain control of shorelands they purchased around the reservoirs. They should allow assistance only from qualified state and federal agencies, not from unqualified groups, such as the Upper Duck River Development Agency, which has no training nor expertise in land management.*

**Comment by:** 1 survey comment

**106** **Comment:** *The proposed SMI is long overdue. I regret that it was not in place when TVA began granting developments and shoreline rights to the private sector. With this new initiative, TVA is in a unique position to use the SMI to achieve a model of the system that could become a standard on water quality and environmental concern. It would be an achievement just to again eat fish that are caught in Fort Loudoun Reservoir.*

**Comment by:** 1 survey comment

**107** **Comment:** *The SMI and DEIS could be very constructive in the long run, even though the effort needed to be done a long time ago.*

**Comment by:** 4 survey comments

**108** **Comment:** *I have disagreed with many things TVA has done, but this DEIS seems to be a definite start in the right direction. Hopefully, this trend will continue.*

**Comment by:** 1 survey comment

**109** **Comment:** *TVA is probably a good thing, because we lack the other necessary options, such as a zoning committee, to keep people from abusing the shorelines.*

**Comment by:** Glenda Coffey

**110** **Comment:** *TVA's SMI, although perhaps flawed in some respects, offers a glimmer of hope to save the Tennessee River from impending overdevelopment and continued degradation.*

**Comment by:** Denny Haldeman

**111** **Comment:** *As a resident of the Kentucky Lake shoreline, I am very much interested in the SMI proposals.*

**Comment by:** Bill K. Castleberry

**112** **Comment:** *We are very much interested in the SMI approach of making new land available along the reservoirs for prime, high quality development with special consideration of the shoreline environment. We are also interested in the impact that this development would have on water quality, the general local areas, and the general economy for these areas.*

**Comment by:** Otto H. Sprenger, Accredited Land Consultant

**113** **Comment:** *This project is not in conflict with regional plans. Favorable comments apply unless conflicting comments are received from Washington County, Virginia.*

**Comment by:** Thomas G. Taylor (Mount Rogers Planning District Commission)

**114** **Comment:** *The Greater Nashville Regional Council has reviewed the SMI DEIS, and our evaluation reveals no conflict with existing or proposed planning activities. We are notifying TVA that its proposal is deemed acceptable on the basis of information now available to this office.*

**Comment by:** Maynard Pate (Greater Nashville Regional Council)

**115** **Comment:** *Please be advised that the Department of Economic and Community Development perceives no program areas of interest sufficient to warrant its comments upon TVA's SMI DEIS.*

**Comment by:** Wilton Burnett, Jr. (Tennessee Department of Economic and Community Development)

**116** **Comment:** *The SMI DEIS examines shoreline management initiatives for 30 TVA-constructed or -owned reservoir projects. These areas are currently outside the jurisdiction of the Marine Resources Commission. Accordingly, we offer no comments at this time.*

**Comment by:** Robert Grabb (Marine Resources Commission)

**Response:** Comments noted.

**117** **Comment:** *I do recognize the urgency for shoreline management since Tennessee's growth is rapid, and I support environmental conservation programs. However, funding is another matter.*

**Comment by:** 1 survey comment

**Response:** Implementing SMI would not require additional funding. TVA is already responsible for permitting shoreline alterations.

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**118** **Comment:** *I think it is important to find a balance between the needs of the environment and the wishes of the landowners. There is a way to preserve the environment and be able to enjoy it at the same time. This can be accomplished by compromising, educating, and looking for solutions that meet the needs of all involved.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**119** **Comment:** *Additional areas is much too broad. TVA should not have the power to define additional areas without legislative review and approval.*

**Comment by:** 1 survey comment

**Response:** Comment noted. Under the TVA Act, TVA has been given custody and control over shoreline permitting and management of public lands. The SMI process is structured to provide the public and elected officials an opportunity to influence TVA's shoreline management policies, including whether to open up additional lands to development. In response to public comments, TVA developed the Blended Alternative which would permit reasonable shoreline access in areas where access rights exist and heighten protection of other public shoreline properties. See Section 2.8 of the FEIS for a description of this alternative.

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**120** **Comment:** *One of the things that bureaucracies try to do in tight budgetary times is to evolve or change their function or expand an existing function into an area that is getting lots of budgetary dollars. In Washington, DC, the big, hot topic is environment. Part of TVA's motivation might be that they are trying to expand on some role that has something to do with the environment; in other words, shoreline management. That does not make TVA evil or anything like that, but that does not give TVA the high moral ground to these proposals.*

**Comment by:** Van Hilleary (United States House of Representatives)

**121** **Comment:** *I have not seen sufficient performance of TVA in the environmental arena to merit giving it additional regulatory authority.*

**Comment by:** 1 survey comment

**Response:** SMI does not represent an expansion of TVA's functions. The TVA Act of 1933, as amended, made TVA responsible for permitting of docks and other obstructions along the Tennessee River and its tributaries. TVA developed its Section 26a regulations and associated permitting process to fulfill this responsibility. Most of the reservoirs were built between the 1930s and the 1960s. During this time, TVA acquired the lands needed to meet the objectives of the reservoir projects. Thus, TVA has been managing shoreline permitting and public land for decades.

SMI is a process started by TVA to reexamine its residential shoreline development policy. Environmental issues are emphasized in SMI because TVA is required by NEPA and other federal laws to evaluate the environmental and socioeconomic effects of proposed policy changes.

**122** **Comment:** *The current attitude in this country calls for less government intrusion, not more. If TVA works against this attitude, it could be weakened, harmed, or even terminated as it is now configured. I am a TVA retiree with 30 years of loyal service, and I, along with many others, will pressure our political representatives to disband TVA if this expensive, intrusive and self-serving proposal is put into effect. The TVA organizations responsible for reservoir management have always had their personal and organizational welfare as their prime focus, instead of the public interest. SMI indicates that this attitude is alive and growing.*

**Comment by:** 1 survey comment

**Response:** An important role of TVA is to manage the public lands it oversees in such a way that the public's interests are served and shoreline resources are protected. One purpose of SMI is to evaluate different policies for managing TVA public shorelines. As a public agency, TVA and its employees are responsible for proper stewardship of these lands, and stewardship, not self-interest, is what guides TVA's employees.

**123** **Comment:** *The public opposes further intervention and control by TVA. Representatives Wamp and Hilleary oppose TVA's plans. U.S. Senators Frist and Thompson oppose TVA's plans. Governor Sundquist opposes TVA's plans. The Rhea County Commission passed an official resolution opposing TVA's plans. Local newspapers carry editorials opposing TVA's plans. Why do you persist in destroying what little public confidence you had? TVA is not the friend it once was and is now perceived as just another bureaucratic papermill trying to justify its budget by creating a need.*

**Comment by:** 1 survey comment

**Response:** TVA received a number of comments from elected officials that provided a range of viewpoints on SMI. Some were more critical of some aspects of SMI than others. Representative Hilleary and Senator Thompson primarily opposed the performance deposit and annual structure registration fee. The proposals to charge fees and deposits have been withdrawn. The Rhea County Commission passed a resolution which supported Alternative B1 and opposed Alternative C1 and the proposed SMZ. Other elected officials made additional suggestions for modifying SMI that TVA considered in preparing the FEIS and developing the new Blended Alternative.

**124** **Comment:** *I think that TVA has all the control and all the fees that it deserves, and I do not think that this effort is in the best interest of the public or the environment. TVA has told us about land management, development of water frontage, and environmental problems and effects. On the other hand TVA has talked to us about the development of 170,000 acres at LBL using \$146 million of the taxpayer's money for TVA's initial benefit. So, why is TVA telling us that we do not deserve to develop waterfront property?*

**Comment by:** Danny Teague

**Response:** The SMI fee proposals have been withdrawn, and the LBL development proposal is no longer under consideration. Each of the SMI alternatives would allow some additional residential shoreline development. The Blended Alternative, in response to public comments, includes flexible standards.

**125** **Comment:** *TVA should not be involved in residential shoreline management but probably should be involved in commercial and public shoreline management.*

**Comment by:** 1 survey comment

**126** **Comment:** *TVA should not take on any more shoreline management activities. They are having a hard enough time trying to manage what they already have.*

**Comment by:** 1 survey comment

**127** **Comment:** *TVA's declared objective of the SMI is to improve residential development decisions, which is a very narrow objective. Even so, TVA is not equipped at all well to take on an expanded role. The SMI seems to come down to TVA's proposal to engage in new or increased activities to manage the shoreline under its jurisdiction by focusing solely on residential development, to the exclusion of all other aspects of the matter, and to charge the undoubtedly increased costs entirely to residential property owners. In addition to the lack of need for such activities, TVA's capability to perform is doubtful.*

**Comment by:** William C. Reynolds

**Response:** The TVA Act of 1933, as amended, created TVA as a unique federal agency with numerous responsibilities, including management of shoreline development permitting in and along the Tennessee River and its tributaries. Shoreline management is a critical component of TVA's integrated management of the Tennessee River system. If TVA were no longer involved in shoreline management, another entity or agency would have to assume these responsibilities. TVA is best equipped to continue this work effectively and efficiently.

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**128** **Comment:** *SMI is a bad idea and is not needed. TVA has never attempted to maintain the shoreline and never will.*

**Comment by:** 24 survey comments

**129** **Comment:** *TVA has not managed its past activities well, and we have little faith that SMI will be managed any differently. It is hard to support a new program when so little consistency has been evident in the past. TVA appears to be using SMI as a way to make the public, especially the lakefront property owners, pay for the agency's past mistakes.*

**Comment by:** Bill Riehl, Donald L. Janeway, Joseph Vought, Anthony J. Kaufmann (Cherokee Lake Users Association), 14 survey comments

**130** **Comment:** *SMI is a power grab and an abuse of TVA's authority designed to increase its bureaucracy and avoid downsizing at the expense of the tax-paying public, especially property owners. People want less red tape; yet, SMI looks like a typical bureaucratic expensive effort to overmanage and micromanage a relatively simple task. Before asking for any more funding, TVA's land management department should first reduce its bureaucracy and useless redundancy.*

**Comment by:** Donald L. Janeway, Hunt Archer, Jack C. Bryden, Alan L. Compton, John Coyle, Kay McIntosh, J. E. Hatton, Jewel B. Hatton, 54 survey comments

**131** **Comment:** *In the past, TVA has done an exceptional job of managing its reservoir property. In order to maintain this efficiency, TVA should abandon SMI and then concentrate on how it can do a better job.*

**Comment by:** 2 survey comments

**132** **Comment:** *TVA is developing an expensive, bureaucratic maze with the SMI that will confound citizens forever. TVA cannot police 10,000 miles of shoreline. The SMI proposals are unnecessary.*

**Comment by:** Leonard Crane

**133** **Comment:** *I have studied the proposed SMI and find that I oppose the project. There are already a number of federal and state regulatory agency groups that keep the U.S. waterways safe from man-made hazardous objects and environmentally unfit material from entering the water. A bureaucracy like the one proposed would be costly and is not needed or wanted by the private property owners along the shoreline who are already paying state and county tax on the property.*

**Comment by:** Carroll H. Crouch

**134** **Comment:** *TVA needs to be concentrating their time and money more on water quality and milfoil reduction, rather than harassing property and boat dock owners with stiff fees and regulations. Concentrate on making the lakes more pleasurable for everyone, instead of throwing obstacles in their paths.*

**Comment by:** 1 survey comment

**135** **Comment:** *TVA's approach is fundamentally wrong. TVA should rework SMI, package it with weed control, and then come to lakefront property owners with reasonable standards for facilities and shoreline maintenance and reasonable empowerment for them to keep up their property and the TVA access. If TVA would do this, they would find a much better, more economical solution. A covenant like those used in subdivisions could work at time of property sale if based on the above and if it included incentives for property owners to maintain the shoreline and their facilities.*

**Comment by:** 2 survey comments

**Response:** The need for and purpose of SMI is documented in Sections 1.1 and 1.2. TVA believes that this level of environmental and public review is appropriate before deciding whether to change its shoreline management policies. TVA is already permitting shoreline alterations; SMI could lead to modification of those permit practices, depending on the alternative implemented. TVA will not increase authority, bureaucracy, or cost as a result of SMI.

The Blended Alternative is based on many of the comments TVA heard in response to the DEIS. This alternative should better meet the needs expressed while protecting shoreline resources. TVA agrees that partnerships, education, and incentives are beneficial. The Blended Alternative lists incentives that would be considered (see Section 2.8) if it is implemented as TVA's shoreline management policy.

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**136** **Comment:** *This is pretty high-handed.*

**Comment by:** 1 survey comment

**137** **Comment:** *We are opposed to this initiative. Our Congressmen have been informed. Should this pass, I will lead a drive to have the TVA taken down.*

**Comment by:** 1 anonymous letter comment

**138** **Comment:** *I will be contacting my Congressman immediately to protest this initiative by TVA. It sounds like you are partners with the EPA on this. Thanks for exposing your intentions. I will help fight your plans.*

**Comment by:** 1 survey comment

**Response:** Comments noted. The EPA did not partner with TVA on SMI. It did provide comments on the DEIS.

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**139** **Comment:** *The report has a category of ownership TVA calls TVA-owned-and-jointly-managed shoreline. TVA does not ever tell you who those joint owners are. All TVA will tell you is that they are “developers and agencies.” If you read through this page hurriedly and do not know better, you might think those were commercial developers and real estate agencies. I think TVA wants you to believe this. But the truth is that those agencies are governmental agencies. For example, the state of Tennessee owns thousands of acres of lakefront land. Other miles go through national forests. You and I know, and TVA knows, that they own land, and national forest land will never become residential development. And even if the state did decide to make some of it residential, they could not without TVA’s permission. So here is a case of TVA intentionally distorting facts and leaving out critical information.*

**Comment by:** Joe Wiley

**Response:** Comment noted. The FEIS has been appropriately revised (Section 1.4). In the past, shoreline property controlled by the Forest Service has been released or exchanged for residential use.

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**140** **Comment:** *What must be the ultimate irony of this entire program are the illustrations used to promote SMI. Right on the cover of the DEIS is a house with a well-manicured lawn going right to the lakefront, where a well-constructed retaining wall is protecting the shoreline from erosion. Look at the water quality and aesthetics this photo reveals. Under SMI, this setting will no longer occur. Also, on page X-51, is a hand-drawn illustration of a lawn maintained all the way to the lakefront. The very tools used to promote SMI are what the program will do away with. These hypocrisies make me question the intent of the SMI program.*

**Comment by:** Philip Kirkham

**Response:** Well-manicured lawns that extend to the lakefront and well-constructed retaining walls would be a part of the landscape under any of the alternatives. Mowing and other vegetation maintenance practices on flowage easement shoreland or other privately owned property do not require TVA approval. The SMZ would not be required on privately owned land or where established lawns existed prior to the effective date of a new shoreline management policy. Existing shoreline structures (docks, retaining walls, etc.) that have been permitted by TVA would be automatically grandfathered. Further information about grandfathering can be found in Section 2.8 of the FEIS.

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**141** **Comment:** *TVA’s wasteful spending on SMI supports the movement in Congress to sell TVA and warrants further congressional investigation.*

**Comment by:** 5 survey comments

**142** **Comment:** *This is a good study, but the draft statement was too expensive. In fact, many final reports do not cost this much. The idea is substance, not form. For example, paper could have been saved by using a more succinct graphic design. Also, draft documents do not have four-color separations and enamel stock covers. This type of issue is one of the reasons TVA has a reputation for bad management and waste of funds.*

**Comment by:** Theodore S. Maloney, 3 survey comments

**143** **Comment:** *For what this DEIS has cost, TVA could have processed 5,000 26a permits.*

**Comment by:** Ronald Walker (Oak Cove Shore Homeowners Association)

**144** **Comment:** *Does TVA have so much money that this is all they have to do with it? Why not put it into research that will help the property owners, not restrict them with more government?*

**Comment by:** 1 survey comment

**145** **Comment:** *TVA had to cut back on spending and close some of its recreational facilities. So, where is the money coming from for all of this research and these publications?*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**146** **Comment:** *I am concerned about the amount of money that is being spent on this initiative. I do not understand how TVA is spending this money. The money spent could have been used to make a lot of improvements along the shoreline. This is an inefficient waste of tax dollars.*

**Comment by:** Dennis Thacker, James A. McIntosh, Rex Dove, Sid Nelson

**147** **Comment:** *If TVA would have diverted the half million dollars or more spent on this farce of a study, think what could have been done with that money on our public lands. But that would not have justified your existence, would it? This is what government is about—frivolous expenditures that never achieve anything.*

**Comment by:** 1 survey comment

**148** **Comment:** *TVA has already frivolously wasted too much of the taxpayers' money on SMI and the DEIS and should abandon the project immediately. Use the money saved to clean up the water, protect wetlands, collect trash and debris, control erosion and pollution, develop more recreational facilities, add more enforcement, reduce TVA's debt, and pursue other activities that will benefit the public.*

**Comment by:** Paul Spandikow, Clyde L. Wells, John E. Greene, Sr., Mrs. John E. Greene, Sr., Ruth Davis, 1 evaluation form comment (Harrison, TN), 40 survey comments

**149** **Comment:** *TVA tells us they cannot afford enough wildlife people to patrol our lakes and shorelines for the ski-dooes, wild skiers, and drunken parties, but they can spend millions to produce a program to rip us off and drive us from our homes.*

**Comment by:** J. E. Hatton, Jewel B. Hatton

**150** **Comment:** *I strongly feel that all of this paperwork, the manpower involved to produce it, the expense of printing it, and the priority mailing is a very big dollar expense, which could have been used in spraying all of the weeds which have taken over the water. This has hurt the economy of our area very much.*

**Comment by:** 1 survey comment

**151** **Comment:** *The money spent on the documentation you handed out at the meetings would solve a lot of erosion problems if some of it were directed towards that end. The refreshments were nice but not necessary, unless they were donated. I think if you spent money on them, this falls in the same category as documentation. Yes, of course, I ate some of them and enjoyed them but do not think they are necessary.*

**Comment by:** Keith Dicken

**152** **Comment:** *After reading the material and proposed alternatives you sent us—having no regard for the cost of printing and publishing all this literature and the impact on the environment for the cutting of trees and manufacturing of paper which contributes to the pollution and soil erosion of such material—in no way could you ever convince us to accept any new alternative, especially Alternatives C1, C2, and D. What you have spent on this literature and proposals would have gone a long way toward the cleanup of our environment.*

**Comment by:** 1 survey comment

**Response:** Various laws require federal agencies to assess the potential impacts of their proposals. Under the NEPA process, an EIS must be prepared and provided to the public for comment. SMI will improve the management of the 10,995 miles of shoreline, and the analyses performed in this study will help TVA conduct better 26a reviews. Funding for the SMI EIS will end toward the end of 1998.

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**153** **Comment:** *The preposterous SMI prepared by the TVA bureaucracy represents just plain socialism.*

**Comment by:** John A. Ewing, Frances B. Ewing

**154** **Comment:** *The general proposal is so blatantly socialistic that it would be worthy of FDR's Vice President Wallace.*

**Comment by:** 1 survey comment

**155** **Comment:** *Alternative is just another word for communism, which was outlawed in the United States.*

**Comment by:** 2 survey comments

**Response:** Comments noted.

## Chapter 2 – Public Involvement Process and Environmental Review

### Public Involvement

Comments on SMI's public involvement efforts included issues such as:

- How the SMI meetings were publicized
- Who received a copy of the DEIS
- Benefits of public input and public meetings
- How public comments are considered and used by TVA
- Need to collect and consider input from all stakeholders
- How the final decision will be made/who influences that decision
- Suggestions for improving public involvement efforts
- The Gallup Poll and other surveys
- *Public Involvement Questionnaire*
- Cost of conducting surveys, printing the DEIS, and using priority mail

**156** **Comment:** *SMI was not adequately publicized, and public meetings were not sufficiently advertised. TVA should have used the radio, TV, and newspapers more extensively to better communicate the purpose and intent of SMI and to give people sufficient advance notice of the dates, times, and locations of the public meetings. Some of us heard about the meetings from friends, while others learned of them from rumors or petitions that were circulating. Many of us did not even know about the meetings until they were over. Better publicity would have enabled more people with interest in the lakes and shoreline to attend the meetings and receive this valuable information; as a result, people might have been more receptive to SMI.*

**Comment by:** Andy Lee, Dave Cooper, B. David Mumpower, Donald L. Janeway, Edwin E. Howard, Patricia Howard, Glenn James, James Thagard, John W. Musser, John Sapper, Keith Warren, Louise Jarvis (Hart Realty, Inc.), Ronald Poe, Tommy Haun (Tennessee State Senate), Thomas Cole, Van Hilleary (United States House of Representatives), Wayne Williams, Loretta Carpenter, Sylvia Adams, Ken Cole, Ottolene Browning, Virginia Browning Eslinger, William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt, Art Hamman, 1 evaluation form comment (Blountville, TN), 2 evaluation form comments (Harriman, TN), 3 evaluation form comments (Harrison, TN), 19 survey comments

**157** **Comment:** *Property owners were not made aware of SMI, and many of us do not know what TVA wants to do. The public meetings were not adequately publicized, and many landowners did not find out about the meetings until the last minute, if at all. Consequently, some of us believe TVA is trying to push SMI through without properly informing those who are affected the most—the lakefront property owners. When additional information about SMI becomes available, TVA should contact every property owner by mail or with a personal visit.*

**Comment by:** Betty Jansen (Lakeview Mobile Home and RV Park), Edwin E. Howard, Pete Williams, Victor Hart, 1 unidentified speaker comment (Harrison, TN public meeting), 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Harrison, TN), 7 survey comments

**158** **Comment:** *TVA needs to better inform the conservationists, hunters, fishermen, and boaters about SMI. We have an important stake in any SMI decision affecting our lakes and shoreline; yet, many of us missed the public meetings because they were not well publicized. TVA needs to make much more of an effort to get any additional information about SMI or future meetings out to the public.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group), Kenneth E. Johnson, Jr., Earl F. Calfee, III, 1 evaluation form comment (Harrison, TN), 1 survey comment

**159** **Comment:** *How did TVA identify individuals to participate in both the 1994 and 1996 meetings?*

**Comment by:** Van Hilleary (United States House of Representatives)

**160** **Comment:** *We did not receive a DEIS.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group), 1 survey comment

**Response:** TVA realizes that citizen input is valuable in developing a plan for managing residential shoreline development, and it used several means to inform the public of SMI's intent, progress, and meetings. Information on early SMI plans and notice of the 1994 scoping meetings were sent to everyone who applied for a 26a permit since 1992; to marinas, campgrounds, and other lakeside businesses; to local and state officials; to conservation and environmental groups; to community leaders; to chambers of commerce; and to other local and regional organizations. TVA's Land Management Offices and other TVA organizations were asked to provide names of customers who might have an interest in SMI, and notice of public meetings were sent to these as well. The 1994 meetings were extensively advertised in newspapers and on the radio, and notices were posted at marinas, campgrounds, and public bulletin boards.

TVA has since compiled a data base containing over 8,000 names and addresses of everyone who has participated in SMI since its inception, including all attendees at the 1994 public scoping meetings and others who provided comments in 1994 by writing letters, calling 1-800-TVA-LAND, or returning SMI booklet forms. Information on the DEIS and a schedule of the 1996 meetings were mailed to everyone listed in this data base as of June 1996. The 1996 public meetings were also extensively advertised, and the 1-800-TVA-LAND number was publicized for citizens to call for a schedule of meetings.

SMI news releases and schedules of public meetings were also sent to newspapers and to radio and television stations throughout the Tennessee Valley. Some media chose to run these releases; others did not. The only guaranteed way to get information into a newspaper or on radio or television is to purchase advertising. Since participants in the 1994 SMI scoping meetings indicated that most had received information from newspapers or by word of mouth, SMI purchased advertising in newspapers in counties where TVA reservoirs are located and in adjacent counties. No radio or television advertising was purchased, but SMI notices and schedules were provided to stations throughout the Tennessee Valley, and interviews with SMI team leaders were offered. Many stations aired this information.

All news releases and other articles, such as *TVA River Neighbors*, advertised the 1-800-TVA-LAND telephone number for citizens to call for more information. TVA also provided information on SMI meetings to marinas, campgrounds, community leaders, chambers of commerce, and other local and regional organizations.

These efforts were successful. Over 2,700 citizens attended the 1996 public meetings, with 460 persons speaking. In addition, about 1,500 groups or individuals provided comments by writing letters and completing questionnaires. Comments were received from lakefront property owners, recreational lake users, and other interested parties from 40 states within the United States and several foreign countries. TVA attempted to mail a DEIS to everyone who requested it.

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**161** **Comment:** *TVA did not correctly handle the package to the public. The newspaper articles were all negative. SMI should have been in papers months before the public received copies of the DEIS. SMI should have been presented as a conservation idea—featuring good stewardship of the water and land and preservation of wildlife that will ensure a heritage for future generations. SMI should not have been presented as fees and charges.*

**Comment by:** 1 survey comment

**Response:** The SMI information provided by TVA concisely and accurately characterized all elements of TVA's initial SMI proposal. Some media reports chose to emphasize certain elements—such as fees—over other elements. TVA agrees that SMI's primary objective is to foster better land stewardship and not to generate fees. TVA has withdrawn the fee proposals, thus allowing more focus on the primary SMI objectives.

**162** **Comment:** *Public meeting notices did not give the meeting times.*

**Comment by:** James A. McIntosh

**Response:** In one of the several SMI mailings, the meeting time was inadvertently omitted. Once this omission was discovered, TVA mailed postcards to those on the mailing list, providing the meeting time. Moreover, the 1-800-TVA-LAND number was included in the information package to call for additional information. Some called this number to obtain the meeting time, and others called the facility where the meeting was located.

**163** **Comment:** *Public records, such as tax records, voter registrations, construction permits, and boater registrations should have been used to identify people to notify about SMI and the public meetings.*

**Comment by:** Andy Lee, Glenn James, John Sapper, Thomas Cole, Wayne Williams, 7 survey comments

**Response:** Public records, including county tax records, were investigated. Many county records do not segregate lakefront property owners from other property owners. Voter registrations are voluminous and do not indicate owners of lakefront property. When Tennessee state records were checked and used for a previous mailing, over 20 percent were returned due to old or insufficient addresses. Boater registrations were checked as well, but these registrations include boaters on every lake, river, and stream and are quite extensive. There is no way to determine if the boater uses a TVA lake, and many of the records are out of date.

**164** **Comment:** *I was well informed of SMI public meetings.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**165** **Comment:** *TVA did a good job of circulating SMI information to a broad audience.*

**Comment by:** 7 survey comments

**166** **Comment:** *Please continue the good that is being done in informing landowners and water users of TVA's concern with our environment.*

**Comment by:** 1 survey comment

**167** **Comment:** *Thank you for the opportunity to share my thoughts with TVA.*

**Comment by:** 2 survey comments

**Response:** Comments noted.

**168** **Comment:** *Gather public input on these decisions.*

**Comment by:** 1 survey comment

**169** **Comment:** *It is appropriate for TVA to seek public input prior to finalizing reservoir plans.*

**Comment by:** Justin P. Wilson (Tennessee Department of Environment and Conservation)

**170** **Comment:** *We love Guntersville and want to have a decision in how it is developed.*

**Comment by:** 1 survey comment

**171** **Comment:** *TVA is a public agency with government employees who work for the public, and we are discussing lands that were originally purchased with taxpayers' money for public use and recreation. These lands belong to the public, with the exception of those lands privately held. It is only fitting that any TVA actions be open to public input, scrutiny, and direction.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**172** **Comment:** *TVA has lost the trust of the area people. TVA must be completely open in decisions if trust is ever to be restored. Begin by honestly listening and adapting the alternatives.*

**Comment by:** 1 survey comment

**Response:** TVA values public comments. In response to public comments, TVA has developed a Blended Alternative. For more information, refer to Section 2.8 of the FEIS. As individual reservoir plans are developed, additional input will be solicited from the public.

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**173** **Comment:** *Does TVA ask us if they can release land for commercial development? No. They built a sewage plant on Sunset Drive in Guntersville. It has a beautiful view—right next to \$300,000 homes. They built a waterfront lounge in downtown Guntersville, a cement plant, and a brand new fire department.*

**Comment by:** Jerrie Ann Weaver

**174** **Comment:** *In Claysville TVA donated the land for 54 homes and townhouses and then campgrounds. TVA gets into anything to donate land for industrial development. Then when it comes to private property, TVA becomes protective of the aquatic habitat or wildlife. The same standards should apply to industrial and residential.*

**Comment by:** Jerrie Ann Weaver

**Response:** TVA's efforts to involve the public have evolved over the years and are becoming more extensive. Since 1979 when TVA initiated its Reservoir Lands Planning Process, the public has been invited to comment on the general land use plan for the lakes. Specific individual projects, including industrial development projects, are reviewed under NEPA, and public input is sought when appropriate. Land use decisions are made at TVA Board meetings which are open to the public.

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**175** **Comment:** *Are public meetings required by law?*

**Comment by:** Wayne Burge

**Response:** There is no legal requirement for public meetings. However, there is a requirement that agencies make diligent efforts to involve the public in their NEPA activities. Even if public meetings are not held, the public must be given an opportunity to comment on an EIS. Agencies generally provide public meetings in conjunction with NEPA actions as an opportunity to provide additional dialogue with the public affected by agency actions.

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**176** **Comment:** *We commend TVA for its efforts in diligently seeking public input on the DEIS before implementing a shoreline management policy. The public meetings were well organized, informative, and conducted in a very professional manner. TVA personnel were courteous, helpful, patient, and interested in public opinion. We appreciate the opportunity to comment and have our questions answered. Please continue to communicate with the public and encourage participation in the SMI decision-making process.*

**Comment by:** Barbara Price (Friends of the Tennessee River), George J. Jeram, Liane B. Russell (Tennessee Citizens for Wilderness Planning), Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), Tom Chase (Wyconda Bay Marine Association), Randy Wetzel, Tim Meyer, Leroy S. Heston, Louis F. Allen, Harry Miles, Mary S. Uziel, Mayo Uziel, Richard A. Parrish (Southern Environmental Law Center), Keith Dicken, Jim del Toro, Maureen Cunningham, Paul Loiseau, Robin Loiseau, Maria Blair (Chattanooga Chapter, Tennessee Ornithological Society), 1 evaluation form comment (Memphis, TN), 1 evaluation form comment (Nashville, TN), 47 survey comments

**177** **Comment:** *TVA personnel are polite, cooperative, and fair. Our experiences with TVA have been pleasant.*

**Comment by:** James M. Talley, Mrs. James M. Talley, Darlene A. Leland

**178** **Comment:** *All TVA employees with whom I have had discussions have been exceptional. Thank you for the opportunity to give my opinion.*

**Comment by:** Thomas H. Ellington

**179** **Comment:** *We appreciate the opportunity TVA is giving people to make comments. We believe that TVA will make a good decision based on citizen input.*

**Comment by:** Joe Vallely (United States Representative Bud Cramer's Office), 1 survey comment

**180** **Comment:** *I would like to commend TVA staff for the very fine work they put forth in making such an efficient and understandable presentation for public review. I really appreciate it and the opportunity to have a say in the matter.*

**Comment by:** Gloria Reagon Price

**181** **Comment:** *I thank TVA for taking the initiative with these meetings. There seems to be much frustration in today's society that individual citizens do not get a say in decisions that affect our country. The public meetings gave me the impression that what I had to say was important and was going to be considered.*

**Comment by:** Earl F. Calfee, III

**182** **Comment:** *I hope that TVA continues to protect our greatest natural resource and the gifts God has given us. Thank you for this chance to participate. I now have greater insight as to what TVA faces in the future.*

**Comment by:** 1 survey comment

**183** **Comment:** *TVA did an excellent job in conducting the public meeting. The comments were very helpful to me in understanding the thrust of this endeavor. Thank you for the opportunity to express these opinions on behalf of my family.*

**Comment by:** T. Jeff Browning, Jeanie Browning

**184** **Comment:** *Thank you for having this meeting. The program was informative, especially the rumor control at the beginning of the session.*

**Comment by:** Gregory E. Huber

**185** **Comment:** *Thanks for your time and cooperation. I would like to apologize in some capacity for the ill-mannered persons at the public meeting. To a certain extent it did get out of control, but TVA representatives held their own and presented their side in a very informative manner.*

**Comment by:** R. Daniel Bracken, III

**186** **Comment:** *TVA is to be congratulated for diligently seeking public input. We also appreciate TVA's current custodianship of about 80 percent of the 11,000 shoreline miles in an unspoiled state. This shoreline is a national resource. Without this custodianship, the lakeshores would soon become degraded.*

**Comment by:** Karen Peterson (Tennessee Citizens for Wilderness Planning)

**187** **Comment:** *I would like to commend TVA on their efforts to bring this issue to the public through the NEPA process and their apparent commitment to keep the public informed as a stakeholder in future efforts to properly manage our shoreline resources.*

**Comment by:** Eric T. Newberry, Jr., P. E. (Tennessee Bass Federation)

**188** **Comment:** *Thanks for listening. A big piece of our future lifestyle is apparently in TVA's hands. Please be careful, thoughtful, and continue to listen to TVA's property-owner neighbors.*

**Comment by:** 1 survey comment

**189** **Comment:** *Thank you for this opportunity to comment on the alternatives presented in the SMI DEIS. I hope that the comments TVA has received are more useful than those I heard from some political candidates, most of which indicate to me that the person has not even seen, much less read, the document.*

**Comment by:** 1 survey comment

**190** **Comment:** *Although I am critical of the DEIS, I do applaud TVA's attempt to share information via the mail, phone line, and public meetings.*

**Comment by:** 1 survey comment

**191** **Comment:** *During the early years TVA worked very hard to improve the lot of the Tennessee Valley inhabitants. Those efforts were largely successful. The situation now is very different, and the TVA has become as unresponsive as large corporations and government entities. The SMI effort is the first I have seen to change that, and I hope the response will be encouraging.*

**Comment by:** Harry Miles

**192** **Comment:** *Despite our occasional past disagreements with TVA, and despite the fact that we oppose TVA's preferred alternative for shoreline management, we would like to commend the agency for the highly professional manner in which the SMI DEIS was prepared and for the almost unbelievable amount of opportunities for public involvement. These opportunities included a very large number of scoping meetings held all over the Valley, the aesthetic resources survey, and finally the numerous public meetings and other opportunities (questionnaire, toll-free number, etc.) provided to elicit comments on the DEIS.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning)

**193** **Comment:** *I would like to give the TVA credit by saying that through all the public meetings the TVA officials conducted themselves in a very, very professional manner. They withheld their comments when I am sure they wanted to express their opinion on some of the things that were being said to them and about them.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk)

**Response:** Comments noted. Public involvement will not end with the FEIS. TVA will continue to work closely with citizens.

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**194** **Comment:** *The public meetings were poorly conducted and did not facilitate a healthy exchange of information.*

**Comment by:** 2 evaluation form comments (Harrison, TN), 1 evaluation form comment (Murphy, NC), 1 survey comment

**Response:** TVA recognizes that one type of meeting format does not meet everyone's preference or every situation. However, SMI used several different methods for collecting citizen input and exchanging information: facilitated small groups, formal meetings, questionnaires, letters, and one-on-one discussions with TVA staff.

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**195** **Comment:** *Does the public really have a say in SMI issues, or is TVA going to force its decisions on us regardless of who is hurt? TVA has given us opportunity to express our concerns, but are we really being heard?*

**Comment by:** John McBride, 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Harrison, TN), 1 survey comment

**196** **Comment:** *The homeowners are quite willing to work with TVA to reach a long-term plan for shoreline control, but the perception is that TVA is not willing to listen to other approaches.*

**Comment by:** Dale Hedges

**197** **Comment:** *TVA says it is interested in what we say as property owners, although I doubt that anything we say will make any difference. One page of the DEIS said TVA was interested in what we had to say; then another page said TVA would not necessarily listen to public opinion.*

**Comment by:** Ruth Davis

**198** **Comment:** *TVA does not listen to citizens or consider their input when making decisions.*

**Comment by:** Dana Baker, Paul Keller, Carroll Johnson, Mary Lee Crews, 1 unidentified speaker comment (Guntersville, AL public meeting), 5 survey comments

**199** **Comment:** *It was implied that during the project's scoping phase, the general public commented that TVA needed to address shoreline development. As a result, TVA proposed the DEIS. I find it hard to believe that TVA received so much public support to conduct this SMI, when at the public meetings it was so overwhelmingly rejected. I question TVA's sincerity and underlying intent.*

**Comment by:** David Hollenbeck

**200** **Comment:** *TVA needs to really listen to the public, instead of doing what TVA thinks is proper. Having personally attended the public scoping meeting, I was amazed with what TVA heard versus what I saw and heard. I heard “too much TVA regulation,” but TVA heard “not enough.” I suspect the DEIS will yield the same result.*

**Comment by:** 1 survey comment

**201** **Comment:** *At TVA’s first meetings TVA’s staff received the wrong message out of individual group meetings. The public does not want more TVA support or rules and regulations.*

**Comment by:** 1 survey comment

**202** **Comment:** *Why bother? These meetings are held not to collect ideas, but because the law requires it. TVA did not listen to the first round of comments, and I have no confidence they will do so this time.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**203** **Comment:** *Concern for the possibility of adverse impacts on the environment was evidently voiced to TVA during compilation of public responses for the first go-round in 1994. Section 1.8 clearly defines the negative impacts upon (1) shoreline vegetation, (2) wildlife, (3) endangered and threatened species, (4) soils, (5) wetlands, (6) floodplains, (7) aquatic habitat, (8) water quality, (9) aesthetic resources, (10) cultural resources, and (11) navigation. I concluded from these concerns that the public did not favor the project. Yet TVA has still pursued the issue of development of the shoreline. In whose interests—TVA’s or the public’s? Could it be that TVA is fixed in its notions of going ahead with the SMI project and proposes to influence the public in some way? I really cannot understand TVA’s determination to go ahead when all of the factors are against it.*

**Comment by:** Gloria Reagon Price

**204** **Comment:** *TVA presented the proposals they are implementing or planning to implement two years ago. It seems that if even one person commented in favor of TVA’s plans, it was regarded as public endorsement. TVA has used what they wanted to hear to develop a management plan which had been determined before the public comment phase began.*

**Comment by:** Dale Hedges, John W. Musser

**205** **Comment:** *If TVA holds any more public meetings to ask people for comments, someone from TVA should speak for three minutes following each audience speaker. That would mean the meetings would last longer, but sometimes people were asking questions or misstating the DEIS and no one from TVA answered or corrected them. It seemed TVA was just going through the motions to be able to say they had a public meeting. Is that the case?*

**Comment by:** 1 survey comment

**206** **Comment:** *This public meeting is nothing more than a shell. TVA’s track record has led me to believe that more fees and less government is not going to happen. In making a decision, TVA looks at its legal obligations and the compatibility of its objectives with other agencies. Public comments are at the very bottom of the list.*

**Comment by:** Roger Brown

**207** **Comment:** *The people have said we want to keep the shoreline natural, undeveloped, and available to the public. After all this input over the past three years and the Gallup study, the issues always seem to be decided by corporate managers and policy makers who have a*

*different agenda and are unable to act on the input. So when will TVA listen? Credibility is wearing thin. I appreciate all the work and the cooperation of the team members. I also appreciate the fact that TVA is one of the few federal agencies to even ask for the opinion of the people. But if TVA would be credible, and not have these efforts judged as pure window-dressing, we must see some of the ideas reflected in action.*

**Comment by:** Dolores Howard

**208** **Comment:** *So far I have encountered virtually total opposition to the SMI, yet TVA seems to totally disregard this and persist in trying to ram it down our throat.*

**Comment by:** 1 survey comment

**209** **Comment:** *“Nothing is written in stone,” “We do listen to public opinion,” we were told at the meeting at Roane State Community College. The public is now waiting to see if that is true.*

**Comment by:** 1 survey comment

**210** **Comment:** *I hope the data from the public will be carefully analyzed and the results will become the foundation of TVA’s plan. I would hate to think that the plan is already cast in bronze and all this effort is only an attempt to appease the masses.*

**Comment by:** 1 survey comment

**211** **Comment:** *TVA stated that the DEIS is not a done deal. Does that apply to the grandfathering clause also?*

**Comment by:** Wayne Burge

**212** **Comment:** *How comfortable are we in letting TVA implement these policies and decide how much should be done? There is a natural bias built in, as to whether a particular policy should be implemented or not. I am not sure that I would rely on TVA to overcome the natural tendency to build up their own activities.*

**Comment by:** John Shacter

**213** **Comment:** *TVA claims it is getting input on shoreline management from the residents; yet, TVA is furthering its own very focused agenda by ignoring major issues brought up by the property owners.*

**Comment by:** Alan L. Compton

**214** **Comment:** *Contrary to what TVA claims, it seems they have already made a decision to adopt and implement their preferred Alternative C1, without adequately polling the public and without considering public opinion. The scoping process, the Gallup poll, the definition of issues, and the questionnaire were structured to support Alternative C1. The public meetings were held just so TVA could say that the public was informed and part of the decision-making process. The DEIS was just a formality and is nothing but an advocacy document espousing TVA’s agenda; the Lakescape Homeowners Guide’s “Buffers are Best” is also a blatant attempt to sell Alternative C1. It is disconcerting to provide comments on these issues and then see TVA’s conclusions reported in print.*

**Comment by:** Earl Shirley, Edwin E. Howard, Patricia Howard, James E. Sherrill, John W. Musser, Judy Fletcher, Anthony J. Kaufmann (Cherokee Lake Users Association), 1 anonymous letter comment, 1 evaluation form comment (Clinton, TN), 1 evaluation form comment (Farragut, TN), 1 evaluation form comment (Guntersville, AL), 2 evaluation form comments (Harriman, TN), 1 evaluation form comment (Memphis, TN), 48 survey comments

**215** **Comment:** *TVA is in danger of repeating the same mistake it made in its last initiative (i.e., lake level study). If Alternative C1 is the final choice, many people, including some TVA employees, will feel this was another costly, lengthy smoke job to allow TVA to do exactly what it had planned to do all along.*

**Comment by:** 1 survey comment

**216** **Comment:** *Although I have a great concern for many of the issues, it may not be for the same reason as TVA's. Since the public meeting, I have a better understanding, and I am against Alternative C1. TVA claims these issues were formulated by talking to 2,000 homeowners (50 percent of those interviewed) and 38 percent others—government agencies, business, etc. I cannot believe that the majority of the homeowners were in favor of your proposal. Therefore, I have to conclude TVA listened and then did what they wanted.*

**Comment by:** 1 survey comment

**217** **Comment:** *TVA's presentation contradicted the wording in the draft, and their credibility is questionable. Many left the meeting believing that TVA had already made the decision to adopt Alternative C1 and was practicing it and that the public meetings were a pretense to make them think TVA was considering public input.*

**Comment by:** Donald L. Janeway

**218** **Comment:** *TVA's presentation would have been good, if I were of a compromising nature, even a bit nostalgic. It has been a very long time since those days on the Cumberland River, but as I sit here I wonder how much more has really been compromised since that time. Compromising is a drug; after a while it is your own soul that becomes endangered.*

**Comment by:** 1 survey comment

**219** **Comment:** *It seems that TVA has chosen to ignore the many recommendations and concerns about the impacts of additional shoreline development.*

**Comment by:** William G. Minser

**220** **Comment:** *It appears that TVA has already determined that residential shoreline development is bad and should be restricted or curtailed in the future. This is inexcusable in an EIS, which should be an honest statement of projected effect.*

**Comment by:** 3 survey comments

**221** **Comment:** *When TVA wrote the DEIS, it appears they did not listen to the majority of people.*

**Comment by:** H. E. Bittle (Tennessee State Representative)

**222** **Comment:** *After studying the DEIS, we feel that an extreme environmentalist approach has been taken by TVA. The DEIS is not as objective as it should be, and input appears to have been skewed in favor of environmental groups. For example, the issues presented in the DEIS and the statements surrounding them are very much biased toward a very restricted use of the shoreline.*

**Comment by:** W. L. Panter, 6 survey comments

**223** **Comment:** *The issues and alternatives are not stated objectively in the DEIS. They are carefully worded, based on flawed assumptions, and not straightforward in how they are*

*presented. People need to take time to read the document and compare what it says with the displays at the public meetings. You can definitely tell where TVA is headed.*

**Comment by:** Earl Shirley, 4 survey comments

**Response:** TVA has primarily approached shoreline development on a case-by-case basis in the past. SMI is an effort to determine if some other approach might be better. TVA initiated the scoping process in 1994, after determining there was a need to assess the cumulative impact of residential shoreline development. Scoping was used to determine the issues to be addressed and the range of alternatives to be analyzed. The scoping summary in Section 1.7 shows the diversity of opinions received. During the scoping period, no proposals were presented, and no alternatives had been defined.

In developing this EIS, TVA has conscientiously attempted to follow NEPA procedures which, if properly adhered to, are inherently impartial. The range of alternatives which was developed encompassed both less stringent and more stringent residential shoreline development policies than are now being implemented. TVA believes that its alternatives and analysis are reasonable, given the written and oral comments received. TVA also used an interdisciplinary team of resource and policy specialists to ensure objectivity was maintained throughout the process.

TVA did choose to publish Alternative C1 as the preferred alternative in the DEIS, because TVA is required to reveal its preferences. However, in response to public comments, including those that came from surveys and public meetings, the FEIS now identifies a Blended Alternative as the policy option that TVA staff proposes to recommend to the TVA Board. The FEIS includes numerous other changes and modifications, including TVA's commitment to grandfathering. This shows that TVA did not have its mind made up at the beginning of the process, and the proposals were not "cast in stone" at the DEIS stage. TVA cannot make a decision until all substantive public comments are reviewed and analyzed and responded to in the FEIS. The TVA Board will make the final decision about which policy will be implemented. TVA must document this decision in a Record of Decision.

Agencies are to make diligent efforts to involve the public and to address public concerns during the NEPA process, but public involvement in the process is not an "election" to select the most popular option. Ultimately, TVA must make decisions consistent with statutory mandates and a broad spectrum of public interests. All substantive public comments have been considered, as indicated in this volume.

**224** **Comment:** *How many more non-Power TVA employees will be hired to implement, regulate, and enforce each alternative? Or have they already been hired to implement Alternative C1?*

**Comment by:** 1 survey comment

**225** **Comment:** *It appears that TVA has already made its decision with the completion of the DEIS because (1) TVA has already started implementing Alternative C1 by posting TVA property; (2) the DEIS is attempting to direct people towards TVA's preferred alternative; (3) the DEIS has already been sent to Washington for review; (4) TVA is already charging some people a \$1,000 fee; and (5) TVA is telling people they cannot have enclosed boat docks or to wait until the Board makes a decision on SMI before applying for a permit.*

**Comment by:** Allen Gezelman, Bob Orrell, Dale Hedges, David McKelvey (Freeman Acres, Inc.), Donald L. Janeway, Earl Shirley, Edwin E. Howard, Patricia Howard, Glenn Smith (Smoot Homeowners Association), John Croes (Timberlake Estates Homeowners Association), John Rast, Sue Vaughn, Tony Boyles (Freeman Acres, Inc.), Troy Crowder, 1 survey comment

**Response:** No permanent employees have been hired by TVA to implement SMI. SMI staff has actually been reduced, and TVA does not anticipate additional employees to implement SMI in the future.

The commenters may be confusing some elements of the proposed action with a continuation of existing management activities. TVA traditionally has used a case-by-case approach when considering Section 26a approvals and land use approvals. As a result of individual NEPA reviews on specific projects, certain requirements for vegetation management, community dock facilities, or other specific requirements have been implemented because existing permitting guidelines or site conditions warranted this.

TVA has reviewed its text and attempted to make the analysis of all alternatives as objective as possible. However, TVA is allowed to and does have a proposal or objective it wants to achieve. The purpose of the NEPA process is to test this objective.

The DEIS was sent to addresses in Washington, DC, as well as other addresses throughout the U.S., as indicated in Section 5.3. EISs are sent to anyone requesting them, regardless of address. If there is intense interest, TVA may provide briefings on the findings of a NEPA document to congressional staff. In addition, all EISs are sent to EPA for publication of a Notice of Availability and review, pursuant to Section 309 of the Clean Air Act.

TVA is charging fees for processing Section 26a and land use requests under existing authorities. However, the fees proposed in the SMI DEIS have been withdrawn.

A Blended Alternative has been crafted which merges various components of the original six alternatives. The Blended Alternative responds to citizen concerns about specific standards, addresses resource conservation, and fulfills public land use needs.

Side panels are allowed under both TVA's existing practices and the proposed Blended Alternative, and TVA continues to consider permits for this type of structure. Some individual developments, such as Cooper Communities on Tellico Reservoir, do not allow side panels.

TVA cannot make a decision on a new residential shoreline development policy until after it publishes its final EIS. This decision will be documented by a Record of Decision, as required by applicable NEPA regulations.

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**226** **Comment:** *It is odd that so many early public speakers from the audience were environmentalists. Did TVA sponsor their comments?*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**227** **Comment:** *TVA biased this meeting by letting Earth First and other (TVA) sympathetic people voice their opinion first and film it.*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**228** **Comment:** *Having been involved from the beginning, I believe it is obvious that TVA already had the answers and developed data to support what it wanted to do. TVA has used the approach in the public meetings of getting one to several people to agree with everything that it wants to do or has already done.*

**Comment by:** 1 survey comment

**229** **Comment:** *At the public meeting, the crowd was told that no decisions had been made and no minds were made up. The crowd booed and hooted, because TVA's own literature contradicts this. There is no provision for "none of the above." It was obvious that people had been planted to speak on behalf of SMI. Some admitted it.*

**Comment by:** 1 survey comment

**Response:** TVA encourages all interested parties to participate in SMI; however, it has not planted supporters at public meetings.

**230** **Comment:** *SMI public comments primarily reflect concerns of special interest groups, such as property owners or recreational users of TVA lakes. Comments should be solicited and considered from all population segments throughout the United States.*

**Comment by:** Barbara H. Warner, Michael A. McMahan

**231** **Comment:** *It seems that TVA is only interested in hearing the ideas of lakefront property owners and lake users. The majority of taxpayers who paid for the land and lakes are not being heard, and they may have a view on what should be done. Public meetings will not reach these people; so TVA should consider sending them a questionnaire that can be returned.*

**Comment by:** 1 survey comment

**232** **Comment:** *I have serious objections to making important decisions that affect many people based on the responses of a few. There are, according to TVA's SMI study, 3.1 million people within the entire nine-state area to be affected, of which 137,000 live on the lakefront or backlots. This small representation of the people is certainly not fair to the majority. I find this basis for decision questionable.*

**Comment by:** Gloria Reagon Price

**233** **Comment:** *If funding initiatives are necessary, and it can be guaranteed that what is levied will be reinvested in a shoreline management initiative, then TVA should proceed to better define how all users will participate in the plan.*

**Comment by:** Keith Dicken

**234** **Comment:** *In general, I think it likely that people who attended and spoke at public meetings are those who are confused with aspects of the DEIS or angered by the preferred proposal and/or the potential charges to fund activities. In short, TVA should try to listen to all respondents, not just the most vocal.*

**Comment by:** 1 survey comment

**235** **Comment:** *Participation in the 1994 and 1996 public scoping efforts was not representative of those who should have been involved.*

**Comment by:** Donald L. Janeway, Tommy Haun (Tennessee State Senate)

**236** **Comment:** *SMI did not consider the opinions of those having the most interest in future shoreline development, such as property owners, recreational users, industry, municipalities, etc.*

**Comment by:** Johnny L. Boyles

**237** **Comment:** *Including surrounding county, town, and state officials, business leaders, environmental groups, etc., in your information dispersal and decision-making process is important. We can all work hard to have a beautiful shoreline proposal, but if the surrounding land does not mesh with it, all our effort will be in vain.*

**Comment by:** 1 survey comment

**238** **Comment:** *Although public hearings are a good way for individuals of the public to give their views, hearings tend to present mostly the extreme views and are therefore biased. An accurate poll of the general public should be taken and used in crafting a policy. Lake lot owners are dominating the audiences of the hearings on shoreline development, even though they probably represent less than 1 percent of the public. Considering that TVA lakes and shoreline are a public resource, belonging to 100 percent of the people, it would not be proper for the tiny minority to dictate policy for the majority.*

**Comment by:** William G. Minser

**Response:** SMI has made and will continue to make every attempt to inform all citizens of its intent and progress and to get as many interested parties involved as possible. SMI used several methods to obtain public input. Because of its limited resources, SMI meetings were concentrated in the Tennessee Valley region. However, comments were invited from all citizens; SMI was advertised in the Federal Register and through other media across the country. Individuals or groups from 40 states and from other countries, including Germany and Saudi Arabia, have requested information about SMI. The total attendance at the 13 scoping meetings held in 1994 was 1,251. An additional 752 individuals or groups responded to SMI's initial scoping by other means, and a total of 7,900 comments were received. SMI also used and relied upon a Gallup public opinion poll. These comments from multiple sources were used to craft the six alternatives presented in the DEIS. Over 2,700 citizens attended the 1996 public meetings, with 460 persons speaking. An additional 1,500 individuals or groups responded by letters, questionnaires, and other means. A total of approximately 9,500 comments were received and instrumental in developing the Blended Alternative and in preparing the FEIS.

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**239** **Comment:** *There seems to be an impression that this is a lakefront property owners versus recreational users issue.*

**Comment by:** Luci Bell

**240** **Comment:** *Local property owners and recreation enthusiasts should set shoreline policy and develop rules and regulations on an equal basis with TVA.*

**Comment by:** 2 survey comments

**241** **Comment:** *The casual users of the lakes or nonusers should not be allowed to overinfluence TVA as it attempts to establish new restrictions and procedures that affect the people who really love and use the reservoirs and shoreline. Lakefront property owners and boat owners who use the lakes more than 20 times per year are by far the most interested in our lakes and shoreline and should have a greater say in how they are managed.*

**Comment by:** 1 survey comment

**242** **Comment:** *Since lakefront property owners do more to protect the shoreline and will suffer the most impact from a change to Alternative C1, TVA should give more weight to their comments about shoreline development and any associated policies TVA is considering.*

**Comment by:** James Vornhoft, Robert Thomas (Cove Norris Subdivision), Sid Nelson, 3 survey comments

**243** **Comment:** *Any programs such as these should be either proposed by TVA and enacted voluntarily by landowners or be voted on by landowners. Landowners should have a voice along with TVA, since user comments and input could adversely affect landowner options.*

**Comment by:** 1 survey comment

**244** **Comment:** *A lot of time has been expended to develop this plan. I have lived on the lake for 20 years and have not once been contacted about any survey or questionnaire. I believe your research was not thorough enough in the areas having to do with the lake environment. Only those living with it on a daily basis can provide that information.*

**Comment by:** 1 survey comment

**245** **Comment:** *I read in the paper that TVA holds these meetings to get input from the people around the lake and that TVA is very concerned that the people coming to these meetings were property owners. They said there were not enough hunters and fishermen at the meetings. TVA stole the land from these people, and now TVA wants hunters and fishermen to come and tell TVA what lakefront property owners can do in their backyard.*

**Comment by:** Paul Keller

**246** **Comment:** *TVA has spent a lot of money on a major study, but few landowners or taxpayers (if any) were included in the initial data.*

**Comment by:** 1 survey comment

**247** **Comment:** *How do we learn from other federal and state agencies and utilities that manage lakes? TVA could perhaps learn a great lesson by really listening to the masses of people that are affected by its actions. One speaker stated at the Central High meeting, "Where I moved from, lake-managing agencies do not impose rigid and unrealistic restrictions on lake property owners as TVA has proposed." It is most unfortunate that a serious condition of distrust has apparently been created by TVA among area citizens for holding meetings two years ago and publishing so-called draft proposals, based only on data provided by those there with few, if any, lake property owners in attendance.*

**Comment by:** Edwin E. Howard, Patricia Howard

**248** **Comment:** *This DEIS needs more input, and it needs to touch more people, especially sportsmen.*

**Comment by:** Kenneth E. Johnson, Jr.

**249** **Comment:** *Those who fish, swim, boat, camp, walk the shoreline, watch wildlife, hunt and enjoy numerous other activities on our river should speak out on this SMI.*

**Comment by:** Denny Haldeman

**250** **Comment:** *TVA staff and the media are hearing little indeed from the huge number of people who love to see this unspoiled shoreline from the water or the opposite shore and who recreate there. Currently, 1,344,000 annual informal recreation opportunities exist on undeveloped public reservoir shoreline. Without TVA's custodianship, these undeveloped lands would become quickly degraded.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning)

**251** **Comment:** *The SMI process shows a lack of concern for the public interest by giving more consideration to property owners. Property owners appear to have a greater voice than nonresident lake users.*

**Comment by:** Dustin L. Mackey (The University of Tennessee - Martin), 1 unidentified speaker comment (Melton Hill Lake Users Association Meeting), 1 evaluation form comment (Clinton, TN), 2 survey comments

**252** **Comment:** *The data in the report heavily favors lake landowners. Approximately two million people use the lakes, and approximately 6.85 percent are property owners. However, 72 percent of the respondents are property owners. Thus, they are very over-represented in some of the data.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**253** **Comment:** *People owning land adjoining TVA property seem to feel that only their access rights and property values are important. They do not seem to realize that the TVA property is public property managed by TVA. Therefore, I consider my opinion in regard to the management of this property to be as important as their opinion.*

**Comment by:** R. Deron Hendren

**254** **Comment:** *Since the majority of the people at the meetings were property owners, TVA needs more diversity in respondents and should distribute these questionnaires and the Executive Summary of the DEIS at TVA recreation areas, at marinas, at boat shows, at fishing tournaments, at campgrounds, at area high schools in small towns across the Valley and anywhere else you might reach lake users who do not own lake property.*

**Comment by:** 1 survey comment

**255** **Comment:** *Many of the landowners have voiced a "me first" attitude and a lack of concern for the public interest. The shoreline is a public resource and we, along with every citizen of the United States, are co-owners of this public natural resource. (TCWP has been a strong supporter of TVA's Small Wild Areas Program which preserves habitat for wildlife in beautiful forests and provides walking trails for the public.) Yet, it appears that TVA staff (and the media) are publicly hearing from few of the huge majority of people who love this unspoiled shoreline that belongs to all citizens. Millions of people enjoy the shoreline of TVA's lakes. TCWP believes many of these users would strongly support TVA's continued custodianship of unspoiled shoreline and support TVA's adopting a policy of maximum unspoiled shoreline miles.*

*TVA (and the media) are hearing from a very nonrepresentative group of people who are railing against what they believe to be SMI DEIS proposals, but in fact are not proposed in the DEIS. TVA's public hearings on the SMI were heavily attended by residential landowners who represent 21 percent of the shoreline. At the hearings our members attended, the TVA hearing officer appropriately attempted to distinguish rumor from fact and made it very clear that none of the DEIS alternatives involve any invasion of private ownership rights; on their own land, owners could do what they wanted with their lawns, trees, etc. Despite this, most of the private residential landowners who spoke made emotional attacks based on the misunderstanding that TVA would regulate what landowners did on their lands. In particular, they attacked the proposed "shoreline management zone." They had evidently failed to read that in the case of "flowage easement tracts" (i.e., tracts privately owned down to the water's edge), TVA would merely "offer incentives to encourage voluntary adoption of these standards."*

**Comment by:** Karen Peterson (Tennessee Citizens for Wilderness Planning)

**256** **Comment:** *Everyone should be treated equally without politics or influence.*

**Comment by:** 1 survey comment

**Response:** TVA is interested in the views of all stakeholders about the decisions being considered in the SMI process. Extensive public involvement opportunities were offered in an attempt to obtain input from all interested parties. TVA publicized SMI in newspapers, on TV and radio, with fliers at marinas, and through contacts with other agencies. As a result, the SMI public involvement process attracted the interest of many stakeholders with diverse interests who care about the lakes. These include lakefront homeowners, individual citizens, conservation organizations, environmental groups, lake users, local governments, and other agencies with responsibility for land and water quality. These participants share with TVA the goal of improving conditions around the shoreline, and this serves as common ground for solving SMI issues in practical, fair, and environmentally responsible ways. By listening to one another and working together, we will reach better decisions than by working on these important issues alone.

**257** **Comment:** *Why on all the registration forms and questionnaires did TVA ask if we are lakefront property owners or recreational users? Just because a person owns lakefront property does not mean that he does not fish, ski, boat, etc. It makes me wonder if one group's comments are considered more important than another's.*

**Comment by:** Tricia Bledsoe

**258** **Comment:** *There seems to be some prejudice in this process. Throughout the process, TVA asked me if I were a property owner, if I were a lake user, if I were a boater. Then I see reported in the figures that a certain percentage of property owners said this and a certain percentage of recreation users said that. It is very important that independent groups review this entire process.*

**Comment by:** Dave Cooper

**Response:** All citizens and their comments are important to this process. TVA agrees that most lakefront property owners use public land and lakes for recreation. TVA asked this question simply to determine whether they were hearing from different stakeholder groups. TVA believes that these categories are helpful in understanding comments; however, they have no effect on how TVA evaluates the comments received. TVA tried to get a sense of the cross section of stakeholders with interest in SMI. The card sought to identify lake users, property owners, public officials, members of organizations, and other affiliations.

**259** **Comment:** *In the initial SMI meeting, the group leader falsely reported the opinions of my group. The TVA leader reported the TWRA representative's opinion and not the group's majority opinion.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**Response:** TVA's reports prepared for each of the initial scoping meetings captured the detailed comments made in each facilitated group session. The verbal summaries at the end of the meeting were for information sharing and did not influence the scoping reports.

**260** **Comment:** *All questions should be addressed before a final decision is reached.*

**Comment by:** B. David Mumpower

**261** **Comment:** *Because of the three-minute limit on presentations at the public meeting, I decided to put my comments in writing. I hope they will be considered equally with those presented orally at the meeting.*

**Comment by:** Michael E. McGuire

**262** **Comment:** *I prefer to write my comments about this DEIS in a letter. That is the proper channel, and the letter speaks better than the verbal comment in any situation.*

**Comment by:** Jim Farrish

**263** **Comment:** *I hope that TVA has not made up its mind in advance on what to do with our lakes. TVA has had these meetings to find out how the people feel. I hope that you do take the time to read all the letters that people have sent, and I will thank you in advance for reading mine.*

**Comment by:** Kristina S. Roth

**264** **Comment:** *I am concerned that all comments from the public meetings and the survey have not been considered in the SMI DEIS. I mentioned the positive impact that adjacent property owners have on bank stabilization during each meeting and on the survey. I did not, however, find this positive aspect mentioned in the DEIS.*

**Comment by:** Mike Huston

**Response:** Every comment and question received by TVA has been reviewed and considered in preparing the final EIS. This includes comments and questions from speakers at public meetings, letters, completed questionnaires, and meeting evaluations. Every substantive comment and question is also addressed in this volume or through changes in the text of the FEIS. In that respect, the FEIS has been changed to recognize the important erosion control efforts of property owners (see FEIS Section 4.6). Decisions on SMI cannot be made until after the FEIS is released to the public.

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**265** **Comment:** *We would like to comment on some of the public reaction we observed during the recent public meetings on the DEIS, as well as in letters to the editor. There was disproportionate representation by the minority of our citizens who are fortunate or well-off enough to own private property, particularly in areas of TVA-owned, residential access shoreline. Many of these individuals appeared intent on spreading misinformation and fear, particularly as regards the shoreline management zone. They were either unaware of—or they conveniently forgot—the grandfather clause in Section 2.1.6 of the DEIS. TVA would do well to disregard testimonies—however forceful—that were based on misinformation.*

*What appeared very evident was that most of these people did not address the DEIS at all, or at best only peripherally. Despite the introductory remarks distinguishing rumor from fact, almost all the speakers had created a red herring—the imaginary atrocities TVA would commit by regulating what property owners could do on their private lands. I do not remember more than one or two of these speakers (if that many) even mentioning the various alternatives described in the DEIS, let alone proposing a preferred one. Because their comments were not germane to the specific questions posed in the DEIS, I would suggest they be ignored in the context of decisions to be made about alternatives.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning)

**Response:** TVA agrees that some speakers were misinformed or misunderstood specific proposals. TVA considered all substantive comments from all sources, including meetings, letters, and questionnaires. The concerns expressed indicated that the proposals needed to be better clarified. TVA has attempted to do this in the FEIS.

**266** **Comment:** *On page 5-20 of the DEIS, a TVA employee is listed as one of the individuals commenting. I question how ethical it is for members of the agency that are preparing the DEIS to also be commenting on it.*

**Comment by:** Tricia Bledsoe

**Response:** All comments from both internal and external sources are evaluated on their merit. TVA employees may comment as individuals on TVA activities.

**267** **Comment:** *Is this public participation effort a voting process?*

**Comment by:** Ralph Bahr

**268** **Comment:** *Could these issues be decided by ballot at election time, reservoir by reservoir?*

**Comment by:** 1 survey comment

**269** **Comment:** *Allow the people to vote, or maybe "we the people" need to contact our congressmen and vote against TVA.*

**Comment by:** 1 survey comment

**270** **Comment:** *As I understand it, the final decision on SMI will be made by TVA. However, TVA is a legal agent for the public. In other words, TVA works for us, and as the rightful owners of the land, we should make the final decision.*

**Comment by:** Gene Price (Friends of the Tennessee River)

**271** **Comment:** *The Executive Summary, page 13, Implementation Strategy, states, "Once TVA has selected an alternative to implement, a Record of Decision will be issued." Why are we going to all this time and expense if TVA makes the decisions? Would it not be more democratic to have the public (taxpayers) make this very important decision? A final EIS should be done before such a far-reaching decision is made. In the past, TVA's draft EISs have proved to be incomplete and in some cases incorrect (I can show you where).*

**Comment by:** 1 survey comment

**272** **Comment:** *We object to the nondemocratic way in which this initiative is being adopted. Before any Record of Decision is published by TVA, each and every citizen who is concerned must be given one yea or nay vote for each proposed policy, and policies must be adopted strictly by popular vote of those involved. Also, this policy and its items should be amended and reconsidered by popular vote every four years. Proposed amendments should be added to the ballot which gain the backing of 100 signatures. TVA's role should be that of assisting property owners and associations with fair democratic lake reform and not federally imposed management of locally owned and publicly used lake property and resources.*

**Comment by:** Association for Democratic Reform of the Environment and Shoreline

**273** **Comment:** *TVA cannot listen to and develop a good plan by the consensus of the general public. TVA should use wisdom and sound reasoning to develop a plan of action.*

**Comment by:** 1 survey comment

**Response:** Comments noted. Since they were acquired and constructed, the TVA lakes have been federally owned and managed, not locally owned. Agencies producing an EIS must solicit comments from the public, but this public process is not a voting process. The SMI scoping meetings in 1994 and the public hearings in 1996 were conducted as part of this mandate. All substantive comments received must be considered and responded to in the FEIS, regardless of the number of people submitting them. In response to each comment, regardless of the number of people making it, TVA must decide whether to make factual corrections, modify alternatives, develop new alternatives, supplement its analysis, or explain why the comment does not warrant further agency response.

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**274** **Comment:** *After the comment period ends, what will happen next, and what is the timeline for these events? After making a recommendation to the TVA Board, will TVA conduct another series of meetings?*

**Comment by:** Tommy Haun (Tennessee State Senate)

**275** **Comment:** *I have heard repeatedly that TVA will listen to our comments and then decide. I would be interested in knowing more about the decision-making process, who will decide, and what recourse lakefront property owners have if they do not like the decision.*

**Comment by:** Tim Alkire (Smoot Homeowners Association)

**276** **Comment:** *When will TVA make their final decision? Also, when will TVA have in writing their new permitting standards?*

**Comment by:** Priscilla Guess

**277** **Comment:** *Will TVA's decision-making meeting be open to the public?*

**Comment by:** Brady Patrick

**278** **Comment:** *TVA Board members should have attended public meetings, since the Board will make the final decision.*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**279** **Comment:** *I believe the TVA Board should be required to act within 18 months of receipt of recommendations.*

**Comment by:** 1 survey comment

**280** **Comment:** *Does TVA plan to maintain citizens' input after the ROD? How?*

**Comment by:** 1 survey comment

**Response:** Following release of the DEIS, TVA considered all substantive comments and responded to these comments in the FEIS. As a result of comments received on the SMI DEIS, a Blended Alternative was developed and some analyses were modified. By disclosing the environmental consequences of alternative courses of action, an EIS like SMI leads to more informed decisions on major federal actions. Following publication of the SMI FEIS, the TVA Board of Directors will make a decision, and the agency will issue a Record of Decision (ROD) identifying the alternative chosen for

implementation and the rationale for that decision. There is not a formal appeals process for the decision on the SMI. There is no time limit on when the Board must act, but we expect them to do so expeditiously. TVA will make reasonable efforts to inform participants of its decision. TVA Board meetings are open to the public. After the ROD, TVA will solicit additional input from the public as individual reservoir plans are developed.

**281** **Comment:** *If previous practice is the rule, TVA will do whatever the politicians get paid enough to tell it to do.*

**Comment by:** 1 survey comment

**282** **Comment:** *After this DEIS is completed and adopted, will TVA not be doing this on a piece-by-piece basis? On orders from high, TVA will do a favor for a congressman, a senator, or some political supporter or friend of the President. We citizens are only pawns in the process of NEPA.*

**Comment by:** Cliff Griggs (Friends of the Tennessee River)

**283** **Comment:** *In the last analysis, those who count are the ones who have influence with their congressional delegation and can influence whether TVA's public image in this area is going to be improved or deteriorate. There is a public relations issue involved. We should not confuse who the publics are just because certain people have a lot of time and fill out certain questionnaires or attend certain meetings or make certain noises.*

**Comment by:** John Shacter

**284** **Comment:** *SMI seems to be unduly influenced by pressure from politicians. TVA must focus on protecting the taxpayer and the environment.*

**Comment by:** Harold Sharp (Fishin' Talents Incorporated), 1 survey comment

**Response:** Comments noted. Members of Congress contact TVA about issues like SMI in response to inquiries made by their constituents. TVA has actively encouraged public involvement in SMI from its beginning, and public input has been instrumental in shaping TVA's new Blended Alternative. Refer to Section 2.8 of the FEIS for more information.

**285** **Comment:** *TVA should not have scheduled public meetings on an election day. This prevents some people from voting or prevents voters from attending the meeting.*

**Comment by:** Carl Gardner, Charles Jolly, 1 evaluation form comment (Harrison, TN), 1 survey comment

**Response:** TVA was not aware of the local election. Any conflict was unintentional. TVA attempts to coordinate meetings with local events.

**286** **Comment:** *We prefer the format of the 1996 meetings (public hearings with informal open house/question-and-answer period). This type of meeting allows us to hear all of the comments and gives us the opportunity to talk to staff people before and after the meeting to clarify our concerns.*

**Comment by:** 2 evaluation form comments (Blountville, TN), 1 evaluation form comment (Clinton, TN), 3 evaluation form comments (Harriman, TN), 1 evaluation form comment (Murphy, NC), 2 evaluation form comments (Murray, KY), 1 evaluation form comment (Tims Ford, TN)

**287** **Comment:** *We prefer public meetings with small facilitated group sessions (like the 1994 public scoping meetings). The smaller groups seem to stimulate more discussion, which results in a more productive session.*

**Comment by:** John Johnson (Katuah Earth First), 2 evaluation form comments (Clinton, TN), 1 evaluation form comment (Harriman, TN), 2 evaluation form comments (Harrison, TN), 2 evaluation form comments (Guntersville, AL)

**288** **Comment:** *I attended the meeting at Harrison and was disappointed at the crowd's attitude toward TVA. I would prefer smaller meetings for the shoreline owners in Meigs and Rhea Counties.*

**Comment by:** 1 survey comment

**289** **Comment:** *We prefer one-on-one meetings rather than public meetings. People cannot grandstand in a personal meeting like they can in a public hearing.*

**Comment by:** Harold Sharp (Fishin' Talents Incorporated), 1 evaluation form comment (Clinton, TN), 1 evaluation form comment (Florence, AL), 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Tims Ford, TN)

**290** **Comment:** *We prefer some combination of formal public hearings, small facilitated group sessions, and open house sessions.*

**Comment by:** 1 evaluation form comment (Harrison, TN), 1 evaluation form comment (Memphis, TN)

**291** **Comment:** *Speak to civic clubs and local organizations in open forum sessions.*

**Comment by:** 2 evaluation form comments (Dandridge, TN)

**292** **Comment:** *Allow a question-and-answer period prior to the comment session.*

**Comment by:** 1 evaluation form comment (Clinton, TN), 1 evaluation form comment (Harrison, TN)

**293** **Comment:** *Public hearings do not provide enough time for consideration of comments. Expand the sessions.*

**Comment by:** 1 evaluation form comment (Decatur, AL), 1 evaluation form comment (Guntersville, AL)

**294** **Comment:** *Expedite meetings by responding to written questions by letter or having one individual speak for an interest group.*

**Comment by:** 2 evaluation form comments (Harrison, TN)

**295** **Comment:** *Conduct meetings at outdoor locations, such as marinas, parks, or picnic areas.*

**Comment by:** 1 survey comment

**296** **Comment:** *Completing questionnaires is a good way to register comments.*

**Comment by:** 1 evaluation form comment (Tims Ford, TN)

**297** **Comment:** *We prefer not to leave a recorded message.*

**Comment by:** 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Guntersville, AL)

**298** **Comment:** *It is difficult to explain individual circumstances in a letter.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**Response:** Comments noted. SMI used a variety of methods to obtain public input and to provide information. This feedback will be helpful to TVA in planning future public involvement opportunities.

**299 Comment:** *Three minutes is not enough time for a person to speak during a public meeting.*

**Comment by:** Dale Hedges, Paul Keller, 1 evaluation form comment (Clinton, TN), 1 evaluation form comment (Guntersville, AL)

**300 Comment:** *Allow more than three minutes per speaker, and schedule a series of hearings using the later meeting time to refute incorrect/incomplete information from the previous session. Having more time and meetings avoids the cutting off of well-prepared speakers and the possibility of speakers (or those with a particular view) feeling they are being stifled or prevented from providing information.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**301 Comment:** *Three minutes is too long for a person to speak during a public meeting.*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**Response:** Time limits for speaking were imposed to ensure that everyone who wanted to speak would have the opportunity to do so. This limit varied from three to five minutes at different meetings, depending on the number of people who registered to speak. Those who wanted to speak longer were invited to speak again at the end of the public meeting. In addition, TVA staff were available after meetings to discuss issues.

**302 Comment:** *More local meetings should be scheduled, specifically in Memphis, Nashville, the Tims Ford/Normandy and Loudoun/Tellico areas, and Marion and Franklin Counties (Tennessee); in Lauderdale and Limestone Counties (Alabama); and in Washington County (Virginia).*

**Comment by:** William H. I. McCrary, Michael A. Butler (Tennessee Conservation League), Ronald Poe, Van Hilleary (United States House of Representatives), R. Daniel Bracken, III, Troy Crowder, 1 evaluation form comment (Farragut, TN), 5 survey comments

**303 Comment:** *Meetings in Memphis and Nashville were overdue.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**304 Comment:** *I do not understand why the public hearings were held in Memphis, Nashville, etc. Those people do not have a dog in the fight.*

**Comment by:** 1 survey comment

**Response:** TVA identified strategic locations throughout the Valley that were generally convenient to most residents. An additional meeting was scheduled in Memphis, since many Pickwick Lake property owners maintain permanent residency there. An additional meeting was scheduled in Nashville because of the city's large population. In the Tims Ford area, TVA held a meeting because one had not been previously scheduled in that vicinity. The public was also encouraged to provide written comments.

**305** **Comment:** *The comment period should be extended to allow more time for citizens to study the DEIS and respond.*

**Comment by:** Michael K. Stevens, Michael A. Butler (Tennessee Conservation League), Marc A. Carter

**Response:** The response deadline was extended from August 31 to October 15, 1996.

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**306** **Comment:** *While the list of people participating in the study is impressive, how many of these people are lakefront property owners?*

**Comment by:** 1 evaluation form comment (Harriman, TN), 1 survey comment

**307** **Comment:** *How many of the TVA employees who attended the public meetings live on the lake?*

**Comment by:** Earl Shirley

**Response:** A core team of approximately eight Land Management employees from the Knoxville/Norris, Tennessee, area traveled to the public meetings. These eight included one person who then lived on a TVA lake, one who had previously lived on a TVA lake, and one who lived on a nearby river. All eight are lake users. Other employees attended public meetings in their area. The number of local employees attending and the number of local employees residing on lakefront property varied from meeting to meeting. Several other TVA employees and at least one consultant who participated in preparation of the DEIS are lakefront property owners.

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**308** **Comment:** *I question the effectiveness and trustworthiness of the Gallup poll.*

**Comment by:** Gloria Reagon Price

**309** **Comment:** *The Gallup studies seem slightly biased. Also, I believe using unpublished data is spurious in a government study.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**310** **Comment:** *Reporting results of the Gallup poll without reprinting the Gallup questionnaire leaves little confidence that the results reported are entirely adequate or properly interpreted. Furthermore, how do DEIS readers know that the questions were not leading?*

**Comment by:** 1 survey comment

**311** **Comment:** *I am not sure about the comprehensiveness of the Gallup survey TVA commissioned. If it did not encompass the entire Tennessee Valley, it probably should. And of course it should be entirely random and not directed at any particular group, since the shoreline resource is owned by the public at large.*

**Comment by:** William G. Minser

**Response:** The Gallup organization has a strong reputation for conducting statistically valid, unbiased public opinion surveys. That is why TVA and Auburn University chose Gallup to conduct two surveys of lake users: (1) telephone interviews with a random sample of 1,575 lake users who reside in counties that abut TVA lakes, and (2) on-site interviews with a random sample of 1,422 adults who were using TVA lakes and facilities. Although there were some differences, both samples expressed similar opinions about shoreline management. The results of the surveys are documented in Gallup reports.

Since SMI's inception, TVA has collected input from thousands of lakefront property owners, lake users, and other interested citizens and organizations. Comments have been provided at public meetings, by letter, by phone, and from completed questionnaires and evaluations. All comments are being considered in preparing SMI's final recommendation for handling future residential shoreline development.

**312** **Comment:** *Were the questionnaires available to the general public or only those who attended the public meetings?*

**Comment by:** 1 survey comment

**Response:** The public involvement questionnaire was mailed to everyone on SMI's comprehensive scoping mailing list and later to all those who requested SMI information; it was also available at all public meetings.

**313** **Comment:** *What is the outcome of all these surveys and questionnaires that we fill out and never hear from again?*

**Comment by:** 1 unidentified speaker comment (Guntersville, AL, public meeting)

**Response:** All of the responses to surveys and questionnaires were used in the preparation of the DEIS and/or FEIS. Public comments led to the development of TVA's new Blended Alternative. Results of the visual preference survey are reported in Section 4.12.2 of the FEIS. Results of the public comment questionnaire are presented in Chapter 11 of this volume.

**314** **Comment:** *The survey questionnaire was well designed, thorough, and provided a comprehensive overview of all issues. We appreciate TVA's consideration of our input.*

**Comment by:** 3 survey comments

**Response:** Comment noted.

**315** **Comment:** *The questionnaire was designed to generate the responses that TVA wanted and to promote TVA's ideas and justification for the agency's existence. The questionnaire was misleading, confusing, and biased in favor of Alternative C1; it was poorly designed and should have had space for written comments. The questions did not provide opportunity to agree or disagree and were ambiguous and difficult to answer. The questions and answers could be interpreted differently by different people. Many of the questions were too complicated and will result in unreliable data. For example, the matrix for question 9 was too difficult to understand and complete.*

**Comment by:** Donald L. Janeway, James E. Jones, Jr. (Anderson County Farm Bureau), Ronald Prime, 1 evaluation form comment (Harrison, TN), 2 evaluation form comments (Harriman, TN), 76 survey comments

**316** **Comment:** *If TVA was really interested in the private citizenry and really wanted their input, they would not have completed this survey prior to advertising and given limited choices.*

**Comment by:** 1 survey comment

**317** **Comment:** *My responses to Alternatives A, B1, B2, C1, and C2, according to the structure suggested, would be forced and inappropriate.*

**Comment by:** 1 survey comment

**318** **Comment:** *TVA flooded me with so much information that I am afraid to answer most questions for fear that I will be interpreted wrongly.*

**Comment by:** Ed Harper

**319** **Comment:** *The questionnaire is very skillfully designed to give the answers that the person designing it wished to get. For example, on question 10 the respondent is offered only the opportunity to select a method of funding management activities. There are other options that need to be explored, including doing away with some activities, and not starting some new activities.*

**Comment by:** Dale Hedges

**Response:** There was no attempt to mislead, confuse, or promote any one response over another. The public involvement questionnaire was another avenue for citizens to provide comments about the DEIS. Citizens could write a letter, speak at a public meeting, and/or complete the questionnaire. Some citizens are more comfortable filling out a questionnaire than speaking in public or composing a letter. The questionnaire did provide space to write additional comments.

The questions asked in the questionnaire were designed to provide feedback specifically about the DEIS (i.e., relevant issues, how issues were analyzed, how much development was preferred, reaction to the proposed standards, which alternative was most preferred, etc.). It was necessary for the respondent to be familiar with the DEIS before completing the questionnaire. The questions gave respondents the full range of options available in the DEIS. TVA was interested in gathering public reaction to the DEIS and did not prefer one method of participation over another.

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**320** **Comment:** *Question 4 in the public involvement questionnaire is misleading. The DEIS indicated the items that people thought were important about shoreline management and then used their responses to justify what I consider to be a rather extreme policy. Question 4 is worded to determine the items I thought were important in selecting a preferred alternative. There is a big difference in the interpretation. For example, shoreline vegetation was a very important issue to me, not because I think the need to preserve shoreline vegetation justifies an extreme policy. It was important to my decision because TVA was proposing such an extreme policy.*

**Comment by:** 1 survey comment

**321** **Comment:** *Question 4 seems to ask a leading question. For instance, shoreline vegetation and wildlife are very important issues that impact my preferred alternative. However, I scored them as somewhat unimportant issues because I disagree with the assessments you list for many of these issues. To me, the issue is whether or not TVA should use the small strip of land they own between my lot line and the water for a wildlife habitat area and natural buffer zone. To do so is TVA's legal right, but it is going to create an increased level of animosity between the property owners and TVA.*

**Comment by:** 1 survey comment

**Response:** Question 4 in the public involvement questionnaire asks, "How important to you in deciding your preferred alternative are these issues, as defined in the DEIS?" The issues listed are the same 13 issues that were analyzed in the DEIS. The intent of question 4 was to better understand which issues

were most important to the respondent as he/she decided on a preferred alternative. The question was worded in a straightforward manner. Also, question 5 provided respondents an opportunity to express any concerns about the way any of the issues were defined or discussed in the DEIS.

**322** **Comment:** *Most opinions fall on one side of the issue. You could get accurate results just by asking, "Do you favor more development or less?"*

**Comment by:** 1 survey comment

**323** **Comment:** *Question 8 is a nonsense question. The amount of residential development has practically no correlation to the quality of total shoreline development.*

**Comment by:** 1 survey comment

**Response:** SMI examines the effects of different levels of residential shoreline development and explores different standards to guide development. The questionnaire was designed to help answer questions about these issues. Question 8 in the public involvement questionnaire asks about the amount of development.

**324** **Comment:** *The questionnaire assumes that TVA should charge fees and rent. No other alternative is offered.*

**Comment by:** 1 survey comment

**Response:** Question 11 of the public involvement questionnaire gives respondents the option to choose "TVA should not charge this fee" or "unsure/no opinion."

**325** **Comment:** *I would have liked a block for indicating which body of water the participant was referring to. It could have been very interesting.*

**Comment by:** 1 survey comment

**326** **Comment:** *This questionnaire begs negative attitudes and comments. The huge system allows for all kinds of anti-TVA sentiments when, indeed, positive thoughts should be forthcoming. I would feel much more comfortable with questions directed to specific areas (like Douglas Lake) that could be best answered accordingly. When compiled as a system, it would give a good picture of how we all feel. It is most difficult to picture those boat enclosures, docks, vegetation paths et al., when you are 60 feet below and witnessing a ragtag array of float boats, docks, tires, trees (fallen), clay, shale, etc., on the shore.*

**Comment by:** 1 survey comment

**Response:** The individual reservoir land use plans will provide an opportunity to address lake-specific land management issues.

**327** **Comment:** *I want to answer your survey questions as intelligently as possible, for the entire reservoir system, but my thoughts are skewed. I can only honestly think of my lake.*

**Comment by:** 1 survey comment

**328** **Comment:** *In a number of cases, we completely disagree with the assessment of the problems as described in the SMI DEIS. We answered the survey questions according to whether the issue is important to us in relation to our property on Tims Ford Lake.*

**Comment by:** 1 survey comment

**Response:** Comments noted.

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**329** **Comment:** *Since survey respondents and DEIS questionnaire respondents were selected from individuals on the DEIS distribution list (pages 5-12 through 5-22), it would have been more honest if you had noted which individuals were employees or contractors of TVA, TWRA, or USF&WS. Without notation, DEIS readers wonder if the survey/questionnaire replies were impartial.*

**Comment by:** 1 survey comment

**Response:** Some survey respondents may have been TVA, TWRA, or USF&WS employees. TWRA and the USF&WS provided comments by letter on behalf of their respective agencies. All comments were considered on their merits.

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**330** **Comment:** *This survey was formulated without lake property owner knowledge and involvement.*

**Comment by:** 1 survey comment

**331** **Comment:** *Surveys produce correct answers if they include everyone that should be included, and if the proper questions are asked.*

**Comment by:** Carl Gardner

**332** **Comment:** *As in every opinion poll, it will have a different effect on each person. There should be a learned committee of three to five people to select good and bad points applicable to all concerned and submit to them for verification.*

**Comment by:** 1 survey comment

**333** **Comment:** *I will write my Congressman voicing my opposition to SMI and request that a separate agency be appointed to audit TVA's interpretation of these questionnaires and other public input.*

**Comment by:** 1 survey comment

**Response:** Comments noted.

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**334** **Comment:** *The results should be made available to all who participated and filled out this questionnaire.*

**Comment by:** 1 survey comment

**335** **Comment:** *Let us know about the results of this as soon as possible. We do not want to have to hear about it from TV or read about it in a few newspapers.*

**Comment by:** 2 survey comments

**Response:** This volume contains all comments, survey results, and responses.

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**336 Comment:** *The franked envelope TVA provided for returning the questionnaire had insufficient postage and was not the right size.*

**Comment by:** Walter R. Dahnke, 7 survey comments

**Response:** It was necessary to fold the questionnaire in half to fit it in the franked envelope. Most questionnaires were returned in the franked envelope with no extra postage.

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**337 Comment:** *The money TVA spends on surveys and data collection should be spent on more productive projects, such as erosion control. How much was spent on this survey?*

**Comment by:** Rex Dove, 7 survey comments

**Response:** Comment noted. The approximate cost for preparing and printing the public involvement questionnaires was \$9,500.

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**338 Comment:** *Sending out surveys to property owners and asking for suggestions would be a cheaper approach, and it would probably get close to the same results.*

**Comment by:** 1 survey comment

**Response:** Comment noted. Sending surveys only to landowners would have elicited responses from only one stakeholder group. TVA wanted to reach all stakeholders.

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**339 Comment:** *Why did TVA send the SMI materials by priority mail when delivery time was not an issue? How many were sent in this way? TVA should have used a less expensive way to mail these publications.*

**Comment by:** Dot Hawk, Edwin E. Howard, Patricia Howard, Janet K. Adams, Ed Harper, Thomas H. Ellington, 10 survey comments

**340 Comment:** *TVA spent too much money on the DEIS and its printing. This glossy manual and priority mailing were excessively expensive.*

**Comment by:** 10 survey comments

**341 Comment:** *What did the DEIS cost to publish and mail? The document could have been mailed more cheaply.*

**Comment by:** Don Davidson, John Key, Roger Dooley, Theodore S. Maloney, 1 survey comment

**Response:** Because of the demand for the DEIS, TVA initially published 5,000 copies. In the middle of the public involvement process, TVA printed another 5,000 copies. The cost of printing and mailing the DEIS, Executive Summary, and other information was approximately \$12.50 per packet. The DEIS was sent via priority mail because the mailers are reinforced to avoid tearing when packaged with heavy materials, and because the cost (\$4) was comparable to first class postage (\$3). With cheaper bulk rate mailings there is no guaranteed delivery date. Because of TVA's desire to ensure delivery of the DEIS before the public meetings, bulk rate mailings would have been unsatisfactory.

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**342** **Comment:** *Why was the 1-800-TVA-LAKE line disconnected?*

**Comment by:** Virginia E. Sisson

**Response:** Land Management's toll-free number is 1-800-TVA-LAND (882-5263), not TVA-LAKE.

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**343** **Comment:** *Please distribute copies of all the references listed in DEIS Section 5.5 and TVA's Section 26a manual to public libraries throughout the Valley. Further research using internal TVA documents is impossible without this public distribution.*

**Comment by:** 1 survey comment

**Response:** Copies of the reference materials cited in Section 5.5 of the DEIS should be available through public libraries. TVA's informal Section 26a instruction manual is available for review at TVA's 11 Land Management Offices.

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**344** **Comment:** *TVA's publications are top rate and very informative but could be produced in a less costly manner.*

**Comment by:** Keith Dicken

**345** **Comment:** *TVA should charge recovery fees for any materials or education provided to the public.*

**Comment by:** 1 survey comment

**346** **Comment:** *TVA should stop printing and distributing so many expensive and unnecessary booklets and pamphlets.*

**Comment by:** Edwin E. Howard, Patricia Howard, 1 unidentified speaker comment (Guntersville, AL public meeting), Troy Crowder, 2 survey comments

**Response:** Comments noted. TVA values public involvement and strives to facilitate public understanding. To achieve this, we try to prepare publications that are easy to read and are professional in appearance.

## National Environmental Policy Act

Citizens or groups commented on a variety of National Environmental Policy Act (NEPA) issues, including:

- Purpose of and reasons for the SMI DEIS
  - Compliance with NEPA requirements and other laws and regulations
  - Extent of residential development problems
  - Out-of-scope issues
  - Explanation of *scoping* and other NEPA terms
  - Range of alternatives/the preferred alternative
  - Cumulative and indirect impacts
  - Need for mitigation
  - Site-specific NEPA reviews
-

**347** **Comment:** *Environmental concerns should be the foremost consideration above economic, recreational, and all other concerns in the care of the Tennessee River and its tributaries. TVA has a unique position in the United States, in that it can decide the fate of an entire region and an entire river basin. Thoughtful and firm management can lead to the preservation of the river in such a way that its integrity is preserved, or it can allow the quality of the river to deteriorate and change in such ways as to forever destroy its integrity. Thus, it is imperative that TVA keep as much of the land in its natural state as possible.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**Response:** Comment noted. The TVA Act and other legislation such as NEPA encourage TVA to take into account both environmental and economic concerns.

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**348** **Comment:** *The SMI DEIS is a document required by NEPA. NEPA requires that all federal agencies evaluate the potential environmental impacts of any actions they propose. The Tennessee Conservation League commends TVA Land Management for identifying the need for a comprehensive management strategy for the TVA public reservoir system.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** Comment noted.

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**349** **Comment:** *Rightly or wrongly, it is my firm belief that the only reason the SMI has been undertaken by TVA is that some other agency, such as the EPA, has made an issue of the horrible conditions around certain shorelines, notably those owned by TVA, and that the SMI is a multimillion-dollar effort on the part of TVA to regain control before it is taken from them.*

**Comment by:** David H. Smallman

**Response:** While other agencies have encouraged TVA to analyze the cumulative impacts of its shoreline permitting decisions, none of these agencies have characterized the condition of the TVA reservoir system as horrible. TVA chose to prepare a programmatic EIS to better determine if TVA's residential shoreline permitting activities were having adverse cumulative environmental impacts, and if so, whether these impacts could or should be minimized or managed at acceptable levels.

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**350** **Comment:** *The purpose of SMI is to generate revenue by charging property owners fees to use and maintain the shoreline. Environmental concerns are just a pretense.*

**Comment by:** Bob Orrell, Janet K. Adams, Theodore S. Maloney, 1 survey comment

**Response:** The contrary is true. As described in the 1994 Notice of Intent, the 1995 scoping document, and Chapter 1 of the 1996 DEIS, the SMI seeks to comprehensively examine the cumulative environmental and socioeconomic impacts of residential shoreline alterations in TVA's seven-state reservoir system. The primary goal of SMI is to better protect the environment, while accommodating reasonable access to and use of the shoreline by adjacent residents. As explained in the Fees section, TVA has withdrawn all fee proposals.

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**351** **Comment:** *It seems that TVA's position of advocating Alternative C1 is supporting and condoning the violation of several federal and state laws, as well as executive orders.*

**Comment by:** 1 survey comment

**352** **Comment:** *TVA is blatantly pushing for Alternative C1 and thus advocating the decrease of forested areas and wildlife populations, the decrease of waterfowl habitat, the loss of habitat for endangered and threatened species, sustained or increased shoreland soil erosion, a decrease in shoreline bank stability, a substantial loss of wetland functions and values, some loss of floodplain values, a 10 percent decrease in aquatic habitat quality, increased nutrient levels in embayments, a substantial increase in the number of sites not meeting state water quality criteria, a large number of informal recreational opportunities lost, increased shoreline development, destruction or damage of cultural sites, and loss of navigation safety harbors and landings. The policy position obviously puts TVA in a situation of condoning the violation of the Endangered Species Act of 1973, the Water Quality Control Act (as well as state water quality laws), Executive Order 11990, Executive Order 11988, the Natural Historic Preservation Act of 1966, and possibly the TVA Act. It is disturbing, at least, to see a federal agency advocate a policy that clearly accepts, approves of, and facilitates the violation of numerous federal and state laws. Alternative D is the only conscionable choice for the agency.*

**Comment by:** 1 survey comment

**Response:** The FEIS examines in Chapter 4 how TVA complies with these laws.

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**353** **Comment:** *We have written environmental impact statements, and this is not one. It is a residential shoreline development impact statement. Was this DEIS sent to Washington, D.C., for review?*

**Comment by:** Don Davidson, Kenneth E. Johnson, Jr.

**Response:** This FEIS meets all requirements of NEPA and applicable regulations. The title states it is an assessment of residential shoreline development impacts in the Tennessee Valley. It was written to help TVA, other agencies, and the public examine the effects of various residential shoreline development policy approaches. This EIS is programmatic, meaning that it examines standards and other aspects of TVA's residential shoreline development policy on a broad scale—the entire TVA reservoir system. It will provide a basis for site-specific environmental reviews of particular permit applications, as appropriate. The draft of the EIS was sent to the Environmental Protection Agency for comment, and the summary was provided to staff of the congressional delegation from the seven-state Tennessee Valley region.

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**354** **Comment:** *In most cases, supporting data for the issues discussed consist of nothing more than informal surveys from a limited and select group of people. This in itself does not come close to demonstrating the need for federal action as defined by the Administrative Procedures Act. In short, there are many proposed solutions for which no problems exist.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**Response:** The DEIS and the FEIS used a variety of analytical methodologies to analyze potential impacts. These included, but were not limited to, actual shoreline surveys of existing shoreline conditions, extrapolation from existing data, and habitat suitability models, in addition to statistical surveys. These methodologies are described in connection with the affected environment and impact analyses for each resource in Chapters 3 and 4. Thus, TVA did apply scientific methods to the analysis and measured impacts as quantitatively as possible. Potential environmental problems with residential shoreline development are identified in Chapter 1 of the FEIS. In Chapter 4, various adverse cumulative impacts of residential shoreline development are identified, some of which can be

avoided or minimized by improved shoreline management policies. TVA intends to go through a rule-making process to establish regulatory standards that may be proposed as a result of the SMI process.

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**355** **Comment:** *TVA's contention that other federal and state agencies have expressed concern about shoreline development or that a telephone poll of lake users indicated that the environment should be TVA's first priority does not give TVA authority to implement SMI under the guise of water quality regulations. If TVA is attempting to extend water quality and environmental authority under NEPA, TVA should focus on the real, big shoreline issues, rather than the minor, imagined, residential shoreline problems. Single-family residential development poses absolutely no impact when compared to mining, industrial development, municipal sewage treatment, and commercial development. Multifamily residential development is of more concern; however, it was not even addressed in the study.*

**Comment by:** Thomas Begley, P.E., 3 survey comments

**Response:** NEPA requires TVA to analyze the environmental impacts of its proposed actions. Under NEPA, shoreline permitting is a federal action. While TVA does not set water quality standards, it must determine whether its shoreline permitting actions are leading to significant environmental impacts and, if so, identify reasonable alternatives that would have less environmental impact. The potential to violate water quality standards is one criterion for significance. The environmental mandate of NEPA is comprehensive and includes much more than water quality. Therefore, TVA assessed the environmental impacts and the significance of its actions on 12 other resources in addition to water quality. In most cases, residential shoreline development was the most important contributor to adverse impacts on the resource areas analyzed. Multifamily residential development would be subject to standards developed as a result of this FEIS. As indicated in the FEIS, the extent and intensity of residential shoreline development are not minor or imagined problems.

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**356** **Comment:** *If TVA requested today to construct the dam and river system we now have, would there be concerns about environmental impact like those about minor residential facility construction?*

**Comment by:** 1 survey comment

**Response:** If TVA were to construct a major, new reservoir or a system of reservoirs, an EIS or EISs would be required, and shoreline development impacts would have to be considered.

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**357** **Comment:** *SMI may be trying to cover too much territory at one time. Bigger is not always better. Perhaps prioritizing the issues on page 3 of the Executive Summary and focusing on the top two to four first might make the task more manageable.*

**Comment by:** 1 survey comment

**358** **Comment:** *A classic example of overkill and waste of money and time is the SMI itself. Although well done, it was not really necessary to cover the subject in such depth.*

**Comment by:** Thomas H. Ellington

**Response:** EISs are required to address important issues in reasonable detail. Analyzing the cumulative impacts of programs in an effort such as SMI is more efficient in the long run, because it can reduce the size and number of analyses and documents needed for individual subdivisions and

permits and can help establish a more uniform and efficient set of environmental protection policies and procedures. Therefore, programmatic analyses should help attain environmental protection objectives in a more efficient manner than case-by-case approaches.

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**359** **Comment:** *Approval of conversions of TVA shoreland to residential use at such places as Rarity Bay, Fontana Reservoir, and Watts Bar Reservoir seems premature before completion of the NEPA process, given that such plans are only associated with certain (but not all) action alternatives considered in the PDEIS (including the TVA-preferred Alternative C1) and that only certain (but not all) such alternatives would open up new residential access areas along TVA shorelines. EPA believes that decisions—even preliminary decisions which may bias the process—on such requests should have been delayed until the Programmatic EIS process was completed, a preferred alternative finalized, and a Record of Decision signed.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** The actions at Rarity Bay (Tellico Reservoir) and Fontana were completed prior to the decision to initiate the SMI EIS. After the SMI project was underway, TVA has been careful to avoid major federal actions which would prejudice the decision on the program and which would limit the choice of reasonable alternatives.

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**360** **Comment:** *Everything the public came up with at the public meetings was deemed out of scope. TVA has been very responsive, but the only thing they want to discuss is residential development.*

**Comment by:** James E. Sherrill

**361** **Comment:** *Many of the issues that we discussed with TVA at the earlier scoping meetings were determined to be out of scope for SMI. However, we feel that all of the issues that we identified are important and should be considered. In Section 1.10 of the DEIS, 14 of these issues are listed. In particular, we note that trash, lake levels, industrial/commercial/public recreation land use decisions, and heavy recreational use and abuse were omitted from detailed consideration. If TVA is concerned about environmental quality, these issues must be deliberated and included as part of the SMI analysis.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Tom Pennington, Association for Democratic Reform of the Environment and Shoreline, 4 survey comments

**362** **Comment:** *I object to TVA's exclusion of the impacts of trash from this DEIS. Trash can be hazardous to humans.*

**Comment by:** James C. Brown

**363** **Comment:** *TVA says most of the out-of-scope issues listed in Section 1.10 are under state jurisdiction, but I feel Sections 1.10.2, 1.10.6, and 1.10.7 should and could be administered by TVA with appropriate legislation changes made by the state.*

**Comment by:** 1 survey comment

**Response:** Where relevant to understanding the environmental impacts of residential shoreline management options, these issues have been considered. Trash, water levels, and industrial/commercial/public recreation land use decisions are the subjects of other TVA decision-making processes. Any proposals regarding these or other issues in Section 1.10 would be subject to their own NEPA reviews.

In this EIS, calling an issue *out of scope* means that it is not directly related to shoreline permitting or was not considered to be a significant or important issue for the decision to be made under SMI; it does not mean that the issue is not important to TVA. We are very concerned about the environmental health of the Valley and about citizen views pertaining to water level fluctuations, heavy recreation use and abuse, littering, and other issues. We thoroughly examined the issue of water level fluctuations in our *Lake Improvement Plan* (TVA, 1990b). As a result of that study, we modified our reservoir operations strategy to provide more suitable water levels for lake recreation. We continue to work with citizens in various regions of the Valley to address concerns about water levels.

We are very concerned about abuses that result from heavy recreation use and have recently surveyed all reservoirs to identify sites that are showing signs of wear and tear from heavy activity. We are working on restoring these sites and curtailing the abuses.

The litter problem is a tremendous concern of lakefront homeowners, TVA, lake users, and others who care about the lakes. We are working to address that problem by organizing and participating in lakeshore cleanups. However, the real solution is to stop the dumping.

**364** **Comment:** *We note from page 1-21 that several issues mentioned by the public were considered by TVA as being out of the scope of the PDEIS. However, we note that certain referenced issues are related to shoreline management (e.g., aquatic weed control). We therefore appreciate that these issues were further discussed in Appendix B and note that, at least in some cases, other TVA EISs have already been issued regarding these concerns.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Comment noted.

**365** **Comment:** *I suspect the title of the DEIS means something like environmental considerations, but I am not sure. Draft means a tentative outline, scarcely what was produced. And impact means a striking together in a forceful collision; the plain word you avoid is effect. Finalize is a grotesque word invented by those who never learned the plain ones: finish or complete. Scoping phase eludes me altogether; scoping's part of speech here is gerundive. But gerundives are verbs framed to act as nouns, and scope is not a verb.*

**Comment by:** J. A. Collinson

**366** **Comment:** *Whom did TVA talk to in the initial stages of this study? What kind of word is scoping? I have never heard it.*

**Comment by:** Edwin E. Howard

**Response:** Comments noted. The terms *draft environmental impact statement*, *scope*, and *scoping* are defined in applicable regulations. TVA held a series of 13 public meetings throughout the Tennessee Valley in 1994 to notify the public of its intent to develop a shoreline management policy and to request their comments. Most of the people who attended these meetings indicated that they were lake users, including many property owners. The process of identifying public and agency concerns and defining issues and alternatives that will be examined in detail is known as *scoping*. Scoping is a way for an agency preparing an EIS to have early contact with the public before alternatives to achieve an objective are fully identified and analyzed. Public involvement is designed to reduce the chances of overlooking a significant issue or reasonable alternative. Scoping seeks to foster public participation in the decision-making of the federal government.

**367** **Comment:** *The range is broad but too simplified.*

**Comment by:** 1 survey comment

**368** **Comment:** *TVA is using an old sales technique. They offer two products and ask which one or how many of each do you want, when in reality the public wants neither.*

**Comment by:** 2 survey comments

**369** **Comment:** *Has TVA considered a reasonable range of alternatives? One of the alternatives somewhere in the middle is probably a reasonable choice in terms of balance—not too extreme with no development and not going overboard and letting 63 percent of the system be developed.*

**Comment by:** Donald R. Miller

**370** **Comment:** *I am concerned that TVA may choose an alternative that is not currently listed. That is one of the fallacies of the NEPA process.*

**Comment by:** Ron Reeves

**Response:** One purpose of NEPA is to ensure that environmental impact information is available before decisions are made and before actions are taken. At the EIS level, this includes developing a reasonable range of alternatives to proposed actions. Although TVA may choose an alternative that was not specifically identified, the alternative chosen would be within the range of alternatives presented in the FEIS. TVA does not believe that this is a “fallacy” of the NEPA process but instead reflects a willingness to respond to public comments and the analytical results produced during the process.

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**371** **Comment:** *TVA should not have chosen a preferred alternative until the public participation process was completed and all comments were considered. The SMI Executive Summary is of particular concern in that it leans toward or hints at TVA's preferred method for implementing SMI.*

**Comment by:** Lynn Leach (Alabama Environmental Council), Robert K. Maxon, 1 survey comment

**Response:** NEPA regulations encourage agencies to present a preferred alternative if one is known at the time of the draft document release. As the SMI public participation process amply demonstrates, the presentation of a preferred alternative can serve to focus public comment on the proposal and its consequences and ultimately lead to decisions that take public concerns into account.

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**372** **Comment:** *Alternative C1 is more environmentally damaging than Alternatives C2 and D, and its selection as TVA's preferred alternative is not supported by the data presented in the DEIS. Moreover, a number of public opinion polls have shown that most citizens do not support the provisions presented in Alternative C1; the general public wants TVA shorelines preserved, and Alternative C1 would allow residential development on 48 percent of the shoreline. TVA should base its shoreline management decisions on what is scientifically sound and publicly acceptable. Since this EIS is a NEPA decision-making document, TVA should clearly explain in the FEIS the environmental or other rationale for selecting Alternative C1 as the preferred alternative.*

**Comment by:** Henry Everitt, Michael A. Butler (Tennessee Conservation League), Earl F. Calfee, III, William G. Minser, 1 unidentified speaker comment (Guntersville, AL, public meeting), Chester A. McConnell (Wildlife Management Institute), James H. Lee (United States Department of the Interior), 2 survey comments

**Response:** Alternative C1 was identified as preferred at the time the DEIS was published because it appeared to offer reasonable ways to balance the need for environmental protection, while meeting some of the demand for new residential access. It has a number of positive features, such as environmentally sensitive permitting standards and a public involvement process for identifying new residential access areas through the reservoir lands planning effort. However, the FEIS now identifies a Blended Alternative as the policy option that TVA staff proposes to recommend to the TVA Board. This alternative includes a maintain-and-gain public shoreline policy. It also embraces the conservation easement approach found in Alternative D, as well as permitting standards molded from Alternatives B1/B2, C1/C2, and D.

**373 Comment:** *Although Alternative D is not TVA's preferred alternative, TVA has a responsibility to point out that it is the environmentally preferred alternative.*

**Comment by:** Brian Bowers

**Response:** TVA will describe the environmentally preferred alternative in its Record of Decision.

**374 Comment:** *TVA must hold a tough line in choosing an environmentally responsive alternative if the river is to survive increasing human encroachment. The Tennessee River was listed as the fourth most toxic polluted waterbody in the U.S. by a recent study based on industry-generated data by the Environmental Working Group and U.S. Public Interest Research Group, two environmental advocacy groups based in Washington, D.C. That finding is one more indicator that TVA and river users must seriously consider and amend individual and cumulative impacts to this threatened river. TVA's SMI findings show that TVA knows the critical issues we and our river face. The Riverkeeper Project supports TVA's choosing the strongest position in the protection of our Tennessee River.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**Response:** TVA intends to choose an environmentally responsive alternative. Overall, the health of the Tennessee River system is good and is described in more detail in Section 3.12 of the FEIS.

**375 Comment:** *Why was there not another alternative without fees?*

**Comment by:** 1 survey comment

**376 Comment:** *Alternative B1 should not be considered a no-action or no-change alternative, because it includes fees that currently are not charged. According to NEPA requirements, part of the alternative plans must include the alternative of "no action taken."*

**Comment by:** Allen Gezelman, Cliff Griggs (Friends of the Tennessee River)

**Response:** The structure registration, performance deposit, and vegetation corridor fee proposals have been withdrawn in response to public comments. For more information about this decision, refer to the Fees section of this volume.

**377 Comment:** *The focus of SMI is narrow and biased, since residential development seems to be the only impact considered. Other sources of impact, such as commercial, industrial, agricultural, and recreational uses, should be taken into account.*

**Comment by:** Cliff Griggs (Friends of the Tennessee River), John Johnson (Katuah Earth First), 1 evaluation form comment (Guntersville, AL), 6 survey comments

**378** **Comment:** *No more development should be TVA's goal, but not just residential development. Commercial, industrial, and municipal development should be even more carefully examined, since they all have more negative impacts than residential. The document does not take into account any business or industry, municipal or county development, or tourism that potentially will impact the river and the lands even more than residential uses. All the cumulative impacts of every development should be a part of the DEIS.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**379** **Comment:** *In general, TVA has been thorough in addressing potential impacts to the natural resources to the Tennessee Valley. Quantifying the impact a certain action would have on natural resources is extremely difficult and requires extensive scientific investigation. Thus, TVA's attempt to evaluate direct and indirect impacts of shoreline development on natural resources is understandable. However, the Tennessee Conservation League feels that the analysis of cumulative impacts of shoreline development is lacking in scope and magnitude. Some effort has been made by TVA to acknowledge temporal cumulative impacts, but the SMI DEIS insufficiently addresses cumulative impacts in general. The FEIS needs to address cumulative impacts of shoreline development in much greater depth. The Tennessee Conservation League requests that TVA better evaluate the long-term cumulative impacts of shoreline development.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** TVA initially decided to focus on residential shoreline alterations because of the growth in the number of permit requests received (see Section 1.1 of the FEIS). The cumulative impact analyses of the FEIS include potential impacts from all types of development, including residential. The analyses in the FEIS suggest that the cumulative impacts of residential development are more significant on a Valleywide basis than other types of development. Other types of development, which may be locally important, are not ignored in the FEIS or in TVA's environmental review process. TVA attempted to assess the impact of various shoreline management policies on past and present trends in resources and to project future impacts.

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**380** **Comment:** *One of the characteristics of exponential growth is doubling time. Under conditions of exponential growth, the area of a hypothetical pond covered by a weed doubles every day. When a pond is only half covered by a weed, it will be entirely covered in only one additional day. The question for TVA is, "If we degrade our environment by 'x' percent each time TVA decides on another shoreline management alternative, how long will it be until more than 99 percent of our environment is degraded?"*

**Comment by:** Paul A. Yambert

**Response:** This question is a good illustration of why TVA thought a programmatic EIS would help TVA and the public better understand the extent of the cumulative impacts affecting the reservoir system. As described in the FEIS, the extent of environmental degradation is somewhat lake-specific. However, in the FEIS, TVA has attempted to estimate the level of cumulative systemwide shoreline development impacts that would result from alternative levels of residential development ranging from 38 to 63 percent.

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**381** **Comment:** *The potential development of permissible (not protected) portions within all ownership categories (e.g., Alternative C2) would not only result in more shoreline development, it would also result in considerable infrastructural development beyond the immediate shoreland, which would be needed to support the additional shoreland development. Such infrastructure in backlying properties would likely include strip development, sewage treat-*

ment, and transportation corridors, all of which could further contribute to local environmental impacts and cumulatively affect water quality, air quality, wetlands, etc., of the TVA reservoir system.

*Such infrastructural changes to support the additional shoreland residences and backlying residences would be an example of project-induced impacts. We therefore appreciate some TVA acknowledgment in this regard (Section 4.13.3 Cultural Resources: “. . . one industrial development often encourages other developments to locate nearby, which disturbs more land. As the trend continues, the minor impacts that are mitigated can result in cumulative impacts”).*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** TVA acknowledges that these changes could occur and has considered them in its analysis. However, TVA does not believe that regional population growth would be significantly influenced by its decision in SMI. These impacts would likely occur somewhere in the watershed anyway. Site-specific induced impacts of particular developments should be considered in the review of each new subdivision when TVA and other federal agencies are materially involved. In addition to the impact on cultural resources (Section 4.13.3), TVA recognizes these impacts could affect other resources also.

**382** **Comment:** *While the document uses the traditional shopping-list approach of looking at a number of resource issues, I was very concerned about the lack of analysis regarding cumulative impacts. Without a comprehensive analysis of cumulative impacts, particularly of backlying development (access roads, strip shopping malls, etc.), the predicted impacts of Alternatives A and B are most probably underestimated.*

**Comment by:** Mary S. Johnson

**Response:** TVA disagrees. Most of the analyses presented in the EIS are cumulative in nature. For example, TVA considered population, income, and employment generated, as well as the cumulative impacts of new development caused by TVA shoreline policies on resource trends (past, present, and future) in the SMI impact areas. As a result of this comment, language explicitly recognizing backlying development has been added to the SMI socioeconomic impact analysis. (See Section 4.14.3.)

**383** **Comment:** *Historically, there is poor coordination between agencies, particularly state-to-state and federal-to-state. Agencies such as the EPA, local health departments, USACE, USF&WS, and TWRA will not get involved in a case-by-case analysis of each proposed home or business. Again, then, we have the cumulative effect of the individual-by-individual development.*

**Comment by:** Ottolene Browning, Virginia Browning Eslinger

**Response:** Generally, TVA has coordinated its land management actions with other federal and state agencies. NEPA regulations promote interagency coordination through cooperating agency provisions and public involvement provisions. Other guidance, such as Executive Order 12372, Intergovernmental Review of Federal Programs, promotes state and local government involvement in federal decisions affecting their jurisdiction. Policies resulting from SMI are intended to address potential cumulative impacts.

**384** **Comment:** *TVA should have an interest in actions on private property that negatively impact public land, waterways, and aesthetics. TVA should attempt to control activities, such as timber harvesting that occurs along the shoreline, even if those actions are occurring on private property.*

**Comment by:** Barbara Tigrett

**Response:** TVA does have an interest in actions on private property that negatively impact public land, waterways, and aesthetics. That is why TVA considered in the FEIS the effects of actions related to shoreline development that occur within one-quarter mile of the shoreline. Proposed development along the shoreline and on TVA-owned land activates TVA's permitting process. Once the permit process has been initiated, TVA can, when appropriate, examine both onsite and offsite impacts of a proposed action. However, TVA does not have regulatory authority over activities, such as timber harvesting, that occur on backlying property.

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**385** **Comment:** *In this DEIS, TVA should address how the impacts on public lands affect surrounding areas. The Forest Service and the National Park Service do this. I believe there are federal regulations and statutes that require this.*

**Comment by:** John Smolko

**Response:** Where appropriate, TVA does assess how impacts on public lands affect surrounding properties. For example, the FEIS indicates that the loss of informal recreation opportunities on public lands developed for residential access would lead to greater use pressures and user conflicts on other undeveloped public lands, as well as some increased crowding of public and commercial recreation facilities.

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**386** **Comment:** *Although we concur with the basic intent of enhanced shoreline management by TVA, some of the environmental issues discussed do not provide for corrective action to improve existing conditions or projected problems in the future.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**Response:** TVA has ongoing programs to improve the condition of the reservoir system. When appropriate, TVA will propose mitigation measures to minimize the adverse impacts of site-specific actions.

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**387** **Comment:** *TVA should conduct individual site-specific reviews on all applications for shoreline construction.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency), 2 survey comments

**Response:** Regardless of the alternative selected, TVA would conduct site-specific NEPA reviews on individual Section 26a and land use approvals, as appropriate. These decisions would take into account the standards and decisions made in the programmatic review.

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**388** **Comment:** *Information contained in the SMI for the various projects is related to the entire Tennessee Valley and not specific projects. Impacts of the alternatives relate only to the project lands, and off-project impacts on land use, economy, etc., are not addressed.*

**Comment by:** Denny Haldeman

**Response:** The commenter is correct in that this is a programmatic EIS. Impacts to resources from shoreline development and possible associated development off the shoreline have been analyzed. Further analysis would occur in individual reservoir plans and site-specific reviews, as appropriate.

**389 Comment:** *A process should be established which requires developers or landowners to provide information about impacts of proposed development. Standards should be established for evaluating the reasonableness of a specific proposal, based on its positive and negative economic and environmental impacts.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** TVA does require applicants for Section 26a approval and/or for use of TVA lands to provide environmental information about their proposals. The amount of information that must be provided typically varies according to the size of the proposal. Most of the SMI alternatives propose to establish a process and standards for residential shoreline development evaluation and approval.

## Draft Environmental Impact Statement

During the 1996 SMI public involvement, comments on the Draft Environmental Impact Statement (DEIS) covered subjects such as:

- Strengths and weaknesses of the DEIS
- Suggestions for improving the DEIS
- Definitions and explanations needed in the glossary

**390 Comment:** *The Tennessee Conservation League commends TVA on the spirit of the SMI DEIS.*

**Comment by:** Ann P. Murray (Tennessee Conservation League)

**391 Comment:** *I would like to commend TVA and the staff members that were involved for the high quality of the EIS and the obvious effort that was invested in requesting public comment and holding public meetings on the alternatives for improving the protection of shoreline resources.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council)

**392 Comment:** *We compliment TVA for the excellent job they have done in preparing the DEIS and Executive Summary. They are well written, understandable, scholarly, comprehensive, well structured, highly professional, and have a nice appearance.*

**Comment by:** Dennis C. Valkanoff, Liane B. Russell (Tennessee Citizens for Wilderness Planning), Monte B. Miller, M.D., Karen Peterson (Tennessee Citizens for Wilderness Planning), David E. Wesley, Ph.D. (Ducks Unlimited, Inc.), Fred W. Young, Mary S. Uziel, Mayo Uziel, Mary S. Johnson, Tom Christensen, 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Harrison, TN), 1 evaluation form comment (Memphis, TN), 76 survey comments

**393 Comment:** *The overall objectives of this document are commendable, and research for development of the document appears to be extensive.*

**Comment by:** Ronald D. Sexton (Virginia Department of Environmental Quality)

**394** **Comment:** *Preparing a DEIS of this magnitude is no simple task. TVA should be commended for their exhaustive efforts in preparing this DEIS. Overall, the report is comprehensive in scope, and the extensive research is well communicated.*

**Comment by:** Alison Brayton (Tennessee Department of Environment and Conservation)

**395** **Comment:** *This is a good technical study to be used as reference by our council in local decision-making.*

**Comment by:** 1 survey comment

**396** **Comment:** *The DEIS illustrates the thoroughness of TVA as they refine and redefine their role within the Tennessee Valley.*

**Comment by:** Thomas C. Oppenheim, P.E. (Cooper Communities, Inc.)

**397** **Comment:** *The Executive Summary is well done in terms of readability, appearance, and brevity. Hopefully, it also adequately represents the DEIS, which I have not seen.*

**Comment by:** Brian Bowers

**398** **Comment:** *We compliment you on analysis of the various alternatives and the presentation, particularly in the Executive Summary, on each of the Valley's resources.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**399** **Comment:** *We conclude from the DEIS that TVA included an appropriate range of alternatives and conducted an adequate review of most environmental issues during the scoping process.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**400** **Comment:** *The DEIS presents some good alternatives that were described in a clear and concise way.*

**Comment by:** 8 survey comments

**401** **Comment:** *TVA did a good job recognizing the issues and addressing the environmental impacts in the DEIS.*

**Comment by:** Michael A. McMahan, Michael P. Murphy (Virginia Department of Environmental Quality), 1 evaluation form comment (Memphis, TN), 2 survey comments

**402** **Comment:** *The SMI DEIS very adequately addresses near-shoreline resources of TVA's lakes throughout the Tennessee Valley and the wide variety of adverse impacts on these resources that will occur in future years due to residential development. The document also very adequately addresses policy/procedural mechanisms for providing varying degrees of protection of these resources.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**403** **Comment:** *Page 2-14 briefly discusses three action alternatives that were considered but not further detailed in the DEIS. We appreciate that environmental consequences were mentioned in the rationale to some degree.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**404** **Comment:** *The manual is a very good educational tool. It provides a good history of the purpose of TVA as it applies to managing the regional lakes. It heightened awareness for me, as a user of Wheeler Lake, of the role and purpose of TVA involvement in natural resource management.*

**Comment by:** 1 survey comment

**405** **Comment:** *The DEIS appears to be a good study. We hope it amounts to something beneficial for the natural resources and the tax-paying public.*

**Comment by:** 4 survey comments

**406** **Comment:** *The DEIS is a good study, with some exceptions. Some of the information in the DEIS is questionable or needs refinement. Parts of the DEIS are too complicated and very bureaucratic, and the document is too long.*

**Comment by:** 14 survey comments

**Response:** Comments noted.

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**407** **Comment:** *This DEIS needs some work.*

**Comment by:** Kenneth E. Johnson, Jr.

**408** **Comment:** *The premise of this DEIS' environmental impact analysis is quite weak, and there is a lot of work that still must be done.*

**Comment by:** L. Mac Toth

**Response:** TVA has examined every specific comment and suggestion for strengthening the EIS. The draft has been modified as warranted by this examination.

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**409** **Comment:** *There are some contradictions between what was written in the DEIS and what was presented at the public meetings.*

**Comment by:** Dan Mooney, 3 evaluation form comments (Harrison, TN), 1 survey comment

**Response:** What was presented in the public meetings by TVA staff was a clarification or explanation of the DEIS, not a contradiction. The FEIS has been modified, if warranted, to clarify points or issues raised by the public.

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**410** **Comment:** *This DEIS does not have the scientific rigor that I have seen in other environmental assessments. I urge TVA to conduct simulations to determine what the unanticipated impacts of these alternatives are to the ecosystem.*

**Comment by:** Heber Norckauer

**Response:** Most EIS studies are conducted to examine the environmental effects of a specific construction project, like a barge terminal on a particular site on a certain reservoir. In such studies it is common to inventory all resource conditions on that site and use the very precise data collected in the inventory as the baseline for the environmental analysis. The SMI study is very different from

these site-specific studies, because SMI is examining the effects of different residential shoreline development policy approaches across the entire Tennessee Valley region. Sufficient data was collected to model the impacts of shoreline development on a regional basis. As TVA prepares reservoir plans, further environmental reviews will occur; and TVA will continue, as appropriate, to review the environmental effects of individual permit applications.

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**411** **Comment:** *The DEIS should be more detailed in order to be applicable to the majority of landowners.*

**Comment by:** 2 survey comments

**412** **Comment:** *Section 2.9 (Comparison of Alternatives) is really the crux of the whole matter and should be greatly expanded and enhanced.*

**Comment by:** 1 survey comment

**413** **Comment:** *Table 2.7-1 (Summary of Construction and Land Use Standards by Alternative) seems to be clear, but there are many details which cannot be shown.*

**Comment by:** 1 survey comment

**414** **Comment:** *Information is somewhat vague in the Executive Summary. This document helps save reading time but, unfortunately, does not contain the depth of discussion needed to fully understand each issue.*

**Comment by:** 3 survey comments

**Response:** Comments noted. Based on public comment, more detail has been added as appropriate to clarify issues in the Executive Summary and FEIS. Section 2.9 of the FEIS compares the effects of each alternative on the 13 resource issues. TVA agrees that this analysis is very important for showing the relationship among the alternatives, issues, and potential impacts. With so many variables, however, TVA feels this is best accomplished with a concise summary. Details of each resource analysis are found in Chapter 4, Environmental Consequences.

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**415** **Comment:** *The Executive Summary was more than sufficient for me. I do not have time to read the entire DEIS document.*

**Comment by:** Roger Dooley

**416** **Comment:** *The cost to publish the SMI document is a good example of how TVA frivolously spends the funds they have. The Executive Summary was more than sufficient.*

**Comment by:** 1 survey comment

**417** **Comment:** *A slightly expanded summary would likely be all most of us want.*

**Comment by:** 1 survey comment

**418** **Comment:** *The DEIS is too long. Most people do not have the time or patience to read a one-inch-thick, technical document.*

**Comment by:** Edwin E. Howard, Patricia Howard, Hunt Archer, Joe Wiley, John Sapper, Donald W. Reeves, J. A. Collinson, John E. Greene, Sr., Mrs. John E. Greene, Sr., 1 anonymous letter comment, 14 survey comments

**Response:** Comments noted. This EIS is not unusually long when compared to other programmatic documents. The EIS is required by NEPA to be a full and fair discussion of significant environmental impacts and to inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. The Executive Summary briefly presents the major ideas, key findings, and conclusions of the EIS.

**419 Comment:** *The DEIS is too technical and complicated, and this makes it very difficult to read and understand. The FEIS needs to be written for the general public, using simple terms, concise explanations, and more diagrams.*

**Comment by:** Edwin E. Howard, Patricia Howard, James O'Neal, Steve Fritts, Sylvia Adams, Donald W. Reeves, Lane Parkison, 1 anonymous letter comment, 1 evaluation form comment (Guntersville, AL), 1 evaluation form comment (Harrison, TN), 11 survey comments

**420 Comment:** *Another masterpiece of bureaucratic baffle-gab: labyrinthine, multidimensional grids of information overkill, prolix and opaque language, and turgid structure. A communication better designed to confuse could not be made. Few will plow through your DEIS enough to reach any clear understanding.*

**Comment by:** J. A. Collinson

**Response:** Comments noted. TVA has attempted to write the SMI FEIS in a clear and concise manner, but we acknowledge that much of the material is technical in nature. In response to public comments, the text has been clarified and diagrams have been added where appropriate.

**421 Comment:** *TVA used too many people—52 staff and 5 consultants—and excessive chartsmanship to develop the DEIS. However, I would much rather overdo the job than do an inadequate one.*

**Comment by:** 1 survey comment

**Response:** Most of these contributors worked part-time on the SMI project to perform specific analyses or other tasks. Over the span of the project, full-time staff ranged from one to five persons who were reassigned from other TVA duties to work on SMI.

**422 Comment:** *TVA should use recycled paper in this type of document.*

**Comment by:** John Johnson (Katuah Earth First)

**Response:** Recycled paper was used. Please see the notation on the back cover.

**423 Comment:** *We note the Table of Contents and the list of Reminders before each chapter. We feel they are useful additions that facilitate the public review of the document.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Comment noted.

**424** **Comment:** *Page 1-6 refers to the document as a Programmatic Draft Environmental Impact Statement. However, the abstract and most of the text refer to the document simply as a DEIS. We suggest the use of the PDEIS acronym throughout the document after it has been defined at the first mention as Programmatic Draft Environmental Impact Statement.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** For ease of reading and understanding, the terms *DEIS* and *FEIS* were used throughout the document, with an introductory explanation of the study's programmatic nature.

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**425** **Comment:** *In organizing the DEIS it would be helpful to understand the current TVA position/rules/regulations before explaining the different proposals.*

**Comment by:** 1 survey comment

**Response:** Alternative B1, the no-action alternative, describes TVA's existing guidelines. Refer to Chapter 2 and Appendix A of the FEIS for a description of this alternative and supporting information.

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**426** **Comment:** *The prevalent use of the verb could in the generation and justification of restrictive covenants is most consternating to me.*

**Comment by:** 1 survey comment

**Response:** *Could* is a form of *can*, suggesting less certainty. It is used to describe actions that are possible, not inevitable.

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**427** **Comment:** *We suggest that tables (e.g., 4.11-1) include time frames (per year, per 25 years, etc.).*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Comment noted. In the FEIS, tables and figures have been modified to include time frames where appropriate.

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**428** **Comment:** *Summary Figure 4 on page 20 of the Executive Summary is very simplistic, as it should be for the general public. However, without more explanation, the reviewer is deceived as to how differently the various projects operate.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** As noted on the figure itself, this is only a representation of the study boundaries of a typical TVA reservoir; the map is not intended to convey operational details about individual reservoir projects. The appropriate Land Management Office should be contacted for information related to the operation of a specific reservoir.

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**429** **Comment:** *The visitors of the Nashville District projects depicted in Figure 3.13-2 ought to be millions instead of thousands.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** You are correct. The FEIS has been amended to correct this oversight.

**430 Comment:** *I wish that photographs or line drawings had been used to illustrate the shoreline in each of the alternatives. An illustration of the shoreline in its fully developed state under each alternative would be more clearly and easily understood than the written description.*

**Comment by:** 1 survey comment

**Response:** This is a good suggestion which was considered but not pursued, in order to reduce the cost of printing the FEIS. Illustrations such as the ones suggested were used on exhibits at the public meetings to obtain comments on the DEIS.

**431 Comment:** *The map is such a scale that it serves no purpose.*

**Comment by:** 1 survey comment

**Response:** The commenter does not specify which map. The map on page 1-4 is a locator map of the Tennessee River and reservoir system. The folded Valleywide maps inside the back cover of the DEIS depict shoreland ownership and residential shoreline development patterns in the Tennessee Valley. Since this EIS is programmatic, the maps were designed to give an overview of the entire reservoir system. Larger-scale maps would be used in the development of individual reservoir plans. In order to reduce printing costs, the folded maps were not included in the FEIS.

**432 Comment:** *Metric conversion is not used or needed; so why print it? If the DEIS had listed the entire International Critical Tables, that could really have expanded the brochure.*

**Comment by:** J. A. Collinson

**Response:** The metric conversion table was included in the Executive Summary. A few graphics in the main document use metric measurements, such as *Figures 4.10-1, -2, -3, and -4* and *Table G-1* in Appendix G. The FEIS has been amended to include the conversion table.

**433 Comment:** *How is shoreline defined in this DEIS? The water line changes by 300 yards, depending on the time of year.*

**Comment by:** Joseph T. Frye (Frye Enterprises)

**434 Comment:** *Footprint is not defined.*

**Comment by:** 1 survey comment

**435 Comment:** *Woody understory is not defined.*

**Comment by:** 1 survey comment

**436 Comment:** *It was hard to figure out what the phrase additional areas actually meant.*

**Comment by:** 1 survey comment

**437 Comment:** *By not defining removable spring/spud poles, the DEIS fails to clearly illustrate Alternative C1 (page X-32).*

**Comment by:** 1 survey comment

**438** **Comment:** *It appears that a lot of work (and money) went into this study. It needs to give more information regarding terms, e.g., what is biostabilization, etc. A glossary at the back would be helpful. I am sure this information is in the full document, but time is of essence to us all.*

**Comment by:** 1 survey comment

**Response:** *Shoreline, footprint, additional areas, understory, and biostabilization* were defined in the DEIS glossary, and the term *removable spring/spud poles* has been added in the FEIS.

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**439** **Comment:** *I do not know for sure in which category my own property is located.*

**Comment by:** 1 survey comment

**440** **Comment:** *What does flowage easement mean? Does it mean that TVA took control of privately owned shoreland under the law for whatever purpose? If so, was this done with the written consent of the private owners?*

**Comment by:** Gloria Reagon Price

**Response:** TVA purchased flowage easements on some reservoirs. *Flowage easement shoreland* is defined in the FEIS glossary as privately owned lakeshore properties where TVA typically has (1) the right to flood the land as part of its reservoir operations and (2) the authority to control structures. Refer to Section 1.4.5 for a discussion of the four shoreland ownership categories, which includes flowage easement shoreland.

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**441** **Comment:** *There is no differentiation between seasonal and permanent residential shoreline, which could be a significant issue.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** The definitions for *summer pool* and *winter pool elevations* are given in the glossary.

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**442** **Comment:** *Section 26a pops in here and there; after more searching than was worthwhile, I cannot find what that is.*

**Comment by:** J. A. Collinson

**Response:** Under 26a of the TVA Act, no obstruction affecting navigation, flood control, or public lands may be constructed or maintained along or in the Tennessee River system without TVA approval (i.e., a 26a permit). For a list of the page numbers where 26a is discussed, see the Index under 26a Permits. We have added a definition of this term to the glossary.

## Chapter 3 – Development Issues

### Public Interest

Comments received from citizens or groups who opposed further residential shoreline alterations and were concerned about the public interest included topics such as:

- Importance of protecting and preserving public land
- Need to limit future residential shoreline development
- Public ownership of land managed by TVA

**443** **Comment:** *The Tennessee River, its tributaries, and shorelines are some of our most valuable public resources. Preserving the natural and scenic beauty and maintaining the health of this important river ecosystem should be of the utmost importance to all citizens who care about leaving a decent heritage for our children and future generations. People are attracted to our region and enjoy the lakes because there is not too much development, and it gives them a different type of experience apart from the working city environment. Yet, many people take our lakes and rivers for granted. TVA needs to play a larger role in helping to protect and preserve this pristine area.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group), John Johnson (Katuah Earth First), Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), William G. Minser, Tim Meyer, Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County), Ken Scharabok, 17 survey comments

**444** **Comment:** *TVA shoreline is not just real estate. It is a part of the American landscape that can never be reclaimed once it is developed.*

**Comment by:** Randy Brown (Foothills Land Conservancy)

**445** **Comment:** *The TVA reservoir system has already firmly implanted its footprint upon the natural ecosystems of the Southeast. Many of our fragile ecosystems now lie under water. It is critical that future effort be made to preserve that which we have left. TVA shoreline plays a very critical role in issues of both natural aesthetics and conservation. As a sportsman and as one interested in conservation, I recognize the grave importance that TVA-controlled shoreline represents.*

**Comment by:** Troy L. Ettl (The University of Tennessee)

**446** **Comment:** *The members of the Alabama Audubon Council, representing over 5,000 members in the state, would like to express our strong concern that TVA maintain its landholdings in conservation status. We recognize TVA's landholdings to be one of the most important conservation areas in the Southeast. These unique holdings provide wildlife habitat, watershed protection, recreational opportunities, and other qualities that are outstanding in our region.*

**Comment by:** Ann Tate (Alabama Audubon Council)

**447** **Comment:** *One of the reasons I moved here was to enjoy the lake without having to look at everyone's lawns for miles. If I wanted that I would live in Knoxville or Pittsburgh. But I like to look at trees; I do not want to see a yard mowed to the edge all the way down the lake.*

*Right now access rights are at 38 percent, but it could go to 63 percent if TVA keeps Alternative B1. I do not think anyone really wants that. People are thinking of their current situation—what is best for them, their property value, and so forth. But in the long run one pays for that.*

**Comment by:** B. J. Gillum

**448** **Comment:** *As more and more people have access to water and shorelines for economic or recreational purposes, we have to understand that one of the major reasons is to escape from highly developed areas. If the area flocked to is also highly developed, where can one go next? What can one use up next? All of us have to sacrifice pleasure, profits, and ease to keep what we have.*

**Comment by:** 1 survey comment

**449** **Comment:** *People are attracted to these reservoirs by what they provide: clean water, nice vistas, good places for recreation. If we do not put this at the center of how we manage the reservoir, we will destroy the very products that attract people. Southern California attracted so many people that they destroyed the environmental quality, and now they are burdened by taxes we cannot even dream of. If we dirty the water, we all pay taxes to build new water-treatment facilities. We need to consider the long term. We must look 100 years down the road, not 5 or 10. Otherwise, we will be paying incredible taxes to pay for the impacts we are creating now.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**450** **Comment:** *As population pressures in this country intensify and open spaces decrease, public lands will become even more important. This concern was also evident at the small number of the public hearings which were not dominated by lakeshore landowners. According to newspaper accounts, citizens at these meetings expressed far more support for controls on vegetation management and much less support for further privatization of public lands.*

**Comment by:** Mary S. Johnson

**451** **Comment:** *The Creator intends for us to care for the land and maintain its beauty. We should only disturb what he created when it is essential.*

**Comment by:** 1 survey comment

**452** **Comment:** *It seems most people care only about their own property and do not seem to be aware that what they do affects others and the earth itself. We are all connected and depend on each other in ways we cannot even see or understand. This includes the plants and animals, the water, air, and earth. We are part of an awesome creation and have been given its care. So far we have not done a good job. Eventually, what we do will come back to affect us. In fact, damming the rivers and creating lakes have already injured the earth's ecosystem. Must we continue to add insult to injury? It is arrogant of us to act as if we own the land and control the earth. Our existence is an immense gift, and we will be judged by how we treat it.*

**Comment by:** 1 survey comment

**453** **Comment:** *We as human beings are, like it or not, the caretakers of this planet Earth. However, we are failing at our task of maintaining a clean and healthy environment. There comes a time when things have gone beyond the point of return. Let that not happen with*

*our environment. We need to wake up and start being more constructive rather than destructive. This is not only for our own well-being but for that of our children and their children. They are the ones who will have to drink the dirty water and breathe the polluted air.*

**Comment by:** Loretta S. Overbey

**454** **Comment:** *We must, in all good conscience, preserve, protect, and repair (as practical) the earth for future generations. Success will not be judged on a single act but upon the combined and unified efforts of the people who are tasked with the responsibility of managing our natural resources. My heart goes out to you who must bear the mission before you. We, the people, watch with bated breath, hoping you have heard our words and understood our fears. Protect the earth; it is the only one we have. Good luck.*

**Comment by:** 1 survey comment

**455** **Comment:** *The river itself has no voice. It was here before us. We depend on it and act as if we can control and use it solely for our selfish reasons. When the river ecosystem dies, we will die, and we will have killed everything that is connected to the river also. I was extremely saddened to hear what most people had to say only focused on their narrow and short-sighted views. We need to think sustainability. The earth is finite and must be preserved and restored.*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**456** **Comment:** *One of the goals of the Tanasi Girl Scouts is to help children learn to preserve and protect the world around them. We emphasize very simple activities which are quickly disappearing from our children's lives—things like camping away from the sights and sounds of motorboats and houseboats; things like roasting marshmallows on the beach and watching the sunset, where there are just a mountain with trees and no houses on the horizon. Activities like canoeing are being lost.*

**Comment by:** Brooke Bradley (Tanasi Girl Scout Camp)

**457** **Comment:** *We speak of percentages lost, recovered, and/or protected as if we were dealing with the original whole, but we are not. Every year the original whole, those wildlands which support most effectively healthy species diversity, shrinks by a percentage. This is the same debate I have had with my fisheries boss at the Cumberland City power plant. He would tell me that calling oneself an environmentalist was not healthy for one's career and that a person in our line of work needed to make compromises. I would contend that we were compromising the fabric of life which sustains our very existence, that the fabric was wearing thin, and its ability to sustain was becoming precarious.*

**Comment by:** 1 survey comment

**458** **Comment:** *In the 1960s, if a wise person at TVA—I think it was General Herbert Vogel—had not put a stop to the wholesale auction of our shorelines every fall and spring, Guntersville Lake would be boathouses from one end to the other. TVA would make a great mistake if they now opened up their public lands for residential development. We would end up with no public lands. Dr. Arthur E. Morgan was TVA's Chief Engineer and Chairman of the first TVA Board. I have a personal letter from him dated March 2, 1956, and written during the controversy over the timber-cutting here. By this time he was long gone from TVA and was the president of a college. He said, "Dear Mr. Smith: . . . This letter is just to express my appreciation of what you have accomplished [in the stopping of the timber-cutting in Little Mountain State Park]. In the early days of the TVA, in the processes of acquiring lands for the Norris, Wheeler, and Guntersville Reservoirs, I tried very hard to save the natural beauty spots around the reservoir margins for the public use of the generations to follow. In refer-*

*ence to later dams, the process of acquisition of shorelands was much more restricted. As the population of our country increases, and as leisure time increases, the need for recreation space, and for bits of unspoiled nature to which people can go for refreshment of spirit, will continue to increase. Past generations have been so close to pioneering days that there has been lacking a sense of urgency in the preservation of fine bits of nature. It may be a generation or two more before the full import of that need is recognized. I have felt that in the meantime the best we can do is to hold the fort, to keep our fine, unspoiled recreation areas in that condition until such an appreciation of them grows which will ensure the necessary protection. For your help in this process of standing guard, I am deeply grateful. A natural forest park should not have any timber cut. A dead tree is home for woodpeckers, nuthatches and flickers; a fallen tree covered with moss is as much part of the natural forest as the growing trees. A forest in its natural condition has values which will gradually come to be appreciated. Before going to the TVA I was able to assemble forest lands in providing reservoirs and otherwise on other projects. Today those forest parks, acquired at very small expense, have as many visitors as some of our national parks. I think that the same may, in time, be true of yours if they receive good care."*

**Comment by:** Claude H. Smith

**459** **Comment:** *It is an attitude. We either want to take care of the shoreline, or we just want to get out of it what we can. Keeping it as green as possible would be my preference if I were a homeowner. The land should be kept as natural as possible, and people should also have access to enjoy the river.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**460** **Comment:** *From now on it is essential that we preserve the remaining undeveloped lakefront to the maximum reasonable extent. This is a public trust that is held for all of us who enjoy the lake and enjoy its beauty. We enjoy it not because it is developed, but because of its natural state.*

**Comment by:** Daniel Payne Hale, Gordon Robbins (Greenways Oak Ridge)

**461** **Comment:** *The natural state is how things should be left, not "improved" by cutting and denuding the landscape. What about a policy of "managed open spaces and recreational uses"? I hope that TVA is hearing all over the region from citizens such as me, who have nothing to gain financially from possible development alternatives but understand society has much to gain by having places remain in their natural state, places that provide recreation, solitude, free ecological services (like clean air, water, and abundant wildlife), and vistas free from towers, docks, business, and pollution.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**462** **Comment:** *We all own the roughly 11,000 miles of shoreline that are a public resource. TVA is the custodian of an outstanding natural resource. Without this custodianship, this resource would be badly degraded, as we can see on reservoirs elsewhere in the country. We now have an opportunity to contribute to this custodianship.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning)

**463** **Comment:** *Continued development will result in an overcrowding of our lakes. This will increase trash, pollution, and soil erosion and have a tremendous impact on scenic beauty, water quality, natural resources, tourism, and the economy. Ultimately, this will diminish the quality of life and the recreational experience. The beauty of the lakes is the undeveloped shoreline. In addition to flood control and navigation, TVA has been entrusted by the public to protect this undeveloped shoreline and its environment from uncontrolled development.*

*TVA must implement and enforce measures to protect forests, wetlands, and shoreline management zones; preserve wildlife and aquatic habitat; stop erosion and run-off pollution; keep the shoreline and water clean; and conserve the lakes and natural areas for our children and grandchildren. There needs to be more emphasis that our lakes and shoreline are a national resource and need to be managed for their long-term benefits. Therefore, any TVA policy should impact the environment only minimally and should exempt special and unique environmental and recreational lands from development.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council), Barbara Price (Friends of the Tennessee River), Denny Haldeman, Kenneth Wills (Alabama Environmental Council), Larry Richardson (Tennessee Conservation League), Margaret Rohs, Sandra Wright, Thomas C. Wright, William Russell, J. C. Kennedy, Mary S. Uziel, Mayo Uziel, John T. Taylor (United States Fish and Wildlife Service), 67 survey comments

**464** **Comment:** *I do not want to see the Tennessee Valley lakes overdeveloped. Once the land is gone, it is gone forever. I love Middle Tennessee, but the development around the lakes there is scary. An example is Tellico Lake.*

**Comment by:** Dean Martin

**465** **Comment:** *Under any of these plans, TVA lands will eventually come to resemble those of the Fox River Valley in Illinois. That valley is virtually wall-to-wall residences. The Fox River is so overcrowded with boats and piers and boat slips that there actually used to be a floating hot dog stand to service boaters. It is almost totally degraded. Its fish are full of tumors, and the wildlife management agency advises not eating them.*

**Comment by:** 1 survey comment

**466** **Comment:** *The best possible use of these natural resources is to preserve them in their current natural state, without significant additional development—residential or otherwise. If development is allowed to continue, the very values that we cherish and admire in these lands and waterways will be destroyed by the thousands of people who intend to build on and near these areas. It is imperative that we enter into an era which will value the stewardship of our natural resources above overdevelopment and exploitation. I have lived on Lake Michigan and the Chain of Lakes in Northern Illinois. I have seen what uncontrolled and exploited shoreline management can do. It is a disaster. I do not want to see that happen here.*

**Comment by:** Cassi M. Yost

**467** **Comment:** *The bass club I fish with goes to Lake Martin at Alexander City at least once a year and has done so for the last 15-20 years. In that time span we have seen the shoreline go from being almost primitive to having large homes on just about every lot on the shoreline. This has really taken the natural beauty from the lake. Other members of the bass club have also mentioned how this has detracted from the lake. Some companies and individuals who have access to or use our lakes and rivers abuse that privilege. Our environment is very fragile, and even small violations should be considered seriously. If someone wants to see how shoreline development has destroyed the natural beauty of a lake, I offer to take a day off from work and go for a boat tour of Lake Martin. Many other lakes—Weiss, Loy, Neely Henry—are experiencing the same things as Lake Martin. I also realize that some development must occur, but please do not let what happened at Lake Martin happen on the Tennessee River.*

**Comment by:** 1 survey comment

**468** **Comment:** *If you want to see what your shoreline would look like in 20 years, come look at McKellar Lake in Memphis. There are about 50 shack boathouses and about 75 people living permanently in them, using house commodes. At Lake Tahoe there are hundreds of houses surrounding the lake. Each house has a septic tank between the house and the lake. They now have a major pollution problem they do not know how to correct. Before you propose a problem, find an answer to it, and leave the beauty of Pickwick Lake as it is.*

**Comment by:** 1 survey comment

**469** **Comment:** *At Tims Ford we have problems with water quality, trash, erosion, crowds (on weekends and holidays), and noise. Further development will only make these problems worse. I favor a policy that restricts development, stops erosion (help us—I cannot afford to put riprap along my shoreline), and removes the sources of noise around the lake.*

**Comment by:** 1 survey comment

**470** **Comment:** *Undeveloped public land is of growing importance to the recreational, environmental, and economic health of the Valley. It will only increase in value to the American people. We urge you to carefully evaluate lands eligible for development. Those with significant wildlife, scenic, or agricultural values should be permanently set aside for future generations.*

**Comment by:** Randy Brown (Foothills Land Conservancy)

**471** **Comment:** *Although politically TVA must consider economic development and property values in the region, I feel that such concerns must take a back seat to good stewardship of public land.*

**Comment by:** 1 survey comment

**472** **Comment:** *TVA has dual conservation and development mandates; yet, in the past, development has taken precedence over conservation. In this age of increasing environmental awareness, TVA needs to become the sustainable development/ecosensitive model for the region. They need to promote cluster development and neotraditional-, village-, and town-style concepts (like the Norris model), not suburbanization of the landscape.*

**Comment by:** 1 survey comment

**473** **Comment:** *TVA needs to leave extensive areas untouched in order to keep an ecosystem, which includes all the species that play in that area. Fragmenting the ecosystem destroys it. Compartment 52 is a good example. Leave it alone, and leave the bat caves alone.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**474** **Comment:** *I would like to see TVA's future actions follow the precedents it has set over the last several years. We strongly support the commitment TVA has made to the natural environment and to the citizens of Tennessee, by setting aside critical natural areas along its reservoirs. The TVA reservoirs and surrounding properties are some of our area's greatest natural treasures; they must be managed wisely and with an eye to the future.*

**Comment by:** R. Kincaid Mills, James O. Mills

**475** **Comment:** *An important concept that seems to apply here is sustainability. Our actions influence the ability of our children to have the same quality of life that we enjoy. So let us do things today that will give them the same opportunity to have as much fun and enjoyment as we have had.*

**Comment by:** Kim Pritchard

**476** **Comment:** *Population growth puts steadily increasing pressure on limited natural resources. The TVA reservoir system can be included in a very broad definition of natural resources. The strictest possible shoreline management should be initiated now to preserve what is left of the TVA reservoir natural shoreline.*

**Comment by:** 4 survey comments

**477** **Comment:** *Millions of citizens, both local and visitors, receive many benefits from public ownership of 265,000 acres around 30 publicly owned reservoirs managed by TVA. We have supported efforts to properly manage the waters and adjacent land because they provide numerous opportunities for hunting, fishing, birding, boating, swimming, etc. Yet, during the past decade, the Institute has become increasingly concerned about increased residential and commercial development along shorelines of TVA-managed reservoirs. The impacts to fish, wildlife, water quality, and other natural values are increasing. The increased affluence of a growing human population is having its impact on the resources. If not checked, the very values of the reservoirs that many millions of people admire will be destroyed by a few thousand people who hope to build on or near the lands and waters. TVA officials who are legally responsible must not allow this to occur.*

**Comment by:** Chester A. McConnell (Wildlife Management Institute)

**478** **Comment:** *The Department of Environment, Health, and Natural Resources (North Carolina Division) strongly supports the proposed Initiative. As is well reviewed in the document, protection of shoreline habitats can have many beneficial effects, including protection of water quality; protection of aquatic habitats, including those needed by endangered and threatened species; protection of corridors of intact vegetation that are needed as corridors for wildlife movements; and protection of aesthetic and recreational values. The proliferation of shoreline development, including clearing for lawns or views of the lake, can have adverse effects on all of the above.*

**Comment by:** Stephen Hall (North Carolina Department of Environment, Health, and Natural Resources)

**479** **Comment:** *We cannot continue to deplete natural resources (i.e., shoreline vegetation, soils, water quality, wildlife, endangered species) for commercial gain and use. TVA has allowed people access to beautiful and environmentally sound areas, which is what made us move to this area. Although I would love to live on the shoreline, I realize that a greater human presence means a greater loss of natural resources.*

**Comment by:** 1 survey comment

**480** **Comment:** *Economically speaking, protecting and preserving the TVA shorelines will be a longer-lasting public benefit than any permanently land-altering development project. This is our chance to make a strong stand for wetlands protection, endangered species, and recreational use of our rapidly disappearing wild lands. Development must be controlled. Developers have the option to improve existing structures or build on parking lots; they do not need to develop wilderness.*

**Comment by:** 1 survey comment

**481** **Comment:** *There should be vast natural areas maintained for the creatures of the wild. All life depends upon other life, and there are many forms other than man whose interests must be protected. With the passing of thousands of species each year, how far away is our own extinction? We want to ensure that all areas of the shoreline and the river can be protected and enjoyed by today's population and the many generations to come.*

**Comment by:** Larry P. A. Maney (Organization of Native Americans of TVA)

**482** **Comment:** *The existing economic and recreational development depends on the quality and management of the natural resources that are already starting to decline. We must preserve this vast resource (the entire watershed) with access consideration for private lands and adjoining landowners. Public lands must be preserved for the organisms that inhabit them and for our children. I commend TVA for their concern and willingness to accept the responsibility of enforcement and management of these lands. Listen to the people. Do the right things and look to the future to protect the “total” environment.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**483** **Comment:** *The decisions we make today are going to affect generations 50, 100, 200 years from now. What kind of a legacy do we want to leave them? Folks who live out on the lake, including me, do not know what we have and what we are destroying. Think about it. TVA is on the right approach.*

**Comment by:** Kenneth H. Dubke

**484** **Comment:** *Something needs to be said about the relationship to future generations. Many people would be more likely to accept governmental intervention and control if a wider view were presented at first, and they could see that it is actually protecting and preserving common land for their children and grandchildren.*

**Comment by:** 1 survey comment

**485** **Comment:** *I would like to see the public lands in an undeveloped state. The main attraction for tourists is not Dollywood and shopping outlets; it is our wildlands. We need to set aside public lands where one can go for peace of mind. Once we lose this land, it can never be replaced, and money can never bring it back. Let us not repeat the mistakes of other countries. Let us conserve our land so that our future children have a place to enjoy the natural beauty of our country.*

**Comment by:** Lisa Richardson-Calfee

**486** **Comment:** *It is possible that more wildlife refuges, public parks, wildlife management areas, public lands, etc., have not been set aside because it has always been assumed that TVA land will not be developed. Public lands need to be set aside first if more development is allowed.*

**Comment by:** 1 survey comment

**487** **Comment:** *A person can go to the lake or river once, ten times, or a hundred times a year and leave almost no evidence of damage; but when he goes there and builds his economic monument—a house, boat dock, or landscaped vista—it is semipermanent and thus takes away from future generations.*

**Comment by:** 2 survey comments

**488** **Comment:** *If TVA is having financial problems, let us come together as a community and decide on solutions. Any of these proposals would be suicide, however. The Tennessee Valley is no longer a well-kept secret, because TVA has controlled development. The result is some of the most beautiful land on this planet. Let our higher values prevail to preserve this gift for future generations, who we hope will have evolved from the overconsumptive/more growth/more jobs mentality to an appreciation of sensible and moderate growth while preserving and protecting our environment.*

**Comment by:** William D. Stokes

**489** **Comment:** *These public lands, the small areas and the large, already belong to us; so let us make sure they are used to serve the needs of future generations. It is going to take resources to manage the shoreline, and I am concerned about TVA's budget cuts. Weed control and other things are being cut, as well as some of the land management funds. I am concerned that, as development progresses, TVA will not have enough resources to manage it. Maintaining these narrow strips of land and the big chunks as conservation areas may be one of the more practical, cost-effective ways of dealing with the land and ensuring water quality in a time of decreasing budget.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**490** **Comment:** *We view TVA's landholdings as the most important conservation lands in our region. The Tennessee River and surrounding lands are a regional and national treasure. When we consider the development of up to 48 percent of the shoreline, it is easy to forget that such development is irreversible. TVA lands are unique because of their contiguous nature. As natural lands in private hands are fragmented, subdivided, and parceled to tiny pieces, those few large holdings like TVA's must be held intact to preserve some remnant of the natural forested lands which once covered this portion of our continent. It is shortsighted to consider development of the TVA riverfront when the rest of the region is slowly turned into suburbia. We urge TVA, who received their holdings under federal mandate, to hold these lands as a sacred trust for future generations. When compared to the great national parks of our nation, TVA's lands may not be considered spectacular. However, with the current rate of urban growth and deforestation in the Southeast, it will not be long before TVA's land holdings are considered a regional treasure—if they are held in conservation status and not developed. One hundred years from now, the people of this nation will know whether TVA conserved these lands or gave in to pressures to develop them for private gain.*

**Comment by:** William J. Rogers (The Shoals Audubon Society)

**Response:** Comments noted. TVA agrees that public lands become increasingly important as growth occurs. Public lands can be used to help meet a variety of short- and long-term needs. SMI was initiated to reexamine how TVA should manage residential shoreline access to best meet these needs. SMI examines potential short- and long-term impacts on natural resources such as wildlife, fisheries, and vegetation, as well as values such as open space and aesthetics. TVA thinks that the Blended Alternative strikes a balance between accommodating today's need for reasonable access to TVA's shorelines with tomorrow's need for undeveloped open space. The Blended Alternative would place high priority on the management of nonresidential shorelines to conserve their ecological and recreational values. The Blended Alternative includes a management strategy that uses a number of forward-looking techniques such as a maintain-and-gain public shoreline policy, a shoreline categorization system, conservation easements, public education, and incentives. By adopting such a management strategy now, TVA hopes that an appropriate balance between current and future needs can be maintained. Further information about the Blended Alternative can be found in Section 2.8 of the FEIS.

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**491** **Comment:** *Priority should be given to controlling the total amount of development.*

**Comment by:** 2 survey comments

**492** **Comment:** *We should severely limit the number of people living in the ecologically diverse microenvironments of our waterways.*

**Comment by:** 1 survey comment

**493** **Comment:** *My husband and I are in favor of the least possible development and the least disturbance to the environment. Only 10 percent of the undeveloped shoreline is left on our lake. The majority here hope to leave it as it is. Nature is spiritually uplifting; houses are not.*

**Comment by:** 1 survey comment

**494** **Comment:** *I do not want to see the lake totally opened up. I do not want to go down to the shoreline and see a cabin and a dock every time I turn a corner. It is important that we maintain the lake in some semblance of beauty that it has today. I would like to still be able to see eagles. The lake is beautiful.*

**Comment by:** Bobby Wood

**495** **Comment:** *The private development of the Norris Lake shoreline makes me sad. I am very tired of everything being mowed down and cleared off.*

**Comment by:** Douglas Snelson

**496** **Comment:** *I hope no docks will be permitted along rivers as narrow and vulnerable as the Hiwassee. I hope TVA will work hard to preserve waterways such as the Hiwassee, which is quickly being destroyed by those who do not know any better.*

**Comment by:** Sue Little

**497** **Comment:** *The Hiwassee should be developed to the extent the environment is not harmed.*

**Comment by:** James E. Sherrill

**498** **Comment:** *TVA should hold residential development to an absolute minimum and to areas naturally suited for development. Leaving the undeveloped shoreline alone would attract more people than developing it.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Mary Huddleston, 1 evaluation form comment (Clinton, TN), 14 survey comments

**499** **Comment:** *Optimum residential development on Tims Ford Lake is about maxed out. It probably would be best at this time to call for a slowdown in further residential development and try to get a better handle on what needs to be done to combat littering and erosion. Also it needs to be determined how these issues can be funded.*

**Comment by:** 1 survey comment

**500** **Comment:** *TVA should limit residential development to those areas with existing access rights (i.e., 38 percent of the shoreline). Additional areas should not be opened, especially since we have not even used 50 percent of what is currently available.*

**Comment by:** Michael A. Butler (Tennessee Conservation League), Tracy Slemmer, 1 evaluation form comment (Farragut, TN), 1 evaluation form comment (Murray, KY), 12 survey comments

**501** **Comment:** *There is already enough development impacting the natural beauty of our lakes. I prefer the alternative which allows the least additional development without restricting commerce and individual rights.*

**Comment by:** 2 survey comments

**502** **Comment:** *I support 38 percent development, with sufficient control of erosion and enforcement of maintenance violations.*

**Comment by:** 1 survey comment

**503** **Comment:** *Even though TVA estimates buildout under Alternative C1 at 48 percent, I did not see anything in the EIS to guarantee this limit. Buildout should not exceed 38 percent under any alternative, which still allows much more room to grow. We are already being cramped by the development we have now, which is why we have the need for this study in the first place.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**504** **Comment:** *Open no more areas for residential development. Even with controls, guidelines, laws, etc., humans have a way of ruining and misusing all that is natural and a gift to us. We use up and destroy in the process.*

**Comment by:** 1 survey comment

**505** **Comment:** *I thought TVA adequately identified the environmental factors but then disregarded them for the most part by deciding to develop 2,809 to 5,510 additional miles of shoreline.*

**Comment by:** 1 survey comment

**506** **Comment:** *TVA shoreline is limited. There is only so much of it. Allowing further development because of pressure from a few people is very foolish and very shortsighted. If the 38 percent is allowed to drift upward to 45 or 50 percent, then in 15, 20, or 50 years, more pressure will push it to 60 or 70 percent. This threat of creeping development is insidious and will rob our descendants of a priceless heritage which we now have. Please draw the line now.*

**Comment by:** 1 survey comment

**507** **Comment:** *No more public land should be made available for development. There is only so much shoreline. If more shoreline is opened for development, there will still be pressure to make more and more of it available until all of it is developed. If more shoreline is opened for development, a fortunate few will benefit, but the general public will suffer an irreplaceable loss.*

**Comment by:** Bill Evans

**508** **Comment:** *I am writing on behalf of 1300-plus members of the Tennessee Scenic Rivers Association. We are an all-volunteer organization devoted to the preservation of Tennessee's rivers. The SMI has been discussed at our board meetings, and our primary comment is that TVA should "manage reservoir shorelands to minimize environmental disturbances." We also strongly urge TVA to limit residential development to areas with existing access rights. The stewardship of these lakes is a very important issue. We urge you to continue development of this program with the protection of shoreline, rather than further development, as the foremost goal.*

**Comment by:** Jack Lyle (Tennessee Scenic Rivers Association, Inc.)

**509** **Comment:** *When you are dealing with TVA-owned land without existing access rights, then it is very appropriate to have a buffer zone. Such property should be made available for additional residential use only in very limited and exceptional situations, if at all.*

**Comment by:** Allen N. Palmer

**510** **Comment:** *Those who own land all the way down to the shoreline should be able to do what they want to with private land. But if TVA has a buffer zone in front of the property, that is public land that should not be developed. Leave it like it is.*

**Comment by:** 1 unidentified speaker comment (Murray, KY public meeting)

**Response:** The objective of SMI is to provide reasonable access to TVA lakes, while better protecting reservoir resources and values. Several alternatives, including the Blended Alternative, attempt to do this using techniques such as shoreline categorization and conservation easements. Categorizing shorelines will help identify where residential shoreline development should and should not occur. In addition, some of the alternatives, such as the Blended Alternative, seek to maintain TVA's undeveloped shorelines by holding future development to those areas that are currently open for shoreline alterations. The Blended Alternative also seeks to limit shoreline development impacts by including vegetation management and other standards that would be applied to TVA-owned residential access shoreland. See Chapter 1, Section 1.4.5, for an explanation of property rights on the reservoir system. It should be noted that the buildout percentage (i.e., 38, 48, or 63) associated with each of the alternatives represents nothing more than TVA's estimate of the upper limit or maximum amount of development that could occur over SMI's 25-year planning horizon. This does not mean that buildout necessarily would occur because these percentages are not development goals or targets. These upper limits were needed for analysis purposes only and were used by the resource specialists primarily in their assessment of the environmental impacts expected under each of the alternatives.

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**511** **Comment:** *A TVA goal in the SMI should be that there will be no net loss of undeveloped shoreline.*

**Comment by:** Marvin Johnson (Tennessee Valley Sportsmen's Club)

**512** **Comment:** *There should be no net loss of public lands. If anything, we should be finding ways to gain lands.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**513** **Comment:** *The Recreation Services Division encourages TVA to develop additional alternatives that would minimize future development impacts on our natural resources. Currently, no alternative is provided by TVA that would result in less than a 25 percent increase in development. A no-net-loss strategy should be developed to minimize the potential impact on recreation, as well as the critical natural resources of the Valley.*

**Comment by:** Alison Brayton (Tennessee Department of Environment and Conservation)

**514** **Comment:** *The Tennessee Conservation League (TCL) believes that shoreline development should be limited to 38 percent of the total shoreline, in view of the different land ownership categories and the fact that private property rights exist on that 38 percent. We advocate no net loss of public lands.*

*When additional shoreline development is being considered, TVA should identify and protect ecologically sensitive and important areas. TCL urges TVA to consider a shoreline management alternative that will ensure adequate shoreline vegetation protection for erosion and pollution control and aesthetic quality for public recreational users.*

**Comment by:** Larry Richardson (Tennessee Conservation League)

**515** **Comment:** *The demand for public use areas in the state of Tennessee is only going to increase, and TVA needs to hold these areas as a public trust. We have a diverse wealth of*

*natural resources throughout Tennessee, unlike a lot of other states. As a result, there is pressure on Tennessee for use of those resources. TCL feels that we need to be extremely careful in using those resources, especially the public ones, because they are going to become more and more scarce.*

*This land was acquired by TVA through eminent domain, or it was purchased, and it is public land for which we all pay taxes to enjoy. Not everybody can afford to live on the lake or own a bass boat, but they still like to use the lake. It is a valid point that the landowners on the lake are cleaning up behind other people who use the lakes. But the fact is that the public has a right to use the lakes. Many people from Cincinnati, Ohio, use the upper lakes in East Tennessee, and that is their right because those are public resources. The remaining 62 percent of the shoreline under TVA control should be kept public. We passed a resolution at our annual meeting that advocates no net loss of TVA public land.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** TVA's new Blended Alternative establishes a maintain-and-gain policy that would result in no net loss of nonresidential TVA public shoreline at a minimum. This alternative was formulated to respond to concerns that opening up new shoreline for residential shoreline development would have unacceptable impacts on the reservoir system's remaining natural resources and public values. Under this alternative, TVA would seek to limit residential shoreline development to those areas that now have access rights and are open for consideration of dock and other shoreline alteration proposals. Even within these areas, alterations would not be permitted where there would be adverse impacts to sensitive resources, navigation, flood control, or power generation (see Section 1.4.5.) TVA would also try to gain public benefits over open lands through such techniques as conservation easements. The proposed shoreline categorization system would better protect environmentally sensitive open lands. For more information, refer to Section 2.8 of the FEIS.

**516** **Comment:** *Limit residential development to 42 percent on main channel lakes and 38 percent on tributary lakes.*

**Comment by:** 1 survey comment

**517** **Comment:** *Limit development to 43 percent.*

**Comment by:** 2 survey comments

**Response:** It should be noted the buildout percentages associated with SMI's various alternatives were used in the analysis of alternatives and are not part of the alternatives themselves. These percentages represent only TVA's prediction of the maximum amount of development that could occur over SMI's 25-year planning horizon and are not goals or targets. The impacts from these suggestions would fall between Alternatives C1 and C2.

**518** **Comment:** *According to the current ownership patterns (see Summary Figure 3), 38 percent of the shoreline is already subject to easements granted by TVA or held by it and is thus subject to management for other than conservation purposes. Further, 37 percent has already been conveyed for industrial and residential development, commercial and public recreation, and resource management. Thus, 75 percent of the shoreline is already subject to other uses. Only 25 percent is left. That small remaining amount should be retained for public use for the betterment of the natural resources of the reservoirs, including protection against adverse impacts on water quality, which, in turn, would still benefit municipal and industrial users. Full utilization of these techniques is available only on the remaining*

*25 percent of TVA-owned-and-managed shoreland. We have heard from other sources that the 75 percent development figure could range upward to 90 percent; perhaps that is only true as to certain reservoirs, but in those cases it would be more essential to preserve from development the presently TVA-owned-and-managed shoreline.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** This comment reflects a misunderstanding of the nature of ownership along TVA reservoirs. There are four broad categories of shoreland ownership around the reservoir system. These include:

1. Flowage easement shoreland (21 percent of shoreline)—privately owned land where TVA has the right to flood and control structures.
2. TVA-owned residential access shoreland (17 percent of shoreline)—TVA-owned land where the adjacent private property owner has access rights and may apply for dock or other shoreline alteration permits.
3. TVA-owned-and-jointly-managed shoreland (37 percent of shoreline)
4. TVA-owned-and-managed shoreland (25 percent of shoreline)

Only the first two categories are currently open for private water-use permit applications. See Section 1.4.5 for further information on ownership patterns. TVA-owned-and-jointly-managed areas do not include residential access rights. Under TVA's new Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered.

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**519** **Comment:** *Our lakes and shorelines are valuable resources that were purchased and developed with public funds and belong to all of us. They are protected for the enjoyment of all citizens. Therefore, TVA land should be managed based on what the public wants, not just a privileged, elite group of developers and lakefront property owners who sometimes get preferential treatment. When property was condemned to allow the creation of the TVA reservoirs, it was supposedly done for the greatest public good. This land should not be used now to benefit only the fortunate few who are able to buy property adjoining the lakes. We all have the same rights to use and enjoy the shoreline, and no group should be granted privileges at the expense of others. In this respect, TVA needs to see that all people are treated the same. Poor people love the river too. Concentrate on protecting the environment and the rights of the public to equal access and use of the land for recreation and enjoyment, and not solely as a dwelling place for those who have money. It is for the benefit of the public at large that a maximum amount of public and unspoiled shoreline should be maintained.*

**Comment by:** Danny Solomon, Joe Adkins, Liane B. Russell (Tennessee Citizens for Wilderness Planning), Patrick Lyons, Bobby Johnson, Jean Johnson, Tim Meyer, Eric Hirst, Susan Hirst, Rhovean M. Rinella, Mary S. Johnson, 33 survey comments

**520** **Comment:** *Land use rights imply (incorrectly, we believe) that property owners' rights supersede nonowners' rights to a quality lake experience. TVA is a public, government agency, and TVA lakes would not exist without the people's authority. Therefore, the people as a whole should have ultimate domain over the shoreline, and only in very restrictive and limited circumstances should the public's rights be permitted away to individuals.*

**Comment by:** 3 survey comments

**521** **Comment:** *I love the lake and Tennessee River, and I do not want to see it taken by private ownership. I grew up enjoying all the benefits of living near the lakes and river. Private ownership denies the public enjoyment of the lake and destroys the beauty and quality of water and the shoreline.*

**Comment by:** 1 survey comment

**522** **Comment:** *TVA has a public trust which should be their primary interest, above the relatively few interests of those presently situated at the shoreline. The overreaching issue is environmental protection of all citizens, not a few relatively self-centered but loud participants.*

**Comment by:** 1 survey comment

**523** **Comment:** *TVA should take a long-term (10-to-20-year) perspective, focusing on a broad public perspective. Focus on environmental quality. Do not pay too much attention to the narrow views of lakefront property owners.*

**Comment by:** 1 survey comment

**524** **Comment:** *Free public access has been barred on so many of this country's shorelines (lake, river, ocean). They have been monopolized by private ownership and commercial exploitation. There are not enough public parks (state, federal, local) to provide access for all other people who are not fortunate to own shoreline property.*

**Comment by:** 1 survey comment

**525** **Comment:** *Since TVA reservoirs were developed with public funds, the property owners make up a very, very small percentage of the taxpayers who use the TVA reservoirs. The issue of lake user rights on TVA public lands should be more important than landowner rights.*

**Comment by:** 1 survey comment

**526** **Comment:** *I am one of the approximately 98.4 percent of the residents of the Valley who do not own shoreline property. But we are nonetheless stakeholders in those lakes. We own the lakes and we own the shoreline. We also vote. Even under the most obscene projection, that associated with Alternative A, only about 6 percent of the inhabitants of the Valley will be on the shoreline or in second lot developments. Ninety-four percent of us in the Valley still will not be on a shoreline, but those lakes are ours.*

**Comment by:** Stan Guffey

**527** **Comment:** *There are no individuals in an ant colony. Everything is done for the good of the population as a whole, and that is why they achieve the level of success that they do. That kind of influence ought to be in our societies today. We need to be more considerate of one another, not thinking about just ourselves. We need to think about our neighbors and grandchildren 50 years down the road. We need to take a better overall look at how we are dealing with this planet and with one another in general. It is unfair for people who own lakeshore property to feel that they have a lot more stake in this than I do because I do not own lakeshore property. It is everybody's property and I have every bit as much a stake in it as anyone else.*

**Comment by:** Earl F. Calfee, III

**528** **Comment:** *TVA seems to listen more to property owners with their own selfish desires. TVA took my great grandparents' farm years ago, but my family has not really suffered because of it. Why did TVA not retain all property rights along the reservoirs and rivers? TVA is obligated to protect adjacent lands of the reservoirs; so do it. The more rights TVA gives to property owners, the fewer rights the rest of us have. The rest of us outnumber the property owners by far. So please consider that in your decision-making.*

**Comment by:** 1 survey comment

**529** **Comment:** *TVA land management and aquatic biology programs are in danger of being starved for funding from Congress. Unless TVA takes a more populist stand and works for the general welfare of the voting public as a whole, the die is cast for the end of the agency. Favoring private developers and lakeside property owners will not provide enough funding to survive. If TVA could renew its efforts to benefit the public who visits the lakes for recreation, there is a chance to continue. Plan and build some nature parks at the River Park below Chickamauga Dam, for example. Fight for the public good and we can help you. Cater to selfish interests, and you should prepare your resumes and start networking for another job.*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**530** **Comment:** *TVA must protect the public lands that remain. Do not let the adjacent landowners treat it as if it were theirs. Get tough and do what you are supposed to do—protect and manage public lands. Quit bowing to political pressure; it is your mandate to protect and manage; explain that to the politicians. The people who lose in private development of public land are the overwhelming majority; lakefront owners are the minority. Do not cater to them. TVA is charged with stewardship of public land for the public. If TVA will not do what is right, the land should be turned over to the Nature Conservancy or another group that will protect the public land and not bow to political pressure. If tighter control is not instituted, the shoreline will be lost for future generations. The group poll tells a different story than the public meetings. Remember who the majority of the people are. Boaters come to the lake to get away from the urban environment, not to get back into it. Please protect our public land from the handful of selfish landowners who think they have the right to privatize the public assets.*

**Comment by:** 1 survey comment

**531** **Comment:** *Forty to fifty years ago TVA acquired most of the lands on our major river systems and their tributaries to build the lakes. In acquiring those lands, a lot of it was done with the power of eminent domain, where the landowners did not want to sell but were forced to for the public good. It is a public resource and we better take care of it, or our grandchildren will suffer. Once it becomes private development, you are no longer welcome on that property; you get excluded on lands that you paid for with tax dollars. But our lakes and the lands around them that were purchased by TVA are public property. The owners are all of us, whether we live here or in California or Nevada, or wherever; whether we fish or ski or boat or not, it belongs to everybody. We have a tremendous obligation as citizens to see that these public lands in the future are used for the greatest benefit of us and our children and grandchildren. What we decide now is going to decide that. Over 60 percent of the shoreline is in public ownership or controlled through TVA. TVA is the custodian, but we are the owners.*

**Comment by:** William G. Minser

**532** **Comment:** *Our quality of life and the very life of our natural heritage are at stake as solutions are sought to avert an impending disaster. The Tennessee River is part of the commons belonging to all of us, and its future should be decided by all of us. At present, devel-*

opment interests and shoreline dwellers are asserting their “rights” to continue degradation of shoreline by popular demand. There are those with financial interests who have fanned the flames of fear or regulation among shoreline dwellers, the majority of whom are responsible citizens. Please do not allow the minority—development interests and their minions—to determine the fate of our Tennessee River, our water quality, and our quality of life. We cannot all live upstream or on the shore. Killing the river by loving it to death and failing to act is little different than doing it with malicious intent. Call 1-800-TVA-LAND to become involved in determining the fate of our Valley’s most precious resource and life support system—our Tennessee River.

**Comment by:** Denny Haldeman

**533** **Comment:** *It is my great hope that TVA will increasingly manage shoreline as a public resource and not as a private benefit to householders along the shoreline. In some areas householders’ yard-to-yard and street-to-shore mowing already creates the powerful visual effect that the lakes and access to or along them is private, particularly around Tims Ford Lake. Property owners by word and deed act together to groom “their” shorelines so that the total appearance is that the shoreline is fully an extension of their yards. This is intimidating to public users. TVA needs to abandon the implicit elitist agenda of its past policies and embrace a public-resource philosophy for its shoreline management. TVA lakes are not private clubs—but the restrictive covenants, the generally high real estate values around the lakes, and the sub-rosa de facto agreements tolerated in the past make our public lakes appear very much like the stronghold of a privileged, elite class.*

**Comment by:** Gerald L. Smith (The University of the South)

**534** **Comment:** *We very much enjoy the solitude and scenic beauty found while boating on the unspoiled coves and shoreline found at most TVA lakes. Further development brings more boat docks, tree cutting, roads, and houses. These types of development only cater to the wealthiest segment of our society. The common man is restricted more and more as to where he can visit and feel welcome. The beautiful coves located above Pickwick Dam on the eastern shore are a classic example of this. Just recently these were unspoiled and a favorite of fisherman and boaters alike. Now, half-million-dollar homes and boat docks crowd the shore, making nonhomeowners feel like intruders and ruining any sense of privacy that used to be found. We realize that some development is inevitable with the increasing population and demand for the lakeside lifestyle. However, such development must be tempered so as not to destroy the very qualities that make these lakes so attractive.*

**Comment by:** Martin Beckler, Gayle Beckler

**535** **Comment:** *With privatization we might not still have a voice about this land. I am particularly concerned about corporate interests that might result from the privatization.*

**Comment by:** Paul Kwiatkowski

**536** **Comment:** *Residential shoreline alterations are increasing by 6 percent per year. Development must slow tremendously or we will lose valuable resources permanently. It is the purpose and function of government agencies to limit and control permitting in the best interest of the public as a whole, not in the best interest of capitalists. We are losing natural resources at a rapid rate, all for the profit of a few. I rely on TVA to regulate these activities, but it seems more and more that government is owned and influenced and operated by corporate America. Will this ever cease? It is a crying shame.*

**Comment by:** 1 survey comment

**537** **Comment:** *Local citizens generally cannot compete monetarily with those from areas with higher wages. We could be priced out of being able to use TVA land if too much private or commercial development occurs.*

**Comment by:** 1 survey comment

**538** **Comment:** *All of the alternatives are unacceptable and watered down to satisfy the whims and desires of developers and wealthy landowners to use TVA lands as inducements to destroy the reservoirs and limit the use and enjoyment of the majority of users who are not as wealthy.*

**Comment by:** 1 survey comment

**539** **Comment:** *No matter what alternative one chooses, there will be dramatic change along TVA shorelines. I feel the natural heritage of future generations is slowly (Alternative D) or very quickly (Alternatives A, B, C1) being sold out to the almighty dollar, especially in the hands of developers.*

**Comment by:** 1 survey comment

**540** **Comment:** *We should not loosen regulation just to satisfy those developers and individuals who profit by development at the expense of those who wish to use the lakes for fishing, boating, observation of wildlife, and other outdoor activities. Listen to the general public and not just the well-organized and -financed vested interests.*

**Comment by:** 1 survey comment

**541** **Comment:** *In no case should private real estate developers be allowed to capitalize on public tax dollars. If they are allowed to develop property to make millions, they should be required to pay a substantial enhancement fee, because they did not pay for the lake.*

**Comment by:** 1 survey comment

**542** **Comment:** *We enjoy the wildlife that frequents our area, but many homeowners do not appreciate having their lawns fertilized by geese and their gardens devoured by deer, so they drive them away. Real estate developers are raping the shorelines with their new subdivisions. We prefer wooded shorelines and an aura of tranquillity. Undoubtedly, real estate developers (who are more than adequately represented on city councils) and county commissions will do everything they can to develop the waterfront. I hope TVA can and will control that somewhat.*

**Comment by:** 1 survey comment

**543** **Comment:** *Lakefront property owners must realize that it is a privilege to live alongside a TVA reservoir. TVA property is owned by the public, and adjacent landowners do not have the inalienable right to do what they want on this land or to treat it as their own. When landowners annex adjacent TVA land as extensions of their yards, this excludes anyone else from using this public land, if only by appearance and intimidation. Therefore, TVA needs to reinforce its public access policy to prevent property owners from assuming control of adjacent TVA land and to stop them from interfering with the public's enjoyment of the shoreline (i.e., walking, camping, etc.).*

**Comment by:** Paul Rister (Kentucky Department of Fish and Wildlife Resources), V. H. Wilson, Jr., 1 evaluation form comment (Harrison, TN), 1 evaluation form comment (Murray, KY), 12 survey comments

**544** **Comment:** *In regard to land use rights, shoreline owners should not be given free reign to alter the shoreline. I live on a public street, but I am not allowed to alter the street in front of my house.*

**Comment by:** 1 survey comment

**545** **Comment:** *The way some people think that they own the land all the way to the shore is astounding. These same people would not dream of going to the Smokies and logging an acre or two of forest or of going into their next-door neighbor's yard and putting in a deck and swing set for their children.*

**Comment by:** 1 survey comment

**546** **Comment:** *Let homeowners have control of their own property, but do not give them control or defacto ownership of public/TVA lands. Do not allow destruction of public lands by neighboring private property owners. Private lakefront property owners do not own the lake in front of their property and often do not even own the shore in front of their property. They should not treat these areas as their own. If you buy land adjacent to a national park, you are not allowed to clean park property for your own convenience. Property rights stop at the property line. Even rights-of-way across land give only restricted rights.*

**Comment by:** 1 survey comment

**547** **Comment:** *It is astonishing that we have spent so much money on the DEIS, public hearings, and related activities because some people think they should be able to mow lawns all the way to the (publicly owned) shoreline. I implore TVA to choose a plan that provides for minimum development and maximum environmental safeguards.*

**Comment by:** 1 survey comment

**548** **Comment:** *TVA's land and water belong to all of the people. When certain activities or rights are permitted to individuals, then the people in general lose the use of their resource, i.e., a mowed lawn along a TVA lake is judged by others to belong to the adjacent landowner. To the greatest extent possible, the public land and water should always be managed so as to provide maximum access and use by the public.*

**Comment by:** 1 survey comment

**549** **Comment:** *I see the SMI as a logical agency response to changing times and changing constituencies. However, change that denies the unique institutional and philosophical roots of TVA is dangerous, both for the people of the Tennessee Valley and for TVA itself. The vast public landscape created by the TVA lakes and parks is a crucial institutional link to the agency's beginnings and basic purpose, as well as being a real physical link between the agency and the people of the Valley. Allowing adjacent property owners the right to transform the public viewshed of the lake and river shorelines into a private landscape defined by privately owned picnic tables, fishing docks, etc., will permanently change the nature of TVA's public landscape. Even "low impact" development will tell those using the lakes that this place on the shore belongs to someone else and to stay away. A lake surrounded by private enclaves will no longer convey the qualities of a public landscape. It will soon become a private domain. Those who want to take their children to explore and find meaning will be uncomfortable in a public lake surrounded by individual private worlds. They will go elsewhere to enjoy the experiences I treasured as a child and still enjoy as an adult.*

**Comment by:** Carroll Van West

**550** **Comment:** *Far more people use the reservoirs than live on them. Therefore, we should put the common uses of public lands ahead of residential, industrial, and other limited or individual interests. Along these lines, TVA should have environmental sensitivity and the rights of future generations as its highest priorities. TVA has the right and obligation to protect its shoreline for environmental values, wildlife, and, where appropriate, public use.*

**Comment by:** Adelle Wood (Sierra Club), Joe W. McCaleb, John Young, 5 survey comments

**551** **Comment:** *Our environment will deteriorate if TVA keeps buckling under to pressure from developers. If that happens, the reasons why many people choose to live here will fade away. TVA needs to be tough and stand firm on environmental issues. Our natural resources are far more important than the financial comfort of the moneyed, powerful few. After all, the shoreline is still public and owned by those who cannot afford to buy a lot and build a house on the lake.*

**Comment by:** 4 survey comments

**552** **Comment:** *Public land that TVA condemned should not be turned over to private development. The public benefits derived from those lands (recreation and protection of water quality, reduction of erosion, preservation of wildlife habitat and endangered species, protection of wetlands, protection of the natural beauty, and flood control) must take precedence over private development. Most areas of the state that TVA properties are located on do not have any kind of zoning, subdivision controls, or land use controls. Therefore, developers and builders can do almost anything. TVA must take a more positive role in land management.*

**Comment by:** Bill Terry

**553** **Comment:** *TVA is a public institution, owned and financed by the public taxpayers. Since TVA property is public property, decisions should be made in the interest of the majority of citizens. Primary attention should be given to the critical resource issues of water quality, soil conservation, wildlife and aquatic habitat, wetlands preservation, and the environment that we all share. Only secondary importance should be given to the desires of a relatively few property owners and developers who might be motivated by self interests.*

**Comment by:** 2 survey comments

**554** **Comment:** *Most responses from landowners and lake users will reflect their interest in increasing property value for speculation or in obtaining the right to, in effect, "own" TVA's shoreland. They want to have TVA land to mow and plant shrubs as though it were theirs. They do not care about the needs of shoreland birds and animals or the effect on the lake water. I listened to the nearly 100 percent negative public comments at the Roane State College public meeting on July 9. A self-serving gang of thieves is what they sounded like. I was the only speaker who defended the need for TVA. Do not give up. Hang in there and do what is right for the lake.*

**Comment by:** 1 survey comment

**555** **Comment:** *Maintaining to the lake does not mean mowing to the lake. Right now incalculable damage is being done to the soil, and erosion is occurring because those practices are continuing. We have to realize that the lake owners are a privileged few. But our responsibility and TVA's responsibility is to the public, including future generations, to preserve and conserve the shoreline and the lakes.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**556** **Comment:** *Prior to the August 1 meeting at Central High, I thought that lack of education and communication was the root of antienvironment attitudes at previous comment meetings, as reported by the media. However, after listening to TVA-bashing, to development-at-any-cost sentiments, and to nonacceptance of logically presented facts, I think that some adjacent shoreline landowners and special interest groups such as realtors do not have any overall long-term perspective—only narrow, personal, short-term interests. For instance, there are many of us who do not want to see house after house but prefer trees and rocks along the river. People sitting near me at the August 1 meeting even complained at length about snakes along the shore, with seemingly no concept of snakes' value in the ecosystem. I thought that was a basic fact learned in elementary school science. In brief, future residential development must be limited to assure access to our lands for all. Proper environmental management of these lands will assure a quality experience for all.*

**Comment by:** 1 survey comment

**557** **Comment:** *Most development along TVA lake shorelines is not in the best interest of most residents of the Tennessee Valley. Development is in the interest of the relatively few who will benefit financially (developers and real estate agents) from new homes and the relatively few who can afford to buy those homes. What will our children say about this issue in the year 2020? I do not believe they will look back and say, "I wish TVA had sold more lakeshore acres to developers." It is very likely that they will wish TVA had the foresight and courage to resist development pressure and protect the shoreline of TVA lakes. Then they will have a choice in managing those lands. If they choose to develop a large area, they can decide to allow that development. If we decide it for them today, they will not have a choice.*

*If we have learned one thing about development, it is that it is typically a permanent decision. Converting developed land back to farm land or a natural area is very difficult and has rarely been achieved. With the pressures of economic and population growth, natural resources in the Tennessee Valley are facing unprecedented threats. That is why it is so important for public agencies to act as stewards for our resources and to stand up for the long-term interests of the citizens of this nation.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council)

**558** **Comment:** *All of the reservoirs impounded to date were bought with the funds collected through taxation from all socioeconomic classes. These waterways and the land surrounding them are the public's domain, not private property. The right to access or utilize these federal resources should not be dictated by a private landowner's assertion (even if misinformed) that he or she owns the land or water that they have effectively leased from the government. The continued use and growing pressure on these resources by interests other than those originally established by the TVA Act (flood control, navigation, water supply, and recreation) could be considered by some extreme opinions to be "takings." For example, Appendix O of the DEIS gives per capita income for surrounding areas of these reservoirs. All of them are less than \$19,000 per year. If you take into consideration the fact that the average lake lot on Tellico Lake or Fort Loudoun is typically three times, and in some instances five times greater than the average income for these specific areas, the corollary is that the land bought with the public tax dollar (from all socioeconomic classes) is being redistributed to those of much higher economic status in the area. This results in a common public sentiment that the public land is being sold-out to big money interests (land developers) with the blessing of TVA—in essence, a taking. I understand the changes in policy and personnel over the years that have resulted in the mixed bag of shoreline policy to date; however, I urge TVA to hold the line on future development.*

**Comment by:** Eric T. Newberry, Jr., P.E. (Tennessee Bass Federation)

**559** **Comment:** *When TVA removed the first landholders from their lands through eminent domain, it began a process that has come full circle. Subsequent sales of this “stolen” land now threaten TVA’s ability to control the development beast that has been unleashed. Although seemingly illegal and highly immoral, TVA over its 63-year history has been selling large and small parcels of this ill-gotten land to private developers. Over the years, TVA has answered, if not catered to, the demands of multiple users of the Tennessee River. Among the users are the shoreline property owners. Today this owner group is in no mood to be told how to manage the riparian zone. Lacking a basic understanding of the interplay between aquatic and terrestrial life forms, most shoreline residents clear to the water’s edge, install a seawall, or riprap the bank and keep vegetation short. The riverbank often resembles waterside suburbs devoid of biodiversity and natural areas. And still the land sales go on. Yet, according to TVA’s own biologists, geologists, and assorted experts, opening more shoreline for residential development will have deleterious effects on shoreline vegetation, wildlife, endangered and threatened species, soils, wetlands, floodplains and flood control, aquatic habitat, water quality, recreational use, aesthetics, Native American archeological sites, and navigation.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**560** **Comment:** *A great deal of attention has been paid to the rights of present and future lakefront owners. The American Planning Association (APA) would like to stress that the public, as well as the landowners, have both rights and responsibilities in utilizing the shoreline. In many cases we have seen that a short-term benefit to an individual owner or developer is a long-term detriment to the public. Those landowners who resist the preservation of the shoreline will not have a shoreline to preserve in the future or a lake that they or others want to fish and swim in. APA does not object to development as such, nor do we believe that it is necessary to halt all opportunity for future development on the TVA reservoirs. However, we have grave concerns about the extent of future development proposed in several of the scenarios.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** Comments noted. TVA has developed a new Blended Alternative. This alternative balances the rights of lakefront property owners with the ecological, aesthetic, and recreational importance of public lands around the reservoir system. The Blended Alternative would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency’s integrated resource management mission. Other than these situations, no additional residential access rights would be considered. See Section 2.8 of the FEIS for a description of this alternative. It should be noted that all public shoreland is available for public use. However, as some commenters and TVA analysts have pointed out, informal public use diminishes as shoreline development occurs.

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**561** **Comment:** *If I wanted an ugly lake I would go to Tims Ford where there are houses and grass lining it. Dale Hollow and Center Hill Lakes are beautiful because of the preservation engineered by TVA. It would be a shame for these lakes to look like Tims Ford, Percy Priest, or Old Hickory. Granted, we have a vested interest in Center Hill, but we chose that lake after visiting and studying all the Middle Tennessee lakes managed by TVA. I have never seen more aesthetically beautiful lakes than Dale Hollow and Center Hill. I would prefer they be managed by use fees than to undergo any significant shoreline development.*

**Comment by:** 1 survey comment

**Response:** Comment noted. Percy Priest, Old Hickory, Dale Hollow, and Center Hill Reservoirs are part of the Cumberland River system administered by the USACE. Tims Ford is a TVA reservoir. It is a watershed development project managed collaboratively by Tennessee Department of Environment and Conservation and TVA. Both agencies will be working with the public in the near future to develop a land management plan for Tims Ford Lake that is consistent with mutual objectives of the agencies, public interests, and the policy that is adopted as a part of SMI.

## Development

During the 1996 public involvement process, citizens or groups commented on additional development of shoreline properties. Comments included topics such as:

- Support for additional shoreline development
- Benefits of residential shoreline development
- Amount of shoreline to be developed
- Buildout/growth projections

**562** **Comment:** *Residential shoreline development should be allowed to continue, but it has to be planned and carefully done. For example, development should not occur in large tracts of unblemished land, game preserves, or environmentally fragile areas. Residential development should be attractive and should not interfere with flood control, erosion control, and water quality. Also, land should be zoned to prevent conflicts between user groups. For example, TVA should designate some large, undeveloped areas specifically for hunting and fishing to avoid problems with residential landowners.*

**Comment by:** William H. I. McCrary, Billy Godwin (Grace Long Real Estate), Bobby Wood, Granville Major, Kenneth E. Johnson, Jr., Mike Bunch, Vernon Reedy, Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law), 5 survey comments

**563** **Comment:** *There is more than enough undeveloped shoreline for vegetation, wildlife, endangered and threatened species, etc. Just do not develop near or around TVA wilderness areas. Restrict or slow development if these resources are of concern.*

**Comment by:** 1 survey comment

**Response:** TVA agrees planning is an important component of effective shoreline management. Since 1979, TVA has prepared land management plans for individual reservoirs. Through this process, TVA seeks public input and evaluates resource conditions to determine the most suitable use of each parcel of public land in TVA custody. Some parcels are allocated for purposes such as habitat protection; natural resource conservation; informal recreation activities such as hunting, bank fishing, and picnicking; developed recreation areas; and industrial/commercial development.

Under any of the SMI alternatives, development of residential shoreline alterations such as docks would continue. The new Blended Alternative, like Alternatives C1, C2, and D, would integrate a shoreline categorization system into the reservoir land management planning process to identify residential access shorelines where protection, mitigation, or management strategies are needed. TVA would also adopt residential shoreline development standards designed to protect water quality, prevent flood control impacts, control erosion, and otherwise conserve shoreline resources.

**564** **Comment:** *TVA still owns 40 percent of the shoreline under the TVA-owned-and-managed shoreland group on Watts Bar Lake. Regardless of requests or demands to do otherwise, these are the areas TVA should protect, let go back to nature, and intensely manage. It is not realistic to try to manage residential shoreline areas as if they were in a remote national park.*

**Comment by:** 1 survey comment

**Response:** TVA is examining whether residential shoreline development should be limited to areas that now have access rights or if additional areas should be made available for development. TVA does not intend to manage residential areas as a national park. The agency is looking for ways to better protect the environment, while allowing reasonable access to the reservoir by adjacent residents.

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**565** **Comment:** *TVA should allow residential development of as much shoreline as possible and give responsibility for this development to the private sector. TVA should ensure water quality and erosion control—not development. In addition, TVA should minimize their control over property owners to manage the shoreline.*

**Comment by:** 2 survey comments

**Response:** Comments noted. Alternative A captures the sentiments expressed in these comments. SMI addresses management of public land in TVA custody and permitting of shoreline development consistent with agency responsibilities under Section 26a of the TVA Act. Under the Blended Alternative, a reasonable level of residential shoreline development would be allowed. In addition, this alternative would provide flexible standards that allow applicants to request TVA permits for various types of docks, methods of erosion control, and other shoreline alterations.

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**566** **Comment:** *I support developing safe industries along the waterway, but not water polluters.*

**Comment by:** Shirley Hodges (Save Our Parks)

**Response:** Comment noted. TVA identifies sites suitable for industrial development in its reservoir land management plans. Prior to allowing TVA shorelands to be used for industrial uses, potential impacts on water quality and other resources are evaluated and taken into account.

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**567** **Comment:** *Contrary to the underlying conclusion in the DEIS, managed development is beneficial rather than detrimental. Without development there would be no roads, factories, or lakes. Development benefits the economy by creating employment and attracting people to the area. As a result, the local tax base is also increased. Industrial development is much more harmful to the environment than residential development, which also has positive environmental impacts, such as erosion control and the establishment of fish habitat around docks. Developed shoreline that is landscaped and boathouses that are well built and maintained also add to the scenic beauty of the lake.*

**Comment by:** Donald R. Miller, Theodore S. Maloney, 14 survey comments

**568** **Comment:** *My personal experience is that private residential development, especially in areas likely to show pride of ownership, enhances the utility of land, particularly to casual users of adjoining land. Development does not degrade property.*

**Comment by:** 1 survey comment

**569** **Comment:** *By reducing the diversity of plant species (Sections 1.8.1, 1.8.2), residential development typically reduces noxious plant species (poison ivy, bramble, other weeds) and replaces them with desirable species (perennial grasses, flowering bushes such as roses, rhododendron, and azaleas, and attractive shade and fruit trees). These desirable plant species attract bees and birds and other beneficial wildlife. Has the TVA set itself up to preserve large tracts of poison ivy? Experience shows that private residential development makes the whole area more desirable and attractive to recreational visitors, as well as to landowners.*

**Comment by:** 2 survey comments

**570** **Comment:** *It is not true that private residential development adversely affects the lakes. Excessive public development is of much greater concern to us, since this type of development is characterized by slums, wasteland, and undesirable flora and fauna. It is our experience that private development enhances property, and public development degrades it.*

**Comment by:** 2 survey comments

**Response:** The FEIS addresses both positive and negative impacts of residential shoreline development. According to SMI analyses, residential shoreline development is the primary shoreline disturbance activity that contributes to reservoir resource impacts. Section 4.14 of the FEIS more fully addresses the benefits of residential development to the economy, including increases in employment, property values, and the local tax base. Section 4.9 mentions that docks provide food and cover for fish. Section 4.12 addresses aesthetics issues. The Blended Alternative (Section 2.8 of the FEIS) also addresses the need to control erosion and the benefits of enhancing fish habitat.

**571** **Comment:** *The river improves our quality of life by providing for our residential and recreational needs. Industry should blend in, but residential development should be the primary use of our rivers, lakes, and shoreline.*

**Comment by:** 1 survey comment

**Response:** Comment noted. TVA manages public lands and shorelines to provide diverse economic development and resource management benefits.

**572** **Comment:** *Houston County is one of the most economically depressed areas in Tennessee. There are very few lakefront lots available. Due to the law of supply and demand, the few lots that are available sell for about \$50,000. This excludes a large segment of the population from achieving the American dream of owning a cabin or retirement home on the lake, but this is the type of development Houston County needs to create jobs for our citizens. Houston County does not need or want water-and-air-polluting industrial development.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

**573** **Comment:** *TVA's development plan is not good for economic reasons, because 38 percent of the shoreline is not enough.*

**Comment by:** 1 survey comment

**Response:** Comment noted. TVA's socioeconomic analysis (Section 4.14 of the FEIS) shows that population and income would increase as the amount of residential development increases. However, property values would be higher at the 38 percent Valleywide level of development under alternatives that include standards for shoreline permitting (i.e., the Blended Alternative and Alternative C2). Property values would increase under any of the alternatives considered, but the increase would be lowest under Alternatives A and B1, both of which could potentially result in residential shoreline development of 63 percent Valleywide. It should be noted that the amount of shoreline with access rights varies on a lake-by-lake basis, as shown in *Table 1.4-1* of the FEIS and as explained in the next response.

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**574** **Comment:** *Forty-eight percent development should be the maximum for any given area of a reservoir. If a mile on one side of a lake is opened for construction, then a mile on the opposite side should be left undisturbed.*

**Comment by:** 1 survey comment

**575** **Comment:** *TVA should allow 50 percent of the shoreline to be developed. That would leave 50 percent available for recreational use.*

**Comment by:** C. Demetriou (Citizens for Less Government), 3 survey comments

**576** **Comment:** *Instead of the two extremes, TVA should limit development on the lakes to 50 percent. The public would get 50 percent of the lake, and the private owners would get 50 percent.*

**Comment by:** Robert L. Garrison (Lake Nottely Improvement Association)

**Response:** Under Alternative C1, TVA estimated that as much as 48 percent of the shoreline Valleywide could be developed for residential purposes. Other alternatives have projected development levels of 38 percent (Alternatives B2, C2, D, and the Blended Alternative) or 63 percent (Alternatives A and B1). The level of residential development on an individual reservoir would be determined by a number of variables, including the amount of shoreline in the flowage easement and TVA-owned residential access shoreland categories (refer to FEIS Section 1.4.5), resource conditions along those shorelines, the shoreline management policy adopted by TVA, and market demands. As shown in *Table 3.4-3* of the FEIS, residential shoreline development has already exceeded 38 percent on four reservoirs.

Because of varied ownership patterns, existing development conditions, resource issues, and other constraints, it would be difficult, if not impossible, to guarantee that half of the shoreline of a particular reservoir would be available for recreation. For the same reasons, it would not be possible in many situations to apply the mile-for-mile suggestion to a given area of a reservoir. However, the Blended Alternative includes a maintain-and-gain shoreline policy that would achieve results that are compatible with these suggestions. Under this alternative, shoreline permitting would be allowed within flowage easement and TVA-owned residential access shoreland where sensitive resources, navigation, flood control, and power generation concerns do not exist. Proposals submitted to TVA for access across and development of other public shoreland would have to include provisions for offsetting mitigation, such as conveyance of conservation easements or relinquishment of access rights over other shoreland of equal or greater public and ecological value. In this manner, TVA-approved landrights exchanges would maintain and improve environmental integrity, maintain and enhance public benefits from reservoir lands, and keep the projected maximum buildout level from residential shoreline development at 38 percent or less Valleywide.

**577** **Comment:** *I would prefer 100 percent residential development of land that is suitable for this purpose, which is probably less than 50 percent of the shoreline. Much of the existing development was built on unsuitable land, leading to water quality problems from septic tanks, etc.*

**Comment by:** 1 survey comment

**Response:** Comment noted. TVA agrees that all shoreline is not suitable for construction of docks and other shoreline development. Potential impacts to water quality resulting from residential shoreline development are discussed in Section 4.10 of the FEIS.

**578** **Comment:** *We would like to see more shoreline development. What is wrong with 63 percent residential development?*

**Comment by:** Roger Brown, 1 survey comment

**Response:** The 63 percent Valleywide development level is anticipated under Alternatives A and B1. As explained in Chapter 4 of the FEIS, these alternatives would result in the highest level of adverse impacts to water quality, aquatic habitat, wildlife, threatened and endangered species habitat, vegetation, cultural resources, wetlands, public recreation use opportunities, and other resources. It would also result in the lowest increase in the value of lakefront property.

**579** **Comment:** *Most of the prime shoreline which can be developed has already been developed. For instance, on Wilson Lake a lot of the undeveloped shoreline is rocky or is in front of rock bluffs. In my opinion, that is a big issue.*

**Comment by:** Bubba Doss (Bubba's Marine Construction), 1 survey comment

**Response:** Wilson Reservoir is the oldest reservoir in the TVA system, and it has the highest level of residential development (52 percent of the total shoreline). Most of the shoreline around this lake (95 percent) is privately owned flowage easement (92 percent) or TVA-owned residential access shoreland (3 percent). In addition to steep slopes, remaining property around the lake has not developed for reasons such as lack of roads and/or utilities and the interest of landowners in retaining large parcels for farms or other purposes. Ownership and development patterns differ on other TVA reservoirs.

**580** **Comment:** *The issue of opening more shoreline for development versus keeping the status quo was not addressed in sufficient depth.*

**Comment by:** 1 survey comment

**Response:** Comment noted. This is one of the critical SMI issues that has been addressed throughout the FEIS. The SMI FEIS evaluates a range of alternatives. Some result in additional shorelands being opened for residential shoreline development, and others would limit development to areas where access rights now exist.

**581** **Comment:** *Since a significant amount of land which TVA has sold for residential purposes has never been developed, APA is reluctant to recommend the development of a significant percentage of additional property.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** Comment noted.

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**582** **Comment:** *With 62 percent of total shoreline either TVA-owned-and-managed or TVA-owned-and-jointly managed, it is hard for me to understand how development can get out of hand.*

**Comment by:** 1 survey comment

**583** **Comment:** *Your basic premise is flawed. If in 50 years 13 percent of the shoreline has been developed, why do you think that suddenly three times that much development will take place in the next 25 years? This is very confusing, poorly presented, and in some cases, contradictory.*

**Comment by:** 1 survey comment

**584** **Comment:** *On the older lakes there is hardly any land left to build on except cliffs. Only 13 percent has been developed in 50 years. I doubt that we will ever see 20 percent of the shoreline developed.*

**Comment by:** Joe Wiley

**585** **Comment:** *With only 17 percent of all shoreline developed, this is not the time nor does TVA have the authority to mandate change. I know from 25 years of experience fishing every eastern reservoir that as much as 50 percent will never be developed for a variety of reasons. When the time comes, control should come from state and local government, not federal.*

**Comment by:** 1 survey comment

**586** **Comment:** *Chatuge and Nottely Reservoirs should not be in the high-growth projection category. They should be classified as low growth.*

**Comment by:** 1 survey comment

**587** **Comment:** *Shoreline development projections were grossly estimated, using a growth assumption based on dock permit increases of 6 percent per year. Based on this assumption, TVA estimates that over 50 percent of the Tennessee River system shoreline will be developed in 25 years. When electric power companies estimated this magnitude of projection (6 percent per year) for electrical power demand in the 1970s, they grossly overestimated electrical power consumption in the 1990s.*

**Comment by:** Thomas Begley, P.E.

**588** **Comment:** *TVA has used statistical deception, suppression of important facts, and questionable mathematical manipulation to unethically support a case for Alternative C1. For example, TVA claims that residential development is out of control and states on page 2-16 of the DEIS that residential development could take up nearly two-thirds of all the shoreline if Alternative B1 stays in effect. How can this be? TVA either owns or controls nearly two-thirds of the shoreline. Only one-third is privately owned.*

**Comment by:** Joe Wiley

**Response:** There are several strong indicators of the potential for notable increases in the level of residential shoreline development over the next 25 years. These include existing high levels of development on several reservoirs, population growth in counties along reservoirs, and increases in

the number of permit applications. It should be noted, however, that the Valleywide buildout percentage (i.e., 38, 48, or 63) associated with each of the alternatives represents nothing more than TVA's estimate of the upper limit or maximum amount of residential shoreline development that could occur across the Tennessee Valley region over SMI's 25-year planning horizon under certain conditions. This does not mean that buildout necessarily would occur, because these percentages are not development goals or targets of the alternatives.

As discussed in Section 3.4.4 of the FEIS, there is a great deal of variation between reservoirs in the amount of existing residential shoreline development. Twelve of the 30 reservoir projects addressed in the SMI study already exceed the Valleywide average residential shoreline development level (13 percent of the shoreline). On four reservoirs, residential development exists on over 40 percent of the shoreline (Wilson, 52 percent; Boone, 51 percent; Fort Loudoun, 49 percent; Chatuge, 41 percent). Four other reservoirs have 20 percent or more of their shoreline developed for residential use (Watts Bar, Blue Ridge, Nottely, and Fort Patrick Henry).

From 1980 to 1994, population in counties along TVA reservoirs increased by 10.4 percent. Over this same time frame, nine of the reservoir counties had increases from 20.3 percent to 44.9 percent (FEIS Section 3.16).

Before forecasting the amount of buildout anticipated under each alternative, TVA determined that permits are increasing at the rate of 6 percent annually (Section 1.1 of FEIS). This rate of increase was applied to shoreline mileage data to determine an anticipated level of development over the next 25 years. This study yielded an estimated level of development of 54 percent of the shoreline. Realizing that the actual level of development would be influenced by a number of factors, TVA projected that the alternatives could result in different buildout scenarios.

TVA's method for forecasting the amount of residential shoreline development anticipated under each alternative is explained in Section 4.2 of the FEIS. Under the highest buildout scenario (63 percent), TVA assumed that all of the privately owned flowage easement shoreland (21 percent of the shoreline Valleywide) would be developed. In addition, it was assumed that all of the TVA-owned residential access shoreland (17 percent of the shoreline Valleywide) would be developed. It was also assumed that residential access rights would be conveyed over additional TVA shoreland on a case-by-case basis, and residential use would eventually become the dominant use of the shoreline. The 63 percent level of development was estimated using growth rate assumptions that are explained in Section 4.2 of the FEIS.

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**589** **Comment:** *Currently, development is at 13 percent (1,383 miles) of the total shoreline and could affect 38 percent of the total shoreline based on accessible ownership categories. It is unclear as to why only a 48 percent to 63 percent buildout was predicted for Alternatives C1, B1, and A, when all TVA shorelines (100 percent) would be accessible (based on all four ownership categories being open to development), while a full 38 percent buildout was predicted for Alternatives D, C2, and B2, when 38 percent of the shoreline would be accessible (based on only two ownership categories being open). We assume that the 38 percent, 48 percent, and 63 percent buildout scenarios predicted by TVA would actually be less after shorelines are inventoried for sensitive areas (wetlands, archaeological sites, etc.) that typically would be precluded from development. The FEIS should clarify.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**590** **Comment:** *Considering the rate at which residential shoreline development and occupation are anticipated, the consequences to the environment would be great. The DEIS reports that well over half (54 percent) of the shoreline environment could potentially be developed over the next 25 years. However, the reservoir growth projections cited under paragraphs 4.2.1 through 4.2.3 could be much higher. If so, this would ultimately encompass the*

*complete shoreline with residential development in 25 years. Does that make sense? I certainly do not think so. In essence, what the report is saying is that 100 percent of the shoreline will be eaten up and beaten up by residential access through constant wear on the land and abuse of the environment.*

**Comment by:** Gloria Reagon Price

**Response:** There are several reasons why none of the alternatives are expected to result in 100 percent development of the shoreline. Under Alternatives C1, C2, D, and the Blended Alternative, the shoreline categorization system would preclude the development of environmentally sensitive shorelines. In addition, site selection criteria (i.e., maintenance of a 100-foot buffer, adjacent land zoned for residential use, etc.) would be applied under Alternative C1, as described in Section 2.5.1 of the FEIS, to identify areas where conveyance of additional access rights would be considered. This systematic approach would clearly eliminate some shoreline areas from consideration for residential development.

Although these approaches would not be used under Alternatives A and B1, there would still be some limitations on the amount of residential shoreline that would be developed. For example, TVA would not permit shoreline development where threatened and endangered species would be impacted or where unavoidable impacts to other sensitive resources would occur.

TVA assumed that the growth rate for residential development and the suitability of property for development would be influenced by, and in some cases precluded by, factors such as availability of roads and utilities, local zoning, and proximity to employment centers. Factors affecting suitability of property for development are dependent on site-specific conditions, and this makes it difficult to quantify precisely how much property is not suitable for development for a region as large as the Tennessee Valley. Therefore, TVA chose to examine impacts at the maximum buildout level for each alternative, even though actual buildout would likely be less, especially on some reservoirs. TVA's method for estimating the amount of shoreline potentially impacted by future residential alterations is explained in Section 4.2 of the FEIS.

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**591** **Comment:** *Only seven years of permitting data were used to create the entire engine for the growth model.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** TVA believes the seven years of data used to project trends are sufficient. The data covers years 1988 to 1995, which was a period of diverse economic conditions. The data clearly show an increasing trend in the number of permits issued, and this tracks the increase in population growth in the counties adjacent to many of the reservoirs addressed in the study. The number of permits processed by TVA are increasing at a rate of 6 percent per year (Section 1.1 of the FEIS). From 1980 to 1994, population in counties along TVA reservoirs increased by 10.4 percent. Over this same time frame, nine of these counties had increases of 20.3 percent to 44.9 percent (FEIS Section 3.16).

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**592** **Comment:** *TVA grossly extrapolates future shoreline development into 38, 48, and 63 percent growth scenarios. TVA lumps Kentucky Lake, which presently has less than 10 percent total development, into the same projection scenario with Tennessee River system reservoirs that presently have over 50 percent total development. TVA should at least refine their future reservoir growth projections based on individual reservoir data. TVA's general reservoir shoreline growth projection alternatives are neither accurate nor appropriate for Kentucky Lake.*

**Comment by:** Thomas Begley, P.E.

**Response:** The growth rate projections were used in estimating the amount of additional shoreline that could be “opened” for development under some of the alternatives. These growth rates took into account a number of factors, such as proximity to population centers, road access, availability of utilities, existing land use patterns, water quality conditions, and topography. Kentucky and 13 other reservoirs were included in the scenario projections as medium-growth reservoirs. Including Kentucky, 12 of the medium-growth reservoirs have 6 to 23 percent of their shoreline developed for residential purposes. There were only two reservoirs (Wilson and Boone) in the medium-growth category that have over 50 percent of their shoreline developed. Both of these reservoirs have a high level of flowage easement property and very little TVA land. Additional residential shoreline development is anticipated on these two reservoirs, but it will occur primarily on flowage easement land. Because of the limited amount of TVA property on these two reservoirs, applying the medium-growth-rate assumption to them did not substantially affect the Valleywide growth projection.

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**593 Comment:** *We are aware that the selection of Alternative C2 would continue to preclude shoreland residential development which has no (0 percent) or minimal shoreline currently designated for residential access. Conversely, however, we also note that under Alternative C2, other reservoirs would continue to have a large percentage of shoreland open for potential residential development. This existing counterbalance between substantively developed reservoirs and minimally developed ones would be preserved with the selection of Alternative C2. Compared to substantive development of all TVA reservoirs (which could occur under Alternative C1), maintaining this counterbalancing would help offset existing/new development impacts and promote an overall healthier Tennessee Valley system. It would seem to be considerably less difficult to limit the amount of new development at reservoirs as opposed to reducing (reversing) the amount of existing development at these developed reservoirs in an effort to maintain the overall health of the TVA system.*

*Should TVA have concerns that selection of Alternative C2 would maintain unequal development patterns within the Tennessee Valley (i.e., where portions of the shoreland at one reservoir could be residentially developed but no such development could occur at another) and that such a development pattern would be unequitable, TVA may wish to modify Alternative C2 to include a reasonable amount (15 to 20 percent) of development within the other two additional ownership category areas (i.e., TVA-owned-and-jointly-managed shorelands and TVA-owned-and-managed shorelands) at those above reservoirs that are currently inaccessible or minimally accessible for residential development. However, this exception should be limited to only those reservoirs with currently no or minimal open shoreland and only if the reservoirs can environmentally support residential development (i.e., shoreline categorization system permits access). This modification could perhaps be accomplished through selected land transfers (purchases, sales, and/or tradeoffs) to generate accessible ownership category areas in the desired reservoirs.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** TVA's new Blended Alternative is consistent with these views. Under this alternative, TVA would adopt a policy of maintaining and gaining public shoreline. TVA estimates that the Valleywide level of residential shoreline development could be up to the 38 percent level, which represents current property ownership. Any increases in development from agency-initiated projects would be offset by conservation measures such as shoreline protection and conservation easements. TVA would not consider proposals from others for shoreline access in new areas unless the proposal provided for conveyance to TVA of other land or landrights with equal or greater public and ecological value. This practice would result in no net loss and preferably a net gain of public shoreline.



## Chapter 4 – Standards and Permitting

### Standards

During the 1996 SMI public involvement process, many citizens or groups offered comments regarding standards. These comments covered a variety of issues, including:

- Need for standards and regulations
- Need for flexible, fair standards
- Pros and cons of existing guidelines
- Standards under various alternatives
- Standards of other agencies
- Reservoir-specific standards
- Structure registration
- Facility design and construction
- Footprints/size, number, and density of docks
- Boathouses, boat slips, and boat ramps
- Community facilities
- Shoreline frontage requirements
- Dredging
- Shoreline categorization and inventory
- Vegetation management standards
- Vegetation management corridor/pathway

**594** **Comment:** *Standards and guidelines are necessary.*

**Comment by:** Lee Miller, 3 survey comments

**595** **Comment:** *Standards for development are long overdue.*

**Comment by:** Larry Richardson (Tennessee Conservation League)

**596** **Comment:** *I favor placing the maximum politically feasible restrictions on private, exclusive use of public lands.*

**Comment by:** 1 survey comment

**597** **Comment:** *Some controls are required to protect our environment, fresh water, and trees. Keep the controls simple and more people will favor them.*

**Comment by:** 1 survey comment

**598** **Comment:** *There should be enactment and enforcement of rules to maintain the shoreline's natural quality.*

**Comment by:** V. H. Wilson, Jr.

**599** **Comment:** *Riparian rights must be regulated to the extent that the overall environment is protected from runoff and the destruction of shoreline and aquatic vegetation.*

**Comment by:** 1 survey comment

**600** **Comment:** *The construction and land use standards that were described in the DEIS seem reasonable.*

**Comment by:** Gregory E. Huber, Alan D. Jones (Tennessee Environmental Council)

**601** **Comment:** *Impose regulations on undeveloped land.*

**Comment by:** 1 survey comment

**602** **Comment:** *Given TVA's legal obligations to private landowners along 17 percent of shoreline (TVA-owned residential access shoreland), the highest environmental standards should be established for allowable development in this category.*

**Comment by:** Chester A. McConnell (Wildlife Management Institute)

**603** **Comment:** *The North Carolina Wildlife Resources Commission currently reviews all nationwide and General Section 404 permits administered by the USACE in western North Carolina, including all counties within the Tennessee Valley. We recommend that standard requirements be developed which would limit removal of shoreline vegetation and encourage bioengineering approaches to existing erosion problems.*

**Comment by:** David L. Yow (North Carolina Wildlife Resources Commission)

**604** **Comment:** *TVA's decision on shoreline management would affect 10,995 miles of shoreline along 30 reservoirs in 7 states and has a 25-year planning horizon. Currently, TVA reservoir development is at 13 percent (1,383 miles). Environmental Protection Agency (EPA) is pleased to note the potential presented in several alternatives for greater control of development along TVA shorelines on the same amount or more of TVA shorelands presently open to residential development. Given development pressures, EPA believes that proper TVA shoreland management is essential for the planning horizon.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**605** **Comment:** *When we waste this beautiful land there will not be any more to replace it. I have noticed many of our lakes eventually become huge cesspools. Our mountains compare favorably with Switzerland's. They are a national treasure if we could only clean up a little and preserve what we have. Please tighten up environmental controls and standards.*

**Comment by:** Grace Dempsey

**606** **Comment:** *We would like for TVA to put forth strong standards so we have some uniformity and pleasant appearance of our shoreline. If we do not have standards, private docks might look like some of the docks in downtown Card Sound on the way to Key Largo, and that certainly is not the way you want the river to look. Give examples and show pictures of what standard docks look like.*

**Comment by:** Lester J. Vohs

**607** **Comment:** *There are examples of poor shoreline management on the TVA system (e.g., the Singleton Complex). Trash, wastes, and pollution have been dumped into reservoirs with public knowledge. This practice, deliberate or not, must cease, and standards must be set. It is a fact that local governments, industry, and private owners continues to pollute the waterways with liquids and solids. Runoff from small watersheds continues to deposit sewage, trash, and solid wastes into the upper reaches, and with the first rain the mess is deposited into the nearest reservoirs. This practice must be stopped.*

**Comment by:** Marvin Johnson (Tennessee Valley Sportsmen's Club)

**608** **Comment:** *There must be protections put in the system to preserve the natural beauty of our lakes. In order to achieve this goal most effectively, we must have an organized agenda and rules. Without rules everyone will pull in a slightly different direction, and we will never move closer to our goal of preserving the world around us.*

**Comment by:** Earl F. Calfee, III

**609** **Comment:** *I have tried to put myself in the position of a property owner who would be affected by the outcome of this. I feel that I would still have the same opinions. In an ideal world there would be no need for regulations such as these. Unfortunately, it seems that the people in a position to buy wonderful lakefront properties usually do not have a respect for these natural environments.*

**Comment by:** 1 survey comment

**610** **Comment:** *A fellow said that property values would be affected by whether or not he had a view. However, if that view is achieved by doing something that is not permitted on property that they do not own, I do not see how they could complain when they are stopped. I think if the rule is there, it is the property owner's job to follow that rule or get it changed.*

**Comment by:** B. J. Gillum

**611** **Comment:** *Antiregulatory extremists, espousing property "rights," seldom, if ever, mention property responsibilities in the same breath. If all humans and corporate interests could be trusted to do right by the community, we would need no laws. Unfortunately, humans have yet to evolve to that degree. Many who are opposed to limits on development and shoreline destruction at the same time support speed limits in their neighborhoods, laws to keep drunks off highways, and limits to pollutants dumped by the "ethically challenged" from upstream or upwind. Around the nation, citizens are coming together with vision and resolve to protect and enhance shorelines, viewsheds, water quality, the biological commons, and other societal values. Financial incentives, regulations, and the use of regulatory agencies are merely tools of our democracy for the general good of the community.*

**Comment by:** Denny Haldeman

**612** **Comment:** *TVA must maintain control and implement standards to protect wildlife habitat and other resources.*

**Comment by:** Douglas Snelson, 1 survey comment

**613** **Comment:** *Set guidelines that will protect the environment, water quality, vegetation, and animal life over the long run. If these guidelines limit building or set restrictions on total building, then so be it.*

**Comment by:** 1 survey comment

**614** **Comment:** *Any increased development must be implemented with strict controls to protect water quality and the watershed.*

**Comment by:** 4 survey comments

**615** **Comment:** *If private development occurs, there need to be incentives and regulations that minimize the ecological impact of that development.*

**Comment by:** John Johnson (Katuah Earth First)

**616** **Comment:** *In Hamilton County, Tennessee, the shorelines are fast becoming sites with too many docks and boat slips. The lands are being stripped clean of trees near the waterline. Areas under TVA's existing guidelines should be respected, but further development along TVA shoreline needs strong guidelines pertaining to docks, slips, boat houses, etc. I do not want to sound harsh toward any future development, but just and fair guidelines need implementation by TVA to save trees and wildlife on land and water.*

**Comment by:** 1 survey comment

**617** **Comment:** *I especially support a change in the policy that would prohibit adjoining land-owners from site alteration of TVA public lands except for a path to the lake and lake edge improvements.*

**Comment by:** Tom Christensen

**618** **Comment:** *Controls are needed for the lake areas. If the shores are not managed, they will soon be destroyed.*

**Comment by:** 1 survey comment

**619** **Comment:** *Where land has already been sold with rights to have facilities, we favor strict guidelines to limit the visual and environmental impacts.*

**Comment by:** Mike Jolly, Becky Jolly

**Response:** Comments noted. TVA agrees standards are an integral part of an effective shoreline management strategy. Proposed standards are discussed in Chapter 2 of the FEIS.

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**620** **Comment:** *TVA should not allow any other use of public land. It should be held by TVA or the state park or something similar. TVA should also ensure that certain preventive rules are followed. For instance, we should not allow erosion, silt, runoff, and poisons into the water. Remember, we are all part of this.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**Response:** Some of TVA's existing public lands have outstanding access rights. TVA seeks to prevent adverse environmental impacts in permitting shoreline alterations where access rights exist. The purpose of SMI is to decide how best to achieve that objective.

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**621** **Comment:** *TVA's restrictions are much less than those in more experienced, more heavily developed countries. However, as population increases, so does the need for regulations. There are 293 million people in America now, and it is impractical to think individual rights can be unlimited.*

**Comment by:** Kenneth H. Dubke, Earl F. Calfee, III, William Russell

**622** **Comment:** *We concur with selection of Alternative C1: Managed Development Along Open Shoreline and Additional Areas. Because of increased population and pressure on recreational uses, it is important to manage shoreline development and minimize environmental impacts. Many of those using the lakes for recreation are not affluent enough to own shoreline property and should not be restricted from water uses because of this. It would be an important step to have criteria and standards and to enforce them.*

**Comment by:** Caroline Williams (League of Women Voters of Chattanooga-Hamilton County)

**623** **Comment:** *TVA should act as administrator and maintain high standards for shoreline use and construction. Property owners should have choices but not a free hand in what they do with their land or public land. Continued inspection of water-use facilities is needed.*

**Comment by:** 5 survey comments

**624** **Comment:** *I agree 100 percent that the building of docks and boat slips has to be better regulated. Over the past 20 years I have removed three run-down docks that were permitted to property I acquired and have two more docks which I plan to remove this winter. All five of these docks were poorly constructed to start with and became eyesores and safety hazards almost before they were finished.*

**Comment by:** James B. Baker

**625** **Comment:** *Development and design standards are needed to control the increase in the number and size of water-use facilities (boat docks, piers, etc.). TVA should consider combining individual docks into community facilities, limiting the number of structures in a given area, limiting the overall size and footprint of structures, and requiring that facilities be maintained in accordance with specific standards.*

**Comment by:** 15 survey comments

**626** **Comment:** *I do agree on reasonable size limits for docks.*

**Comment by:** Ronald Prime

**627** **Comment:** *On the TVA land that is offered for development, we urge that TVA place reasonable, yet effective, restrictions on the type and density of development allowable in the future.*

**Comment by:** Randy Brown (Foothills Land Conservancy)

**628** **Comment:** *There were no discussion and no proposals to limit development in areas saturated with boathouses and marinas. There must be a limit somewhere as to how far TVA will go in saturated areas when there are so many unsaturated areas.*

**Comment by:** 1 survey comment

**629** **Comment:** *Some areas on Pickwick look bad because of all the completely covered boat docks spaced very closely together.*

**Comment by:** 1 survey comment

**630** **Comment:** *TVA should continue to manage with permits and design standards for docks (flotation-encased foam), riprap, and tree-cutting.*

**Comment by:** Mary Huddleston

**631** **Comment:** *Try to control the quality level to avoid inferior structures being built along or in view of the shoreline.*

**Comment by:** 1 survey comment

**632** **Comment:** *Docks, shoreline use, and commercial marinas should be highly restricted and controlled by the agency.*

**Comment by:** 1 survey comment

**633** **Comment:** *I would like to mention the one positive aspect of TVA's SMI shoreline proposal. I think the guidelines on docks are most acceptable. I only wish the rest of the SMI used as much common-sense reasoning.*

**Comment by:** 1 survey comment

**634** **Comment:** *It makes me uneasy to pull into a slough that I have fished for years and find I cannot even throw bait anywhere and fish the banks because of two and three piers. No one should have the right to build such large piers.*

**Comment by:** 1 survey comment

**635** **Comment:** *On narrow lakes like Boone and Fort Patrick Henry, we need more dock control and smaller docks.*

**Comment by:** 1 survey comment

**636** **Comment:** *We need standards to protect shoreline resources from erosion, pollution caused by pesticides and fertilizers, and vegetation clearing. We need to limit boat, motor, and dock sizes to prevent erosion. Let us deal with these current problems before allowing more development.*

**Comment by:** 1 survey comment

**637** **Comment:** *Please preserve the natural state of the lake. Allow houses, but limit materials and colors to blend with the environment. Limit or eliminate turf grass. Limit riprap; it looks like a gravel pit.*

**Comment by:** 1 survey comment

**638** **Comment:** *Subdivision covenants are in place to prevent somebody from putting up a trailer or building something to devalue the property. The time has come for TVA to put covenants in effect on its property. Too many people are coming to use this property, and it is going to need some restrictions whether we like it or not.*

**Comment by:** Harold Sharp (Fishin' Talents Incorporated)

**639** **Comment:** *We should take a hard look at the subdivision requirements Valleywide. In my tours around the Valley, I see a lot of old developments where this was not done.*

**Comment by:** Robert Critchfield

**Response:** When more and more people are involved, there are clearly more opportunities for conflicts in the demands and requirements of those people. Reasonable standards can help to minimize those conflicts. The analogy of Valleywide subdivision requirements is a good one. As the number of docks and piers increases, it will become even more important to manage the size and type of structures that are built. Recognition of this need was one of the primary reasons the SMI study was started.

In response to public comments, TVA developed a Blended Alternative. It combines standards from Alternatives B1, B2, C1, C2, and D and addresses issues such as the size of docks, type of bank stabilization, and other requirements for use of TVA land and shoreline. The Blended Alternative also provides for developers or subdivision associations to work collaboratively with TVA in preparing a shoreline management plan for the shoreline alterations. These plans would emphasize clustering of facilities, sharing of common access, and other sound stewardship practices.

**640** **Comment:** *Some people are finding ways to get around TVA's current general guidelines. For instance, people are building giant docks and only counting the boat slips in their square footage. TVA needs to strengthen its standards to control these things.*

**Comment by:** David Hines

**Response:** The concern raised here is one of the reasons several of the alternatives propose to stop using individual square-footage guidelines for docks, boat slips, and other water-use facilities. Instead, the new standards would define a maximum footprint of water surface that can be used by each lakefront lot.

**641** **Comment:** *Eliminate all standards except those disallowing people from extending a dock or boathouse into an existing channel.*

**Comment by:** 1 survey comment

**642** **Comment:** *Eliminate all the rules and restrictions and substitute good communications and recommendations to the property owners.*

**Comment by:** 1 survey comment

**Response:** Comments noted. As demonstrated by the findings in the FEIS, standards help to minimize impacts to shoreline resources and help to ensure consistency in TVA's permitting decisions.

**643** **Comment:** *I recently vacationed in Canada, and some of that country's severe restrictions on shoreline development were explained to me. It seems to me that we can reach a happy medium that allows shoreline development that is compatible with the environment.*

**Comment by:** 1 survey comment

**Response:** In response to public comments, TVA has developed a Blended Alternative that combines features of Alternatives B1, B2, C1, C2, and D in ways that meet TVA's shoreline protection objectives and allow for flexibility by property owners in requesting permits.

**644** **Comment:** *Flexible, uncomplicated standards are needed. In particular, property owners want fewer restrictions on docks, boathouses, and slips.*

**Comment by:** Gary Pack, Jackie Tipper (League of Women Voters of Shoals), 22 survey comments

**645** **Comment:** *We need more oversight and regulations on things which can damage the shoreline and lake, such as cutting trees, and fewer regulations of temporary things, such as floats between boathouses.*

**Comment by:** 1 survey comment

**646** **Comment:** *All lots are different, and any good alternative absolutely must have some degree of flexibility.*

**Comment by:** 1 survey comment

**647** **Comment:** *I am suspicious of a highly bureaucratic network which will establish rules and regulations without the latitude and flexibility which individualization affords.*

**Comment by:** 1 survey comment

**648** **Comment:** *A blanket policy adversely affects landowners like me who take care of their property, protect the environment, clean up the refuse left by others, and so on.*

**Comment by:** 1 survey comment

**649** **Comment:** *I hope that TVA will refrain from imposing unreasonable restrictions and fees for the use and development of residential development, as I believe it will enhance the public image of TVA and the increased usage by the public of the lakes.*

**Comment by:** Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law)

**650** **Comment:** *Exert some control on the development and improvement of the water's edge by the adjacent landowners, but do not prevent it. By encouraging use and growth, TVA will gain a group of landowners who will work to improve shoreline conditions. If TVA starts being more independent and restrictive, they will have problems with the landowners.*

**Comment by:** 2 survey comments

**651** **Comment:** *Some rules and regulations are inevitable and must be put into place to keep responsible persons in line. These rules, however, should be basic, clear, concise, and few.*

**Comment by:** 1 survey comment

**652** **Comment:** *Development standards should provide enough protection to be effective and be flexible enough to permit innovative solutions. Complicated guidelines and onerous permitting processes will only serve to undermine the goal of protecting the shoreline.*

**Comment by:** Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County)

**653** **Comment:** *TVA should have some role in giving minimal oversight to shoreline management. Standards should not punish or be unnecessarily restrictive.*

**Comment by:** 1 survey comment

**654** **Comment:** *TVA may have good intentions, but the property owners need more leeway. The people own TVA. Give us a chance to improve our property and make Kentucky Lake a showplace.*

**Comment by:** 1 survey comment

**655** **Comment:** *Perhaps Alternative B2 fits our thoughts best, but we would appreciate being able to clear fallen trees from storm damage. Please keep us informed on the standards.*

**Comment by:** Matt Galas, Dot Galas

**656** **Comment:** *Alternatives C1 and C2 are too restrictive of lakefront property owners. In Guntersville, with property more than \$1,000 per square foot, landowners need the ability to maintain the shoreline to maximize aesthetic value and property value.*

**Comment by:** 1 survey comment

**657** **Comment:** *Shoreline property owners have made significant investments in their land. We did this for the view, access to the water, and the general enjoyment of waterside living. We do not want to have those benefits risked by regulations which serve no purpose. We may be supportive of reasonable regulations designed to ensure that private properties, docks,*

*and ramps are maintained, but such regulations should enhance our property value without reducing use or view.*

**Comment by:** Stephen Taylor, Sandy Lutz, Joseph M. Swann, CPA (Morristown Area Chamber of Commerce), Louis Oats (All Saints' Episcopal Church), Peter Clark, M.D., Judy M. Arnold McKenzie (Massengill-McCrary Realtors), Craig H. Price (Hamblen County Conservation Board), Patricia H. Anderson

**658** **Comment:** *Please continue to respect individuals' rights. Diversity makes things more interesting. I do not want every dock, retaining wall, and lawn to look like a clone. Let people be creative as long as it is not detrimental. Please do not regulate lake usage to certain types of watercraft or water surface usage. We do not need to penalize anyone. Let everyone enjoy the lakes in his own way.*

**Comment by:** 1 survey comment

**659** **Comment:** *When residents have good, common-sense ideas for improving the shoreline, TVA should be more flexible and entertain the ideas with an open mind. Make decisions based on fact and not outdated regulations.*

**Comment by:** 3 survey comments

**660** **Comment:** *Those who want to build should still be able to, with some guidelines. These guidelines should be decided by landowners and TVA, not by bureaucracy.*

**Comment by:** 1 survey comment

**661** **Comment:** *This DEIS talks about creating a cooperative spirit, but unfortunately it is not written into the regulations.*

**Comment by:** Hugh M. McCue

**662** **Comment:** *It appears that you are attempting to eliminate the ability of anyone at TVA to use common sense and judgment in evaluating shoreline alteration permits, which is the typical bureaucratic method of administering policy.*

**Comment by:** James B. Baker

**Response:** One of the reasons for the public-involvement phase of SMI was to help identify which standards could be reasonably and efficiently implemented. In response to public comments, TVA has developed a Blended Alternative which provides for more flexible standards. Under the Blended Alternative, permit applicants would have flexibility to design structures that meet their needs within the requirements established in the standards. Because of this flexibility, variation in size and appearance should result. The fee proposals have been withdrawn.

**663** **Comment:** *All you can do is your best. You will not be able to please everybody, because no matter what or how you do it, somebody will not be happy about it.*

**Comment by:** 1 survey comment

**664** **Comment:** *The SMI policy should be implemented as simply and as fairly as TVA can when balancing all the issues.*

**Comment by:** Gary Pack

**665** **Comment:** *Rules and regulations should be fair to owners of lakefront property.*

**Comment by:** 1 survey comment

**666** **Comment:** *I support control of shoreline development by TVA and USACE. However, the administration of policies must be done fairly and equally without political interference or favoritism.*

**Comment by:** 1 survey comment

**667** **Comment:** *TVA should specify a concise set of rules and regulations, explain the rationale so that everyone understands, and then apply the rules fairly. Do not change them for anybody for any reason. Leave things the way they were set forth back in 1933, and stop fooling around. What is public land is public land; what is private land is private land. Make rules about these narrow strips of land and enforce them.*

**Comment by:** Bill Evans

**Response:** Comments noted. Pleasing all stakeholder interests is a very difficult task. TVA has attempted to balance competing interests by developing a Blended Alternative that appropriately reflects public comments. The standards proposed in the Blended Alternative have been purposefully formulated for simple, fair, and flexible implementation.

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**668** **Comment:** *The way I read the document, those who have the money will be able to buy any land they want and build with only a few more restrictions than they have now.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**Response:** Comment noted.

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**669** **Comment:** *Existing residential development areas within the TVA-owned residential access shoreline and flowage easement ownership categories should be systematically evaluated for shoreline use agreements. Once TVA has decided that a proposed shoreline alteration or use of TVA-owned residential access shoreland is acceptable, TVA and the applicant should enter into a shoreline use agreement. This contract would prescribe the terms and conditions for access across and use of public shorelands. Section 26a permits would still be required for all proposed shoreline alterations.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** The shoreline use agreement concept would be embodied in a combined 26a/land use permit under TVA's new Blended Alternative. When reviewing plans for new residential shoreline development or alteration of existing permitted development, TVA would use the 26a/land use permit. However, TVA proposes to grandfather existing permitted development, as discussed in Chapter 5 of this volume.

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**670** **Comment:** *What TVA has been doing is working. Why propose solutions for problems that do not exist? TVA should simply handle increased permitting more efficiently.*

**Comment by:** 4 survey comments

**671** **Comment:** *Existing guidelines and policies are working well and are adequate. There is no reason to impose additional restrictions or alter current policies. We live under too many regulations now.*

**Comment by:** Ed Harper, 1 evaluation form comment (Harrison, TN), 81 survey comments

**672** **Comment:** *Leave things as they are. Changing procedures, introducing new restrictions, etc., only call for more employees, more equipment, and thus more funding.*

**Comment by:** 2 survey comments

**673** **Comment:** *The more TVA attempts to control in detail, the more unfavorable public opinion they generate. The more the agency attempts to regulate, the more it will cost to enforce and to administer, and therefore, the greater the shortfall in funding. TVA should continue using its present shoreline management rules.*

**Comment by:** 1 survey comment

**674** **Comment:** *These new regulations are really not fair and will do more harm than good. People resent being forced into detrimental changes. Be fair, as you have been in the past. Do not pit one group against another.*

**Comment by:** 1 survey comment

**675** **Comment:** *It is unreasonable to place additional restrictions on residential shoreline development other than those already in place along privately owned flowage easement and TVA-owned residential access shoreline. Restrictions on such property should be only those necessary for navigation, protection of the reservoir, and things of that nature. Attempting to control aesthetics, to maintain those areas as a natural park-type environment, is inappropriate.*

**Comment by:** Allen N. Palmer

**676** **Comment:** *When we purchased our property, TVA informed us of the rules and regulations of owning land adjoining a TVA lake. On land below the 750 line/straight line boundary, cut no trees over 3 inches in diameter and maintain some type of erosion control. What rules TVA had were sufficient and fair. TVA should continue to operate in the manner of the past.*

**Comment by:** James M. Talley, Mrs. James M. Talley

**677** **Comment:** *We knew the rules when we bought our land and have complied and cooperated. If something is working, do not try to change it. Leave the rules and regulations as they are.*

**Comment by:** W. Terry Finnell, Robert E. LeFoy, Jr., Gary McDougal

**678** **Comment:** *Use existing guidelines for shoreline management zones, management of woody understory, community facilities, boat-launching ramps, and dredging.*

**Comment by:** 3 survey comments

**679** **Comment:** *TVA already controls over two-thirds of the shoreline development by ownership and 100 percent through the permitting process. In other words, TVA already has control of all future development as it relates to the shoreline. For TVA to propose more than what is currently being practiced is unreasonable and unacceptable.*

**Comment by:** David Hollenbeck

**680** **Comment:** *There is no justification for increasing the scope of TVA's activities in residential shoreline development control, and the preferred Alternative C1 would certainly require the expenditure of substantially greater resources than are now available. Rather, improved enforcement of those permitting policies and guidelines now in effect would be much more cost-effective.*

**Comment by:** Donald M. Shepherd

**Response:** Comments noted. Some features of TVA's current guidelines have been in place since the 1950s. Other features have evolved over the past 10 to 20 years to respond to new laws that TVA must follow in administering its permitting program. Some features were included over the past 5 to 10 years to clarify TVA requirements and increase consistency of permitting decisions within TVA's regional land management field offices.

TVA's current shoreline management practices do not always provide the necessary or desirable level of environmental protection. TVA's analysis conducted for the SMI FEIS reveals that undesirable environmental impacts will occur to some shoreline resources in the future unless TVA modifies its shoreline management guidelines and standards. Please refer to *Table 2.10-1*, Alternative B1, for a discussion of probable environmental impacts under TVA's current practices.

Over the past few years, dissatisfaction with the requirements has been increasing. In 1993, a Gallup public opinion survey reported that 77 percent of the people felt TVA needed more limitations on the size and number of piers that could be built on TVA reservoirs. Some homeowners have indicated that TVA's existing requirements for docks and other water-use facilities do not offer them enough flexibility to design the type of structures they need. Other agencies and citizens expressed concern that the existing guidelines contribute to environmental degradation. At the same time, TVA was receiving increasingly higher numbers of permit applications, leading to concerns about the cumulative impacts of residential shoreline development. TVA decided to seek public comment on several alternative approaches in an effort to address these concerns. In response to public comments, TVA has developed a Blended Alternative that combines features of Alternatives B1, B2, C1, C2, and D. This alternative provides more flexibility in meeting varying shoreline development needs of different applicants and clearly explains grandfathering of existing shoreline facilities and uses. Refer to Section 2.8 of the FEIS for information about grandfathering of existing development and standards proposed in the Blended Alternative. Additional information can be found in Chapters 5 and 6 of this volume.

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**681** **Comment:** *We wish to express our opposition to TVA and USACE plans that would put more restrictions on our waterfront property. The restrictions in place now are strict enough.*

**Comment by:** W. Terry Finnell, Robert E. LeFoy, Jr., Gary McDougal

**Response:** Comment noted. The standards proposed in the FEIS were TVA, not USACE, proposals.

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**682** **Comment:** *The current guidelines are allowing people to construct concrete boat ramps and floats that slide on a cable. People have three or four boats per house, and they are building stairways down to the water. There are commercial docks that are protruding further and further out in the coves. TVA is giving commercial docks additional land to do this. If the lakes become polluted and contaminated, TVA should rescind all permits.*

**Comment by:** John Young

**Response:** By managing future shoreline development with environmentally responsible standards, it should not be necessary to rescind permits. The SMI alternatives apply to residential, not commercial, docks.

**683** **Comment:** *The Master Plan of Development for Tellico Village—submitted by Cooper Communities, Incorporated, and accepted by TVA—provides for individual boat docks, community boat docks, select clearing within the shoreline strip, and development of other recreational facilities within the shoreline strip. In order to assure the maximum availability and enjoyment of lake facilities for lakefront property owners and the public at large, we advocate a shoreline management policy which provides allowances for the above. TVA must determine a reasonable balance between wilderness preservation and shoreline development, whether residential, recreational, or industrial. We advocate a 48 percent limit on residential shoreline development, fearing that if development exceeds one-half of the shoreline, the overall desirability of any particular lake for residential development would be compromised, and the environmental consequences would outweigh the benefits of development. Large-scale developments should be required to submit a master plan which includes green space and elements to protect the environment in return for the enhancements listed above. Tighter controls should be implemented for shoreline activities requested by individuals so that the result is a cumulative impact equivalent to that of large developments.*

**Comment by:** Thomas C. Oppenheim, P.E. (Cooper Communities, Inc.)

**Response:** In addition to Tellico Village, TVA has worked with developers at other locations on Tellico and on other lakes in the system to create shoreline plans that provide for protection of wetlands or other critical resources, minimal or no disturbance along steep slopes, designated open space, clustering of water-use facilities in community spaces, and other environmentally responsible actions. As a further example on Tellico, TVA has worked with the developers of Rarity Bay, Harbour Place, Culvert's Cove, Kahita, other smaller developments, and individual lakefront property owners to reduce potential impacts to the reservoir shoreline. TVA wants to work with interested developers or homeowner associations in customizing shoreline plans for developments. Interested parties should contact their local Land Management Office for more information.

**684** **Comment:** *I am opposed to clearcutting the shoreline, so I favor the fairly tightly controlled vegetation requirements of Alternative C1.*

**Comment by:** Bogue Waller

**685** **Comment:** *Alternative C1 restrictions are not unreasonable. After all, the recreational value is there because of the TVA reservoir. Since TVA owns the land below contour 1034, they should say what is to be done, as long as it is reasonable.*

**Comment by:** 1 survey comment

**Response:** Comments noted.

**686** **Comment:** *Manage the shoreline, woody understory, and tree-cutting as proposed in Alternative D.*

**Comment by:** 1 survey comment

**687** **Comment:** *Most of the land use standards in Alternative D are clearly in the best interests of conservation and environmental preservation, although I have no concern with the covered boat slip in Alternative C1 and C2.*

**Comment by:** Monte B. Miller, M.D.

**688** **Comment:** *I support Alternative D because it is more specific in requirements. With no requirement or less stringent requirements, many individuals will throw together almost anything to serve their own purpose. Many will not correct problems or respect other people's efforts to correct problems. That is the nature of some of the people who use the lakes.*

**Comment by:** 1 survey comment

**Response:** Comments noted.

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**689** **Comment:** *TVA's existing permitting guidelines (Appendix A) should be replaced by the comprehensive set of shoreline development standards developed by the Tennessee Conservation League. These guidelines were developed by altering guidelines set forth in Alternative D of the TVA SMI DEIS. These standards are designed for maximum preservation of natural resources and scenic values along TVA-owned residential access shoreland and, where applicable, flowage easement shoreland. Only those residential shoreline alterations that result in minimal disturbance of existing conditions should be allowed. Additionally, these guidelines were developed to ensure that shoreline protection will be adequate for the following purposes: aquatic vertebrate and invertebrate habitat, buffer reservoir water from residential nonpoint source pollutants, erosion control, migration/movement corridors for birds, movement corridors for terrestrial mammals, and aesthetic quality for public recreational users.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** TVA initiated SMI primarily to review existing permitting practices with the public and formulate a shoreline management policy that better protects shoreline resources as new development occurs. In response to public comments, TVA has developed a Blended Alternative that emphasizes the ecological and recreational importance of TVA public lands. TVA would adopt permitting standards and a shoreline categorization system to ensure that permitted actions would not harm wetlands, threatened and endangered species, cultural resources, aquatic habitat, or other important shoreline resources.

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**690** **Comment:** *I am in favor of TVA's plans for keeping docks maintained and requiring people who are putting in new docks to live up to whatever standards the USACE recommends.*

**Comment by:** O'Neal Terry

**Response:** TVA agrees maintenance of facilities is important. TVA examined and took into account USACE requirements prior to developing the alternatives in the EIS. USACE has independent permitting authority in the Valley and can apply its standards as appropriate.

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**691** **Comment:** *It is good to see zoning applied to the lakes. Is TVA reviewing the zoning practices and standards of major cities before finalizing SMI?*

**Comment by:** 1 survey comment

**692** **Comment:** *There are existing county land use laws that can be enforced. Use them.*

**Comment by:** 1 survey comment

**693** **Comment:** *Zoning considerations for land need to be reviewed. Trailers should not be intermingled with houses. Standards must be enforced where this occurs now. Property values are at stake.*

**Comment by:** 1 survey comment

**Response:** Many counties in the Valley do not have zoning programs. Local zoning typically applies to use of private land. TVA is responsible for determining the best use of land and shorelines in its custody. It is the responsibility of local authorities, not TVA, to determine the type of dwelling to be placed on private property.

**694** **Comment:** *I concur with TVA's conclusion that each lake should have its own management regulations, as each lake in the TVA system has its own peculiarities and problems.*

**Comment by:** Charles F. Holloway

**Response:** TVA proposes to adopt one policy to guide shoreline permitting on all agency lakes. TVA does prepare individual reservoir management plans to identify the most suitable uses of its public land.

**695** **Comment:** *One policy does not fit all TVA lake situations. Policies must consider differing water level fluctuations (tributary and mainstream), lake use, amount of current and projected development, amount of public land, water temperatures, industrial pressures and use, lake depth, lake size, erosion control measures, etc. Reservoir-specific or regional policies and standards are needed.*

**Comment by:** Allen N. Palmer, Calvin Carpenter, Charles C. Smoot (Bear Paw Subdivision), Dale Hedges, Danny Hunt, Dave Cooper, Debbie Hellums, Doug Warren, Earl Shirley, Heber Norckauer, John Croes (Timberlake Estates Homeowners Association), Mike Bunch, Nancy Benziger Brown (American Planning Association), Patricia Stoll, Ralph Bahr, Richard Bell, Rodney Campbell, Scott Koenig, Steve Fritts, Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Wayne Burge, William Sherrill, Ken Cole, Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey, Robert L. Johnson, Johnny L. Boyles, William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt, Pat Thompson, 1 evaluation form comment (Blountville, TN), 35 survey comments

**696** **Comment:** *Shoreline homeowners' docks on large, open bodies of water should have different standards than those on smaller coves where navigation and boat traffic will be hindered. Uniform system-wide standards for all docks are unwise and unfair.*

**Comment by:** 1 survey comment

**697** **Comment:** *The ideal alternative would be for the greatest protection of the shoreline (erosion and environmental). The alternatives given would depend on individual area conditions. I prefer the greatest care and the greatest individual usage.*

**Comment by:** 1 survey comment

**Response:** The shoreline categorization system proposed under Alternatives C1, C2, D, and the Blended Alternative would be implemented on a reservoir-by-reservoir basis as individual reservoir management plans are prepared. This would allow TVA to consider specific site conditions along the shoreline in determining if there are any special resources that would be affected by docks or other shoreline development.

The new Blended Alternative would not be a one-size-fits-all policy. The policy would set maximum size requirements for water-use facilities, but the permit applicant would have the flexibility to determine exactly how to best meet his or her needs within the size requirements. For example, some may apply for a permit to build a small dock, while others may prefer to build a larger dock as well as boat slips. Upon request, TVA would assist the applicant in evaluating what type, size, and configuration of docks or other water-use facilities would best meet his or her individual needs.

There are differences in topography, lake fluctuations, and other conditions on mainstream and tributary reservoirs. These conditions can and will be taken into account in the reservoir land planning process. The permitting standards, including the maximum size requirement for water-use facilities, are flexible enough to work on both tributary and mainstream reservoirs.

SMI will not prevent TVA from developing unique solutions for special problems. For example, TVA will consult, as requested, with applicants about special problems such as erosion. Through these discussions, TVA will work with applicants to evaluate factors contributing to the erosion and to explore erosion control options. This collaboration will help determine the best erosion control strategy for each situation. Also, SMI is not the only avenue used by TVA to address problems within the Tennessee River system. TVA's River Action Teams and Land Management Offices work with other agencies and local citizens to systematically assess conditions within the Tennessee River watershed and develop action plans tailored to solve identified problems.

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**698** **Comment:** *TVA regulations should be the same on all reservoirs.*

**Comment by:** Mary Huddleston

**699** **Comment:** *If any development restrictions are placed on TVA shoreline, they should be placed on the TVA shoreline (public and private) as a whole and thus not unfairly restrict ownership of land near metropolitan areas such as Boone Lake and the Tri-cities (Bristol, Johnson City, and Kingsport). Any development restrictions must be considered on the Tennessee River Valley as an ecosystem in itself.*

**Comment by:** Association for Democratic Reform of the Environment and Shoreline

**700** **Comment:** *It would be preferable for the SMI to present alternatives for basin-wide, long-term management standards, policies, and goals. Final management plans may be ultimately prepared on a project-by-project basis under the basin-wide policies developed earlier.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**701** **Comment:** *A more regional management plan with some community representation would help as this seems to give too much power beyond local owner concerns. However, some effective management is needed.*

**Comment by:** 1 survey comment

**Response:** Under each alternative, the same policies and standards would be applied to all TVA reservoirs. Individual reservoir plans would be used to implement shoreline categorization and to assess reservoir-specific issues and impacts.

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**702** **Comment:** *There is inconsistency that I have found on other TVA lakes in comparison to Tims Ford. I would like to see a more consistent policy among all TVA lakes.*

**Comment by:** Frank Sanders

**Response:** When it was responsible for managing shoreline permitting on Tims Ford Reservoir, the Tennessee Elk River Development Agency established permitting requirements for that reservoir. Some elements of the requirements were similar to those followed on other reservoirs by TVA, but other provisions were unique to Tims Ford Reservoir. The new permitting requirements in TVA's Blended Alternative would be consistently applied to Tims Ford Reservoir and other reservoirs in the Tennessee River system.

**703** **Comment:** *A license plate or tag should be attached to approved facilities and be visible from the water for compliance checks. Require the property owner to display the permit number in a specified color and size on the structure so that a survey could easily be taken. These registration numbers would be used to retrieve other applicant information from a data base should communication with the owner be required. A sequential numbering system could be used to take care of structures with damaged or missing numbers.*

**Comment by:** Keith Dicken, 2 survey comments

**704** **Comment:** *Structure registration tags for boat docks would not provide any more information than is currently available. The owner of any boat dock can be easily identified by the land parcel number, available on TVA maps and current tax records. If a more expeditious method is desired, owners could be required to place their names and addresses on the lakeward side of the structure. If the registration process were put in place, then it must be decided what constitutes a poorly maintained structure and how enforcement will be accomplished. If implemented, these procedures would accomplish nothing but the addition of new departments within TVA to manage them, which in these economic times is not as popular as it once was.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**705** **Comment:** *I fail to see that putting a tag on the end of a dock is going to accomplish anything that cannot be accomplished just as readily today with the information available at the Assessor's Office, and I am sure TVA already has lot numbers for each lot. What would prevent somebody from taking the registration tag off?*

**Comment by:** Robert Cheetham (Pine Grove Fire Association)

**Response:** Issuing tags for permitted facilities would make it easier for TVA staff to determine whether facilities are approved and in compliance with permits. TVA has withdrawn the structure registration fee concept.

**706** **Comment:** *Dock designs should include acceptable construction practices so that they will be structurally sound and will not fall apart and litter the lake.*

**Comment by:** 1 survey comment

**Response:** TVA agrees. Both the existing Section 26a regulations and any changes to them would have construction standards.

**707** **Comment:** *Who designed the new style boathouses that would fall under the 1,000-square-foot limit? What types of boats would be considered? Are you going to take these different sizes and makes and models into consideration when you design a specific boathouse? From a construction standpoint, there are some situations where the physical construction*

*and safety of a boathouse does not necessarily fall under the current standards, and I would like to know if those issues are going to be addressed.*

**Comment by:** Bubba Doss (Bubba's Marine Construction)

**Response:** TVA did consider the varying sizes of boats when it developed proposed dock standards. Homeowners would continue to have responsibility for design of boathouses and other water-use facilities that would accommodate their boat(s). TVA's role would be to ensure that the proposed facilities would fit within the maximum footprint requirement and that they would not adversely affect navigation, flood control, power generation, public lands, or the environment. TVA would also have a role in making sure the facilities are maintained in good condition. Under the Blended Alternative, TVA would no longer include the access walkway in calculating the 1,000-square-foot footprint. This change would accommodate larger boats and docks of varying sizes.

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**708** **Comment:** *Existing building codes and common sense are sufficient standards to control structures of all types. There are only certain types of materials that are appropriate for construction of water-exposed boat houses, docks, retaining walls, and riprap, and they are being used today in shoreline facilities. TVA should not be allowed to require shoreline construction to a greater degree than permitted today, certainly no more than Alternative B1. As an architect, I understand the importance of standards, building codes, and rules and regulations. I also know from 47 years of experience that they can be written to be too restrictive and not achieve the purpose intended; therefore, standards allowed under Alternative B1 are sufficient.*

**Comment by:** Edwin E. Howard, Patricia Howard

**709** **Comment:** *Piers and docks should be designed for aesthetics as well as life expectancy, i.e., type of construction materials (bolts versus nails, treated lumber, flotation). A primary target should be marinas built in coves with no gas, restrooms, or other facilities for the public.*

**Comment by:** 1 survey comment

**710** **Comment:** *Construction standards are desirable and would be acceptable as long as proper engineering guidelines are used and any deviations are reviewed by qualified engineers, not by technicians armed with only a modicum of knowledge and a TVA-approved standards manual.*

**Comment by:** Gregory E. Huber

**Response:** Comments noted. In response to public comments, TVA has developed a Blended Alternative that sets standards for size of facilities but does not provide engineering specifications for facilities. It is the applicant's responsibility to ensure proper engineering of permitted facilities.

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**711** **Comment:** *Standardized water-use facility designs are not necessary. Dock designs should be the property owner's choice.*

**Comment by:** 8 survey comments

**712** **Comment:** *No one design fits all problems.*

**Comment by:** 1 survey comment

**713** **Comment:** *Uniform dock requirements goes beyond common sense. Why in the world do we need all docks to look alike?*

**Comment by:** Alan L. Compton

**714** **Comment:** *We are a nation of individuals, and the notion of standardized dock designs is not consistent with our culture.*

**Comment by:** Richard H. Shuford, Jr.

**715** **Comment:** *There should be no standardized dock designs. We do not need to have everything lined up the same. Part of the enjoyment of boating on the lake is to see a variety of vegetation and a variety of buildings and docks.*

**Comment by:** Victor Hart

**716** **Comment:** *I do not support standardized dock designs. Let individuals use their own initiative, as long as the construction is sturdy. I am sorry that some people have poor taste, but that is part of being human. Someone recently constructed a home across the lake from us which is an eyesore, but I will defend their right to have it.*

**Comment by:** 1 survey comment

**717** **Comment:** *Standardized water-use facility designs are needed to ensure strength and durability. Standard plans would also lower costs associated with permitting activities, and property owners would no longer be at the mercy of commercial dock builders.*

**Comment by:** Gregory E. Huber, 5 survey comments

**Response:** None of the alternatives would result in all docks looking exactly alike. Standardized dock designs are components of Alternatives C1, C2, and D and would be optional, not mandatory. Under the Blended Alternative, sample sketches could be used by homeowners in applying for permits. They would be available for a homeowner's use if they met the homeowner's needs. If none of the sample sketches were acceptable, then the homeowner could submit sketches for a design that better met his/her needs. As long as the plans met TVA requirements, the design submitted by the homeowner could be approved.

Standardized dock designs were suggested under some alternatives as a way to make it easier for homeowners to apply for permits. TVA does not intend to require all docks to be exactly the same size or to be exactly alike. Some homeowners would choose to build a small dock only, while others would build a dock and adjacent slip, and still others would build a large boathouse.

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**718** **Comment:** *Structures should be built that do not exceed the height of existing canopy.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**719** **Comment:** *There is no need for the huge, ostentatious docks that are two levels high, with a railed rim deck on top. This structure blocks views and in a few years will need extensive repairs. When we bought property 10 years ago at Tellico Village these were not allowed and should not be allowed now.*

**Comment by:** 1 survey comment

**Response:** The Blended Alternative includes a requirement that boathouses contain only one story. Limiting the height of the structure to the height of the existing canopy would be difficult to administer because of the variability and change in canopy heights.

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**720** **Comment:** *The allowable footprint should be between 300 and 400 square feet, as proposed in Alternatives B1 and B2.*

**Comment by:** 13 survey comments

**721** **Comment:** *Decrease the maximum allowable footprint to 500 square feet.*

**Comment by:** 1 survey comment

**722** **Comment:** *TVA does not have the needed control under any other alternative than Alternative D. One thousand square feet is too much for a maximum allowable footprint.*

**Comment by:** 2 survey comments

**Response:** Comments noted. Under each alternative, the actual size of water-use facilities would be based upon homeowner's needs, physical site conditions, surrounding residential shoreline development, and applicable TVA requirements. The alternatives provide for a range of maximum dock sizes from 300 square feet to over 1,000 square feet. For more information, see Chapter 2 of the FEIS.

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**723** **Comment:** *The maximum allowable footprint should be 1,000 feet for individual docks and 200 feet per lot for community docks.*

**Comment by:** Dolores Howard

**724** **Comment:** *The 1,000-square-foot footprint in Alternative C1 is reasonable.*

**Comment by:** 3 survey comments

**725** **Comment:** *Increase footprint to 1,000 square feet.*

**Comment by:** 1 survey comment

**Response:** Alternatives C1 and C2 provide for a 1,000-square-foot footprint, including access walkway, from the water's edge to the main dock. The Blended Alternative provides for a 1,000-square-foot footprint, but the access walkway is not included in calculating square footage. For community facilities to serve lots abutting TVA land, one slip per lot will be considered instead of setting a footprint requirement.

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**726** **Comment:** *The 1,000-square-foot footprint for boat docks is inadequate. The USACE's nationwide permit, which says 750 square feet for the water surface area occupied by the slips, 400 feet for swim platforms, 4-foot walkways, and 6-foot access walkways, makes a lot more sense than TVA's 1,000 square feet. In some cases TVA has not addressed the handicap-access issue. When the walkways are reduced below 3 feet, they are not wheelchair-accessible.*

**Comment by:** Dennis Thacker

**727** **Comment:** *The access gangways should not be included in the calculation of dock square footage if kept to the standard 5-foot width. The proposed method of calculation unreasonably penalizes those who have front shallow areas. If a homeowner wants to use a gangway wider than the 5-foot standard, then calculate the square footage of the dock and add only the width that exceeds the 5-foot standard multiplied by the length of the gangway. If a reduction of dock size is the desired goal, reduce that footprint area in the proposal, but calculate only the dock footprint and the gangway square footage beyond the 5-foot standard in calculating the total dock square footage. The standard gangway width must be at least 5 feet. TVA's examples of possible allowable footprints on page 2-9 are misleading, unsafe, and ergonomically unviable. Has anyone at TVA actually walked across a floating gangway that is only 4 feet wide, while carrying fishing and boating gear?*

**Comment by:** Gregory E. Huber

**Response:** The different size requirements described for docks and other facilities are very similar to TVA's existing guidelines. The footprint approach gives homeowners flexibility to determine what size, type, number, and configuration of docks and other water-use facilities will best meet their needs. The Blended Alternative would not include access walkways in calculating the 1,000-square-foot footprint. This would provide more space for other facilities. In addition, the Blended Alternative would provide for access walkways up to 6 feet wide, which should accommodate the needs of disabled persons. The agency recognizes special needs of disabled persons and will work with them to accommodate those needs.

**728** **Comment:** *In Alternative C1 the footprint allowance is too small. Since it includes walkways, people with larger boats would have to build smaller deck areas.*

**Comment by:** 3 survey comments

**729** **Comment:** *The proposed 1,000-square-foot allowable footprint for water-use facilities is inadequate; 1,500 square feet would be more appropriate. TVA should not attempt to compare its standards to those of Duke Power Company.*

**Comment by:** Allen Gezelman, Cecil Batchelor, Dennis Thacker, John Scott

**730** **Comment:** *Increase square footage allotment for docks to 1,500 square feet. Allow larger docks on a case-by-case basis. On some lakes and on some pieces of land and with some boats a larger dock may be necessary.*

**Comment by:** 1 survey comment

**Response:** Alternatives A, B1, and B2 provide for larger facilities. Under the Blended Alternative, the maximum footprint requirement is 1,000 square feet, but unlike Alternatives C1 and C2, the access walkway would not be included in determining the square footage. This should substantially address the expressed need for a larger footprint size, and it would provide space for more than one boat.

**731** **Comment:** *Is the maximum allowable footprint figured per lot (no matter what size?), per property owner, or per acre? For example, would someone who owns 100 acres be allowed a larger dock than someone who owns 1 acre on the lake? If I own a permitted dock and want to add another structure, will I be held to the new maximum allowable footprint?*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**Response:** The Blended Alternative would set a maximum footprint of 1,000 square feet of water surface, excluding the access walkway. The same footprint would typically apply to a 1-acre lot or a 100-acre parcel that is in one ownership. The addition would have to conform to new SMI standards, and the aggregated facilities would have to meet the footprint requirement. However, existing property owners who live in areas where residential shoreline alterations existed prior to the effective date of the SMI policy may apply for variances to modify existing docks in ways that conform to surrounding permitted shoreline alterations.

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**732** **Comment:** *Should structures in the Tennessee Valley be the same size as structures in North Carolina?*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**733** **Comment:** *I do not agree with attempting to limit a dock facility to one dock per site; there should be some consideration given to the size of the site. If somebody has a large site, it might be reasonable to have a larger dock or perhaps a dock and a boathouse, whereas somebody that only has 50 or 60 feet perhaps should not be permitted as much. Some adjustment of a per-resident requirement should be allowed for varying sizes of frontage. A blanket restriction of one dock or fixed area per land parcel is unreasonable, especially for privately owned shoreline. Consideration should be given to the amount of shoreline in the parcel, the density of such structures in the area, and the potential for future requests. What is an appropriate limit for a 30-foot waterfront may be too restrictive for a 1,000-foot waterfront. We frequently accommodate six or more boats at our docks.*

**Comment by:** Allen N. Palmer

**734** **Comment:** *TVA should make the size requirements of the dock and the boathouse applicable to all of the wide lakes. The structures do not in any way hamper navigation; therefore, there is plenty of room for navigating and recreational purposes. So we should not have such stringent restrictions.*

**Comment by:** Cecil Batchelor

**735** **Comment:** *Why not set a minimum and maximum size for docks that can be built on the lake, depending on the planned dock location, size of the cove, number of potential docks in the cove, and possible impact on boat traffic if in the main channel.*

**Comment by:** James B. Baker

**736** **Comment:** *Maximum allowable footprint should be a function of location, neighbors, and other factors evaluated at time of permitting.*

**Comment by:** 1 survey comment

**Response:** The idea of setting a minimum and maximum size for docks based on length of shoreline, size of cove, number of potential boats in coves, and dock location would require development of a complex formula or other detailed criteria to implement. This could contribute to confusion and would be difficult to administer.

TVA's existing guidelines state that only one dock will be permitted to serve each lot that adjoins shoreland. Existing guidelines also allow for a boathouse or boat slips at each adjoining lot and for additional facilities. The new Blended Alternative does not specify how many facilities can be built per adjoining lot. Instead, it would set a maximum footprint of water surface that can be used by each adjoining lot owner. Even on wide lakes there are places where the navigation channel is very close

to shore. In these cases, TVA carefully evaluates the physical and environmental constraints and places special limitations or other site-specific requirements on the type of shoreline facilities that may be permitted.

**737** **Comment:** *Considering that Cherokee Lake, as well as the other 19 tributary lakes on the Tennessee River system, fluctuate as much as 50 feet from summer to winter pools, can you imagine the difficulty in moving a behemoth structure such as the one chosen in Alternative C1? It would discourage tributary lake lot owners from even having a dock. Besides considering that there are 20 tributary lakes listed in your SMI DEIS and only 9 nontributary lakes, with a fluctuation of maybe 5 feet, does not the Alternative C1 dock seem biased toward the more stationary lakes and docks? Sign an agreement to keep Cherokee Lake between 1060 and 1070 year-round, and I will sign up with the next available dock builder for the dock of your choice.*

**Comment by:** Marc A. Carter

**Response:** The 1,000-square-foot footprint proposed in Alternative C1 was suggested as a maximum area to be occupied by an individual property owner's dock, boatslips, or other water-use facilities. It was not TVA's intent for each homeowner to build facilities this big. TVA expects homeowners to select the size of facilities that they need and are able to manage within established TVA requirements.

**738** **Comment:** *TVA should maintain a liberal policy of allowing docks and boathouses. Standard requirements and minimum/maximum sizes are understandable and desirable; however, they should not be used as a discouragement mechanism.*

**Comment by:** Robert K. Maxon

**Response:** The size standards in Alternatives B1, B2, C1, C2, and the Blended Alternative are intended to provide maximum sizes, not to discourage shoreline development.

**739** **Comment:** *Docks should be 50 feet from other property owners' land.*

**Comment by:** 2 survey comments

**740** **Comment:** *A 50-foot minimum for dock density should be added to Alternative B2.*

**Comment by:** 2 survey comments

**741** **Comment:** *A 50-foot minimum distance between docks may be too much, since permanent docks must be built where water is deepest.*

**Comment by:** 1 survey comment

**742** **Comment:** *TVA should require a 100-foot minimum distance between docks.*

**Comment by:** 2 survey comments

**743** **Comment:** *There should be no restriction or distance between docks, because many lots are not very wide.*

**Comment by:** 1 survey comment

**Response:** Alternatives B1 and B2 would follow existing TVA guidelines, which do not include a 50-foot minimum density requirement. Under Alternatives C1, C2, and the Blended Alternative, TVA would keep at least 50 feet of space between docks. TVA would expect that developers would design subdivisions in a way that take into account the 50-foot density standard and appropriately size lots or provide for community facilities. The 50-foot distance requirement would not apply to preexisting shoreline developments. If physical constraints of existing sites prohibit spacing docks at 50-foot intervals, the distance between docks would be adjusted as needed. Alternative D has a 100-foot minimum density requirement.

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**744** **Comment:** *TVA should control the density of docks by limiting the development of multifamily units.*

**Comment by:** 4 survey comments

**Response:** TVA does not determine the type of housing units to be built on private land. Local authorities make these determinations.

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**745** **Comment:** *Close placement of commercial and residential docks causes traffic from many large boats and wave runners, creating a problem. Muddy water and pollution make the water unfit for swimming and activities near shore. This traffic also causes the loss of a minimum of 1 foot of shoreline a year due to wave action.*

**Comment by:** 1 survey comment

**746** **Comment:** *TVA should not allow lot sizes to be too small, because this crowds the shoreline with boats, wave runners, etc.*

**Comment by:** Dorothy Dove

**Response:** Under Alternatives C1, C2, and the Blended Alternative, TVA would require at least 50 feet of space between docks, wherever practical, because of concerns about density. Many of the boats and wave runners on the lake are owned by people who do not live at the lake.

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**747** **Comment:** *TVA does not know what is going on in this lake, when they have a proposal written in the DEIS that allows only 25 square feet of storage area for a boathouse. There is no room for life preservers in 25 square feet of storage, much less outboard motors, gas tanks, oars, and fishing tackle.*

**Comment by:** Ray Werden

**Response:** The 25-square-foot requirement for completely enclosed storage space has been in effect for several years. This requirement does not mean that a boathouse cannot have outside dimensions larger than 25 square feet. It just means that the totally enclosed floor space inside the boathouse cannot exceed that size. This allows for a reasonable storage area. Under the Blended Alternative, the size of the storage area would be increased to 32 square feet.

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**748** **Comment:** *Covered boat slips are okay with or without sides.*

**Comment by:** 1 survey comment

**749** **Comment:** *Why no sides on covered boat slips?*

**Comment by:** 1 survey comment

**750** **Comment:** *Enclosed boathouses provide security and should be allowed, to discourage theft.*

**Comment by:** 17 survey comments

**751** **Comment:** *The design of boathouses should allow for the totally enclosed and secured storage of one boat and limited equipment.*

**Comment by:** 1 survey comment

**752** **Comment:** *Open-sided boathouses and boat slips do not protect the boats against theft or vandalism. I have suffered about \$2,000 of theft, and I have a locked boathouse.*

**Comment by:** 1 survey comment

**753** **Comment:** *My first concern is that TVA is proposing to open up boathouses on new structures. As crime increases, we find it necessary to enclose our boathouses. TVA might be doing this for inspection purposes, but if TVA inspects the new boathouses as they are built, that would preclude the necessity for annual inspections.*

**Comment by:** Cecil Batchelor

**754** **Comment:** *TVA proposes an open boathouse without any closure. That is fine for a marina, where there is security; but we cannot do that on this lake. We have enough trouble as it is with theft. We have to lock our boathouses and put down wave breakers to keep people from coming up underneath them.*

**Comment by:** Ray Werden

**755** **Comment:** *An enclosed boathouse is more feasible than an open boathouse because of all the clutter hanging up. Being in the insurance business, I have had to pay several theft claims when stuff is locked up. It is a temptation when there is a trolling motor and fishing rods for everybody to see.*

**Comment by:** Brent Lay (River Oak Recreation)

**756** **Comment:** *Alternative Zero would allow landowners to construct boathouses with sides so that their property is protected.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**757** **Comment:** *Boat slips may no longer have sides on them because it is deemed unsightly and unnecessary. That may be true for metal sides, but other aesthetically acceptable designs are available.*

**Comment by:** John W. Musser

**758** **Comment:** *A boathouse should have a roof and sides, but the SMI alternatives do not allow sides.*

**Comment by:** 1 unidentified speaker comment (Guntersville, AL public meeting)

**759** **Comment:** *Boathouses without sides are ugly and look cluttered. A sided boathouse is tidy-looking.*

**Comment by:** Bruce Watkins, Alan L. Compton, 2 survey comments

**760** **Comment:** *Floating facilities should be allowed to have sides for security purposes. This would lessen incidents of theft and vandalism. The ecological impacts of floating facilities are defined by their presence or absence, not by their aesthetic appearance.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**761** **Comment:** *Under Alternative C1 there would be no sides on boathouses. You might expect this to be better aesthetically because you could see through it and see the vegetation. But in reality, it looks worse. After the slip owner hangs fishing gear, floats, rafts, swim ladders, towels, clothes, and rubber ducks from under the roof or on the open docks, it is an eyesore, and not scenic. Also, open sides encourage vandalism.*

**Comment by:** George J. Jeram, 1 survey comment

**762** **Comment:** *Boathouse sides are precluded under Alternatives C1 and C2. If this restriction could be put into an "is considered" category, Alternative C1 or C2 would be acceptable. I own a 40-year-old, mahogany-decked, wood boat. An enclosed boathouse would provide the required weather protection.*

**Comment by:** 1 survey comment

**763** **Comment:** *I would like to see at least partial sides permitted for boathouses to better protect suspended boats. I would prefer full sides.*

**Comment by:** 1 survey comment

**764** **Comment:** *I do not like boathouses with sides.*

**Comment by:** 1 survey comment

**765** **Comment:** *I favor boathouses with no sides. Boathouses with sides are unsightly and destroy views. Also, boathouse sides could create a safety hazard since a call for help would do no good if the person in the water could not be located visually.*

**Comment by:** 1 survey comment

**Response:** Because of the security and aesthetic concerns raised in these comments, the Blended Alternative would allow boathouses to have exterior siding.

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**766** **Comment:** *Uncovered boat slips are preferred.*

**Comment by:** 7 survey comments

**767** **Comment:** *Covered boat slips are preferred.*

**Comment by:** 1 survey comment

**768** **Comment:** *Contrary to medical advice to avoid excessive sun exposure (besides comfort considerations), roofs will only be permitted over boat slips, with no roofs allowed over the dock area used by people. Is this logical?*

**Comment by:** John W. Musser

**769** **Comment:** *Why would TVA not allow roofs over the dock, as well as the boat slips, to reduce cancer risk? A roof alone is not adequate protection for some boats. Some boats are very expensive, and the statement that boating needs will be met is another projection without credibility.*

**Comment by:** 1 survey comment

**Response:** Alternative D would allow only uncovered slips. Covered slips and/or docks would be permitted under the other alternatives.

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**770** **Comment:** *TVA should not impose roof color restrictions. "Blending roof color with the natural surrounding" is too vague a concept for consideration as a standard. Who would make these decisions?*

**Comment by:** 9 survey comments

**771** **Comment:** *Do we really need a federal agency telling us what color roof metal to use, such as what is proposed in Alternative C1?*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**772** **Comment:** *The designation of roof colors for boathouses or docks by TVA is an unwarranted restriction of property owners' rights. TVA might encourage their roof color preference, but dictating roof color would only generate a bad public relations image and might leave TVA vulnerable to lawsuits over roof color.*

**Comment by:** 1 survey comment

**773** **Comment:** *The color of both the top and the sides of boathouses should be controlled to blend into the surroundings.*

**Comment by:** 2 survey comments

**774** **Comment:** *All covered boat slips should have natural-colored roofs.*

**Comment by:** 1 survey comment

**Response:** Boathouse or slip roof color would not be specified under Alternatives A, B1, B2, and the Blended Alternative. Color was included in Alternatives C1 and C2 to more fully address aesthetic concerns.

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**775** **Comment:** *Do not utilize Styrofoam for flotation.*

**Comment by:** 2 survey comments

**776** **Comment:** *All water-use facility flotation should be encased. Styrofoam that is not encased breaks off and becomes a litter problem. Encased Styrofoam prevents this unsightly pollution.*

**Comment by:** C. Tom Bennett (Kentucky Department of Fish and Wildlife Resources), 18 survey comments

**777** **Comment:** *I strongly urge TVA to require that new dock owners use enclosed foam. We recently replaced all of the unenclosed foam blocks on our dock, because the ducks and geese were pecking away large chunks of the Styrofoam, and all of those small particles were ending up in the lake. The fish try to eat these and so do other wildlife.*

**Comment by:** 1 survey comment

**778** **Comment:** *The issue of flotation for commercial docks needs to be discussed. The same type of flotation must ultimately be applied to residential and commercial docks.*

**Comment by:** 1 survey comment

**779** **Comment:** *Encased foam is more expensive than regular foam. Unencased foam eventually breaks up, creates a mess, and could present a water hazard.*

**Comment by:** James B. Baker, 5 survey comments

**Response:** The problem with unencased foam is that it breaks apart and creates debris in the lake. It is also damaged by muskrats and other animals. Pontoons, encased foam, or other commercially manufactured flotation, are well protected and more durable than unencased foam and are less likely than unencased foam to break loose. Encased foam is usually more expensive than unprotected foam, but it is often guaranteed to last several years. Under Alternatives C1, C2, D, and the Blended Alternative, TVA would require all docks to use commercially manufactured flotation. If Styrofoam is used, it must be the commercially manufactured, encased type. Unencased foam that has broken away is a noticeable problem at some locations.

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**780** **Comment:** *Limit the number of boat slips to one or two per lot.*

**Comment by:** 7 survey comments

**Response:** Two slips per lot are allowed under Alternatives B1 and B2. Alternative A has no limitations on the number of slips. Under Alternatives C1, C2, and the Blended Alternative, more than one slip could be permitted, as long as it and other water-use facilities fit within designated footprint requirements. Under the Blended Alternative, the maximum footprint would be 1,000 square feet, and the size of the access walkway would not be included in calculating the footprint.

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**781** **Comment:** *TVA should not approve privately owned boat ramps. However, TVA could consider community boat ramps in conjunction with community docks.*

**Comment by:** James B. Baker, Dolores Howard, 4 survey comments

**782** **Comment:** *Construction of privately owned boat ramps should be allowed without additional restrictions.*

**Comment by:** Scotty Long, petition with 23 signatures (Riverbend Estates), 17 survey comments

**783** **Comment:** *Page X-38 says there will not be any new boat ramps allowed in any subdivision where there is a boat ramp within a 20-mile radius. Therefore, if you take the Olan-Marshall Bridge and a 20-mile radius, that would cover the whole lake and eliminate any new boat ramps coming into the area.*

**Comment by:** James Southerland

**784** **Comment:** *An idea for a boathouse designed to roll up and down ramps would provide a means for lifting the boat out of the water when not in use and enhance availability in a variable level reservoir.*

**Comment by:** 1 survey comment

**Response:** Individual, private boat ramps would be permitted under Alternatives A, B1, B2, and the Blended Alternative. Under Alternatives C1 and C2, community ramps would be considered, as well as ramps on flowage easement shoreland. Alternative D would allow only community ramps where

no public ramps are within 20 miles of the proposed site. The 20-mile radius provision would apply only to Alternative D, where one of the primary goals is to minimize disturbance of the shoreline. Most TVA reservoirs have several public boat-launching ramps provided by TVA or state or local governments. Commercial marinas also provide numerous launching facilities.

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**785** **Comment:** *Boat launching should not be restricted to privileged individuals but should be public, since the water is public.*

**Comment by:** 1 survey comment

**786** **Comment:** *There should be no community facilities other than public launch ramps and parking lots. There are places where commercial docks can be built, but they should be accessible by the general public, not just a community.*

**Comment by:** 1 survey comment

**Response:** TVA and other agencies provide boat-launching ramps to meet public needs. There is typically no public road access to boat-launching ramps built in subdivisions or other residential areas, so it would be difficult to require public use of ramps in these areas. In addition, ramps built by individuals are their personal property and should not be used to launch boats without their permission. Community facilities actually help cluster development and minimize impacts to shoreline resources that result from numerous individual facilities. Under the Blended Alternative, TVA would encourage community facilities where physical site constraints make it unfeasible to permit individual facilities. TVA would also work with interested developers and/or subdivision associations to develop plans for clustering shoreline facilities and sharing access corridors.

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**787** **Comment:** *Further development should be restricted to areas where there is already residential development nearby, with concern for significant land habitats or sensitive environments.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge)

**Response:** Under Alternatives C1, C2, D, and the Blended Alternative, emphasis would be placed on protection of sensitive habitats. Given the present distribution of residential access rights, it will not always be possible to site new residential shoreline development next to existing development.

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**788** **Comment:** *Enforcement of the categories in the shoreline categorization system precluding sensitive segment development should be strictly enforced. We note, for example, that under the category of "Community Facilities" applicable to Alternative C2 (page 2-10), it is stated that: "In cases where TVA-owned residential access shoreland is in a protected category, TVA would not accept applications for individual facilities, but proposals for limited community facilities would be considered." EPA disagrees with such exceptions in protected areas. If the segment is considered sensitive, development should be precluded from individual or community structure development (indeed, even if exceptions were made, granting them for community use rather than an individual use would probably have more environmental impact, since activity levels at community structures can be expected to be more than at individual structures).*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Under alternatives where the shoreline categorization system applies, TVA would not permit individual or community facilities in shoreline protection areas. TVA would determine if there is an adjacent shoreline segment allocated for managed residential shoreline development that could be used for community facilities without impacting the shoreline protection area. This has been clarified in the FEIS.

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**789** **Comment:** *Community water-use facilities are an excellent way to minimize shoreline impacts, cluster development, and promote community spirit, and result in greater shoreline utilization and shoreline appreciation. Community facilities should be encouraged regardless of the alternative chosen.*

**Comment by:** 4 survey comments

**790** **Comment:** *Residential areas should be clustered in designated areas, with some areas off limits to development. Limiting road access would prevent spread in the environmentally sensitive areas.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**791** **Comment:** *Even under Alternative D, 38 percent of the shoreline could be developed, as compared with the current 17 percent—more than a doubling. For TVA-owned residential-access shoreline, the number of permitted access corridors, as well as their width, should be limited, and ways should be found to limit the number of permitted docks and boatslips, e.g., via combining facilities for more than one owner.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning)

**792** **Comment:** *Group docks should be encouraged wherever possible. Community docks should be restricted to the property owners and not open to the public.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**793** **Comment:** *Developers should be required to provide land for community boat ramps if there are more than four lakefront lots.*

**Comment by:** 1 survey comment

**Response:** There would be no emphasis on clustering of docks under Alternative A. Community docks would be encouraged under Alternatives B1 and B2 in small coves or other situations where site conditions prohibit each lot owner from having individual facilities. TVA would encourage developers, under Alternatives D and the Blended Alternative, to provide community facilities in lieu of individual facilities. However, community facilities would not be mandatory unless physical constraints or environmental considerations would prevent the construction of individual facilities. Under Alternative C1, community facilities would be promoted in new areas opened for residential access and shoreline development. The shoreline categorization system—a feature of Alternatives C1, C2, D, and the Blended Alternative—would designate protected shoreline areas as off limits to shoreline development. TVA has little involvement in the routing of roads.

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**794** **Comment:** *Alternative C1 provides the best mix of protection of water and shoreline resources, aesthetics, and assurance that property owners have reasonable use of their water frontage. However, I have a suggestion regarding the regulations on boathouses. My parents and I own a house on Kentucky Lake. Our lot is only 50 feet wide. We currently do not have a boathouse. The requirement of Alternative C1 that boathouses be at least 50*

*feet apart could effectively preclude me from having a boathouse on the shore adjacent to my property, depending on the placement of boathouses on abutting lots. I would prefer to share space in a community boathouse or a boathouse of a neighbor. However, there is no way to guarantee that any of my neighbors will permit me space in theirs. There needs to be some mechanism incorporated into the regulations to protect the interests of owners of narrow lots such as mine. One alternative is to include incentives, such as increased size or number of boatslips, for the construction of community boathouses.*

**Comment by:** Thurman Wade Morgan

**Response:** Under Alternatives C1, C2, and the Blended Alternative, TVA would site water-use facilities of one homeowner 50 feet from those of another homeowner. TVA would expect that developers would design subdivisions in a way that took into account the 50-foot density standard and appropriately size lots or provide for community facilities. The 50-foot distance would not apply to preexisting subdivisions. In the situation described, it would not be possible to accomplish this goal because of preexisting lot boundaries. TVA would work with the homeowners in this case to explore options for community facilities, and if individual facilities were pursued, TVA would seek a reasonable amount of space between facilities.

**795** **Comment:** *Lots with over 100-foot frontage should have a corridor width not over 50 to 70 percent. Lots with less than 100-foot frontage should have a corridor width of 25 to 50 percent.*

**Comment by:** 1 survey comment

**796** **Comment:** *Base allowable dock and boathouse frontage on total lot frontage and limit to less than 30 to 35 percent; for example, a 100-foot lot would get 35 feet. Also, set a maximum of 100 feet.*

**Comment by:** 1 survey comment

**Response:** These are good suggestions, but it could become complicated to administer because of the tremendous variation in lot sizes and shoreline configurations. Using percentage of lot width to determine corridor size was proposed in Alternatives C1 and C2. This approach was criticized as being complicated and confusing. Under the Blended Alternative, the corridor could be up to 20 feet wide.

**797** **Comment:** *There should be some type of control of the lot footage along the waterline. For example, in some coves there are boat docks and floating piers every 5 feet. That is too close, and maybe 100 feet apart is too far apart. In future development of the land, TVA should have a restriction that no residential lot could have less than "X" feet of waterfront.*

**Comment by:** Ronald Poe

**798** **Comment:** *The TVA system is a national treasure. Some controlled residential development is also an asset. No one area should be overdeveloped. One control could be lot size. For example, waterfront lot size at Tellico Village is just too small in some areas and gives a crowded look to the area.*

**Comment by:** 1 survey comment

**799** **Comment:** *Individual private owner boat docks should be allowed for anyone owning 100 feet or more of shoreline.*

**Comment by:** 1 survey comment

**Response:** TVA does not normally have opportunities to review and comment on proposed subdivision plats and therefore cannot directly influence lot size. Many lots are less than 100 feet wide, and it would be difficult to enforce a no-dock policy for those lots, especially the ones that are close to 100 feet wide.

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**800** **Comment:** *There was ambiguity about how much private frontage would be required for a new dock or altered dock.*

**Comment by:** 1 survey comment

**Response:** Alternative D would require ownership of a 200-foot-wide lot to qualify an applicant for a dock permit. Under the new Blended Alternative, lot width would not be specified, and TVA would address density of docks by requiring a 50-foot distance between permitted docks. This could indirectly affect lot widths. TVA would expect that developers would design subdivisions in a way that took into account the 50-foot density standard and appropriately size lots or provide for community facilities. The 50-foot distance would not apply to preexisting shoreline developments.

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**801** **Comment:** *I do not like the restriction which requires a minimum of 200 feet of waterfront ownership in order to build a boathouse.*

**Comment by:** 1 survey comment

**Response:** This requirement would be in effect only under Alternative D.

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**802** **Comment:** *What kind of changes do you propose to make concerning dredging?*

**Comment by:** Jeffrey Overstreet (Little Rivers Dredging, Inc.)

**803** **Comment:** *Current dredging rules are reasonable and adequate.*

**Comment by:** 2 survey comments

**804** **Comment:** *The dredging rules seem to be reasonable environmental impact and construction standards.*

**Comment by:** Gregory E. Huber

**805** **Comment:** *Under the Tennessee Conservation League's proposal, dredging would not be allowed on TVA land except for purposes of navigation as specified by the TVA Act. Within the flowage easement area, individual boat channels would only be considered where navigation to private water-use facilities was impaired. Amounts of dredged materials would have to be approved by TVA and could not exceed 100 cubic feet.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**806** **Comment:** *I am opposed to dredging.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project), 3 survey comments

**807** **Comment:** *Increase dredging restrictions.*

**Comment by:** 2 survey comments

**808** **Comment:** *Dredging should be allowed only if no other site or solution is available and only for community docks. It is desirable to avoid all dredging if at all possible.*

**Comment by:** Dolores Howard

**809** **Comment:** *The Tennessee Conservation League urges TVA to find a method of locating private boat slips so as to curtail dredging for private individual boat docks. The League is concerned that small-scale dredging over numerous incidents has a potential for significant impacts to water quality.*

**Comment by:** Larry Richardson (Tennessee Conservation League)

**Response:** Ideally, docks should be sited in deep-water areas where no dredging is required. TVA examined size requirements to provide 3:1 side slopes and a reasonable boat channel to establish the 150-cubic-yard limitation. To the extent possible, TVA encourages the siting of docks at locations that require little or no dredging. The USACE also has jurisdiction over dredging.

**810** **Comment:** *Dredging is okay if necessary.*

**Comment by:** 1 survey comment

**811** **Comment:** *Allow the proposed dockage, but also allow a pile-driven wing to deflect waves and wakes and, as an option, a dredged-in docking slip, with wave-wing, in lieu of a dock as described in the DEIS.*

**Comment by:** 1 survey comment

**812** **Comment:** *Dredging should be done by permit when it poses no problems to TVA and landowners.*

**Comment by:** 1 survey comment

**813** **Comment:** *Dredging activities are needed to get our boats to our docks. The channels need to remain open. It has turned into a dangerous situation.*

**Comment by:** Douglas Sisco

**814** **Comment:** *Dredging restrictions should be removed.*

**Comment by:** 2 survey comments

**Response:** Dredging can disturb fish-spawning areas, archaeological resources, wetlands, water quality, and other resources. Dredging would be most common under Alternative A because there would be no predefined standards or limits on dredging. Under Alternatives B1 and B2, TVA seeks to minimize dredging. Under Alternatives C1, C2, and the Blended Alternative, proposals for dredging of individual boat channels within TVA-owned lake bottom would be considered, provided that no more than 150 cubic yards of material were removed. Whenever feasible, TVA prefers the construction of longer docks instead of dredging.

**815** **Comment:** *All shoreland contained within the TVA reservoir system should be inventoried and categorized according to the process outlined in Section 2.5.1 and Appendix C (see TVA SMI DEIS). Under the Tennessee Conservation League alternative, TVA would freeze additional development until the categorization system was completed. Based upon the categorization system, TVA would redesignate all remaining undeveloped shoreline miles*

*into categories based upon ecological and public use values. Through this process TVA will better classify ecologically sensitive areas, critical habitats, public recreational areas, and areas most suited to development. This categorization and inventory system is important because Tennessee represents several different ecotypes from the eastern part of the state to the west. Thus, what might be appropriate natural resource management for an East Tennessee reservoir may not be appropriate management for a West Tennessee reservoir. The Tennessee Conservation League wants this process applied to all shoreland within the TVA system (including Land Between The Lakes). Only in this manner will TVA be able to effectively and proactively manage our public lands for multiple uses.*

**Comment by:** Larry Richardson (Tennessee Conservation League), Michael A. Butler (Tennessee Conservation League)

**816** **Comment:** *New development and protection of the natural environment must be integrated. Any growth management guidelines should be based on real constraints, not just speculation and intuition. The proposed inventory and categorization system in Alternatives C1, C2, and D are critical for success. Some additional areas may be suitable for residential development while other existing "open" areas may not be suitable. An inventory and some criteria for designating suitable development lands should be undertaken.*

**Comment by:** Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County)

**817** **Comment:** *I conclude that performing shoreline surveys of the scope anticipated prior to approval of permits might result in lengthy delays in approval under Alternative C1.*

**Comment by:** 1 survey comment

**Response:** Under Alternatives C1, C2, D, and the Blended Alternative, the shoreline inventory and categorization system would apply to flowage easement shoreland and TVA-owned residential access shoreland. TVA collects data during the preparation of individual reservoir plans about resource conditions on other TVA properties. This information is then used to determine the best use of those properties. TVA also routinely maintains information about occurrences of threatened and endangered species and other important resources. The shoreline surveys would actually help minimize the need for field inspections of proposed construction sites by TVA archaeologists and biologists, thereby limiting the amount of time required for each permit review. It would be impractical to freeze permits, particularly when impacts would be individually evaluated. Under any alternative, TVA would conduct site inspections to identify and evaluate resource conditions and how they might be impacted. Because of funding limitations, implementation of the shoreline categorization system would be a multiyear effort.

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**818** **Comment:** *EPA notes that under Alternatives D, C2, and C1, a TVA shoreline categorization system would be provided so that even within the two current TVA ownership categories accessible to residential development, there may be protected areas of special concern where sensitive resources have been identified by TVA staff inventories which preclude development. As such, development within the 38 percent of TVA's total shoreline open for development under Alternative C2 would only be in permissible areas, subject to the results of TVA inventories for sensitive areas, shoreline categorization systems, shoreline development standards, shoreline management plans, as well as existing legislation (e.g., 404) and other laws and regulations that would preclude development in given shoreline segments. Such nondevelopable areas within the two currently open ownership categories can be critical to water quality and as wildlife refuges.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Comment noted.

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**819** **Comment:** *There are numerous problems on TVA Lakes. TVA needs to catalog these problems, then sort them according to their impact on the lake and surrounding land. For instance, a particular problem may have a severe impact on a small area; yet, because the area is small, is the impact less important? I do not think so. Small things tend to grow.*

**Comment by:** 1 survey comment

**Response:** TVA does inventory conditions in and around its lakes. This data is used to develop action plans for addressing problems such as shoreline erosion, litter and trash, and poor water quality.

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**820** **Comment:** *Shoreline management zones, management of woody understory, and tree cutting should be as in Alternative A.*

**Comment by:** 1 survey comment

**821** **Comment:** *I would suggest that TVA require people who mow yards to the water's edge to use riprap, leave several large trees; also, weed killers or fertilizers should not be used within 40 or 50 feet of the water.*

**Comment by:** James A. McConkey

**Response:** Comments noted.

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**822** **Comment:** *Tighten restrictions on vegetation removal.*

**Comment by:** 1 survey comment

**823** **Comment:** *Except as necessary for installation of access paths, no vegetation removal or soil disturbance should be allowed on properties adjacent to the shoreline.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**824** **Comment:** *Public land should be managed by the charter obligations of TVA for flood control and then derivatively for water quality. There should be no cutting, trimming, removal, or extermination of riparian vegetation, except by TVA as a part of an agenda of flood control or water quality protection.*

**Comment by:** Gerald L. Smith (The University of the South)

**Response:** Comments noted. These approaches to vegetation management are similar to the standards proposed in Alternative D.

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**825** **Comment:** *Keep vegetation without any cutting or clearing, and keep original river basins without altering their own natural channels.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**Response:** Comment noted. Most of the alternatives contain provisions for limiting the alteration of shoreline vegetation.

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**826** **Comment:** *Property owners should have no restrictions on their use of the shoreline. TVA should not be involved in shoreline management and should not impose any rules or regulations on lakefront property owners. If a person owns lake property and wants to build, remove vegetation, cut trees, or otherwise change the landscape, it is none of TVA's business.*

**Comment by:** 8 survey comments

**827** **Comment:** *I oppose Alternative C1 because of the vegetation management requirements.*

**Comment by:** Wayne Burge

**828** **Comment:** *We are opposed to the control TVA exercises over vegetation and landscaping of property lying below the 690, 685, etc.*

**Comment by:** Sandra Wright, Thomas C. Wright

**829** **Comment:** *Remove the standards for clearing and encourage grass planting. TVA has presented no proof that the stated standards and methods are workable or accomplish TVA's objectives.*

**Comment by:** 1 survey comment

**830** **Comment:** *Some people are going to mow, and some people will not want to. This is something that does not need TVA's involvement.*

**Comment by:** James A. McIntosh

**831** **Comment:** *Lakefront property owners should be able to clear all the way to the water's edge. There are a lot of areas that are undeveloped where natural vegetation is occurring. These areas will probably never be developed.*

**Comment by:** Robert Critchfield

**832** **Comment:** *Once a house is constructed on lakefront property, the owner should be allowed to clear and maintain the land. Perhaps some sections of the lake should be designated as undeveloped (similar to the straight line boundary areas) and development of the property restricted. This would be preferable to applying restrictions to all lakefront property.*

**Comment by:** 1 survey comment

**833** **Comment:** *My concern is over not being allowed to clear the land between my property to the lakeshore.*

**Comment by:** Gerald Winn

**834** **Comment:** *The emphasis on maintaining woody understory seems excessive. Each ownership entity should manage his own woody understory.*

**Comment by:** 2 survey comments

**835** **Comment:** *The proposals overemphasize vegetation management. We need flexibility in the proposed standards where the original, natural vegetation is already destroyed. Allow us more latitude in landscaping the lakefront.*

**Comment by:** 3 survey comments

**836** **Comment:** *TVA should allow full width clearing of the frontage area with restrictions on the types of vegetation and trees that could be removed.*

**Comment by:** 1 survey comment

**837** **Comment:** *Allow the planting of a variety of native shrubs and trees and the removal of weeds and briars without the need for permits if wood mulch is used to limit erosion.*

**Comment by:** 1 survey comment

**838** **Comment:** *TVA should allow property owners to manage vegetation and use adjacent TVA-owned land in exchange for shoreline cleanup, erosion control, construction of fish attractors, establishment of food plots for wildlife, construction of songbird and bat houses and winter feeding stations for deer, and installation and maintenance of salt licks.*

**Comment by:** 2 survey comments

**839** **Comment:** *If vegetation management only refers to trees greater than 5 inches, then I have no objection. If it prevents me from cutting undergrowth, then I am against the restriction.*

**Comment by:** 1 survey comment

**840** **Comment:** *I do not object to rules that prohibit the cutting of trees below TVA's 750 as long as grass and weeds are allowed to be cut.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**841** **Comment:** *Much more leniency toward current guidelines should be approved, i.e., cutting of unattractive trees and vegetation and replacement, where needed, with more environmentally and aesthetically desirable species.*

**Comment by:** 1 survey comment

**842** **Comment:** *TVA's tree-cutting preference is awful. I want to be able to cut down dead or dying trees and replace them with native hardwoods.*

**Comment by:** 1 survey comment

**843** **Comment:** *Offer alternate approaches to planting or cutting. Usually high cutting prevents undergrowth while maintaining some soil.*

**Comment by:** 1 survey comment

**844** **Comment:** *There should be more flexibility in the shoreline vegetation requirements to allow small sunny areas (maybe 30 feet x 30 feet) for land-based activity along the shoreline.*

**Comment by:** 1 survey comment

**845** **Comment:** *With the professional expertise that TVA possesses, vegetation management standards could be designed that would satisfy TVA and provide lakefront owners a lake view as well as access.*

**Comment by:** 4 survey comments

**846** **Comment:** *Property owners have made large investments to have a view of the lake and a nice home. Vegetation management standards have been proposed by TVA, but I think the homeowner should have some flexibility as to what goes up in front of his home. We can all work together whether we are conservatives, environmentalists, or homeowners who just want to enjoy the view.*

**Comment by:** Al Morton (Cove Norris Subdivision)

**847** **Comment:** *TVA should work with individual property owners on this issue of vegetation management. I may be willing to establish a wildlife corridor across my property to TVA-owned land and to remove some vegetation to keep snakes away. This would let me enjoy the lake more. TVA should not develop very restrictive standards but should work with individual property owners to meet their needs as well as TVA's.*

**Comment by:** Steve Fritts

**Response:** In response to public comments, TVA has developed a Blended Alternative, which has more flexible vegetation management requirements than Alternative C1. Under the Blended Alternative, the SMZ would be narrower (25 feet deep from normal summer pool). It would be required as new homesites develop next to forested TVA land that has outstanding access rights. TVA would work with adjacent homeowners to encourage the planting of native trees, shrubs, and plants in areas where the TVA land is not forested. The SMZ would not be required on flowage easement land, other private land, or on TVA-owned residential access shoreland that is currently mowed by existing homeowners. The Blended Alternative provides for removal of specified plants such as poison ivy and Japanese honeysuckle. Outside of the SMZ, this alternative provides for selective clearing of trees under 3 inches in diameter at the base. Under the Blended Alternative, TVA would allow clearing of an access/visual corridor up to 20 feet wide across TVA land.

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**848** **Comment:** *The general use restrictions seem to preclude all uses of the shoreline even when a shoreline use agreement has been purchased. There is no incentive for improvements resulting in a better shoreline for all users. One restriction that really stands out is the one against gardens. Removal of undesirable plants and the placement of recommended native ornamental species sounds a lot like gardening. The planting of native fruit and nut trees helps many varieties of wildlife and improves the diversity of the shoreline area; yet these uses would be prohibited even under a shoreline use agreement. This does not make sense and is counterproductive to the protection of the shoreline and aquatic resources.*

**Comment by:** Gregory E. Huber

**Response:** Under Alternative C1, the restriction against gardens and orchards was intended to prevent tilling of soil and the resultant bare earth on TVA land near the water. The purpose of this requirement was to prevent runoff of sediment when it rains. Random planting of native plants and trees would be allowed under Alternative C1 and the new Blended Alternative.

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**849** **Comment:** *Clearly, some issues—such as continuing to allow trees and vegetation to be cut to the water line—are not being adequately addressed, and they need to be resolved.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

- 850** **Comment:** *Clarify the tree-cutting standards.*  
**Comment by:** 1 survey comment
- 851** **Comment:** *TVA should stop property owners from cutting all the trees down to the lake. Erosion occurs after these trees are cut and tons of soil are washed into the lake.*  
**Comment by:** Charles C. Smoot (Bear Paw Subdivision), 5 survey comments
- 852** **Comment:** *I do not support cutting trees, regardless of size.*  
**Comment by:** Mary Huddleston
- 853** **Comment:** *A 5-inch tree is a large tree to be cut except on rare occasions.*  
**Comment by:** 2 survey comments
- 854** **Comment:** *I do not object to rules prohibiting the cutting of trees on TVA property, as long as low branches can be cut.*  
**Comment by:** 1 evaluation form comment (Harriman, TN)
- 855** **Comment:** *Under land use rights, trees over a certain size should be looked at when building plans are submitted and all trees possible spared. No large trees on shoreline should be cut just because someone wants a better view of the lake or a pretty yard.*  
**Comment by:** 1 survey comment
- 856** **Comment:** *There should be no tree-cutting unless the trees are dead.*  
**Comment by:** 1 survey comment
- 857** **Comment:** *Keep trees from being clearcut or thinned.*  
**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)
- 858** **Comment:** *Different circumstances call for different management practices. No one should be allowed to clearcut or remove all vegetation and plant grass, but some trees and vegetation could be carefully removed.*  
**Comment by:** 4 survey comments
- 859** **Comment:** *Current guidelines are okay for tree-cutting and management of woody under-story.*  
**Comment by:** 4 survey comments
- 860** **Comment:** *Do not allow canopy-size trees to be cut. Cut only 3- to 4-inch trees.*  
**Comment by:** 2 survey comments
- 861** **Comment:** *Allow trees up to 5 inches to be cut.*  
**Comment by:** 1 survey comment
- 862** **Comment:** *Within the access pathway, cutting of trees or other vegetation up to 7 inches in diameter at breast height could be permitted.*  
**Comment by:** Michael A. Butler (Tennessee Conservation League)

**863** **Comment:** *Allow cutting of trees up to 9 inches in diameter in a no-fee corridor.*

**Comment by:** 1 survey comment

**864** **Comment:** *I love trees, wildlife, and anything in nature, but I do believe that property owners whose property meets TVA property should be allowed to clear out undergrowth and cut smaller trees to enhance the view. It should be allowable to cut some trees up to 12 inches in diameter .*

**Comment by:** 1 survey comment

**865** **Comment:** *I believe that tree-cutting is necessary where old pines or oaks are the main forest.*

**Comment by:** 1 survey comment

**866** **Comment:** *Tree cutting should relate more to quality and quantity, to provide growth of the most desirable and beneficial species. The 5-inch-diameter limit is very arbitrary.*

**Comment by:** 1 survey comment

**867** **Comment:** *As lakefront property owners, we would like to be able to clear a percentage of the larger trees so we can see the lake.*

**Comment by:** 1 survey comment

**868** **Comment:** *Drop the tree-cutting restriction.*

**Comment by:** 9 survey comments

**869** **Comment:** *Cut limbs instead of trees to improve view.*

**Comment by:** 1 survey comment

**870** **Comment:** *I prefer professional limb cutting for view, but no topping of trees.*

**Comment by:** 1 survey comment

**871** **Comment:** *Most property owners build houses to see water and activities going on. TVA should allow homeowners to clear obstructions impairing their lake view. Trees should be trimmed, not topped, to allow this vision.*

**Comment by:** 1 survey comment

**872** **Comment:** *There is nothing in the DEIS about selective trimming, although it mentions cutting trees. I built 22 years ago on a lot on the side of a hill, and I did not cut a tree. I built around a 200-year-old oak. Then I hired a professional tree trimmer to come in and open a view. All of those trees are still standing. Some of them are 60 and 70 feet tall now.*

**Comment by:** David Hines

**Response:** Some cutting of live trees is usually required to get reasonable access to the water. Under existing TVA guidelines, selective cutting of trees under 3 inches in diameter can be permitted on TVA-owned residential access shoreland. Under Alternatives C1, C2, and D, no vegetation removal would be allowed on TVA-owned residential access lands outside of the vegetation management corridor or lake access path. Under the Blended Alternative, trees could not be cut (except in the access/visual corridor and to make sites suitable for erosion control projects) within an SMZ

extending 25 feet landward from the normal summer pool level of the lake. The SMZ would not be required on flowage easement land, other private land, or on TVA-owned residential access shoreland where lawns now exist. Outside of this important 25-foot SMZ area, trees under 3 inches in diameter could be selectively cut with advance approval of TVA. Certain understory plants could be removed with TVA approval. Leaning trees or other danger trees that pose a hazard to homes or other structures could also be authorized by TVA for removal, regardless of their size. In these cases, TVA would require planting of replacement trees at a suitable location.

In all cases where trees are proposed for removal from TVA-owned residential access shoreland, TVA would work with the homeowner to identify which trees could be removed and which side limbs could be cut to enhance the view of the lake.

**873** **Comment:** *Tree-cutting is a hard issue to enforce, but not cutting fruit or flowering trees could easily be added.*

**Comment by:** 1 survey comment

**Response:** The current guidelines (Alternatives B1 and B2) and the standards proposed under the Blended Alternative allow removal of some small trees, while encouraging retention of native species with high wildlife or ornamental value, such as flowering dogwoods.

**874** **Comment:** *Homeowners with large investments in docks and boats want the right to cut trees that pose a danger to docks or persons near a dock. Homeowners need to be given different choices that are acceptable to them and TVA.*

**Comment by:** Ronald Prime, 2 survey comments

**875** **Comment:** *If undesirable scrub pine trees block a view or present a danger to property, a homeowner should be allowed to remove them.*

**Comment by:** 1 survey comment

**876** **Comment:** *If TVA prohibits a property owner from cutting a tree and it falls on his land, then TVA should be required to remove the fallen tree at its expense, with no damage to the landowner's property.*

**Comment by:** 1 survey comment

**Response:** Under all alternatives, TVA would continue to work with property owners regarding the legitimate removal of leaning trees or other danger trees that pose a hazard to homes or other structures. In these cases, TVA would require planting of replacement trees at a suitable location. However, TVA will not approve removal of a large tree simply because it is in close proximity to a dock or blocks a view.

**877** **Comment:** *Aggressive, invasive exotic species (privet, kudzu, purple loosestrife) should be controlled on private and public land. The list of pest plant species compiled by the Tennessee Exotic Species Pest Plant Council could be used to identify species that qualify for control efforts.*

**Comment by:** 2 survey comments

**Response:** TVA acknowledges the ecological problems caused by invasive exotic species and is opposed to their being planted on reservoir shorelands. TVA also actively controls these species on some TVA lands. Under the Blended Alternative, landowners could, with TVA approval, control these species on adjacent TVA-owned SMZs.

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**878** **Comment:** *Property owners should be allowed to have pathways and docks. Pathways should be maintained according to TVA standards.*

**Comment by:** 1 survey comment

**879** **Comment:** *Allowing lakefront property owners to have a path to the water and a dock is all they should need.*

**Comment by:** Bogue Waller

**880** **Comment:** *No pathways should be allowed.*

**Comment by:** 5 survey comments

**881** **Comment:** *Pathway widths should be reduced in all cases. People generally walk paths in single file, regardless of what their stated preferences may be. Excessive path width produces an aesthetically less pleasing canopy opening, "straight-lining" of the path routing, and erosion.*

**Comment by:** 1 survey comment

**882** **Comment:** *Pathways should be limited to 6 feet wide.*

**Comment by:** 3 survey comments

**883** **Comment:** *In order to have enough land for all taxpayers to use in the future, I recommend that TVA not allow any more than a 6-foot corridor on its rights-of-way.*

**Comment by:** 1 survey comment

**884** **Comment:** *Set aside natural areas and protect them with restrictions and 6-foot paths where appropriate.*

**Comment by:** 1 survey comment

**885** **Comment:** *Property owners adjoining TVA-owned residential access shoreland should be allowed to install an access path up to 8 feet wide. TVA could define the route of access pathways. Access paths should be for pedestrian use only and no wider than 8 feet wide.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**886** **Comment:** *Pathways should be no more than 10 feet wide. The path of least impact should be chosen, avoiding the cutting of vegetation with large soil-holding root systems to minimize erosion.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project), 1 survey comment

**887** **Comment:** *The landowner needs to have a reasonably large passageway to the water, up to a maximum of 15 feet wide. Tree-cutting should be held to a minimum in the access corridor, but it should not be based on diameter size, since this eliminates new growth and trees.*

**Comment by:** Dolores Howard

**888** **Comment:** *Decrease the vegetation management corridor maximum to 15 feet on all lot sizes.*

**Comment by:** 1 survey comment

**889** **Comment:** *Lakefront property owners should not be restricted in their access to public lakes. Any alternative with a 6-foot path is not a desirable or reasonable option.*

**Comment by:** 5 survey comments

**890** **Comment:** *We object to a 6-foot path overgrown on each side with weeds and undergrowth. We live on the lake because we enjoy the view of the lake as well as the use of it.*

**Comment by:** Jack C. Bryden, 1 survey comment

**891** **Comment:** *I object to the 6-foot-path restriction. The pathway should be wide enough to accommodate a full viewshed and boat access and allow access for keeping the shoreline clear.*

**Comment by:** C. Edward Smith, Leonard Lankford, 8 survey comments

**892** **Comment:** *The thought of having a 6-foot strip that can be mowed to the lake is ridiculous. The enforcement of this proposal would result in hundreds of new TVA employees with tape measures and field glasses watching for someone to cut a tree or mow a 10-foot-wide strip. This would be at taxpayers' expense. The cost of enforcing these restrictions as proposed sounds like another bungled, make-work program of a federal agency.*

**Comment by:** Joseph T. Frye (Frye Enterprises)

**Response:** The range of alternatives evaluated included clearing of pathways from 6 feet wide in Alternative D to Alternative A, which does not specify a width. The Blended Alternative provides for a corridor up to 20 feet wide, which is intended to provide access to the water and to provide a reasonable view of the lake. TVA expects that a number of people would apply for a narrower corridor. Existing lawns on TVA-owned residential access shoreland would be grandfathered. TVA has withdrawn the fee proposals.

**893** **Comment:** *A narrow path taken to a boat dock day after day can wear down the vegetation and cause erosion.*

**Comment by:** Tom Anderson

**Response:** Paths mulched with bark chips or some other cover material would not cause erosion.

**894** **Comment:** *Switchbacks and curves in pathways can avoid larger trees, produce a more aesthetically pleasing effect, reduce erosion, and are less boring for foot travel.*

**Comment by:** 1 survey comment

**895** **Comment:** *A curvilinear or traversed path would both allow water access and give the appearance from the water of continuous undeveloped shoreline. The path would not be very (if at all) apparent from the water, thus preserving the scenic quality. A straight-line path perpendicular to the shoreline should be discouraged.*

**Comment by:** George J. Jeram

**Response:** Under Alternatives C1 and C2, the cleared access right-of-way was intended to allow for an open view of the water from the home. Alternative D, on the other hand, provides for a narrow, meandering 6-foot-wide corridor, and the only place vegetation could be removed would be within the pathway. Under the Blended Alternative, meandering corridors up to 20 feet in width would be permitted. The corridors would be routed by TVA in cooperation with the homeowner to minimize removal or disturbance of existing trees and shrubs.

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**896** **Comment:** *Gravel is unacceptable as a path-surfacing material, both from a visually aesthetic standpoint and from the feel underfoot. This is vividly illustrated at TVA's weir dam trails below South Holston Dam.*

**Comment by:** 1 survey comment

**897** **Comment:** *Trail-surfacing materials should be as per Alternative D, but minus the gravel.*

**Comment by:** 1 survey comment

**898** **Comment:** *Cement and other hard material roads and driveways and other impervious cover should be restricted so that erosion and runoff are prevented.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**Response:** Different surface materials have varied attributes. Under the Blended Alternative, TVA would approve a variety of surface materials.

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**899** **Comment:** *The vegetation management corridor needs more explanation. What is it for? How is it managed? And by whom?*

**Comment by:** 1 survey comment

**900** **Comment:** *What size corridor is being considered under Alternative C1?*

**Comment by:** Barbara Tigrett

**901** **Comment:** *Vegetation management corridors should be allowed.*

**Comment by:** 1 survey comment

**902** **Comment:** *We are in favor of Alternative C1 with a 50-foot access corridor. This corridor would allow air flow and would control poison ivy and snakes.*

**Comment by:** Paul Loiseau, Robin Loiseau

**903** **Comment:** *We oppose vegetation management corridors. Vegetation management should be at the property owner's discretion. Vegetation management corridor regulations cannot be enforced fairly.*

**Comment by:** Scotty Long, Wayne Burge, Mary Huddleston, 1 evaluation form comment (Farragut, TN), 15 survey comments

**904** **Comment:** *Vegetation management corridors should be wider than Alternatives C1, C2, and D propose.*

**Comment by:** 3 survey comments

**905** **Comment:** *Increase the vegetation management corridor to 20 feet or 40 percent of the joint boundary.*

**Comment by:** 1 survey comment

**906** **Comment:** *Allow at least a 50-foot management corridor at no additional cost.*

**Comment by:** 1 survey comment

**907** **Comment:** *If property boundaries exceed 100 feet, allow multiple access corridors based on multiples of 100.*

**Comment by:** 1 survey comment

**908** **Comment:** *Work with developers and landowners to have 100-foot or wider corridors to run back from the shoreline to existing wooded lands every 1,000 to 2,000 feet.*

**Comment by:** 1 survey comment

**909** **Comment:** *The vegetation management proposal is too restrictive and is illogical. Frontage length should play no part in the requirements.*

**Comment by:** Gregory E. Huber

**Response:** Alternative C1, the alternative preferred by TVA when the DEIS was released for public review, would allow a 20-foot-wide visual/access corridor on TVA land that adjoins a lot that is at least 100 feet wide. A 250-foot-wide lot could have a 50-foot-wide corridor—the maximum width allowed. Only a 6-foot-wide corridor would be allowed under Alternatives C1 and C2 if the lot is less than 100 feet wide. Under the Blended Alternative, visual/access corridors up to 20 feet in width would be allowed, and provisions for thinning of vegetation outside of the corridor to enhance views from homesites are included. The corridor would be routed by TVA in cooperation with the homeowner to minimize removal or disturbance of existing trees and shrubs on TVA land. In addition, homeowners' associations and developers could work with TVA in developing a shoreline management plan that clusters docks and provides for green space along the shoreline. Existing lawns on TVA-owned residential access shoreland would be grandfathered.

**910** **Comment:** *I have about 1,000 feet of shoreline. Under Alternative C1, TVA is going to allow me to use only 6 feet of that shoreline. The other 994 feet will be available for the boaters to use as before. I have no deeded rights to the TVA property in front of me. All I will be able to do with my permit or lease is use the 6 feet to go to the dock, under Alternative C1. It is a misconception that we are giving away these TVA properties.*

**Comment by:** Robert Peery

**Response:** If Alternative C1 is implemented and if this site is identified in the subsequent reservoir planning process as being available for new residential access, a 50-foot-wide corridor across TVA land would be considered. The entire 1,000 feet of shoreline would remain public land, but once the corridor and any shoreline development was in place, there would be some displacement of public users and other losses of public benefits associated with private use of the shoreline. Under the new Blended Alternative, future residential shoreline development would be allowed in areas where the adjacent landowner already has access rights and where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would not consider proposals from others for shoreline access in new areas unless the proposals would convey to TVA other land or landrights of equal or greater public and ecological value. For more information about the Blended Alternative, see Chapter 2 of the FEIS.

**911** **Comment:** *If more clearing is approved for vegetation management corridors, it means more fertilizers entering the water and less vegetation to help stop erosion on these banks. At Norris, they are already a disaster.*

**Comment by:** 1 survey comment

**912** **Comment:** *Under Alternative C1, TVA is talking about allowing landowners to clear a corridor. I have also heard discussion about homeowners partnering with TVA to put in riprap and other sorts of erosion control measures. However, could not the erosion problems be prevented if trees were not allowed to be clearcut at the shoreline in the first place?*

**Comment by:** Barbara Tigrett

**Response:** The intent of the corridor across TVA land is to provide a visual/access opening. Under Alternative C1, tree-cutting and other vegetation removal would not be permitted along the remaining shoreline located outside of the corridor. Under the new Blended Alternative, trees could not be cut within 25 feet of normal summer pool (except within the corridor), but some thinning of select understory vegetation would be allowed. Cutting of trees less than 3 inches in diameter and other vegetation alterations would be permitted outside of the 25-foot SMZ. At 25 feet, the SMZ is at the minimum depth required to meet water quality objectives, help prevent erosion, and provide aquatic habitat. TVA agrees that forested shorelines help to control erosion and minimize the amount of runoff that enters the reservoirs. The benefits of forested SMZs are documented in Section 4.6 of the FEIS. TVA also recognizes that erosion control may be required along the corridor and other portions of the shoreline.

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**913** **Comment:** *Why is the buffer strip requirement 100 feet? Why could it not be smaller?*

**Comment by:** Jim Walmsley

**914** **Comment:** *The SMZ is too large in Alternative C1.*

**Comment by:** 3 survey comments

**915** **Comment:** *Reduce the width of the SMZ to 10 or 15 feet. A buffer of this size would accomplish as much as one 100 feet wide.*

**Comment by:** 2 survey comments

**916** **Comment:** *Either eliminate the 100-foot buffer zone or let it be a maximum of 15 feet and managed to a height of 3 feet.*

**Comment by:** 1 survey comment

**917** **Comment:** *Reduce the 100-foot buffer to 20 feet, allowing underbrush to be cleared and trees less than 3 inches in diameter.*

**Comment by:** 1 survey comment

**918** **Comment:** *Reduce the width of the SMZ to 25 feet.*

**Comment by:** James E. Sherrill, 1 survey comment

**919** **Comment:** *Reduce the width of the SMZ to 25 to 50 feet.*

**Comment by:** 3 survey comments

**920** **Comment:** *If an undisturbed minimum depth buffer is the only way, then follow the USACE guideline, which is a 50-foot undisturbed area to the bank of a navigable waterway. Then leave an additional 50 feet up to the homeowner's discretion regarding the replacement of existing plants with recommended natives.*

**Comment by:** Gregory E. Huber

**921** **Comment:** *A 100-foot buffer is okay.*

**Comment by:** 1 survey comment

**922** **Comment:** *On land that is sold, setbacks should be at least 100 feet.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**923** **Comment:** *More and more organizations (such as the American Forest and Paper Association) are recognizing the need for wider SMZs than have been the case in the past and have advocated 100 feet from the borders of all rivers and major tributaries. We compliment TVA for also doing so and urge that, in the case of the TVA lakes, the required SMZ should be 100 feet. In addition, where the property does not directly front a river or reservoir, it would still appear desirable, because of inherent problems such as stormwater runoff, to maintain a 100-foot vegetated buffer zone. In this connection, it may be noted that 100 feet is only a little over 30 yards.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**924** **Comment:** *Increase the buffer zone to 1,000 feet.*

**Comment by:** 1 survey comment

**925** **Comment:** *The buffer strip should consist of at least three rows of trees in width in order to establish a riparian habitat. This will allow about 3.5 units of carbon per hectare of productivity per year. Grass only allows .5 units of carbon per year.*

**Comment by:** Clifford C. Amundsen, Ph.D.

**Response:** Alternatives C1 and C2 provide for a 100-foot-deep undisturbed SMZ, except for clearing of a corridor across TVA land. This depth was based on recommendations in scientific literature and the experience of other shoreline managers. Although some commenters supported the 100-foot-deep SMZ, this proposal also received considerable opposition, and the depth of the SMZ was reduced in the Blended Alternative to 25 feet. At 25 feet, the SMZ is at the minimum depth required to meet water quality objectives, help prevent erosion, and provide aquatic habitat. These vegetation management guidelines are similar to recommendations by Welsch (1991). This author proposes the use of a three-tiered streamside management zone consisting of 15 to 20 feet of undisturbed forest (Zone 1), 60 to 75 feet of managed forest (Zone 2), and a runoff control zone (Zone 3). Grassing or lawn establishment is only allowed within Zone 3, and in no instance is this zone located closer than 75 feet to the shoreline. Schueler (1995) recommends a similar vegetation management system including a 25-foot-wide restricted use streamside zone followed by a forested middle zone (minimum width of 50 feet) where some clearing and a wider range of activities and uses can be accommodated; and an outer zone which provides an additional 25-foot setback separating the outer edge of the middle zone and permanent structures.

Under the Blended Alternative, the 25-foot SMZ would be required as new homesites are developed next to forested TVA public land that has outstanding access rights. TVA would work with adjacent homeowners to encourage the planting of native trees, shrubs, and plants in those areas where the

TVA land is not forested. The SMZ would not be required on private land or on TVA land where permitted shoreline alterations and lawns now exist. In contrast to Alternative C1 (which allowed no vegetation disturbance in the SMZ other than that required for clearing the access corridor), the Blended Alternative provides for clearing of specified plants—such as poison ivy, Japanese honeysuckle, and kudzu—within the 25-foot-deep zone and elsewhere on TVA land.

The Blended Alternative adopts existing tree-cutting guidelines on the portion of TVA property that is located outside the SMZ. Permits would be required for the clearing of select trees and other vegetation under 3 inches in diameter at the root collar. Pruning of side limbs on trees could also be allowed in the SMZ and elsewhere on TVA land.

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**926** **Comment:** *What if a person wanted to develop a resort or marina complex that had some residential component? Would these proposed standards then be applied to that complex?*

**Comment by:** Richard Douglas (Cedar Knob Resort)

**Response:** TVA's standards for residential shoreline development would be applied to the residential portion of that complex.

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**927** **Comment:** *What about standards for the other 80 percent of shoreline?*

**Comment by:** 1 survey comment

**Response:** TVA applies best management practices in the management of natural resources along this remaining property. In addition, standards are established for industries, resorts, marinas, and other developments as plans are reviewed by TVA. TVA also develops individual reservoir plans to identify the best use of its property.

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**928** **Comment:** *TVA is talking about runoff from new development and roads. Is it left up to the local agencies to review plans for road development, site layout, etc.? Would any of this in the future be adopted by TVA as part of their permitting procedures or design standards?*

**Comment by:** Marilyn Livesay

**Response:** TVA's review of shoreline development permit applications can be most effective in cases where the road and lot layouts have not been finalized. In those larger-scale reviews, the agency can work with the developer to identify the most suitable waterfront areas for shoreline development and any environmentally sensitive areas that should be protected. Integrating these considerations into the overall development plan sometimes results in relocation of roads or rearrangement of lot boundaries. TVA encourages developers to seek suggestions for improving plans before they are finalized. Often lots have been sold before TVA becomes aware of the new development, leaving TVA with no opportunity to influence placement of roads or lot boundaries. Local authorities have responsibility for approving roads and subdivisions on private land. State water quality departments are responsible for controlling runoff from new developments. TVA works with the states to address runoff problems that pollute the reservoirs.

## Section 26a and Land Use

A number of citizens or groups commented on TVA's Section 26a permitting and land use responsibilities. These comments included issues such as:

- TVA's responsibility for managing public land and water
- Sale, lease, or transfer of TVA land
- TERDA and Tims Ford Lake issues
- Requests for access rights
- Future land planning/individual reservoir land use plans
- Land use allocations
- Land use actions (Camp Barber, Little Cedar Mountain, Shell Mound)
- Permitting process
- Permit approvals, transfers, and appeals
- Permits for vegetation management, soil disturbance, and other shoreline activities
- TVA's liability with respect to 26a permits
- Property owners' responsibility for permitted activities and structures
- Enforcement of TVA regulations/role of the TVA Police
- Permit violations and encroachments
- Boundary marking
- Agricultural use of TVA-managed land

**929** **Comment:** *TVA's SMI proposal to provide long-term protection of water quality and aquatic life on the Tennessee River system sounds environmentally patriotic. I do not believe, however, that TVA has the congressional mandate by law to carry out this federal water quality initiative. The primary congressional authority given to protect water quality and to protect aquatic life in our nation's lakes, rivers, and streams was assigned to the Environmental Protection Agency (EPA) under the Federal Water Pollution Act of 1972 and the Clean Water Act (amendments) of 1977. The EPA has granted primacy to Kentucky and individual states for enforcing its water quality regulations for our nation's surface waters. States do have that authority, as does EPA. TVA was delegated federal authority by Congress by the TVA Act of 1933 in the specified areas of navigation, flood control, and power generation. TVA should focus its efforts and resources in these specific areas where it has federal congressional authority. TVA does have proper congressional responsibility and authority for approving any dam, appurtenant works, or other obstructions (docks, piers, etc.) under Section 26a of the TVA Act.*

**Comment by:** Thomas Begley, P.E.

**930** **Comment:** *It is important for the recreational users, private landowners, and commercial owners to establish proper maintenance of their own docks or water navigational needs. I think it is the government's responsibility, not TVA's, to provide restrictions for building and maintaining docks or other navigational facilities. By TVA's own statement, the taxpayers' money built the dams, and thus the water use belongs to the public. This statement shows the control of water for commercial or recreational usage belongs with the Federal Government.*

**Comment by:** 1 survey comment

**931** **Comment:** *How compatible are the alternatives and standards proposed in SMI with the requirements under Section 26a of the TVA Act? I do not understand how Section 26a of*

*the TVA Act translates to TVA's having the authority to restrict tree-cutting, outline dock designs, and establish shoreline vegetation management requirements. How do these items affect TVA's ability to manage navigation or flood control?*

**Comment by:** 3 survey comments

**932** **Comment:** *If we wanted TVA to be an environmental protection agency, we would have identified such environmental protection as an integral part of its charter (not backdoor, through Section 26a).*

**Comment by:** 1 survey comment

**933** **Comment:** *In addition to creation of a river system for navigation, flood control, and power generation, I am sure a key selling point for the TVA Act was the regional benefits associated with public use of the proposed TVA river system. As stated in the "Background for SMI" statement, TVA was tasked with managing the Tennessee River system, which should have included not only navigation, flood control, and power generation, but other benefits of the river system such as public use, present and future.*

**Comment by:** 1 survey comment

**Response:** TVA does not have regulatory authority under the Clean Water Act. However, TVA, just like all federal agencies, has a responsibility to manage its public land and waters in an environmentally responsible manner. The purpose of TVA's SMI is to develop standards that can be applied to future shoreline alterations and that will protect critical shoreline resources for future generations. TVA does have regulatory responsibility for all shoreline construction within the Tennessee River system under Section 26a of the TVA Act. In addition, as owner and custodian of much of the lake shoreline within the Tennessee River system, TVA has both the obligation and the legal right to manage those public lands through approval or disapproval of specific uses on those lands. As a federal agency, TVA is subject to environmental laws and executive orders, such as NEPA, Wetlands Executive Order, and Clean Water Act.

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**934** **Comment:** *The alternatives state different amounts of development. Where will this land come from? Will land have to be sold by TVA? This was not clear from reading the DEIS.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group), 3 survey comments

**935** **Comment:** *You need to explain why you want to sell more land for houses, even though you admit it might hurt the lakes.*

**Comment by:** 1 survey comment

**936** **Comment:** *TVA never explained why it wants to sell more land; it just said there was pressure to sell. If developers were pressuring to build houses in the Grand Canyon, the Park Service still would not sell, so TVA should not either.*

**Comment by:** 2 survey comments

**937** **Comment:** *None of these alternatives are acceptable. Shorelines are a public resource, and it makes no more sense to sell them than to sell our state or national parks. What authority does TVA have to independently decide to sell shorelines? Could other branches of government, such as BLM, USFS, USFWS, independently decide to sell their lands?*

**Comment by:** 1 survey comment

**938** **Comment:** *We oppose the sale of public land by TVA. This land is a valuable natural resource that belongs to all of us, and once it gets in the hands of private developers, it is forever lost to the public. There is no more shoreline being made; so, these lands should remain in the public domain and open to all. Selling it is tantamount to giving away our children's future.*

**Comment by:** James O'Neal, Pete Wyatt, Daniel Fitzpatrick, Kay McIntosh, J. Mark Wisham, 19 survey comments

**939** **Comment:** *I attended an SMI meeting and saw the greed and selfish interest of residents and developers expressed repeatedly. The SMI must be based on all applicable laws and good decision-making, not greed, selfishness, emotions, and political pressure. There is no more shoreline being made; thus, in order to protect the environment and to have this valuable resource for all to enjoy in the future, I oppose any further selling or leasing of TVA-owned-or-controlled shoreline.*

**Comment by:** 1 survey comment

**940** **Comment:** *If you limit shoreline development to 38 percent, you will have a rush of buying by a few individuals who may hold the land next to TVA lands or who may through politics get their lands included in the plan.*

**Comment by:** 1 survey comment

**941** **Comment:** *The financial constraints on TVA would be increased if more lands were put on the selling block because of all the permitting requirements and studies that would be needed.*

**Comment by:** 1 survey comment

**942** **Comment:** *The possibility that TVA might release land to be developed privately is a great worry to me. Before it releases any more land for development, TVA should be more restrictive.*

**Comment by:** Virginia Eslinger

**943** **Comment:** *We urge TVA to show environmental leadership and keep our national parks and other natural resources in public hands, such as the lakes owned by TVA. We urge TVA to keep these resources from being sold to private industry and exploited and ruined for current and future generations.*

**Comment by:** Nance Held, Chris Johnson

**944** **Comment:** *In an era when the government is spending money to reclaim greenways, there is no wisdom in selling existing greenways along our lakes.*

**Comment by:** Walter M. Lewko

**945** **Comment:** *I have heard rumors for several years now that TVA is considering selling some land around Boone Lake. Do we not already have enough houses trashing up the scenic beauty of that lake?*

**Comment by:** Tim Meyer

**946** **Comment:** *Since TVA favors Alternative C1, it shows TVA wants to sell more land. That means less recreational areas, and I do not like that.*

**Comment by:** 2 survey comments

**947** **Comment:** *Lands not suitable for residential development, such as wetlands and those with archaeological resources, should not be sold. TVA should not consider selling land containing safety harbors and landings. Selling all land or selling nothing should not be the only option. Common sense should be used.*

**Comment by:** 1 survey comment

**948** **Comment:** *TVA should not sell additional land, since water quality and wildlife would be harmed.*

**Comment by:** 1 survey comment

**949** **Comment:** *I do not want to see TVA sell off environmentally sensitive areas to developers. Maintain certain areas for wildlife preservation. Other areas would be better off developed.*

**Comment by:** 1 survey comment

**950** **Comment:** *The Alabama Waterfowl Association, an affiliate of the North American Waterfowl Federation, has called my attention to the fact that TVA is planning to sell, lease, or otherwise develop lands purchased by eminent domain for housing, condominium, or business uses. Mr. Jerry Davis is quite right when he points out that our country's wildlife continues to be squeezed into smaller, less desirable space and that the public has a valid concern that lands which were purchased for public use should remain so. If, in fact, this plan is new and is contrary to the purposes of the original purchase of the land, then I strongly urge you to reconsider and reassess the direction you are taking. The public has a strong desire for open space; and the wildlife, which was here long before we humans, certainly needs it. I should hope that the opportunity to strengthen government coffers and developers' pocketbooks does not dictate sacrificing once public lands and open spaces for more comfortable budgets and fortunes for a few.*

**Comment by:** Charles A. Sauer (North American Waterfowl Federation)

**951** **Comment:** *The environmental and aesthetic values that the lakes and shoreline hold should be protected at all costs. And, because the public demand for outdoor natural resources is increasing but the resource is diminishing, they become more and more valuable and should not be sold to or allowed to be degraded through special permits to private interests. Shoreline development degrades environmental values and precludes continued use of those public lands. We do not sell parcels of our state or national parks for private development. Neither should our public shorelines be used for exclusive private or industrial use. To do so results in visual blight for the rest of the public, degrades botanical and wildlife resources, and may cause pollution problems.*

**Comment by:** William G. Minser

**952** **Comment:** *I encourage TVA to select the shoreline management alternative that provides the greatest level of protection to the publicly owned resources in and around the Tennessee River. In particular, TVA should not transfer any publicly owned areas to private interests or to state or local governments, for that matter, in response to so-called pressure to develop the shoreline. Instead, TVA should uphold the quaint, legalistic notion that it holds all of its properties in "public trust" for the benefit of current and future generations of Americans. Surely it would be a violation of this trust for TVA to transfer any additional publicly owned lands to private interests or state or local governments for the purpose of developing such lands.*

**Comment by:** Richard A. Parrish (Southern Environmental Law Center)

**953** **Comment:** *TVA originally acquired the land it oversees by taking property from people under the government's power of eminent domain. This was done to achieve a larger public purpose for the citizens of the Tennessee Valley—to improve living conditions, provide electricity, and stimulate economic development. TVA is now proposing to sell this land to developers who would make several times the amount of money that was paid to the original owners. Selling this public property would be morally wrong and violate the original guarantees made when the land was acquired.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council), Dean Martin, Glenn Smith (Smoot Homeowners Association), Ray Werden, Steve Fuson, John Coyle, Alicia Salzman, Letitia C. Langord, 5 survey comments

**954** **Comment:** *The people have given or sold land to TVA for a small price. TVA or the bureaucracy then makes big profits from it. Look at Tellico Lake or TRDA. It is time for this to stop.*

**Comment by:** 1 survey comment

**955** **Comment:** *Much of the land TVA owns was taken from the Cherokee Nation, first by the government in 1838. This became known as the Trail of Tears. Then TVA acquired this land by eminent domain, the right of the government to take private land for public use. What right does TVA have to sell or lease this land that was taken from private landowners?*

**Comment by:** Jerry Davis (Alabama Waterfowl Federation, North American Waterfowl Federation, Alabama Waterfowl Association, Inc.)

**956** **Comment:** *I am concerned about public lands being sold for private use. I request that TVA review and publish the original justifications for obtaining lands by eminent domain. Lands which records show to have been sold willingly were, nevertheless, sold under the threat of eminent domain. If TVA finds that the original justification for obtaining these lands for public use are no longer valid, they are morally obligated to offer these lands back to the original owners or their descendants. If TVA finds that the original justifications for obtaining these lands for public use are still valid, they still have no right to sell these lands for private use.*

**Comment by:** 1 survey comment

**957** **Comment:** *Such actions as sale of this land taken by the U.S. Government over the years have been so prevalent that the trust of and belief in the government at all levels is presently at an all-time low. All these shoreline lands were either purchased by TVA with no choice given to the seller or condemned in the courts by TVA under the TVA Act of 1933 when owners refused to sell. If these shorelands are no longer needed by TVA in management of the reservoir, they should be sold back to these people or to the heirs for the same price that TVA paid. Had TVA not taken these lands from the people, they would be worth just as much to the original owners at this time as they are presently worth to TVA and to the real estate developers who want to sell them. There are private lands that can be bought for residential purposes, and these public lands should not be sold. The sale of these public lands for private residences or for residential subdivisions was not a mission of TVA under that Act.*

**Comment by:** Doris Edmonds

**958** **Comment:** *TVA acquired property through condemnation and gave the past property owners minimal payment. The property was then turned over to local governments who think wealthy residents bring in more taxes. This leaves low- and middle-income people no hope of living on the waterfront, let alone farming it. If government is not going to make such property available to average-income persons, then the property should be left undeveloped. If government does make it available to them, it would be my second choice to keeping the land undeveloped.*

**Comment by:** 1 survey comment

**959** **Comment:** *TVA land should be sold back to the original owners or their heirs for the original purchase price.*

**Comment by:** James E. Jones, Jr. (Anderson County Farm Bureau), 2 survey comments

**960** **Comment:** *TVA land should be sold to the owners of adjacent property. TVA could still impose some standards and building restrictions, and the property owners could help control erosion.*

**Comment by:** Sue Little, 5 survey comments

**961** **Comment:** *TVA should sell the marginal strip and let the owner take care of the property. Property owners who have a vested interest will do a better job of managing this land than TVA.*

**Comment by:** Allen Gezelman, 1 survey comment

**962** **Comment:** *TVA should let the adjacent landowner have more access to the public land; in other words, sell it or let him pay a rental fee to use the land and keep it up—to help to eliminate soil erosion. The landowner would like to put a barricade up to keep the river from eating away all the property.*

**Comment by:** Eddie Bradley

**963** **Comment:** *If there are plans to release shoreline property for individuals to purchase around the Gunterville Lake and Wheeler Lake area, please give me information on the status of such release of properties. I presently have a vacant lot adjoining TVA shoreline land and would appreciate being able to obtain any information that applies to personal recreational use of shoreline land.*

**Comment by:** Stuart M. Peck

**964** **Comment:** *If TVA has more land than they can properly manage, they should give people an opportunity to submit bids to purchase or lease the land. Land sales should be advertised properly, without bid restrictions, and open to the general public, not just large real estate companies and developers.*

**Comment by:** Dorothy Dove, Glenn James, Jerrie Ann Weaver, James E. Sherrill, 3 survey comments

**965** **Comment:** *TVA should sell land but keep enough shoreline to provide for wildlife and water.*

**Comment by:** 1 survey comment

**966** **Comment:** *The TVA parallel land should be auctioned in the residential areas. The land use in these areas should be reviewed. For example, Swan Bay on the north side of Kentucky Lake is commercial, but that land use is improbable. A new zoning for residential makes more sense coupled with the sale of parallel land.*

**Comment by:** 1 survey comment

**967** **Comment:** *Sell off all surplus land and contract with local planning districts to police enforcement and rules and regulations which TVA has determined and placed in covenant restrictions to run with land sales.*

**Comment by:** 1 survey comment

**968** **Comment:** *A long-term plan for the next 50 years could include a sale to those individuals who want and are able to purchase lakefront property. Commercial operations could provide boat storage, fuel supplies, and restaurants for everyone to enjoy, while public lands and use of the lands would be spread out over a number of years in order that overdevelopment would not explode all at once.*

**Comment by:** Marie Osmer

**969** **Comment:** *Should TVA limit future residential development to areas that have access, or should additional public lands be opened for access and development? First and foremost, TVA should and must be required to sell any and all land they now hold title to, so they may be developed and placed back on tax rolls to benefit the cities, counties, and states in which they are located. No, TVA should not and must not under any circumstances be permitted to limit future residential development or access. TVA must not work on quotas to prevent available land from being developed, used, and enjoyed by wage-earning and tax-paying human beings. Happiness and the pleasures of raising a family go hand-in-hand with the privilege of developing, enjoying, and maintaining lakefront property. This fact is evident by the thousands of people living on water's edge all over America, if not the world, and not being controlled by any government agency. This area is blessed with natural beauty of ridges, valleys, and mountains where a lot of people choose to live and not be controlled. There is absolutely no reason for TVA or anyone else to prevent or limit development or access to available public lands on our lakefront.*

**Comment by:** Edwin E. Howard, Patricia Howard

**Response:** The land between homesites and the water is often public land, managed by TVA for a variety of public uses. The primary objective of SMI is to define how these lands should be managed in the future so that landowners with access rights can get to the water and construct water-use structures in a way that does not negatively impact the public benefits that these lands provide. While some SMI alternatives (A, B1, and C1) would convey additional access rights, other alternatives (B2, C2, and D) would allow further development only where access rights now exist.

Under the new Blended Alternative, TVA would adopt a maintain-and-gain public shoreline policy that would place high priority on conserving public lands. TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. Under this policy, TVA would limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS. TVA would continue to manage public shoreline as a public asset (for water quality, aesthetics, recreation, and wildlife), while at the same time accommodating the reasonable needs of lakeshore residents.

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**970** **Comment:** *It appears that the intent of TVA is to generate a revenue stream by selling off additional public land.*

**Comment by:** Ken Cole, 1 evaluation form comment (Memphis, TN), 3 survey comments

**971** **Comment:** *Do not sell land to fund short-term funding problems.*

**Comment by:** 1 survey comment

**972** **Comment:** *With an ever-increasing population growth, more leisure time among the workforce, more public demand for places to get away and relax, and a shrinking land mass for public use, revenue sourcing through private residential shoreline development appears to be contrary to long-term TVA interests and perhaps contrary to the TVA Act.*

**Comment by:** Joe W. McCaleb

**973** **Comment:** *TVA has a larger public mission and should not be so revenue-focused. Do not privatize the public good. TVA's use of eminent domain created substantial public trust obligations and responsibilities, especially with regard to public use of the shoreline and water quality.*

**Comment by:** 1 survey comment

**974** **Comment:** *Since the government already owns these lands and they have been paid for and developed by past generations, it would be wrong to sell these lands to private holdings for a one-time, short-term profit. If maintained as public lands, they will be here for future generations as they were originally intended. The long-term potential of these lands far exceeds the small price we currently pay to maintain them.*

**Comment by:** 1 survey comment

**975** **Comment:** *We strongly reject alternatives that involve the sale or lease of public land to developers, namely Alternatives A, B1, and C1. TVA's preferred Alternative C1 would allow almost three times as much shoreline to be developed as the current level of 17 percent. Adopting any of these alternatives would be a misguided way for TVA to raise revenues in the face of currently shrinking congressional appropriations.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning), Karen Peterson (Tennessee Citizens for Wilderness Planning)

**976** **Comment:** *I recently observed several TVA projects in northeastern Alabama, Tennessee, North Carolina, and Georgia. Large amounts of shoreline are still relatively undeveloped, but I did see some areas of development that I would hate to see become the norm on TVA lands. Congress has recently adopted the attitude that public lands should be sold, exploited, turned over to state government, etc., as a means of reducing government costs, especially in western states. I would not encourage TVA to follow this trend. It is a bad idea.*

**Comment by:** 1 survey comment

**977** **Comment:** *The Alabama Audubon Council endorses TVA's desire for sufficient funding to maintain these lands in conservation status in perpetuity. We are aware that states and municipalities frequently approach TVA with requests for bits and pieces of land. Furthermore, under the current budgetary constraints, selling TVA land may be a tempting way to decrease stewardship costs while providing revenue. We strongly urge that TVA not sell or privatize its landholdings in any way, especially waterfront lands and the Land Between The Lakes area. It is our concern that the integrity of TVA's landholdings be maintained at all costs. Land is the best investment for the taxpayer and our flora and fauna.*

**Comment by:** Ann Tate (Alabama Audubon Council)

**978** **Comment:** *If land is sold by TVA for residences or residential subdivisions, for profit to real estate developers, or for support of TVA's desired level of operations, this would constitute a second arbitrary taking of this private land in violation of the substantive due process clause of the Fifth and Fourteenth Amendments of the United States Constitution, which prohibits*

*the arbitrary taking of life, liberty, and property. Since so much of the public lands on these reservoirs has already been sold by TVA, I believe that all remaining land should be retained permanently by TVA for use by the public.*

**Comment by:** Doris Edmonds

**979** **Comment:** *Why sell the land at all? Selling land is only a temporary solution. What will TVA sell off next? The dams? Water rights? What about the families of the people TVA drove off their land to build the lakes? The only reason TVA is low on money is they are too busy trying to keep the coal mines going—buying coal for steam plants, when TVA dams could provide all the power it needs.*

**Comment by:** 1 survey comment

**980** **Comment:** *I do not favor opening new land to private developers. Agency- or state-managed/leased motels, restaurants, and the like may be built in a reasonable manner, especially on previously developed lakeside land. There will be little or no new lake development. What we now have and the quality of what we now have is about the best we can expect. Developers will forever pressure public agencies, as long as there is any lakeshore property available for profiteering. Developers will not be satisfied until all usable natural lakeside property is gone. If today 10 percent of the available land is opened for development, developers will seek another 10 percent tomorrow. I believe the sale of land will produce a relatively small, one-time financial gain with no long-term benefit.*

**Comment by:** Walter M. Lewko

**981** **Comment:** *I am worried that this initiative is not about protecting public land, but it is about raising money. TVA's federal budget is shrinking, and I am afraid that TVA is going to sell and/or lease public land to pay for their nonpower programs that are funded by Congress. In an effort to do this, TVA shows it is a gasping federal bureaucracy that no longer has a purpose, but is searching for some reason to continue to exist.*

**Comment by:** James A. McIntosh

**982** **Comment:** *Our organization has been a consistent supporter of TVA efforts to establish the goals of the TVA SMI. While skeptical about TVA upper-level management's commitment to honor biological integrity over quick profits in the pockets of a few chosen developers, we nonetheless participated in each step of the process, even when it appeared that we were repeatedly reexploring old ground. Due to the accelerated pace of TVA's attempted commercialization of eminent domain-seized land along the reservoir boundaries, we have had to spend an extraordinary amount of time and effort in beating back TVA land sale proposals throughout the Tennessee Valley. There appears to be no relief in sight. It therefore becomes apparent that TVA management and the RiverKeeper Project are working toward opposing goals. In the current climate of divestiture of public lands by TVA, we find it difficult, if not impossible, to trust that TVA is working in good faith on shoreline preservation.*

**Comment by:** Leaf Myczack (Broadened Horizons Riverkeeper Project), Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**983** **Comment:** *TVA's land use decisions are following a disturbing trend. Little Cedar Mountain and the Big Slough project show that TVA is selling land for development purposes to raise revenue. This is a fundamental mistake. TVA-managed lakes and land were bought with public funds for public benefit.*

**Comment by:** Charles Jolly, Kirk Johnson, Liane B. Russell (Tennessee Citizens for Wilderness Planning), 1 evaluation form comment (Memphis, TN), 1 survey comment

**984** **Comment:** *The long-term effects of the use of the shoreline and lakes need to take precedence over short-term gain, especially greed, without thought for tomorrow. I hope TVA will continue to resist political pressure of a few to the detriment of the many. The YMCA property below Streets Bluff on Guntersville Lake was granted for a specific use. If it is no longer used for this purpose, it needs to revert to TVA. It was not intended for the profit of a few. Also, property granted to Marshall County for public use needs to remain just that and not become a way to make money (short term or long) or to compete with private enterprise.*

**Comment by:** 1 survey comment

**985** **Comment:** *TVA should sell off more property to generate additional money. Please consider opening more areas to residential construction.*

**Comment by:** Allen Gezelman, Keith Dicken, 9 survey comments

**986** **Comment:** *The proposal in Alternative C1 to allow private owners limited access to small parcels of shoreline or adjacent shoreline property by way of easement sales or leases is a great way to get the revenue and partners TVA needs to fund water and shoreline management activities.*

**Comment by:** George J. Jeram

**987** **Comment:** *I have been involved with TVA most of my life and feel you have been doing a quite respectable job. We now have the vision of 20/20 hindsight to know TVA does not need a lot of the land purchased (some by condemnation) many years ago. Get it back on the tax rolls, and make it productive. Do not try to micromanage your shoreline. Your 1933 mission was economic and recreational, not visual enhancement of lands.*

**Comment by:** 1 survey comment

**988** **Comment:** *If the present development stands at 13 percent, and TVA is predicting 38 percent in 25 years, it seems to me TVA must be sitting on a gold mine. There must be some way to mine it and live off the interest.*

**Comment by:** 1 survey comment

**989** **Comment:** *Sell or lease the land between the 1040 line and the water's edge to the property owner. According to page 1-11, there are 1,847 miles of existing TVA-owned residential access shoreline. Multiplication of this number by 5,280 feet per mile equals 9,752,160 feet. This number multiplied by \$100 per foot equals \$975,216,000. An owner with 120 feet of shoreline would pay \$12,000 to purchase or lease the land.*

**Comment by:** 1 survey comment

**990** **Comment:** *The lottery sale of one small, TVA-owned island per reservoir could fund projects to increase dissolved oxygen levels.*

**Comment by:** 1 survey comment

**991** **Comment:** *TVA wants to sell off lakefront land to create revenue. This is opposed by some extreme environmentalists; so, to appease them, TVA wants to limit construction of boat docks, retaining walls, cutting of underbrush, etc.*

**Comment by:** Jack C. Bryden

**Response:** TVA is not proposing the sale of public land or landrights as a source of revenue. TVA will continue to sell land or landrights to meet agency and public objectives for economic development, recreation development, and related purposes. TVA also makes land available for public

infrastructure projects such as public roads and bridges. TVA agrees that retaining and managing reservoir land benefits the public. SMI investigates options for future management of TVA shorelines and provides the public a voice in that decision process. At the current time, 13 percent of the shoreline is developed with residential shoreline alterations. TVA estimates that the level of residential shoreline development could be up to 38 percent of the shoreline Valleywide under the new Blended Alternative.

While some SMI alternatives (A, B1, and C1) would convey additional access rights, other alternatives (B2, C2, and D) would allow further development only where access rights now exist. Under the new Blended Alternative, TVA would adopt a maintain-and-gain public shoreline policy that would place high priority on conserving public lands. Proposals for additional shoreland access would not be approved unless the maintain-and-gain objectives described in FEIS Section 2.8 could be met. This practice would result in no net loss and preferably a net gain of public shoreline. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Chapter 2 of the FEIS. SMI proposes to retain the public shoreline and actively manage it as a public asset (for water quality, aesthetics, recreation, and wildlife), while at the same time accommodating the reasonable needs of lakeshore residents.

**992** **Comment:** *By selling off surplus shoreland for residential use, TVA would accomplish two goals: (1) money to reduce TVA's debt, and (2) tax money for local towns and counties to use for schools, police, etc.*

**Comment by:** 1 survey comment

**993** **Comment:** *Perhaps the need for selling off the publicly owned lakeshore partly stems from the \$26 billion debt now owed by TVA? Perhaps it is time to listen to those in Congress desiring to privatize TVA.*

**Comment by:** Marc A. Carter

**994** **Comment:** *TVA owns thousands of acres of property they have been sitting on for years. They could sell off about 20 percent a year and apply the resulting funds to reduce their debt. This makes more sense than having the taxpayer pick up the tab.*

**Comment by:** Theodore S. Maloney

**995** **Comment:** *I am a member of the Birmingham Planning Commission and the Zoning Board of the City, where I hear from citizens on a weekly basis what uncontrolled development is doing to local waterways, watersheds, open spaces, and the general quality of life. The proposed development in TVA's DEIS would cause much of the same problems to people now living along 11,000 miles of waterways. The first thing to do is ask why TVA is considering selling off up to 60 percent of the 265,000 acres of public land that it manages. Is it because of the need for debt reduction? If so, this is a poor way to go about it. A better idea would be to raise the electrical rates; stop any bureaucratic excesses or duplications.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**Response:** TVA cannot use the proceeds from the sale of non-power assets, such as reservoir property, to pay off the debts of the power system. Additionally, TVA is not proposing the sale of TVA land to generate revenue. The lands that TVA manages around the reservoirs are very important for the public values they provide, including aesthetics, recreation, water quality protection, and wildlife habitat. Please refer to Section 4.14.4 of the FEIS for a discussion of property values and taxes.

**996** **Comment:** *Since TVA claims to be nonprofit, I am interested in knowing how the profits from the sale of lots for residential access are used, as well as other fees to be collected from the public for recreational and other uses. The prices on the lots are expensive and appear to be profit-based rather than developed in response to public need, which would make such prices minimal. As a matter of fact, it seems to me that TVA takes in a good deal of profit in the management of government property and water that in essence belongs to the people of the land. I am curious as to how these profits are utilized to benefit United States taxpayers.*

**Comment by:** Gloria Reagon Price

**Response:** The TVA Act provides that TVA may use the proceeds from the sale of land or landrights, as well as the fees it collects, to offset the costs associated with management and operation of the reservoir system. Lots that are sold around the reservoirs are typically sold by private developers and individuals. Sale of such lots is a private transaction for which TVA receives no benefit or consideration.

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**997** **Comment:** *We, the undersigned landowners in Lake Forest Subdivision, which lies along Cherokee Lake in Hawkins County, Tennessee, are requesting that the land from the surveyed line to the TVA 1075 contour line be put up for public auction. We propose the public auction be held on site. This would alleviate the problem the landowners and TVA are having at present. Further, we ask that TVA drop the pending litigation against certain landowners in the subdivision, concerning encroachment and removal of dirt, until a decision can be reached as to the feasibility of our request. We do not feel our proposal would be in any way detrimental to Cherokee Lake or TVA, but would, in fact, be advantageous.*

**Comment by:** Petition with 9 signatures (Lake Forest Subdivision)

**Response:** TVA has no plans to declare this tract of land surplus and sell it at public auction. This shoreline tract is retained for public use, and some of the area is flood-prone. TVA has resolved the encroachment and the dispute over topsoil removal from TVA public land.

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**998** **Comment:** *Please make some shoreline available on Hiwassee.*

**Comment by:** 1 survey comment

**999** **Comment:** *TVA's statement at a public meeting about increasing pressure from developers was more than true. Who are the developers that have approached TVA in this area? Also, has TVA been approached by developers who want to exchange land they have for lakeshore land on Hiwassee? These are public lands paid for with public taxes, so the public should not have to be at the mercy of a rich developer. Everyone whose tax money has paid for these lands should have an opportunity to buy or bid on them. Could these lands be surveyed and platted into lots and then sold by public auction? This could be done by TVA or the government. That way everyone would have an opportunity to have lake property. Restrictions could be applied and enforced. Could these lands be surveyed and platted and offered for a 100-year lease? There are six or eight residences in the Grape Creek area that are under this arrangement, and it seems to work well. The land is public, but the houses can be bought and sold with the new owner assuming the remainder of the lease. They are required to be kept in a state of good repair.*

**Comment by:** James E. Sherrill

**Response:** TVA has no pending plans to sell or lease public shoreline property on Hiwassee Lake and has no agreements with any developers for sale or exchange of lands. Public opinion favors retaining in public ownership the lands TVA manages, so that they are open and available to all citizens. Most of the land around Hiwassee Lake was transferred to the Forest Service for management as part of the Nantahala National Forest. The Forest Service cannot sell or exchange this property without first gaining TVA concurrence. It is TVA's intention that this land remain in public ownership either with TVA or the Forest Service.

**1000 Comment:** *When additional shoreline in each reservoir is to be sold by TVA for residential use, designate a certain percentage that can be bought only by individuals and not by real estate agents or developers intent on reselling at a profit. Place restrictions to prevent early resale for a profit; e.g., if an individual wants to sell within five years of purchase, the sale must be made back to TVA for the original purchase price.*

**Comment by:** 1 survey comment

**Response:** This is the way TVA sold land in TVA-developed subdivisions in the 1940s and 1950s. However, under this approach TVA had to bear the cost of developing roads and other infrastructure. On more recent reservoir projects, like Tellico, Bear Creek, and Tims Ford, TVA has worked with development agencies to achieve planned development and minimize TVA costs in accomplishing that objective.

**1001 Comment:** *The public should be informed and have opportunity to comment before any TVA land is transferred or sold.*

**Comment by:** James E. Sherrill

**1002 Comment:** *We are concerned by the statement that TVA could sell up to 1,000 acres without public hearing. Please elaborate on which statutes give you the authority to do this, because we do not believe any public land should be sold without serious public involvement.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group)

**Response:** The TVA Act and NEPA do not require TVA to hold public hearings prior to the sale of TVA land. However, TVA routinely provides a public comment period before making decisions about land use proposals involving large tracts.

**1003 Comment:** *Overall, TVA is a very greedy organization. They have forced many property owners off their land prior to making their dams and lakes. In turn, they have made a king's fortune selling the waterfront property to Tellico Village. As a native Tennessean, I have had to bear the brunt of this financial monopoly by TVA, as my access to lakefront property has become very expensive.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

**1004 Comment:** *Land leases should be higher.*

**Comment by:** 1 survey comment

**1005** **Comment:** *If TVA allows adjacent property owners to use TVA public land as if it were their own, then property owners should have to pay for that use. Why should they be given the use of our public land just because they live next to it? My neighbor will not let me mow his property. The shoreline owners are privatizing the public land. TVA should charge fair market value for that use because it is essentially private anyway.*

**Comment by:** 1 survey comment

**1006** **Comment:** *TVA and other public land opened to private use should not be given or nearly given away as has often been the case with federal land. It was bought with public dollars, and the public should receive full market value for it. Long-term leasing (20 years or more) of public land for private development instead of final sale should be considered. Of course, any leases should bring full market value return throughout their life and not just token payment. Lease revenue could provide funds for shoreline administration and enforcement.*

**Comment by:** Allen N. Palmer

**1007** **Comment:** *I would like to see more of the long-term lease/club style developments instead of so much "highest bidder gets the lake." Maybe restricting building size in some areas to around 1,000 to 1,500 square feet would help.*

**Comment by:** 1 survey comment

**1008** **Comment:** *Homeowners should be allowed to lease the TVA shoreland that abuts their private property, subject to appropriate environmental restrictions. This would allow lakefront property owners to extend their backyards, maintain the property, control erosion, etc.*

**Comment by:** Allen Gezelman, 5 survey comments

**1009** **Comment:** *I would like to see TVA property returned to the farmers for rent.*

**Comment by:** 1 survey comment

**1010** **Comment:** *TVA should consider issuing 100-year leases to the adjacent landowners. These leases should clearly state the rights TVA is allowing property owners and the responsibilities of these landowners. These leases must be transferable to future landowners. The length of the leases and the ability to transfer rights is very important so landowners will feel that any investment will not be lost and will be recovered if they sell their property.*

**Comment by:** Jim del Toro

**1011** **Comment:** *I read a proposal in another TVA pamphlet that TVA is going to start leasing the marginal strip land—that little strip of public shoreland in front of private property—to the property owner so he can cross it to go to the water. That ought to generate a few bucks.*

**Comment by:** John Scott

**1012** **Comment:** *I would like for TVA to put the people who live on Wheeler Lake on even footing with the people who live on Wilson Lake. We have quite a bit of property there that is below the 560 line. Why not let us lease down to the water's edge, and that would alleviate a lot of these alternatives, especially Alternative C1.*

**Comment by:** Bob Ingram

**1013** **Comment:** *Alternative C1 sounds best, but bits and pieces of land between developments tend to become dumps. I think leasing would be better than selling these. No development probably means no money.*

**Comment by:** 1 survey comment

**1014** **Comment:** *If I decide not to lease the land between my lot and the lake, can someone else lease it? I would like a copy of the lease application.*

**Comment by:** 1 evaluation form comment (Tims Ford, TN)

**1015** **Comment:** *Do not rent the right to rape the land.*

**Comment by:** 1 survey comment

**1016** **Comment:** *TVA should not replace reservoir management with reservoir formulas. Public land and associated landrights have been entrusted to TVA by the taxpayer. TVA appears to have a conflict of interest when selling leases to land it has been charged to protect.*

**Comment by:** 2 survey comments

**1017** **Comment:** *Public lands are a valuable natural resource to the citizens of Tennessee. With ever-increasing demands for outdoor recreation, undeveloped TVA public lands hold intrinsic value for public recreation and wildlife habitat. We urge TVA not to negotiate long-term leases on TVA public lands, and to maintain lands in their current uses.*

**Comment by:** Riley Ramsey, Ann P. Murray (Tennessee Conservation League)

**1018** **Comment:** *We should not allow privatization of the shoreline. Privatization grants individuals the right to do things that control the land, and there is no more shoreline being made. Thus, in order to protect the environment and to have this very valuable resource for all to enjoy in the future, I oppose any selling or leasing of TVA shoreline.*

**Comment by:** Ben Kron

**Response:** Not every person who lives next to TVA public shorelands has rights to use TVA's property. As a general rule, only those individuals with deeded access rights or owners of property over which TVA has a flowage easement have "rights" to use shorelands to reach the reservoir system. Approximately 38 percent of the TVA shoreline currently has outstanding access rights. See Chapter 1, Section 1.4.5 for an explanation of outstanding ownership patterns on TVA's reservoir system.

Under the Blended Alternative, TVA's policy would be to allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. Under this policy, TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. People who live next to TVA public shoreland that lacks access rights can still use TVA shorelands in the same manner as any member of the public. For more information about the Blended Alternative, please refer to Section 2.8 of the FEIS.

**1019** **Comment:** *Delete the license requirement for residential shoreline.*

**Comment by:** 1 survey comment

**Response:** Property owners who currently have residential access rights would not be required to obtain a license.

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**1020** **Comment:** *The public sector could utilize TVA property for commercial uses to generate jobs, taxes, etc. Appropriate portions could be set aside, transferred to the National Park Service, and utilized by the general public. TVA had no right to acquire the property in the first place.*

**Comment by:** 1 survey comment

**1021** **Comment:** *Stop turning over TVA land to cities and towns for whatever they want to build.*

**Comment by:** 1 survey comment

**Response:** The public shoreland that TVA oversees has become increasingly important in meeting public needs as growth has occurred in this region. TVA will continue to consider proposals for commercial recreation, economic development, and other related purposes. TVA also considers proposals from other federal agencies, states, and local governments for use of TVA land for parks, highways, utilities, and other public service projects.

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**1022** **Comment:** *Does TVA intend to take back some of the land that they have given the Forest Service over the years, and if so, is your intent to develop that land?*

**Comment by:** A. G. Sherman

**Response:** TVA does not have any plans to take back lands which have been transferred to the Forest Service. However, as in the past, TVA and the Forest Service may jointly determine that lands managed by the Forest Service should be returned to TVA. Conversely, the Forest Service could request transfer of additional TVA lands to meet specific resource management objectives. Decisions of this nature would be driven primarily by cost effectiveness and efficiency considerations. TVA anticipates that both agencies will continue to manage properties in their custody to achieve sound stewardship objectives and provide a broad range of public benefits.

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**1023** **Comment:** *If TVA could get back to standing up for what is right and to truly protecting the taxpayer and the environment, instead of playing in a political game with crooked politicians, it would regain the respect of ordinary citizens that it once had. TVA has lost sight of what it stands for. Progress that has taken place across the Tennessee Valley would not have happened without TVA and its partners. But TVA recently turned its back on its TERDA partner and allowed it to be stolen by selfish politics. Where TVA is headed in the future will depend on how much it cares about the public, and not on how much it can yield to crooked politics.*

**Comment by:** 1 survey comment

**1024** **Comment:** *TVA should utilize TERDA experience and continue their development goals.*

**Comment by:** 1 survey comment

- 1025** **Comment:** *TERDA did not set a good example for TVA SMI. The TERDA staff were not people-oriented, friendly, or very timely with notices or approvals.*
- Comment by:** 1 survey comment
- 1026** **Comment:** *Who owns the land taken from me and my neighbors for Tims Ford Lake—TVA or the Department of Conservation? I would like to know what they are planning to do with this land that I have rented and maintained for the last 26 years. If the owners will contact me, I will be glad to meet with them at their convenience.*
- Comment by:** 1 evaluation form comment (Tims Ford, TN)
- 1027** **Comment:** *Tims Ford was under the management of TERDA and now no one seems to know who is in charge or if there are any particular restrictions. In other words, who do we contact to keep and maintain safety rules, etc.? Does anybody have a right to tie up to my dock, etc.? Are the rules the same for all Tennessee lakes? Is there one governing body?*
- Comment by:** William C. Reed Sr.
- 1028** **Comment:** *After looking at some TERDA plans approved by TVA and already in place on Tims Ford Lake, I noticed that a large portion of the best developable land was left out. I have been involved in the planning of subdivisions for 30 years and this is not a good plan. We do not need plans like this.*
- Comment by:** 1 survey comment
- 1029** **Comment:** *There is a lot of landlocked TVA property around Tims Ford Lake, and some of it is prime development land. What is TVA proposing to do with this property? Has TVA addressed this in its proposals?*
- Comment by:** J. B. Patton
- 1030** **Comment:** *TVA owns small portions of land (i.e., 3 or 4 acres) on a peninsula of Tims Ford Lake. The TVA land, which I am interested in purchasing, is totally surrounded by my property. TERDA never considered putting these small tracts up for sale, and I understand these tracts must be sold at public auction. However, since I own all the property around these small portions of land, access is limited to others.*
- Comment by:** 1 evaluation form comment (Tims Ford, TN)
- 1031** **Comment:** *TVA should allow the people who own lakefront property in nonsubdivision areas the same privileges as those who own subdivision lots on Tims Ford. Property owners on Tims Ford have been waiting a long time for permits to build water-use facilities and should not have to wait any longer for a decision. Original landowners should have rights to build docks and use the lake at any time.*
- Comment by:** Ron Barnes, Ruth Beatty (Tims Ford Council Member), 1 evaluation form comment (Tims Ford, TN), 1 survey comment
- 1032** **Comment:** *Tims Ford Lake is a major resource for this area and should be developed. However, some developers really objected to paying for the enhancement of lots by the lake. This was very obvious during the local hearing on the SMI. The non-TERDA lot owners refuse to understand that lake access is very valuable and they have to pay for it. TERDA lots have the lake access factored into the price they sold for. I like the review process for docks and some kind of fee.*
- Comment by:** 1 survey comment

**1033** **Comment:** *I am sure that there have been many requests from original landowners for access and dock rights which have been rejected or ignored, since, in fact, TERDA would not have benefited financially. I have watched as TVA purchased property from my unwilling grandparents and parents and constructed the dam on their property. Then they allowed TERDA to take the same property and develop and sell it with property access and dock rights for a profit for themselves (the Cline Ridge Development), while prohibiting adjoining landowners these same rights. TVA should realize that many of their neighboring landowners (who have hundreds and even thousands of feet of property that adjoin the lake or TVA property) feel that everything to do with development or lake access usage around Tims Ford has only been for the benefit and control of TERDA and their agents. I would hope that TVA, when deciding what is best for the lake's environment, will involve the larger landowners in allowing managed usage and caretaking of these properties, as well as limited access rights.*

**Comment by:** Robert P. Mayes

**1034** **Comment:** *I would like to know the status of TVA plans to grant lake access to property owners on the Tims Ford Lake in Winchester, Tennessee. My family owns real estate there known as the Bell Estates and we have been interested in developing this property for more than a year. Lynch and Lynch Realty applied for access to the lake on our behalf in May 1995. At that time TERDA was the contractor which did the oversight for lake lands owned by TVA. For reasons that are unknown to me, TERDA declared a moratorium on granting lake access to anyone. Early in 1996, TVA, no longer requiring the services of TERDA, began managing the lake lands. TVA has not informed Tims Ford property owners of the status of TVA plans to grant lake access to property owners. We attempted through our realtor to obtain lake access, but TVA did not respond to numerous inquiries. Until we know the TVA guidelines for granting lake access to property owners, we cannot sell or develop any of the lake properties. This lack of resolution on the part of TVA not only constitutes an economic issue for my family, but it also concerns many other property owners who own real estate that adjoins Tims Ford. Many of these property owners want to file a class-action suit against TVA. Surely, TVA would rather make a decision on this matter without the expense to the government and without the ill will that any lengthy court battle would generate. Throughout its history, TVA has played a vital role in enhancing the economic development of Tennessee and surrounding states. I trust that TVA will make the decision to grant lake access to facilitate further land development on Tims Ford.*

**Comment by:** Mrs. Steven Petersen

**Response:** The state of Tennessee abolished TERDA and transferred its assets and tributary area development responsibilities to the Tennessee Department of Environment and Conservation (TDEC) through legislation known as Public Chapter 816. There is a need to assess both the economic and environmental impacts of future shoreline development around Tims Ford Lake. In 1991, TERDA completed a long-range plan for economic development of the lake. In the plan, areas with the greatest development potential were identified. TVA and TDEC will soon assess Tims Ford Reservoir with the preparation of a reservoir land use plan. This plan will determine the appropriate uses of Tims Ford properties that are consistent with the state's legislative intent, Tims Ford project objectives, and tributary area development obligations. The plan will be guided by TVA's integrated resource management mission, contractual arrangements between TVA and TDEC, land capability, and public values.

Under the new Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. No new access rights would be made available to existing subdivisions where such rights are not now in place unless the no-net-loss requirements of the maintain-and-gain public shoreline policy could be met.

Consistent with outstanding contractual obligations, the Tims Ford Reservoir land use plan would determine whether any new subdivisions would be developed, and if so, these new developments would be subject to shoreline categorization. Sensitive resources would be protected. Refer to Section 2.8 of the FEIS for more information.

**1035** **Comment:** *When we purchased lots from TERDA, we were given certain rights (such as constructing a boat dock and no restrictions on vegetation corridors). It concerns us that these rights have been taken away.*

**Comment by:** 3 survey comments

**1036** **Comment:** *I spent the last three years searching for lakefront property that fit our retirement needs. We finally decided to buy a lot on Tims Ford Lake in April. We bought the lot based on the data provided by Tennessee Elk River Development Agency (TERDA). This included a deeded right to build a boat dock and to clear underbrush and small trees from TVA-owned land between my lot and the lake. Now that I have started building our retirement home, I have discovered that TERDA has been legislated out of business and TVA is now proposing unacceptable conditions for property owners. If I cannot be allowed to use my land as indicated, I feel that I should be entitled to recover all expenses incurred to date from either TERDA or TVA.*

**Comment by:** 1 survey comment

**Response:** The purpose of SMI is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources, while allowing adjacent residential landowners reasonable access to the water. SMI will not affect deeded rights of ingress and egress held by existing lakefront property owners. Deeds on Tims Ford Lake do not grant property owners the right to clear trees and remove underbrush from TVA property. If you have any questions about how your deed applies to the use of TVA property, contact the Wheeler Land Management Office for assistance.

**1037** **Comment:** *Regulation has come along, but it is going to apparently put some cattle people out of business. If they happen to have shoreline property at Tims Ford Lake, they are going to have to fence it to keep the cattle out, except they have to leave an opening in it so the cattle can get to the water. This seems to be strange logic. You put up the fence to keep the cows out, but then you leave an opening in it so the cows can get in. That is a very expensive fence. I do not know what to do about that since the EPA is even more remote than TVA, but it seems like this is rather counterproductive.*

**Comment by:** Jerry Anderson

**Response:** TVA will be working with the Tennessee Department of Environment and Conservation in the near future to address livestock and water quality concerns at Tims Ford Lake.

**1038** **Comment:** *TERDA charged a \$25 annual water use fee. Some grumbled with this, but most thought it a fair way to share costs.*

**Comment by:** 1 survey comment

**1039** **Comment:** *Non-TERDA lots should continue to pay a larger fee.*

**Comment by:** 1 survey comment

**1040** **Comment:** *Please do not increase the amount paid each year by property owners that were under TERDA. If you must increase, let it be for new homeowners and land purchased since TVA took over.*

**Comment by:** Clarence Jones, Jean Jones

**1041** **Comment:** *In those association developments sold by TVA/TERDA with dock privileges, TVA should allow/request the property owners to maintain TVA land to appropriate standards with no additional fee or cost.*

**Comment by:** 1 survey comment

**1042** **Comment:** *I have a dock for which I have a permit from TERDA and also from the USACE. And TVA is talking about grandfathering. I have no objection to the \$25. I do object to TVA having a unilateral right written in the lease to change the amount I pay to any figure they want, without my having some recourse. I think that there should be some safeguards written into this lease before they send it out; that will at least give us some assurance that TVA will act in a rational and fair manner toward any increases that might be deemed necessary.*

**Comment by:** J. B. Patton

**1043** **Comment:** *I live in a subdivision on Tims Ford that was not developed by TERDA. Therefore, I was required to sign a lease agreement and pay the \$25 annual fee. I do not mind paying the \$25. However, I do not like the lease agreement, primarily because it states that the lease fee will be determined on an annual basis. This means we are signing a document without knowing what we are going to be charged in the future. I cannot see the point in that.*

**Comment by:** Ruth Beatty (Tims Ford Council Member)

**1044** **Comment:** *I understand that TVA is going to reinstitute the \$25 annual fee on Tims Ford Lake. Will this fee apply to all landowners or just a select few that are on privately developed lots?*

**Comment by:** Brady Patrick

**Response:** TERDA charged an annual fee of \$25 for the privilege of access and the ability to have a dock at specifically designated residential developments that were not TERDA subdivisions. By comparison, the lots sold in TERDA subdivisions were sold with rights to cross public land and build water-use facilities upon approval of plans by TERDA, acting on behalf of TVA. The lots were priced to reflect the value of these rights.

When TVA regained responsibility for shoreline management in 1996, TVA decided to allow continued use of the shoreline by those people who had licensed land from TERDA. TVA also decided to continue the \$25 annual charge as a means of easing the transition between agencies.

TVA reserves the right to increase the annual charge at a later date if necessary to more adequately recover the actual value of the privileges granted by these licenses. Preliminary TVA studies indicate that the actual market value of these privileges is considerably more than \$25 per year.

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**1045** **Comment:** *TERDA had set aside a fund for future operation and management of shoreline facilities. TVA should capture this fund in negotiating a new contract with TDEC on Tims Ford. If TVA manages the shoreline, it will have much more expense than TDEC.*

**Comment by:** 1 survey comment

**1046 Comment:** *Since the former TERDA land is now owned by TDEC, it is reasonable to assume that future residential development, if it occurs, will be done by the private sector under contract with the state and/or TVA. Developers have a right to profits generated by their endeavors and risks, but it is incumbent upon the state and TVA to ensure that they do not receive windfall profits from access to the lake which was funded by taxpayers throughout this nation. Private developers stand to profit from the reservoir in either of two ways—by purchasing state and/or TVA land which includes access to the lake, or receiving access to the lake across TVA land for property they already own. Either way provides the developer the opportunity to market his land as waterfront land with dock approval guaranteed and to demand the high prices that such property brings. Unless the developer is charged the full value of lake access, these profits will accrue to the developer rather than to the public. Prior to its termination, TERDA had established enhancement fees that would be paid by a developer prior to the acquisition of access across TVA land. This enhancement fee was roughly equivalent to the difference between back lots and TERDA waterfront lots (averaging \$35,000 per lot), and was to be determined by TVA property appraisers considering comparable recent sales in TERDA subdivisions. There was significant opposition to enhancement fees from private developers and landowners who wanted to subdivide their property, some of whom had the ability to influence state legislation; consequently, the General Assembly stripped TERDA of the ability to charge enhancement fees (prior to just doing away with the agency). As I write, I am sure private developers are scheming to receive access to the lake free, or at a nominal price, and then charge inflated prices for the backlying land. This must not occur. Private developers must not be allowed to profit from the public's investment. TDEC and TVA are public agencies and exist for the benefit of the public. They do not exist to enrich private developers at the public's expense.*

**Comment by:** Michael E. McGuire

**Response:** TVA recognizes that lake access privileges and rights to apply for dock permits have high value and would want to recoup those values if new areas were made available for residential shoreline access and development. TVA also appreciates the public investment and interest in public shorelines. Please see Section 1.4 of the FEIS for further discussion about watershed development projects such as Tims Ford.

**1047 Comment:** *Our land adjoins shoreline property owned by TVA. We would like TVA to grant us lake access across their property and allow us to obtain a boat dock permit.*

**Comment by:** Bogue Waller, Eddie Bradley, 4 survey comments

**1048 Comment:** *We would like to build a dock. Please consider this letter to be our request to have residential lake access. We hope Alternative C1 would do away with our straight-line boundary restrictions and give us residential privileges similar to other landowners adjacent to TVA property. Our property appears to meet the criteria cited on pages 2-7 and 2-8 of the SMI DEIS.*

**Comment by:** Paul Loiseau, Robin Loiseau

**Response:** TVA approves docks and piers where the adjacent landowner possesses rights of ingress and egress or is owner of the land to the summer pool level. Alternative C1, if selected, would expand the areas where docks and piers could be constructed. Any decision about the particular shoreline fronting your property would be made through an individual shoreline land management plan for your lake. The public would be invited to participate in the planning process. However, under the Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist.

TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

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**1049** **Comment:** *I recently received a letter from TVA regarding additional public meetings and other changes. One of the changes involved "property owners with access rights to the water across TVA public land." As a property owner whose property has the orange TVA posts on it, I wonder if my property falls into this category. If so, is it possible to mow to the water's edge both during high pool and as the water recedes? The TVA land between my property and the water is classified as "public recreation." Would it be possible to get that land reclassified to permit construction of a floating dock? There are five homeowners in this subdivision who would appreciate this change and may or may not take advantage of this opportunity.*

**Comment by:** Erling C. Nelson

**Response:** It appears that the property you describe is TVA public recreation shoreline and that you do not own the right of ingress or egress across this land. You can use the property in the same ways as any other member of the public. However, TVA would not grant an approval to mow this area. Under the Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

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**1050** **Comment:** *Whereas; TVA under Section 26a of the TVA Act (Congress, 1933) shortly after Cherokee Dam created the embayment in question began to set aside certain lands below the 1080 mark as public access, and Whereas; On all TVA maps the northwest section of the embayment at the confluence of Shield Creek and Ray's Creek has been listed as the Bean Station Access Area with the availability of an unpaved boat launch and any other similar properties throughout the Cherokee Lake Users Association, and Whereas; In subsequent years, contiguous land has been titled, retained, or sold, including residential and agricultural rights, such lands being deeded, titled and taxed in Grainger County and possibly others, and Whereas; A certain number of these public access areas have been legitimately developed (most especially the embayment in question) so as to residentially landlock any access to or from by pedestrian or vehicle without trespass or reckless endangerment over Highway 11W future right-of-way, and Whereas; The maintenance of these restrictions as presently constituted work a distinct injustice upon these respective developments in the legitimate use of their own private access, and Whereas; Vandalism and trespassing have been documented as caused by TVA's published errors in access that is nonexistent. Therefore, Be it resolved that the aggrieved Residential Owners of Property in Clinchdale Estates and other such landlocked properties serviced by the Cherokee Lake Users Association, in accordance with the input requested by SMI DEIS, strongly recommend the expediting of relief measures and strongly disagree to any TVA pronouncement that would categorize throughout the Valley without considering the individual circumstances that cause these injustices.*

**Comment by:** Anthony J. Kaufmann (Cherokee Lake Users Association)

**Response:** Clinchdale Estates, the referenced subdivision, is located behind TVA land retained for public recreation. This tract is one of many TVA set aside to provide open space for the public to use on a casual basis for picnicking, bank fishing, walking, etc. These tracts provide other public benefits, including protection of water quality, visual resources, and wildlife habitat. These lands have no outstanding access rights which would affect future uses.

Under Alternatives B2, C2, and D, the TVA land forecast for public recreation fronting Clinchdale Estates would not be made available for residential access and associated shoreline development. Under Alternatives A, B1, and C1, some additional TVA public lands would be made available for residential access, but the disposition of this specific tract could not be determined without further review.

Under the Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

**1051** **Comment:** *I want the right to mow the grass on the small strip of TVA property adjoining my home in Breakwater Estates in Hixson and also to moor my pontoon boat on its shore. To date, I have been unsuccessful in obtaining permission through TVA's Land Management Office. In addition, I am upset that TVA has been inconsistent in its policies. On about six properties that border the cove nearby, the owners cut the grass and, in some cases, have elaborate landscaping. Also, several boats are moored to the shoreline. A letter from TVA's Land Management Office said I was in violation of their regulations and that this area was a habitat protection area for a plant (skullcap, which, by the way, is not on the property) and also for bald eagles (I would love for someone to show me a bald eagle around the lake). I am also frustrated that TVA representatives could not give me any pathway to appeal their decisions to deny any rights for me to cut the grass and moor my boat. TVA needs to reconsider this tract, as the wooded area is probably the protected area, not the land behind our homes that is mostly cleared.*

**Comment by:** Donald P. Hetzel, M.D.

**Response:** TVA has taken steps to resolve this particular issue. TVA has responded to the landowner and has made arrangements for the landowner to continue to mow consistent with the same guidelines which apply to all other shoreline areas within this subdivision.

**1052** **Comment:** *The members of the Holiday Shores Homeowners Association petition TVA for the opening of additional shoreline area for residential access. We would like permission to construct boathouses and/or piers around the Holiday Shores area.*

**Comment by:** Petition with 60 signatures (Holiday Shores Homeowners Association)

**1053** **Comment:** *Some property owners in Holiday Shores Subdivision have been permitted water-use facilities, while other owners have been denied permits to construct docks and boathouses. All property owners should be allowed to construct water-use facilities and implement erosion control measures. Holiday Shores homeowners support Alternative C1 and ask that TVA open more shoreline for residential access.*

**Comment by:** Judy C. Williams (Holiday Shores Homeowners Association), Billy R. Gray, Cecelia Gray, L. R. Jacobs, Murlen J. Glover, James R. Rives, 1 survey comment

**Response:** Some property owners in Holiday Shores Subdivision have lots with the right of ingress and egress across TVA shoreland, and TVA has approved structures fronting these lots. TVA has not approved access in those shoreline areas of Holiday Shores where such rights do not exist. Where there are no access rights, TVA maintains the shoreline for public benefits and recreation. However, TVA would be willing to enter into agreements with adjoining property owners to design and implement specific shoreline erosion control projects.

TVA's Blended Alternative would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

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**1054** **Comment:** *This is concerning planned tract XGIR114PT, Lakeside Estates Subdivision, Lot 24, Springville, Tennessee 38256. We were told by the previous owners when we bought this lot in 1991 that we would have no problem obtaining a boat dock permit, since our neighbors, only a few doors from us, have them. Now we are told that is impossible at this time, but because of our location we might come under some new regulations in the upcoming SMI decisions. We would greatly appreciate any consideration TVA might give our property. If our neighbors have dock permits, then we should also and under the same rights they have, since we are all in the same subdivision.*

**Comment by:** Jere Reasons, Sylvia Reasons

**Response:** This tract is allocated in the Kentucky Reservoir Land Management Plan for Open Space. It will remain available for that purpose. While some private water-use facilities were constructed prior to the development of the plan, no new facilities have been permitted since the plan was approved. The plan grandfathered the preexisting facilities.

Under the Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

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**1055** **Comment:** *I should have as much access to Kentucky Lake shoreline adjoining my property as former governor Ned McWherter has at his lakefront home in Henry County. I would be interested in your comments about the possibility of obtaining lake access in the future.*

**Comment by:** 1 survey comment

**Response:** In order to be able to construct facilities along the TVA shoreline, a landowner must own rights of ingress and egress or own fee title down to the summer pool elevation. TVA's new Blended Alternative would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net

gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

**1056** **Comment:** *We are in the process of developing a half mile of shoreline property on Kentucky Lake. We are going to sell 42 lots, 14 of which are on the water. However, there is a very narrow piece of open TVA land between our property and the lakefront, and we have no access rights. We would like to know what is going to happen to this open space and want TVA to at least let us know what we can do. We are certainly willing to work with TVA to take care of any concerns.*

**Comment by:** Laurence M. McMillan

**Response:** Our local Land Management Office is willing to meet with landowners, review situations such as the one described, explain TVA requirements, and explore options for community facilities within the shoreline area where access rights exist.

Under the Blended Alternative, no new access rights would be made available unless the objectives of the maintain-and-gain public shoreline policy could be met. TVA would not consider proposals from others for shoreline access in new areas unless the proposals would convey to TVA other land or landrights with equal or greater public and ecological value. This practice would result in no net loss and preferably a net gain of public shoreline. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

**1057** **Comment:** *For 19 years we have been property owners of 1,200 feet adjoining TVA shoreline. We have waited for one plan or another; yet, no one seems willing to look at our very simple, 100 percent noninvasive, nonpolluting, nonvegetative removal request. For 19 years TVA has been trying to make a plan to handle extremely controversial issues, yet has been unable to deal with an extremely simple request, because we are just one family and not a giant industry, huge developer, or nuclear reactor. Our only answer from TVA all these years has been essentially, "We have always done it this way; we do not really remember who decided this or why but certainly cannot look at this ourselves; that would be too logical." Tying a 20-foot wooden platform pontoon boat to two trees just is not worth all the time, energy, and manpower that TVA has given to this simple, no-impact request.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**Response:** If the shoreline where you reside is open for shoreline structures (classified as either flowage easement or TVA-owned residential access), then your request can be considered. If the shoreline is not open for shoreline structures, then your request for a permanent structure cannot be approved. However, you would still be permitted to moor a pontoon boat to the shoreline fronting your lot on a temporary basis, not to exceed two weeks in length.

**1058** **Comment:** *When one listens to the TVA Land Management personnel describe what they are proposing and then listens to the homeowners' comments, it is clear we are not working collectively to solve a well-identified, well-understood, and agreed-upon problem. We are diametrically opposed in the solution since we have different visions of the problem to be solved. From the homeowners' perspective, obtaining money appears to be the focus of this initiative and not improved management of the shoreline. The homeowners are quite willing to work with TVA to reach a long-term plan for shoreline control, but the perception is that*

*TVA is not willing to listen to other approaches. All shoreline homeowners have a vested interest in the beauty and stability of the shoreline. There are resources among us who can help arrive at agreeable, long-term solutions. We recognize there will be give and take and even some fees, but right now there is a line drawn in the sand which is resulting in nonproductive communication. My challenge to TVA is to help open the path for a give-and-take resolution. I believe TVA Land Management must face the reality that Congress does intend to curtail their spending. The land management personnel could better serve the public for whom they work by encouraging public involvement in better management of the shoreline, instead of drawing a line in the sand for a battle between shoreline landowners and TVA. We all live here and collectively we can reach a resolution. I have selected Alternative A with some modification which I will record in writing to TVA.*

**Comment by:** Dale Hedges

**1059** **Comment:** *From the time the Timberlake Estates Subdivision was developed until April 1995, homeowners were mowing to the shoreline. This was never contested by TVA nor was there any discussion about an agriculture permit or buffer zones until April 1995. When one of the homeowners applied for a boat dock permit in 1992, we discovered that the area was classified as "public recreation area." We advised TVA that no land access is available on any of the property between our subdivision and the lake, except across private property.*

*In April 1995, the agriculture permit and buffer zone issue were presented to us. TVA advised us that a 50-foot buffer zone would be established. We were told at the June 1994 SMI meeting held in Clinton that nothing, including reclassification of the area, would be implemented until the SMI decisions were completed.*

*We are asking that TVA change the classification of the land in front of Timberlake Estates Subdivision to one that will allow the construction of boat docks. We are supportive of TVA issuing specifications for docks and a reasonable assessment of fees for the review and approval of the boat dock plans prior to any construction of a dock. We also ask that TVA eliminate the buffer zone and permit mowing to the water as we were doing prior to April 1995. Allow homeowners to plant trees that will be attractive on the TVA property. TVA and homeowners could work together to develop and implement a Shoreline Erosion Protection Program (SEPP). The SEPP would be subject to completion of SMI and a specific Land Use Plan for Melton Hill to be started in FY 1997, which would allow for additional access to be opened up. Prior to completion of SMI, we could explore use of a landscaped buffer concept to be defined subject to funding and other consistent policies applicable to all homeowners and private parties.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**Response:** On this tract of TVA public land, TVA has entered into an agreement with the Timberlake Estates Homeowners Association to jointly develop a shoreline protection and management plan. The plan was devised to achieve solutions to several issues of concern identified by homeowners and is being implemented by a cooperative agreement. The purpose of the cooperative agreement is to control shoreline erosion, protect wetlands and cultural resources, preserve property owner and pedestrian access to the lakeshore, and enhance shoreline aesthetics and wildlife habitat. Planting of trees and shrubs, shoreline stabilization, and establishment of a vegetation management plan will help to protect this public area and provide enhanced public benefits.

Under the Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no

net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

**1060** **Comment:** *The lots such as those in the Pellissippi Point Subdivision were sold by TVA for recreational development, even though many are now used as homes. The lots that were not located at lakeside were denied access rights to the lake, such as the 40-foot-wide lot at Cutaway Bridge which later widens to 60 feet at the 1020 elevation at lakeside. Undoubtedly, the intent of this was not a 6-foot walkway, but so that the people could also have a float in the lake. Personally, I think people have as much right to a float on TVA property as the person owning a lot at lakeside. The deeds for all lots reserve the right of TVA to flood to the 1054 six months out of the year and provide for a jointly owned lot at lakeside.*

**Comment by:** Charles F. Holloway

**Response:** Property owners of interior lots typically do not have access rights unless they share ownership in a community access lot.

**1061** **Comment:** *We appreciate very much this opportunity to share a concern with TVA that makes no sense and is beyond our understanding. The property we own in Tellico Village is located near the end of a cove that has about 2 to 3 feet of water during the summer pool. There is a strip of common property owned by the TRDA which is relatively narrow (20 to 30 feet wide) between the back of our lot and where the TVA common property goes to the lake. We have been informed by TVA Land Management employees that a dock is not permitted because of the TRDA narrow strip of land between our property and the TVA property. We submitted a request for a permit that was approved enabling us to riprap the shoreline, and once again we do not understand why we cannot put out a small dock that would enable our neighbors and us to use a fishing boat and paddle boat. Why not let all of us who have access to the water enjoy it to the full, rather than just those who may have paid more money for deep-water frontage. It is our hope and prayer that those who will make the ultimate decisions will give equal water rights to all residents on the lakes and not just those who purchased deep-water lots.*

**Comment by:** Marvin J. Yoder, Jean E. Yoder

**Response:** Under the terms of the sale of Tellico Village property by TRDA to Cooper Communities, Inc. (CCI), a set portion of shoreline and interior property was to be preserved for common use only. The allocation of common property was approved by TVA, TRDA, and CCI through the Master Use Agreement. This agreement allowed for the creation of several thousand lakefront lots with the rights to construct preapproved boat docks. To accommodate interior lots and lakeview lots, the Master Use Agreement allows CCI and the Tellico Village Property Owners Association to construct community docking facilities. Preservation of open space and common property is a covenant that all parties to the agreement have accepted.

**1062** **Comment:** *One of our tracts stretches for over a half mile along the Watts Bar lakeshore on the east side, and does not have certain "deeded rights." No private docks have been either applied for or constructed by us or the previous owners, so far. The adjacent tracts (just south) do have these "rights" and some of the owners have dock permits and have constructed docks. If future private docks cannot be approved, the value of any future lake lots (so far the tract is completely undeveloped) would be severely decimated and any lot owners, as well as ourselves as tract owners, would immediately lose a major fraction of our*

*land values and interests. In fact, I wonder whether there would be much significant value left to so-called "lake" lots where you could not enjoy the lake. As anyone who visits our tract can vouch, the development of our tract will be quite expensive. We certainly would not be interested in developing any of the lots in the foreseeable future just to lose our proverbial shirts. I hope that you will agree with us and will assure us and any future buyer that they will not be prevented from building docks and otherwise protect their lakeshore. As I level with them, I have strong, first-hand indications that potential buyers are already being scared off. We are, therefore, anxiously looking forward to your favorable reply.*

**Comment by:** John Shacter, Kathleen Shacter

**Response:** Under the new Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

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**1063** **Comment:** *TVA has denied our requests for permits to construct docks, boathouses, and other water-use facilities and structures. We hope the SMI decision will allow us to obtain these permits and grant us the normal access and use of the lakes accorded other property owners in unrestricted areas.*

**Comment by:** Bob Inklebarger, Debbie Hellums, C. Edward Smith, Peggy K. Scandlyn, petition with 19 signatures (Watts Bar Lake Users Association), petition with 23 signatures (Riverbend Estates), 2 evaluation form comments (Harriman, TN)

**1064** **Comment:** *The members of the Northside Homeowners Association own land that borders the strip of property owned by TVA. We want access to the water for the purpose of using a boat dock. I am attaching copies of two letters which were directed to your local TVA officials. We realize that TVA cannot be everything to everyone. However, we are interested in the newer concept of using a community boat dock, as opposed to individual ones. Our association would like to go on record in favor of Alternative C1. It allows for additional development, while holding the line on overdevelopment.*

**Comment by:** Barbara Meeks (Northside Homeowner's Association), Jerrell W. Moon (Northside Homeowner's Association)

**1065** **Comment:** *I live on Wolf Creek (Watts Bar Reservoir) which is designated as forestry and wildlife management. Will I ever be given a permit for a boat dock? Although I have never received a permit I have mowed and maintained TVA property to the lake. Will I have to let it grow back up as a buffer zone?*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**Response:** Under the new Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

If the shoreline fronting a lot is designated for forestry and wildlife, it is unlikely that it falls within one of the two categories of shoreline which will be open for residential-related shoreline development. TVA would permit mowing of established lawns only on TVA land where access rights exist.

**1066** **Comment:** *There are 16 lakefront residential tracts at Freeman Acres that were sold 35 years ago with certain access rights. We purchased these tracts with a verbal agreement from TVA that permitted the property owners to build docks and boat ramps, mow grass, cut trees (with approval), and make other alterations to the shoreline and adjacent TVA property. However, TVA is now taking away these property rights that Freeman Acres landowners have used and enjoyed for over 30 years by changing the rules on what we can and cannot do. Access rights granted under a verbal agreement should be viewed the same as deeded or permitted rights. Why will TVA not listen to us? TVA should restore our property use rights and grandfather us like it has done with other landowners who had nothing more than a verbal commitment from TVA. We would also be willing to purchase the property from TVA at a fair price.*

**Comment by:** David McKelvey (Freeman Acres, Inc.), Gayno D. McKelvey (Freeman Acres, Inc.), Tom Anderson, Tony Boyles (Freeman Acres, Inc.), 1 evaluation form comment (Florence, AL)

**Response:** The property fronting the 16 lots at Freeman Acres is public land, and private structures and mowing are not permissible at this location. Owners of these lots do not have deeded rights of ingress or egress across TVA land to the water, and the structures that were built there were removed because they were constructed without TVA approval and in violation of TVA shoreline guidelines. The Chairman of the TVA Board of Directors met with Freeman Acres property owners, and, subsequently, TVA decided not to grant their request for these access rights. The grandfathering provisions apply only to existing shoreline alterations where deeded rights of ingress or egress exist; therefore, the Freeman Acres lots without these rights would not be grandfathered.

**1067** **Comment:** *Residential property owners could absorb shoreline management costs by obtaining boathouse permits in areas that currently do not have this use (i.e., TVA day-use areas) in trade for erosion control, vegetation management, and bank stabilization.*

**Comment by:** 1 survey comment

**1068** **Comment:** *At least 25 percent of the residents in the Guntersville Reservoir area located on White Elephant Road are alienated from dock use and other residential water use because our property is separated by the road. We would like permission to build boathouses on TVA day-use facilities in return for doing shoreline management initiatives that will help preserve the quality of land and not infringe on the use of the property by the general public.*

**Comment by:** 1 survey comment

**Response:** On TVA lakes, boathouses may be constructed with advance approval from TVA. The applicant must be the owner of or have access rights across TVA land at the proposed boathouse location. Boathouses may also be located within harbor limits at commercial marinas. TVA does not approve the location of private boathouses on public recreation property. This would adversely affect the use of the property for the public recreation uses intended. TVA is willing to work cooperatively with lakefront owners and others to achieve bank stabilization and erosion control where it is determined such work is needed.

**1069** **Comment:** *There is a 50-foot strip between me and the TVA lake. This land is owned by the Forest Service. I wish they would allow private use of this land.*

**Comment by:** 1 survey comment

**Response:** The Forest Service has their own policies related to permitting and land use requests on properties that they control.

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**1070** **Comment:** *I live near Paris Landing State Park where I own six lots. When I bought the house, all I had to do was go to Paris and I could get a permit for a 10-foot-wide path down to the lakefront. Last year we got a letter from the Wildlife Association that says if we want a path down to the lakefront, we pay \$50 a year and if we want to park our boat at the foot of the lake, at the path, we pay another \$50 a year. It says we can do this for 10 years and then we are out. If I want to give the house to one of my kids, he cannot even pay the \$100 a year to have that path. On our wildlife preserve we have a few trees, no weeds to speak of; it is just dirt. The wildlife consists of two rabbits and a couple of turtles. There is a ramp about 200 feet from where I live. Everybody can bring their boats in and go on the ramp, but I cannot go down to the waterfront and back and buy six lots. When I bought the property I had access rights.*

**Comment by:** Paul Spandikow

**1071** **Comment:** *How many miles of shoreline are under USF&WS control on the west side of the Big Sandy embayment? I think TVA said it was under the control of USF&WS and TVA did not have anything else to do with it; so these meetings are no concern for people living on that shoreline because there is nothing you can do to solve our problems. In 1993 without any advance notice the USF&WS imposed an annual \$50 fee to leave a boat on the lake or else take it out every time. They also required a \$50 mowing permit on land where we had been mowing for free for 20 years, with the stipulation that in the year 2003 all permits would be out and that land would grow up. In other words, it would be like the banks of the lake. Those of us who own property there were not told that when we bought it 20 years ago. For 20 years we have had a free permit to mow that property and keep a boat. They tell us that it is incompatible with the wildlife on the lake; yet, their only concern is waterfowl, not other wildlife.*

**Comment by:** Lawrence D. Smith

**Response:** Generally, owners of land fronting the Tennessee National Migratory Wildlife Refuge do not have deeded landrights that would allow TVA to permit private water-use facilities or vegetation removal. When TVA sold land in this area, rights of ingress and egress were not sold because the refuge was already in existence. For a number of years, the USF&WS has allowed backlying property owners to have private water-use facilities and to remove vegetation. The USF&WS is in the process of withdrawing those privileges over the next few years. For additional information, please contact the USF&WS.

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**1072** **Comment:** *For 50 years or more, there has traditionally been an easement granted to landowners along TVA's lakeshore. An entire economic system of values surrounds that easement. TVA has the right to rescind that easement, but the cost of doing so, in terms of erosion alone, is not even addressed in the SMI. Now the incentives for further investment have been threatened. Once a fair analysis has been made and this value has been recognized, TVA will find itself having to offer further incentives to landowners, such as deeded rights to the waterline, to get them to make future shoreline investments. Simple logic should have told TVA that the price of even publicly considering some of these options is just too great.*

**Comment by:** Keith Warren

**Response:** TVA, through SMI, is not proposing to rescind the rights of any landowners around the reservoir shorelines. Existing permitted shoreline structures located along TVA land where the adjacent landowner has access rights are automatically grandfathered. Any homeowner who is uncertain about whether existing uses have been permitted should contact the local Land Management Office to obtain a copy of the permit of record or an “after-the-fact” permit. For more information, refer to Chapter 5 of this volume and Section 2.8 of the FEIS.

**1073 Comment:** *All property owners adjoining TVA property should be afforded privileges unless there are unacceptable environmental consequences.*

**Comment by:** 1 survey comment

**1074 Comment:** *The lakefront property owners in the TVA-owned residential access shoreline category did not have certain rights at one time. However, in some way they acquired them. TVA should grant these rights to everyone.*

**Comment by:** Gayno D. McKelvey (Freeman Acres, Inc.)

**Response:** As explained in the FEIS, TVA sold deeded access rights across TVA-owned residential access shoreland when adjacent lands were sold. TVA manages its public lands to provide many diverse public benefits such as public recreation, protection of critical habitat for threatened and endangered plants and animals, protection of historic and archaeological sites, protection of wetlands, industrial access and development, and other similar purposes. TVA would not be able to meet these public objectives if access rights were granted to everyone.

**1075 Comment:** *Alternative D is moving in the right direction, but not strongly enough. It continues to assume that any new developments would be just like what we have now, strings of single-family dwellings all with their own docks, boathouses, etc. Nowhere is there any discussion of any new, innovative ways of allowing public access.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**Response:** Alternative D makes some significant departures from TVA's current shoreline standards. Shoreline structures would be smaller, access to the lake would be via a 6-foot-wide path, and vegetation removal along the shoreline would be minimal. Community facilities, in lieu of individual docks, would be required where resource protection is needed. Under the new Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. The Blended Alternative would also provide for a shoreline categorization system that would identify and protect sensitive shoreline areas. Refer to FEIS Section 2.8 for a description of this alternative.

**1076 Comment:** *Why is it that only frontage lot owners have access?*

**Comment by:** 1 survey comment

**Response:** This is not always the case. If the original developer conveyed legal landrights in a lakefront parcel to backlying lot owners, then those lot owners may apply for a Section 26a permit.

However, the physical constraints of the shoreline may make it impossible for all owners of interests in a waterfront lot to construct facilities. In these cases, the owners may share a community facility if the site will accommodate one.

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**1077** **Comment:** *Landowners should have the option of developing a plan for the management of their shoreline. TVA could approve/disapprove this plan in consultation with the landowner.*

**Comment by:** 1 survey comment

**Response:** TVA will work with landowners in developing a shoreline plan, as long as the plan fits within TVA shoreline management objectives and standards.

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**1078** **Comment:** *One of the reasons that I prefer Alternatives C1, C2, and D is that they require the development of reservoir management plans for each reservoir. I firmly believe that the only way to successfully manage and protect land or resources for the long term is to have a master plan. Otherwise, development is haphazard and decisions on land use are made on a case-by-case basis (typically, rapidly in a highly politicized atmosphere with incomplete information and without a clear understanding of cumulative impacts). The result is escalating and irreversible environmental degradation and often the accrual of benefits to a few at the expense of the many. Any intelligent farmer or forester has a short-term and long-term management plan for his land. Many municipalities and counties have developed master plans to ensure orderly growth and protection of natural resources and quality of life. It only makes sense that TVA should do the same by developing individual reservoir management plans. Reviewing permits and land use questions on a case-by-case basis, as proposed under Alternatives A, B1, and B2, should not continue.*

**Comment by:** 1 survey comment

**1079** **Comment:** *A strong five-or ten-year plan for residential development is needed for the shoreline, with strict zoning for the different areas along the shoreline. Requirements should not be determined on a one-by-one basis, but on an area basis.*

**Comment by:** 1 survey comment

**1080** **Comment:** *Alternative C1, which calls for the development of shoreline management plans for each lake, constitutes a very practicable and reasonable approach to safeguarding important resources for future public users of TVA lakes and to safeguarding a significant portion of the Tennessee Valley region's natural resource base.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**1081** **Comment:** *We support TVA's recommendation to conduct shoreline inventories and develop shoreline management plans on a reservoir-by-reservoir basis.*

**Comment by:** Justin P. Wilson (Tennessee Department of Environment and Conservation), 1 survey comment

**1082** **Comment:** *The Tennessee Wildlife Resources Commission recommends that all remaining undeveloped shoreline properties with outstanding fish, wildlife, and public recreation value be identified for long-term conservation and protection through reservoir-specific plans.*

**Comment by:** Harold Gibson (Tennessee Wildlife Resources Commission), Gary T. Myers (Tennessee Wildlife Resources Agency)

**Response:** Comments noted. TVA plans to continue the development of individual reservoir land management plans.

**1083 Comment:** *How will local citizens and communities be involved in future reservoir planning?*

**Comment by:** Thomas C. Wright

**Response:** SMI's goal is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources while allowing reasonable access to the water. As work is initiated on an individual land management plan for a particular reservoir, TVA communicates with people in the community to determine issues and needs specific to that area. Plans are developed based on this input and on local conditions.

**1084 Comment:** *Above all, the planning being done with public input is absolutely essential.*

**Comment by:** 1 survey comment

**1085 Comment:** *Should TVA have a managed development approach? When I hear the words managed development, they sound odd to me, like sustainable development or efficient bureaucracy. On the surface, it sounds like there will be some plan or intentional direction for whatever development is allowed in the future. I would only be happy with such an approach if full public participation is required and facilitated, so that the citizens who truly own the land and water can be full partners in decisions about future development.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**Response:** TVA involves the public in the planning for and management of TVA public land. TVA's role now and in the future is one of stewardship of public lands to meet diverse public needs.

**1086 Comment:** *The lack of a relationship between the SMI and existing planning and zoning in the communities along the reservoir is a serious drawback, from the perspective of the American Planning Association (APA). If reservoir plans are undertaken, APA strongly encourages TVA to consult with local planners and community leaders about their interests in the shoreline. While many shoreline properties may not be zoned, we believe that a high percentage are affected by subdivision regulations, deed restrictions, and local and county plans.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** In the development of reservoir land management plans, TVA contacts local and state planning agencies to identify planning and zoning issues that should be considered in developing plans for the use of public reservoir lands.

**1087 Comment:** *The Forest Service has a special interest in this process, since it manages land that is adjacent to four of the TVA reservoirs (South Holston, Watauga, Wilbur, and Ocoee Project) included in the assessment. In general, the present system of permitting uses (Alternative B1) is working very well where Forest Service lands are involved and, as a result, no change is recommended. If the preferred Alternative C1 is implemented, shoreline management plans will apparently be prepared for each reservoir. These plans would guide future development along the reservoir shoreline. The present permitting system would be*

*replaced with a set of shoreline development standards. As these management plans are developed, the Forest Service would desire the opportunity to review those plans associated with reservoirs having adjacent Forest Service ownership.*

**Comment by:** John F. Ramey (United States Forest Service)

**Response:** The Forest Service is contacted and asked to participate in the preparation of land management plans for reservoirs with adjacent Forest Service ownership.

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**1088** **Comment:** *TVA has given little attention to the most important issue—how much shoreline to allow in residential development. TVA should have a 20-year plan for each lake which spells out specifically which land will be residential/commercial/industrial and which land will be left natural. This is far more important than the size of docks, residential buffer strips, etc.*

**Comment by:** 1 survey comment

**1089** **Comment:** *Whatever plan TVA adopts, the DEIS should be reviewed and updated every five years or so to monitor impact and progress along with a reservoir-by-reservoir analysis of other actions already mentioned in DEIS.*

**Comment by:** 1 survey comment

**1090** **Comment:** *In general, the SMI only distinguishes between residential access shoreland and other managed shoreland. Preparation of a comprehensive land use allocation plan (for recreation, fish and wildlife, forestry, project operations, etc.) would make the SMI more meaningful and successful.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**1091** **Comment:** *I want to know what TVA does with the land that they are going to keep in a natural state and how TVA intends to manage or regulate that land. Are you going to leave it in its natural state, or are you going to go in there and build roads, dumpsters, and things like that?*

**Comment by:** 1 unidentified speaker comment (Guntersville, AL public meeting)

**Response:** The focus of SMI is to develop a policy for the future management of reservoir shorelines where residential access may occur. TVA also uses a reservoir land planning process to address the most appropriate uses for all TVA public land. Plans have been completed for all mainstream reservoirs and are now underway on certain tributary reservoirs.

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**1092** **Comment:** *Shoreline development planning would minimize the adverse effects of all shoreline recreational uses.*

**Comment by:** 1 survey comment

**1093** **Comment:** *For each reservoir, TVA should place a significant amount of undeveloped shoreline into a category like “permanent natural environment area” which cannot be developed any time in the future, just like the U.S. National Park System.*

**Comment by:** 1 survey comment

**1094** **Comment:** *The American Planning Association (APA) would like to recommend a modification of the preferred Alternative C1, which would allow increased residential development only if justified by its positive impact on the community and the reservoir. Instead of increasing the allowed level of residential development to 48 percent across the reservoirs, which translates into a 270 percent increase over the current level of development, APA recommends the development of reservoir plans which minimize the environmental impact on the river and preserves it for all of the public, not merely the lakefront property owners.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** TVA has developed a new Blended Alternative. Under this alternative, TVA would emphasize protection of shoreline resources, while allowing reasonable use of the shoreline by adjacent residents for the construction of docks, piers, and other shoreline structures. TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS. TVA would adopt permitting standards and a shoreline categorization system that would ensure that permitted actions would not adversely affect environmental shoreline resources. TVA estimates that the level of residential shoreline development under the Blended Alternative could be up to 38 percent Valleywide.

**1095** **Comment:** *Our problem is that the Planning Commission (Regional/City of Chattanooga) divides lots on the lake according to the Commission's rules and not in accordance with the TVA deed or previous Chancery Court decisions; therefore, our community adjacent (north) to the Sequoyah Nuclear Plant is being subdivided by the Planning Commission. This can lead to more septic tanks which can contaminate the Tennessee River (Lake Chickamauga). The SMI would be totally destroyed by planning commissions that would divide lots and increase the number of houses until the lake was contaminated.*

**Comment by:** 1 survey comment

**Response:** TVA has no authority in matters of local zoning and land use. Neither does TVA have control over the subdivision of private land or issues dealing with minimum lot size. TVA does regulate where septic tanks are placed adjacent to the reservoirs, either through its ownership of the shoreline or through Section 26a authority. TVA does not permit septic tanks and disposal fields on TVA-owned land. On flowage easement property, TVA requires that septic systems be placed in a location where they would not affect lake water quality.

**1096** **Comment:** *How do you go about getting shoreline rezoned?*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**Response:** Shoreline use designations are done through a reservoir lands planning process. When TVA updates the plans, TVA also considers revisions to the land use designations. TVA invites and encourages public involvement when revisions to these plans are made. However, the extent to which new shoreline areas will be made available for shoreline access and structures will depend on which SMI alternative is selected. Under the new Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for ex-

change of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. For a more detailed discussion of the Blended Alternative shoreline access provisions, refer to Section 2.8 of the FEIS.

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**1097** **Comment:** *I favor making all TVA lake shorelines "flowage easement shoreline" to get your tree huggers out of the open shoreline management business.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**1098** **Comment:** *TVA owns a small piece of land between the back of my property in the Mariner's Point Subdivision in Clinton on Melton Hill Lake. It is designated as public recreation. There has been considerable construction at the shoreline upstream from where I live, and the result has been the displacement of wildlife. The wildlife along the lake is being pushed out of its natural habitat and thus forced to find new, safe havens. This is an environmentally sensitive area. Some of the wildlife has relocated to the peaceful and undisturbed shoreline behind my house, where there is a small, natural cove that has been created at the point where a broad swale crosses the land and joins the main channel. To help preserve and protect the shoreline from further erosion and to preserve, protect, and nurture the precious wildlife, please consider changing the designation of TVA land behind my property from public recreation to wildlife refuge or preserve. The land is in no way useful to mankind because a broad swale cuts diagonally across it, rendering the land useless. However, the shoreline behind my house is a marvelous sanctuary and refuge for the wildlife and should continue to be. As a refuge or preserve, the little animals would be safe from further intrusion and the shoreline from further destruction.*

**Comment by:** Marilyn S. Waldeck

**Response:** TVA will consider redesignating the land behind your house as a wildlife area. This reconsideration will be done as part of the land use planning process for Melton Hill Lake. All members of the public will be invited to participate in the planning process. For further information, you may contact the Melton Hill Land Management Office at 423-988-2445.

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**1099** **Comment:** *If land has been designated for industry use, the land status should not be changed to residential development. The land should be returned to TVA.*

**Comment by:** Ray Werden

**Response:** Comment noted. In some cases, TVA has included reversion clauses and deed restrictions in land transfer agreements when TVA land is sold or conveyed for industrial use purposes. These clauses give TVA the right to buy back or receive reconveyance of the land in the event it is not used for industrial purposes. However, not all transfers for industrial use have these provisions.

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**1100** **Comment:** *The Bureau of State Parks is concerned that changes in TVA standards and guidelines will create public expectation and pressure to open up lands which we currently manage under long-term agreements with TVA.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation)

**Response:** Comment noted. TVA anticipates that the agencies managing TVA reservoir lands will continue to do so based on agency missions, public needs, and sound stewardship principles. In many cases, the land transfer agreement contains deed restrictions that require an agency to manage the TVA property for a specific purpose. Any change in the use of the property would require TVA approval.

**1101 Comment:** *An efficient and streamlined process for reviewing development requests should be initiated. Currently, the process is cumbersome and expensive, both for TVA and for the property owner. Specific types of development may require only cursory review. Other types of significant development which require more intensive review should have a clear and timely path for approval through TVA.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** TVA has just completed a quality improvement and streamlining effort which has resulted in considerable change to the TVA Section 26a permitting and land use approval processes. TVA also tracks the effectiveness of the new processes in reducing cost and response time.

**1102 Comment:** *Place deed restrictions on TVA property granted to nonprofit organizations or local communities, so the property is only used for the specific purpose spelled out in the original grant from TVA.*

**Comment by:** 1 survey comment

**Response:** TVA does place deed restrictions on property granted to nonprofit organizations or local communities.

**1103 Comment:** *The public is opposed to TVA lifting the deed restrictions at the YMCA Camp Barber. Why should TVA lift deed restrictions for one developer and 14 future lot owners when one of the most pristine stretches of the Tennessee River is at stake? This sets a precedent for others along the shoreline to expand or sell for profit.*

**Comment by:** William D. Stokes, 3 survey comments

**1104 Comment:** *I am disappointed that TVA has reversed its decision pertaining to the YMCA land.*

**Comment by:** Heber Norckauer

**1105 Comment:** *It is incumbent upon TVA to act in a nonbureaucratic way. This is a democracy and that means the people have a voice. It is fine to have a public meeting, but somehow what we say gets lost and forgotten. TVA does things in private meetings, and they do things like they did with the YMCA property. Everything was approved, including the public hearings, and then all of a sudden, TVA is going to handle it through several special committees. This was all arranged in Knoxville, and we could not even get through on the telephone to talk about it. So I think there are some problems with this.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**1106** **Comment:** *TVA has done a good job on a lot of things, but they need to do it without local, political interference. We have a congressman from Huntsville that is interfering in decisions on TVA operations here. He is involved with the YMCA now. We should avoid that type of thing.*

**Comment by:** Bruce Watkins

**1107** **Comment:** *The Huntsville YMCA purchased 111 acres along the shore of Guntersville Lake for about \$60,000 to \$70,000 to be used as a boys' camp—Camp Barber. The Huntsville YMCA wishes to sell about half of their 111 acres for \$1,000,000, of which \$330,000 would be given to TVA. The \$1 million would be coming from a developer. The YMCA obtained this 111 acres under a special, privileged category. If the YMCA is permitted to turn half of this over to a developer, this would be creating the very evil of real estate development which TVA had originally and wisely avoided. Citizens of this local area realize that forested lakeshores are a positive, scenic asset to any lake. In February 1996 TVA decided that this area should not be used for real estate development. A reversal of previous decisions strongly suggests bad faith on the part of TVA.*

**Comment by:** Daniel Payne Hale

**Response:** TVA had detailed agency and public involvement, leading up to the release of an Environmental Assessment (EA) in February 1996. The final EA revealed no significant environmental impacts from the proposed action, and the TVA Board of Directors subsequently approved the YMCA's request. TVA has insisted (with agreement by the YMCA) that funds resulting from the sale will be used to renovate and maintain the existing facilities, thus benefiting the children who use the camp. Also, the agreement includes specific environmental protection provisions, with which the YMCA must comply.

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**1108** **Comment:** *It is ironic that TVA is trying to promote a land ethic with the lakeshore owners, and at the same time it is promoting development of public lands that all of us own, such as Little Cedar Mountain and Land Between The Lakes. The Supreme Court ruled in 1877 that all land in this country is held under the implied obligation that the owner's use of it shall not be injurious to the community. TVA, EPA, and the USF&WS are federal agencies and therefore tools of our democracy to protect all of us and our quality of life. We have speed limits because they are necessary; we need some sort of controls here. We have to start looking at ways, as a community, to build a future that is worth living in.*

**Comment by:** Denny Haldeman

**Response:** The primary objective of the Little Cedar Mountain project is to secure high-quality commercial recreation facilities that would be available to a broad spectrum of the public and provide regional economic benefits. In addition, a substantial amount of land would be committed to wildlife management, informal recreation, and resource protection as an integral part of this project.

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**1109** **Comment:** *TVA says do not develop in its proposal, but TVA has sold property in Marion County (Shell Mound) that will result in not just a development, but a town.*

**Comment by:** Sue Vaughn

**Response:** TVA does and will continue to sell or transfer land for industrial, economic development, and recreational purposes. The Marion County project was specifically designed to develop recreational opportunities in the area, as well as contribute to the area's economic development. Also, the Marion County property was specifically acquired by TVA for recreation development.

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**1110** **Comment:** *Several of your procedures would fail in court, in my opinion, for lack of consideration, especially those involved in conflicts of laws.*

**Comment by:** Thomas H. Ellington

**Response:** Comment noted.

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**1111** **Comment:** *Will TVA continue to process permits that have been submitted, or will they hold them until a decision is made?*

**Comment by:** Loretta Carpenter

**1112** **Comment:** *According to TVA's projections, another 4,000 to 8,000 permits could be issued during the two to three years needed to make a decision on SMI. Therefore, TVA should stop issuing 26a permits for new developments until SMI is completed and policy is affirmed by the TVA Board.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), Cielo Sand Myczack (Broadened Horizons Riverkeeper Project), Dolores Howard

**Response:** A moratorium on granting of permits would unjustly penalize those private property owners who currently possess access rights to apply for permits. TVA has not proposed to stop the permitting of shoreline alterations in any of the SMI alternatives. The addition of 4,000 to 8,000 new structures permitted under TVA's current guidelines is not projected to have significant Valleywide cumulative impacts.

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**1113** **Comment:** *Would TVA define "a permit for shoreline use"?*

**Comment by:** 1 unidentified speaker comment (Guntersville, AL public meeting)

**Response:** Uses of TVA shoreline areas can vary from the construction of water-use facilities or shoreline stabilization to the use of TVA lands for a variety of purposes, including vegetation management, recreational use, and agricultural use. These activities may be covered by a 26a permit and/or a TVA land use permit, depending upon the type of activity.

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**1114** **Comment:** *Maybe TVA should reduce what the landowners consider an excessive, bureaucratic entanglement in the process. I encourage the use of a concept such as a general permit, which is being used in state and local erosion control regulatory programs.*

**Comment by:** Michael A. McMahan

**Response:** TVA has streamlined the shoreline approval process. Currently, it takes about 30 days for an applicant to receive a permit. TVA is evaluating other ways to make the process even more efficient.

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**1115** **Comment:** *After TVA grants a permit for a dock, seawall, riprap, etc., how long does a property owner have to complete the project?*

**Comment by:** Mickey Irwin (Outdoor Adventure Club), Robert Hines, Loretta Carpenter

**1116** **Comment:** *SMI omits the three-year limitation imposed on current homeowners for building docks after permits have been obtained.*

**Comment by:** Thomas H. Ellington

**Response:** A TVA permit under Section 26a does not have an expiration date.

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**1117** **Comment:** *My dealings with TVA have been fine, and I feel that TVA worked with me and used good judgment in my and my neighbor's permit requests. Even though TVA sometimes changed or altered our request, I felt that they cared and were trying to be fair.*

**Comment by:** 1 survey comment

**1118** **Comment:** *I realize that TVA has a role in the restriction and management of TVA-owned lands. Through the years TVA has done a good job, as it applies to both the residential and commercial land uses. The dock permit procedures work well.*

**Comment by:** 1 survey comment

**1119** **Comment:** *I am not anti-TVA. When I applied for a dock permit I received approval in quick fashion. TVA can be a fine organization.*

**Comment by:** 1 survey comment

**Response:** Comments noted.

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**1120** **Comment:** *Pass copies of dock permits to the tax assessor's office.*

**Comment by:** 1 evaluation form comment (Florence, AL)

**Response:** Comment noted.

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**1121** **Comment:** *I remember in the early 1970s when I would go to get a permit and there would be two gentlemen and two secretaries there. They took care of Pickwick, Wilson, and Wheeler, and parts of Gunter'sville Lake. They got all the permits out.*

**Comment by:** Dennis Thacker

**Response:** The volume of permit applications in the 1970s was far less than today. Complexity of construction has increased, and the size of structures and extent of work requested for approval have all increased. Today TVA is able to complete the review of a permit application in approximately 30 days.

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**1122** **Comment:** *It took me two years to get permits for dredging in my slough. That is too long.*

**Comment by:** James W. Northington, M.D.

**Response:** Comment noted. The target time for TVA to reach a decision about a dredging permit request is 90 days. Currently, over 90 percent of permits of this type meet this target. TVA monitors the time it takes to respond to permit requests and is always working to improve the permitting process.

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**1123** **Comment:** *What specific responsibilities do TVA, TWRA, and the USACE have with regard to land and water management activities? How does TVA coordinate/cooperate with the USACE? Is the USACE involved with SMI?*

**Comment by:** Floyd Atkins, Joseph Whilden (Boone Lake Association), 1 survey comment

**1124** **Comment:** *My property has three different signs posted on it. There are TVA signs posted in the woods; there are TWRA signs; and there is another one. The signs are different colors. So, I am not clear whom I need to contact about getting permits for docks or if I can get one. And if I do have to go to TWRA, does TWRA have the TVA property?*

**Comment by:** Luther Webb

**1125** **Comment:** *Does the USACE not oversee dredging?*

**Comment by:** 1 survey comment

**1126** **Comment:** *The USACE used to issue the permits. When did TVA take that over or has it been a TVA responsibility since 1933? My permit came from the USACE 25 years ago. Did TVA wake up suddenly and decide they should take over the responsibility from the USACE?*

**Comment by:** C. Demetriou (Citizens for Less Government)

**1127** **Comment:** *TVA and the USACE protect waterways and should do so. Land development is at least distinct, if not wholly separate.*

**Comment by:** 1 survey comment

**1128** **Comment:** *Clarification of Department of the Army (DA) jurisdiction within the Tennessee Valley watershed should be made in the FEIS, in addition to the TVA 26a permit requirements. DA permits within the state of North Carolina come under the jurisdiction of the USACE, Wilmington District. DA permits are required, pursuant to Section 404 of the Clean Water Act of 1977, as amended, for the discharge of dredged and/or fill material into all waters of the United States, including wetlands. Jurisdictional limits in water courses extend to the ordinary high-water line or in reservoirs to the full-pool elevation. All wetlands adjacent to such waters are regulated as well. Excavation within waters or wetlands is considered to constitute a discharge.*

**Comment by:** C. E. Shuford, Jr., P.E. (United States Army Corps of Engineers)

**1129** **Comment:** *The USACE monitors water-use facilities and takes care of the waterways. TVA does not need to duplicate these efforts. We should not have to apply for two separate permits administered by two separate government agencies.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), 1 unidentified speaker comment (Guntersville, AL public meeting), 1 evaluation form comment (Florence, AL), 7 survey comments

**1130** **Comment:** *It is clear that any dredging in wetlands by a shoreline resident would also be subject to Section 404 of the Clean Water Act, specifically USACE permitting and EPA independent review of permit applications.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**1131** **Comment:** *The DEIS repeatedly prophesies unrestrained development and potential losses to environmental quality without TVA's oversight. In reality, other federal agencies (such as the USACE and EPA), along with the state agencies, would continue their current regulatory enforcement duties.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction), 1 survey comment

**1132** **Comment:** *The authorization of projects under Section 404 of the Clean Water Act requires that permitted activities represent a practicable project design which is the least damaging to the aquatic environment. For those shoreline development activities which would need individual authorization or require a predischage notification under Section 404, our program would have the opportunity to fully analyze projects and provide comments on minimizing aquatic direct, cumulative, and secondary impacts. In this way, there is a regulatory control on certain activities which take place along reservoir shorelines. However, the significant number of impacts which occur on upland areas or which can be authorized under a streamlined permitting process without notification cannot be managed in this manner, which says nothing about our recognition of the direct, cumulative, and secondary impacts of such activities. In order to limit the adverse effects of these types of activities which Section 404 cannot effectively address, we strongly support the effort of TVA to formally manage and protect its reservoir shorelines from potentially damaging development activities. These damaging impacts include but are not limited to direct loss of aquatic habitat, reduction in fish and wildlife populations and communities, increased nonpoint source pollutant loadings (e.g., maintenance dredging and increased erosion inputs), reduction in shoreline vegetation diversity, loss of the natural aesthetics to the lake system, diminished public recreational opportunities, and the reduction of secondary economic benefits from recreation and tourism.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**1133** **Comment:** *Regardless of the alternative ultimately proposed in the DEIS, we recommend that any future development on jointly managed lands be limited to facilities for boating and fishing access, hunting, camping, wildlife viewing, forest and wildlife management, or other public uses. Environmental costs of shoreline development in these areas must be weighed against public benefits on a project-specific basis, and loss of resources should be minimized or compensated as required by appropriate resource agencies. The North Carolina Wildlife Resources Commission currently reviews all nationwide and general Section 404 permits administered by the USACE in western North Carolina, including all counties within the Tennessee Valley. While our primary goal in reviewing these permits is the protection of trout waters, we also make recommendations for reducing impacts to other resources, particularly wetlands and shoreline vegetation. We anticipate continued review of all proposals to alter shoreline habitat within "waters of the U.S." in the Tennessee Valley, and we encourage improved coordination of 404 review with Section 26a permitting procedures.*

**Comment by:** David L. Yow (North Carolina Wildlife Resources Commission)

**1134** **Comment:** *Impacts to nontidal wetlands may be subject to the Virginia Water Protection permitting requirements.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**Response:** Since the 1930s TVA has had the responsibility under Section 26a of the TVA Act for the review and approval of proposed projects that could result in an obstruction to navigation, flood control, power generation, or reservoir lands. This jurisdiction and approval authority spans the shoreline of all TVA lakes and all stream and river shorelines within the Tennessee River watershed. TVA also has the responsibility to manage the river system and the public land around TVA reservoirs. USACE has the authority under Section 10 of the Rivers and Harbors Act (1899) and Section 404 of

the Clean Water Act to review projects that result in the removal of or the deposition of material in the navigable waters of the United States. This authority is nationwide, including the TVA reservoirs. The USACE also operates the navigation locks and maintains the commercial navigation channel. Although TVA and the USACE address different responsibilities under their respective permit requirements, TVA does have a Memorandum of Understanding with the USACE which directs both agencies to coordinate and cooperate in their respective shoreline permitting programs. Therefore, an applicant for a shoreline construction permit on a TVA lake need only submit an application to TVA, and TVA will notify the USACE.

TWRA has the responsibility to enforce state boating safety laws and establish no-wake zones. TWRA also owns or manages some of the land on reservoirs in Tennessee. Other state agencies in the Tennessee Valley have similar responsibilities and are also responsible for issuing water quality permits under Section 401 of the Clean Water Act.

EPA reviews TVA's environmental assessments and environmental impact statements for technical adequacy and compliance with NEPA and other applicable federal laws. FEIS Section 1.4.2 discusses the roles and responsibilities of other agencies.

**1135** **Comment:** *I would like to address the removal of materials such as trees, tree stumps, brush, or gravel from a stream bed. TVA's own lawyer has said that those things do not require a Section 26a permit. In the intervening years, scores and scores of 26a permits have been required of people wanting to do those things. In a number of these cases, TVA only owned flowage easement rights. In other words, TVA has extended itself relentlessly and, I suppose, in the interest of good shoreline stewardship, but without the requisite legal authority or responsibility or obligation to require permits for these things under Section 26a. Now TVA argues that in a lot of cases they had landrights anyway, and that would have to be required in some way, and so we just used the 26a process. These dredging permits have been required 30 and 40 miles upstream in little, trickly streams in the Tennessee Valley since then, simply because they are part of the Tennessee River system. What is TVA's current position on dredging and 26a permitting? Has this changed since 1981?*

**Comment by:** John Crowder

**Response:** TVA's Section 26a responsibility applies to construction along all shorelines of the Tennessee River and its tributaries regardless of landrights. Section 26a applies where TVA owns land or flowage easements, and it applies on privately owned shorelines of tributaries to the Tennessee River. TVA's current policy on dredging recognizes that the removal of material from the reservoir is not, in and of itself, subject to approval under Section 26a of the TVA Act. Section 26a of the TVA Act requires TVA to review and approve projects that could result in an obstruction affecting navigation, flood control, or public lands. Therefore, if the dredged material is placed at an upland site, no 26a permit would be required, but TVA would review the request before making this determination. If the dredging involves the disposal of material on TVA property or within a TVA reservoir, or it is associated with another activity that is subject to 26a permit approval, the dredging would become part of the overall project review. If the dredging is proposed on TVA-owned land under the water, even if the dredging was not subject to Section 26a authority, TVA would review the application as a land use request and, if approved, would issue a land use permit.

**1136** **Comment:** *Violation of any local, state, or federal wetland laws, or of any TVA permit guidelines with regards to dredging in TVA reservoirs should result in a permanent denial of further dredging or 26a permit requests for the permittee and his or her company.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** TVA works to resolve outstanding violations. As appropriate, TVA may consider revoking existing permits when violations are not corrected. TVA may also consider deferring action on associated new permit proposals until the violation is resolved.

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**1137** **Comment:** *Years ago TVA used to have a booklet called Rules and Regulations of 26a. There was a white copy, a brown copy, and yellow and green copies; each time TVA republished that booklet, certain things were deleted from it. One point that I always remembered from one of the booklets said that if TVA did not grant a permit within a time frame, it was considered granted. Then the next one said it was supposedly the same guidelines as 26a. The time-elapsed-granted clause was omitted from it.*

**Comment by:** Dennis Thacker

**Response:** The elapsed-time clause is contained in TVA's Section 26a regulations, but the provision only applies to structures on the Little Tennessee River. In addition, the clause does not grant automatic approval of a permit, but only gives the applicant the ability to appeal to the Secretary of the Army.

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**1138** **Comment:** *Do away with private boat docks.*

**Comment by:** 1 survey comment

**1139** **Comment:** *Eliminate any type of floating dock.*

**Comment by:** James B. Baker

**1140** **Comment:** *To be fair to all, there would be no private docks or access. All residents would be required to use a community launch site.*

**Comment by:** 1 survey comment

**1141** **Comment:** *I would rather see a 100-acre parking lot and require all lake users to trailer their boats than one boat dock. The environmental impact along the shoreline does not stop with the clearing of vegetation but enables the shoreline resident to have larger boats than they would trailer. This creates bigger waves and uses more fuel, thus causing an exponential increase in ecosystem damage.*

**Comment by:** 1 survey comment

**Response:** This solution would not be fair to those lakefront owners who already own docks and other water-use facilities. TVA has concluded that private docks subject to environmentally responsible standards should be permitted. Also, while many lakefront property owners moor boats adjacent to their residences, many boats, including large vessels, are also moored at commercial marina facilities on TVA lakes. Implementation of a policy that prohibited moorage of boats and required all boat owners to trailer to and from the lakes would not be practical. Eliminating floating docks would impose a hardship on homeowners in shallow embayments and on tributary lakes with large fluctuations. Fixed docks would not be useable for most of the year in these situations.

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**1142** **Comment:** *If the permit fee is \$100 and I simply refuse to pay, what would happen?*

**Comment by:** Chester McKinney

**Response:** You will not receive a 26a permit if you refuse to pay the permit processing fee. If you construct a dock, pier, or boathouse without a permit, TVA has the option of taking legal action or having the structure removed.

**1143 Comment:** *I have a small tract of property on one side of the lake and TVA holds 1,200 acres designated as a breeder reactor site on the other side of the lake. TVA says it is environmentally bad to put a dock on this side of the river; yet, a breeder reactor or a Mercedes Benz factory can go in on the other side and there is no problem.*

**Comment by:** Bob Inklebarger

**Response:** Approvals for docks, piers, and boathouses are granted on shorelines where landowners have access rights across TVA land or where they own to the summer pool level. Private structures are not approved in other areas. TVA does own sections of shoreline planned for industrial use or industrial access. However, the location of the industrial tracts is unrelated to whether an area of shoreline is open for private structures.

**1144 Comment:** *We have purchased a lake lot. We would like to build our dock now, but TVA's rules state that we must first have a dwelling. The dock would be well maintained in the same way as our empty lot. Why can we not at least enjoy a portion of our property? We are paying taxes on the entire lot—from the road to the water. Actually, we feel whoever has the rights-of-way (county on the front and TVA on the back) should reimburse us. Even though this is the way it has always been, it is not right and can and should be changed.*

**Comment by:** 1 survey comment

**Response:** This is not a TVA rule. None of the TVA shoreline permitting guidelines specify that a dwelling must exist before an application can be submitted for a shoreline construction permit.

**1145 Comment:** *Construction of the proposed condominiums in Winn Springs Subdivision would break existing covenants. Why does TVA not take a stand on this? If the developer wins this case, covenants are not worth the paper they are written on.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**1146 Comment:** *My family has had a cabin in the Winn Springs Subdivision for about 44 years. That is one spot where the wildlife is abundant and people and the environment have become very compatible. However, a realtor and his partner plan a large number of condos on one of our lots if he can break our deed statements that allow one family residence on each lot. I realize at this point that this is not TVA's problem, although these deed statements were written by TVA a number of years ago. However, it seems to me that this could become TVA's problem, because no one is going to build a house on the lake or want access to the lake if that many condos are built on a single lot. Each condominium owner will probably want access, and I am sure that they will ask for a dock permit. It seems to me that the shoreline will be greatly impacted if this is allowed. Yet, these impacts could be prevented if TVA could influence the developer in some way or give us some aid with this problem. If our deed statements are allowed to be broken, other individuals that own property there will no doubt be able to do the same thing.*

**Comment by:** Margaret Miller

**Response:** It is our understanding that the plans for the condominiums have been dropped. However, if TVA should ever receive a request for a permit at this location, it would conduct an environmental review.

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**1147** **Comment:** *Years ago the Bowling Green Bass Club tried to keep the Hutson Company from placing a grain loading and unloading facility at the mouth of Anderson Creek on Kentucky Lake. This was a beautiful area, but now there are both noise and chemical pollution. This business should have been placed down lake around the dam where other loading and barge facilities are located.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**1148** **Comment:** *It should not be necessary for a new property owner to apply for a permit. He should only be required to advise TVA of the property transfer.*

**Comment by:** Charles F. Holloway

**Response:** When the ownership of facilities is transferred from one person to another, TVA requests notification of the change in ownership. This is because TVA maintains information about current owners and because the permit is reissued to the new owner.

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**1149** **Comment:** *TVA says the permit could be immediately transferred. I have not found that in the DEIS.*

**Comment by:** Glenn Smith (Smoot Homeowners Association)

**Response:** Ownership of a shoreline structure can be sold or transferred from one property owner to another. TVA requires notice of the change in ownership so that the permit can be reissued in the new owner's name. Please refer to the discussion about grandfathering and change in ownership of structures in Section 2.8 of the FEIS.

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**1150** **Comment:** *For safety purposes, what common-sense appeal process for variations to the guidelines are being provided?*

**Comment by:** 1 survey comment

**Response:** The Blended Alternative would provide a mechanism for TVA to consider special exceptions.

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**1151** **Comment:** *I have a letter from TVA that states that I do not need a permit for my dock that has been there for 40 years.*

**Comment by:** Charles F. Holloway

**Response:** TVA would like to have a record of all shoreline structures in its effort to improve the management of public shorelines. Therefore, we ask that you obtain a permit for your dock. The standard permit fee will be waived.

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**1152** **Comment:** *I need to understand better the capability of clearing for a view. I am not advocating strip mining. If I have 30 trees can I reduce them to 15?*

**Comment by:** 1 survey comment

**1153** **Comment:** *I first got my permit to build a dock in 1989. When the representatives from TVA came out to tell me where to build my dock, they stated that I could clear any brush or undergrowth; flowering shrubbery could be no greater than 2 inches at the ground line, and anything else could not be greater than 3 inches. There was no mention of a permit, and I was given no permit. Then I attended the meeting at Roane State Junior College. The topic kept coming up. In order to do anything (clear any undergrowth or maintain what I have already done), it seemed I would need a permit. In 1989 no mention of a permit was given. I was given a verbal guideline to follow, nothing in writing.*

**Comment by:** Art Hamman, 1 survey comment

**Response:** TVA now requires that property owners with access rights to the water obtain a TVA permit before removing vegetation from the TVA public shoreline. Property owners with access rights are also required to obtain permits for docks, piers, boathouses, and other water-use facilities. Property owners may continue to mow established lawns and will not be required to plant an SMZ. Property owners are required to obtain a TVA permit for any new removal of trees or vegetation or to build any structure on TVA public shoreline. TVA will work with the property owner to identify which vegetation on the TVA shoreline can be removed.

**1154** **Comment:** *I did not know that a person had to have a permit just to trim weeds and take care of the trash.*

**Comment by:** Jim Walmsley, John Shacter

**Response:** A permit is not needed to remove trash from TVA land or shorelines. TVA's approval is required to modify or remove the vegetation growing on TVA shoreland.

**1155** **Comment:** *TVA should stop people from dumping Christmas trees, other large trees and brush, and old appliances in the lake to attract fish.*

**Comment by:** 1 survey comment

**1156** **Comment:** *Early in the year when the lake was down I wanted permission to move some of my topsoil back onto a high spot. I was reported by a neighbor for putting brush and cedar tops around the banks to control soil erosion and provide fish cover. I was trying to protect my shoreline by keeping the soil erosion down.*

**Comment by:** Jerry Baird

**Response:** TVA has specific guidelines and approvable plans for the placement of fish attractors in the lake. TVA also has specific guidelines regarding shoreline erosion control and bank stabilization. TVA will work with shoreline owners on the placement of fish attractors and the control of shoreline erosion. Section 26a permits are required for both of these activities.

**1157** **Comment:** *Metal fence posts beneath the water are navigation hazards and should be disallowed.*

**Comment by:** 1 survey comment

**Response:** If posts are permitted by TVA to be installed within the drawdown zone, the permit typically requires that the posts be marked with buoys or otherwise identified so that they will not present an underwater hazard.

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**1158 Comment:** *Since TVA does not like grass (and trees are better anyway) and some people want grass, TVA could charge \$100 per year for a mowing permit if the property owners would agree to plant a nice tree every year. Then in 20 years the shade from the trees would probably kill a lot of the grass anyway. But maybe renewing the permit every year should be conditional on their leaving the trees alone.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**1159 Comment:** *Since your goals are large trees and native plants, you need cooperation. If \$80 permits were available to lakeshore owners for removal of dead and dying trees (with conditions of replanting and not removing more than 10 percent in five years), I think they would buy them. And when the TVA representative came to evaluate the permit, he/she could use that opportunity to educate too.*

**Comment by:** 1 survey comment

**1160 Comment:** *Start a permit system for removing dead or dying trees at a cost of \$80 per tree with the following conditions: (a) native trees would be replanted; (b) no more than five trees would be removed in a five-year period, and (c) at least one native tree would be maintained in every 10-square-foot area on TVA land.*

**Comment by:** 1 survey comment

**Response:** TVA will allow the removal of a tree which would cause damage to a landowner's house or property if it fell. TVA will review these requests on an individual basis. Where dead or dying trees do not present a hazard to people or property, TVA generally prefers that they be left standing to provide wildlife habitat. Refer to the description of the Blended Alternative in Chapter 2 of the FEIS for a discussion of vegetation management standards.

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**1161 Comment:** *Is a person precluded by law from making changes now that would affect existing docks?*

**Comment by:** Bogue Waller

**1162 Comment:** *The permitting system should not become a situation where people have built structures to TVA specifications but are unable to get a permit renewed to keep the structure maintained or rebuilt.*

**Comment by:** O'Neal Terry

**1163 Comment:** *Our slough has become almost unnavigable. In 10 years we will not have any waterfront property. It concerns me that I will still be considered a waterfront property owner by TVA and have to pay fees if I do any changes to my dock.*

**Comment by:** Dana Baker

**Response:** A structure which is approved by TVA and permitted under Section 26a may be maintained and/or rebuilt as necessary to retain the structure in a safe and usable condition. If the structure is enlarged or modified from its original design, the owner must apply for a new Section 26a permit.

**1164 Comment:** *What are the circumstances under which TVA can either revoke or renew a permit?*

**Comment by:** Mark J. Morrison

**Response:** Each permit that TVA issues contains terms and conditions that are agreed to by the applicant. TVA may revoke a permit if it is determined that the permittee is not in compliance with the terms and conditions contained in the permit and agreed to by the permittee. In addition, individual permits may have additional specific revocation terms and conditions. When TVA determines that a structure is not in compliance, the permittee will be notified and given adequate time to correct the problem. When TVA is notified of a change in ownership of a structure, the permit is reissued to the new owner.

**1165 Comment:** *If TVA retains title to the shoreline but allows adjacent landowners to build docks on TVA property, how does TVA avoid becoming liable when someone is injured on a water-use facility? Should TVA also require insurance in TVA's name as a condition for permitting structures on TVA property? If an accident occurs on TVA shoreline or the lake fronting a private residence, who is responsible? How is the property marked to distinguish TVA property from private property?*

**Comment by:** Kirk Johnson, 1 evaluation form comment (Tims Ford, TN)

**1166 Comment:** *Public access damage and destruction by outsiders cannot be the property owner's responsibility, unless we have responsibility to the water's edge.*

**Comment by:** 1 survey comment

**1167 Comment:** *The property owner is going to be held responsible for everything that could happen to the shoreline adjacent to his property, no matter who uses and potentially damages the shoreline (such as hunters cutting shrubs, trees, etc., for duck blinds or campers making camp). All lakefront property owners have not and probably will not build permanent residences and should not be held responsible for the adjacent shoreline just because they own property.*

**Comment by:** Robert L. Johnson

**Response:** Liability in the event of an accident is a question you should explore with an attorney and an insurance carrier. You are the legal owner of a dock, pier, ramp, or other structure permitted to you. You should have an accurate understanding of your liability. The agreements between TVA and the landowner do not have specific surveyed boundaries. They state that access is granted "fronting" a specified lot.

Property owners are not held responsible for all activities on the TVA land fronting their lot. They are held responsible for the consequences of the activities they perform on the TVA land. TVA makes every effort to locate the appropriate responsible person.

**1168 Comment:** *TVA should have a policy for shoreline buildings maintenance.*

**Comment by:** 1 survey comment

**1169** **Comment:** *Before construction is started, standards should be made known to lakefront property owners, along with their responsibilities for maintaining water-use facilities and other structures. This will prevent them from becoming safety hazards and eyesores.*

**Comment by:** Marvin Johnson (Tennessee Valley Sportsmen's Club), 1 survey comment

**1170** **Comment:** *I do not believe TVA is disingenuous, but when one government official is gone, I will be working with another government official, and he is probably not going to care about what was said or confirmed verbally. The specific details of permitting need to be spelled out and put in writing.*

**Comment by:** Hugh M. McCue, Tommy Haun (Tennessee State Senate)

**1171** **Comment:** *If the requirement for a dock permit was strictly enforced, there should be a way to require the property owner to maintain the structure. Ramifications for violation such as specific fines should be spelled out, even if a document meeting legal tests had to be signed and returned to TVA.*

**Comment by:** William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt

**1172** **Comment:** *A homeowner must be responsible for the upkeep of his own facility, and TVA should ensure this by requiring a signed contract between the property owner and TVA.*

**Comment by:** 4 survey comments

**Response:** All permits issued by TVA for construction of docks or other structures on TVA land or on the water include requirements for proper maintenance of the structures. Permittees agree to specific terms and conditions for construction and use of the permitted structures. In this way, dock owners agree to keep structures in good repair. Existing structures that do not comply with TVA requirements are treated as violations that must be resolved. If the structure owner wants to enlarge or modify the structure from its original design, the owner must apply for a new Section 26a permit. TVA's Land Management staff is willing to explain existing guidelines before construction, as well as assist with completion of permit applications if requested. Any new standards adopted as a result of SMI will be published and available to all interested parties.

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**1173** **Comment:** *Can TVA levy penalties for infractions? Does the DEIS give TVA the authority to write a citation and take it through criminal court?*

**Comment by:** 1 unidentified speaker comment (Florence, AL public meeting), 1 survey comment

**1174** **Comment:** *Instead of environmental impact studies, TVA needs enforcement and patrols, laws, and penalties for those few people who abuse the lakes and violate published and agreed-upon shoreline management guidelines. TVA should have the authority to write citations and levy fines on the spot for violations and encroachments. TVA might also consider making agreements with the state wildlife agencies to split the fines collected for noncompliance. Enforcement is a small piece of the whole picture, but this is where most landowners' concerns are.*

**Comment by:** 1 evaluation form comment (Clinton, TN), 6 survey comments

**1175** **Comment:** *TVA should issue citations and levy fines for violations and encroachments, such as unauthorized vegetation removal and unpermitted docks. Illegal tree-cutting should be heavily fined, since it destroys the wildlife corridor, interrupts the flow of vegetation by exposing residences, and increases erosion.*

**Comment by:** Sue Little, 8 survey comments

**1176** **Comment:** *We need better enforcement of shoreline regulations where TVA-owned lakefront property is bordered by private development. Fines for cutting trees and unauthorized shoreline alteration are laughed at by landowners, especially the wealthy.*

**Comment by:** 1 survey comment

**1177** **Comment:** *TVA has stated it does not have authority to fine property owners; however, we have all heard that owners have been fined for cutting trees lying below the 690, 685, etc., which TVA had not approved for cutting. What is the difference?*

**Comment by:** Sandra Wright, Thomas C. Wright

**1178** **Comment:** *TVA discussed revocation of permits if construction did not meet specifications. How is this done and enforced? Does TVA really tear down the structure? I can understand old or dilapidated docks, etc., but wonder about what is done with new construction or additional construction on a sound, existing structure.*

**Comment by:** Keith Dicken

**1179** **Comment:** *TVA should use citations to encourage compliance with 26a permit requirements. If a dock or other property does not conform to permit specifications, TVA should cite the shoreline property owner with a warning and set a reasonable time limit for corrective action. If the owner does not comply, TVA should revoke his 26a permit, impose fines, and require removal of the structure. If the owner fails to remove the facility, TVA should take legal action to recover the costs associated with having the structure removed. Under no circumstances should TVA allow dilapidated, abandoned, or unpermitted docks and shoreline structures to remain. They are safety hazards and eyesores that diminish the aesthetic quality of the lakes.*

**Comment by:** Bogue Waller, William Ponds, 1 evaluation form comment (Tims Ford, TN), 81 survey comments

**1180** **Comment:** *We are concerned about the number of personal docks that are being built along the shoreline, especially the ones that are not maintained by the property owners. We also know there are docks being built without permits. Substandard materials are often used in constructing these docks, which makes them unsafe. As they are left to weather and rot, they eventually end up as debris floating in the lake in the spring. The debris becomes hazardous to boaters, skiers, and swimming in general. These illegal docks look awful, and usually all types of junk are being left around them. TVA should tear these docks down and dispose of them.*

**Comment by:** Sue Vaughn, Lee Miller, Graham Christie, Cheri Christie

**1181** **Comment:** *TVA should monitor construction and maintenance of water-use facilities for quality. If a dangerous boathouse or pier is identified, TVA should write the owner a letter giving him a certain amount of time to repair or otherwise take care of it. If the owner does not comply, TVA can revoke the permit, tear the structure down, and send him a bill. This is already the case anyway. TVA has always stated in permits that poorly maintained or unpermitted docks would be removed at the expense of the owner. Just use your regulations and enforce this, and the owner would pay only if in violation.*

**Comment by:** Charles C. Smoot (Bear Paw Subdivision), John Shacter, Brenda Hughes Shaffer, 2 survey comments

**1182** **Comment:** *TVA should be given the authority to make people either repair their piers or remove them. Those who are found guilty should be the ones who have to post bonds before new construction resumes.*

**Comment by:** 1 survey comment

**1183** **Comment:** *Those who violate their permits could have a sign stapled to their docks or a small, wooden sign pounded into their lawns. If someone is clearly not cooperating, then some sort of penalty might be arranged.*

**Comment by:** 1 survey comment

**1184** **Comment:** *TVA, as a public service company and owner-of-record of these shores, should set aside funds from profits to have a crew of people make spot checks for any unauthorized fences, buildings, sheds, barns, etc. Then, have the offending adjacent landowner remove the encroachment, except for either a floating dock or a dredged-out channel or a wicker, which prevents wave or wake damage to moored boats.*

**Comment by:** 1 survey comment

**1185** **Comment:** *We have dilapidated docks and houseboats without motors that have been abandoned. They are either abandoned on TVA property or they are abandoned on private property. Somehow we must figure out a way to get these things moved. It pains me to take visitors to this area out on a beautiful lake and have them see something like that. If they are not from Tennessee they think, "Well, those pictures I saw about Tennessee are right." We need to have better shoreline enforcement for this.*

*We also have power lines dangling in the water and water-use facilities that are unsafe. Some of these docks are so rundown that no one would underwrite an insurance policy on them. Let us maintain water-use facilities in a safe manner.*

**Comment by:** Glenn James

**1186** **Comment:** *I have neighboring docks that are needing care. They are too far into the channel.*

**Comment by:** 1 survey comment

**1187** **Comment:** *TVA needs to better monitor the boathouse neglect at Pickwick Lake and take the necessary actions for the violations.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**1188** **Comment:** *An inspection of recently constructed docks and boathouses along Fort Loudoun Lake shows that these structures are well built and not at all unsightly. Clearly, in this area no need for federal action has been identified, and the proposed regulations are not within the purview of TVA. However, the DEIS proposed nothing to correct existing problems, namely docks and boathouses that were neglected and abandoned years ago. Some of these have actually collapsed and pose a potential hazard to navigation.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**1189** **Comment:** *Many farmers have extended their fencing onto TVA shorelines and into TVA lakes. Why does TVA refuse to address and deal with this problem? Also, If TVA is so determined to manage its shoreline, why does it allow junkyards and crumbling docks and shacks? TVA needs to control these and other unauthorized, unsightly, unstable structures (i.e., camping shelters and duck blinds) placed on TVA undeveloped shoreline.*

**Comment by:** 3 survey comments

**1190** **Comment:** *In our area there are several private, residential properties that have dry land below the 750 line. Camping trailers, tents, etc., are left in place on these properties for the full summer season. There is no evidence of sanitation facilities such as septic systems (not allowed anyhow). Where is the enforcement?*

**Comment by:** 1 survey comment

**1191** **Comment:** *TVA should have an enforcement plan. Funding for enforcement should come from federal appropriations and from those using TVA facilities.*

**Comment by:** 2 survey comments

**1192** **Comment:** *Better enforcement of existing rules and more lake and shoreline patrols are needed to increase public safety, control shoreline development, ensure proper maintenance of shoreline structures, encourage cleanup and proper use of public land by day-use and weekend campers, and protect our lakes and natural resources.*

*Existing guidelines are adequate and flexible enough to handle most situations; yet, TVA is not consistently enforcing them. Numerous violations and encroachments, such as unpermitted and/or dilapidated water-use facilities, illegal vegetation clearing and tree-cutting, unauthorized riprap/seawalls, and illegal placement of no-wake buoys are taking place regularly. Also, some people take advantage of the situation when guidelines are absent or inconsistently enforced, saying it is easier to get forgiveness than permission.*

*Additional patrolling, especially during boating season, would allow TVA to find and control those who are abusing our water and shoreline, instead of placing unnecessary burdens on property owners. This would also result in the identification and correction of more violations and encroachments. TVA must revise and implement better and more consistent enforcement measures if its rules and regulations are to be effective.*

**Comment by:** B. J. Gillum, Chris Hinson, David Blazer, David Hines, Frank Sanders, Glenda Coffey, Glenn James, Nancy Benziger Brown (American Planning Association), Roslyn Pressnell, Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Mary Huddleston, Sue Little, Johnny L. Boyles, 1 evaluation form comment (Harrison, TN), 48 survey comments

**1193** **Comment:** *I observed a guy camping on Sand Island with a big houseboat. He had a lawn mower clearing off a place to camp. If TVA enforces a buffer zone on all the land that it controls, TVA will have to prevent this type of action. But I have only seen one TVA patrol boat on the lakes all summer long.*

**Comment by:** Harold Marsh

**1194** **Comment:** *TVA has not effectively managed or enforced reservoir and land management policies in the last five years. How many dock owners have you cited, fined, or taken to court because of a dilapidated structure?*

**Comment by:** 1 survey comment

**1195** **Comment:** *TVA policies are inconsistent with respect to permitting activities. TVA needs to apply the same rules to everyone and enforce its regulations in a consistent and equitable manner.*

**Comment by:** John Sublett, 2 survey comments

**1196** **Comment:** *Land Management staff should get out on the reservoirs to enforce the laws and investigate complaints by the public, not after the damage is done or a subdivision is finished and the real estate companies have got their money and left. TVA puts up signs*

*telling us that cutting blown-down trees for firewood is a violation subject to a \$10,000 fine or imprisonment, but real estate developers can cut thousands of dollars worth of trees and skin off acres of land with impunity.*

**Comment by:** 1 survey comment

**1197** **Comment:** *Three years ago we knew a property owner who wanted to sell his house. He could not see the lake very well from the house, so he went down there and cut all the trees on the TVA property line. He did not just cut the trees down and dispose of them. He carried them all out in the middle of the lake and turned them loose. I reported this to TVA, and TVA sent someone to look at the situation, but he said, "I do not see the problem you described." The TVA employee only drove to the violator's house and talked with him, without looking at the area from a boat. He told me he would have the violator plant a few selected hardwoods on the shoreland. Today those trees have still not been planted, and TVA has not done one thing about that problem. But they are now telling us that they will tear down our docks if they do not like the way they look. TVA only talks about standards, regulations, and enforcement but takes no action.*

**Comment by:** Bob Orrell

**1198** **Comment:** *It is my observance that the TVA rules for shoreline management are not uniformly enforced, not enforced regularly, and property owner complaints are seldom acted on. In many cases rules are not really practical for the situation, or not clearcut, and this, in turn, discourages a property owner from applying for a permit through TVA. For example, I received a permit to build a permanent pier with a floating boat dock. Approval was granted without problems and in a reasonable time. However, I also requested permission to build a storage shed below the 1044, at about the 1030 (I own to the 1020), but was restricted, in accordance with TVA rules, to a 25-square-foot floor area. This is not a very serviceable size for storing much and walking/working space. Yet a neighboring lot owner can build a 20-by-40-foot permanent concrete pavilion below the 1044 line, but above the 1020 line, while another neighboring property owner can install a 40-foot house trailer at about the 1030 for use each weekend, along with his floating boat dock. It would appear that if I had not requested a permit, I could very easily have built a more useable storage shed, in the 10-by-8-foot range, without anyone saying a thing. When I purchased my property, I was verbally given TVA rules about filling in below the 1044 and cutting trees of certain sizes below the 1020, etc. However, I have noted over the last couple years that if a developer wants to build a road to the water, he bulldozes any size tree he wants, regardless of the contour line, and pushes it into the water, and nothing is said by TVA.*

**Comment by:** William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt

**1199** **Comment:** *On Wilson Lake many structures have been permitted inappropriately. The TVA representatives claim that TVA is only a permitting agency and does not enforce. As a result, many lots have been destroyed because proper construction was not enforced. Poor permitting decisions have resulted in docks which are too large and consequently restrict adjacent land owners from accessing the water. Some lots are being cleared of vegetation around the shoreline so that man-made waterfalls and concrete terraces can be constructed. This disturbs the natural habitat and detracts from the natural beauty of the shoreline. What is causing this? Why are TVA representatives not using good judgment?*

**Comment by:** 3 survey comments

**1200** **Comment:** *TVA policies on allowable structures and erosion control conflict; for example, TVA recommends riprap or retaining walls to control erosion, but their current policy does not approve retaining wall construction.*

**Comment by:** 1 survey comment

**1201** **Comment:** *TVA maintains an inconsistent policy in this area, with some seawall/riprap structures allowed and others disallowed. For enhanced erosion control, all of these structures should be encouraged and permitted, including those in the so-called public access areas.*

**Comment by:** Robert K. Maxon

**1202** **Comment:** *After review of your materials, I agree that TVA's preferred Alternative C1 would be the best overall for those concerned, if TVA has a good enforcement provision and follows through with their part. I have heard of a lack of follow-through in enforcement in our neighborhood, which allows citizens to feel it is better to ask forgiveness from TVA than to ask or pay for permission to follow the rules or law. Admonition and after-the-fact permits are good for very minor violations, but maximum fines and/or jail time for each occurrence of noncompliance is best for other violations after adequate notification. There have always been three steps in advancing wanted provisions in any guideline or law. The first is engineering, the second is education, and the third is enforcement. I am sure you are aware of this rule of the three Es. You have done an excellent job of the first two in your proposal, and I would think it would be a waste if you did not follow through with more and better enforcement than what has been told or evidenced in the past. What I read in the proposal and hear on the news leads me to think you desire changes for the better of all, but only with volunteer compliance or selective enforcement to those who are the easiest to confront. If this is to be the case, then I would propose Alternative C2 or, better, Alternative D.*

**Comment by:** James M. Ross

**1203** **Comment:** *TVA does not have the manpower or the money to adequately enforce their present guidelines pertaining to 26a permits, and no evidence is offered that the proposed standards would be better enforced or any easier to enforce. Even if the fees were adopted, it appears that TVA would be in no better position to adequately evaluate, patrol, and enforce all the additional requirements.*

**Comment by:** 6 survey comments

**1204** **Comment:** *In the past, I have contacted TVA regarding activities conducted by a neighbor which I thought were having an adverse effect on water quality, but I have received little positive result. I have concerns about the enforcement of any of the regulations TVA puts into effect. What would be the penalties?*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**1205** **Comment:** *A couple of years ago on Boone Lake an individual applied for a license to build a dock, but he built one three times the size of what he applied for. TVA did nothing about it, and it is still there today. So I do not know what enforcement you have currently, but it is certainly not working. And I am not sure if what TVA is proposing is going to work better. The average price of a home on Boone Lake today is huge, and those individuals can certainly afford a \$1,000 fine if that is all it will be. If there is not more enforcement than that, I think it is a waste of time and money.*

**Comment by:** Jim Richardson

**1206** **Comment:** *TVA has difficulty policing all of its land now, and I do not see how the situation can improve. For instance, I do not see how TVA can police and control some of the public ramps. They say it is TVA land, but they do not want to maintain it because it is too far away. I suggested the people at the dam lock some of the public launch ramps. TVA also has various problems associated with erosion, including four-wheeling in the winter.*

**Comment by:** Scotty Long

**1207** **Comment:** *In the past TVA's Land Management staff has not always been very useful. When we ask if we can cut this tree or do this or that, we get an answer like: "Well, you have to apply." When we ask if there are any general regulations under which you operate that cover this, we are told, "Every case is different, and so we cannot really give you a general rule." A lot of people have had this same experience. So, to think of TVA promoting a more powerful, scaled-up activity makes some of us squeamish.*

**Comment by:** John Shacter

**1208** **Comment:** *I believe there must be guidelines established and enforced. TVA has been guilty of having no consistent policy. When I built my dock ten years ago, I was told that it could be no longer than 40 feet. I was permitted to use riprap but could not build a retaining wall. The next year my neighbor built a concrete block wall, and I know of numerous examples of monstrous structures in size and length. Where have the rules gone? With a background like that, it is very difficult to envision an enlarged bureaucratic force with extensive regulations.*

**Comment by:** Donald W. Reeves

**Response:** TVA recognizes the importance of enforcement activities. TVA does not have the authority, like other federal land management agencies, to issue citations for all unauthorized activities. TVA seeks compensation for illegally cut trees, but the agency does not have authority to seek fines for unpermitted structures and dilapidated docks. TVA agrees that broad citation authority would discourage unauthorized activities and provide an effective means for dealing with violations. However, SMI will not result in TVA receiving any additional enforcement authority. This must come from Congress.

Any standards adopted through SMI would be incorporated into TVA's Section 26a and property management regulations. This step should result in more consistent enforcement in the future.

Currently, TVA conducts shoreline inspections to evaluate the condition of private water-use facilities and to identify violations and encroachments on TVA property. TVA asks owners to repair dilapidated structures or make necessary changes to bring the facilities into compliance with TVA standards and guidelines for shoreline construction. Owners are asked to remove structures that are unauthorized or beyond repair. Facilities that are not in compliance are posted with a notice asking owners to either repair or remove the structure. If the owner cannot be located or refuses to comply with these requests within a reasonable time frame (usually 30 to 60 days), TVA can use its authority under Section 26a of the TVA Act to revoke the permit, remove the structure and bill the owner for the associated expenses, and/or file a civil lawsuit.

Owners and real estate developers are not given special permission to clearcut vegetation on TVA lands. Developers are encouraged to make TVA aware of proposed developments and to work with TVA to create shoreline management plans that protect natural resources, while providing adjacent land owners reasonable access to the water. TVA takes court action to recover its costs and the value of vegetation and trees that are illegally cut. In many cases, TVA also requires other site-restoration measures. TVA Land Management Offices appreciate receiving reports of suspected problems.

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**1209** **Comment:** *TVA Police should be allowed to patrol the shoreline for all violations not covered by 26a permits.*

**Comment by:** 1 survey comment

**1210** **Comment:** *Local and state patrols are more efficient and less costly than TVA Police. We also have the TWRA, U.S. Coast Guard, and local sheriff offices that do a good job enforcing the laws that protect our lakes and shoreline. There is no need for the TVA Police, since they just duplicate the efforts of these other enforcement agencies.*

**Comment by:** Dave Cooper, Jimmy Wilkey (Rhea County Court Clerk), 8 survey comments

**1211** **Comment:** *We are concerned about which agency has enforcement responsibility (i.e., state, local, or TVA) and with the cost of enforcement. Too many patrols and too much enforcement are unnecessary expenses and could border on harassment of property owners. In fact, some people perceive police in their patrol boats as a threat.*

**Comment by:** 1 evaluation form comment (Harriman, TN), 2 survey comments

**1212** **Comment:** *I see no need for TVA lake patrol officers, since it would only lead to confusion with the wildlife officers. You already patrol to check the shoreline and to watch for tree removal. You have a right to do this, but to add patrol boats would create the feeling of Big Brother watching over us. This is an unadulterated form of harassment, and we do not need this.*

**Comment by:** James M. Talley, Mrs. James M. Talley

**1213** **Comment:** *The TVA policemen that patrol the lakes could pay for themselves by writing no-wake citations at one of the marinas. Why are the TVA Police here, other than some of the public asked for them? They have done nothing.*

**Comment by:** James E. Sherrill

**1214** **Comment:** *Who is going to police TVA-owned property? Is TVA charged with policing itself?*

**Comment by:** 1 survey comment

**1215** **Comment:** *The TVA Police should be disbanded, or at the very most, limited to enforcing security at TVA power plants and dams. TVA's primary directive is navigation and electricity generation, not enforcing shoreline restrictions or hunting laws. TVA should be an advisor to the public, not an enforcer. Therefore, we do not need or want TVA patrolling and enforcing regulations, such as hunting laws, on our waterways, highways, or public lands. Eliminating or reducing the police force would also save TVA money.*

**Comment by:** John W. Musser, Theodore S. Maloney, 1 evaluation form comment (Harrison, TN), 16 survey comments

**Response:** The role of the TVA Police would not be affected as a result of SMI. None of the SMI alternatives would result in TVA's hiring additional police.

TVA Land Management staff has primary responsibility for conducting shoreline inspections, enforcing TVA Section 26a regulations and TVA land use requirements, and permitting shoreline development. No other state or local authority has this responsibility. Occasionally, the Land Management staff obtains assistance from TVA Police in addressing littering, trespassing, vandalism, or other related problems.

TVA Police have numerous other responsibilities. Lake patrols by the TVA Police were initiated to provide support to state boating regulatory authorities and to help promote safe public boating practices. Where appropriate, TVA Police write citations for boating violations.

TVA strives to perform enforcement activities in the most cost-efficient and professional manner possible. As a federal public agency, TVA is accountable to the public through Congress and other elected federal officials. TVA enforces hunting regulations only on TVA lands where we have the responsibility as a property owner to do this.

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**1216** **Comment:** *TVA Police should not have the authority to issue citations or impose fines.*

**Comment by:** 2 survey comments

**Response:** Comment noted.

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**1217** **Comment:** *Enforcement should be for major issues only.*

**Comment by:** 1 survey comment

**Response:** The cumulative effect of numerous “minor” unauthorized activities can have significant adverse impacts on shoreline and aquatic resources. As explained in the FEIS, cumulative impacts can be minimized through standards for new shoreline alterations and limitations on the amount of shoreline that can develop.

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**1218** **Comment:** *Utilize volunteers to enforce TVA regulations or guidelines.*

**Comment by:** 1 survey comment

**1219** **Comment:** *School teachers, during summer vacations, and retirees could be enlisted to locate and identify problem locations along the shoreline.*

**Comment by:** 1 survey comment

**Response:** TVA actively seeks the help of volunteers (e.g., lake user groups) to clean up littered shorelines and perform other stewardship-related activities. TVA will explore the opportunity to expand the role of volunteers in various land management activities.

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**1220** **Comment:** *TVA needs real, live people who will come out to assess individual cases with the landowners and give clear, logical reasons and answers for their decisions.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**1221** **Comment:** *There are references to TVA's inability to enforce regulations. Why? No mention is made that TVA land is not private property. Illegal use should be prosecuted, and the public should be made aware that TVA shoreland is not to be altered without a permit.*

**Comment by:** 1 survey comment

**1222** **Comment:** *I do not know what activities require a TVA permit and what activities do not. Some people are controlling erosion with riprap, etc., and building docks without permits.*

**Comment by:** Frank Scott

**1223** **Comment:** *Between property owners and TVA, it seems to me that TVA's time would be better spent and more productive to state the current rules clearly; make sure they are reasonable and practical and with wide distribution; then, enforce these existing rules regularly and consistently, regardless of whom the property owner knows.*

**Comment by:** William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt

**1224** **Comment:** *Existing guidelines should be restated as standards or regulations in simpler, more definite terms. For example, change "should" and "should not" to "shall" and "shall not." TVA needs to prohibit an action instead of discouraging it. It should be adequate to not recommend an action that is just a bad idea. If this is done, some of the acrimony associated with shoreline management will be diminished. A part of the problem is that people get the impression that the permit process is political and capricious. Therefore, if they plead long and loudly enough they will finally be allowed to do whatever they want.*

**Comment by:** Bill Evans

**Response:** TVA now uses its existing guidelines to determine appropriate uses of the TVA shoreline. TVA strives to achieve uniform, consistent application of these guidelines. If Alternative C1, C2, D, or the Blended Alternative is adopted, TVA will convert from existing guidelines to new standards. Appropriate wording changes will be made at that time. The standards or guidelines contained within the chosen SMI policy will be published in the Federal Register and become the uniform policy on all TVA lakes. Over the last several years, TVA has made considerable efforts to inform shoreline property owners of the guidelines. TVA's *Save Yourself Time and Money—Ask TVA First* brochure was distributed to every home on each lake in the early 1990s. TVA permits are required for construction of docks, placement of riprap, and other shoreline alterations on TVA reservoirs. For further information, contact the local TVA Land Management Office.

**1225** **Comment:** *TVA should seek legislative authority to place liens on rundown and abandoned docks to pay for repair or removal of the facilities.*

**Comment by:** 4 survey comments

**1226** **Comment:** *The proposed \$1,000 deposit is unreasonable and unnecessary. The majority of lakefront property owners should not be penalized because of the few who fail to maintain their structures. A more appropriate mechanism for handling the problem of permit noncompliance would be for TVA to inform the alleged offender of the violation and provide a reasonable time for correction. If an owner of a dilapidated or unauthorized facility refuses to comply, TVA should repair or remove the structure and send the owner the bill. If the owner refuses to pay, TVA should place a lien on the property; then, cost recovery to TVA would be automatic at the time of property settlement to clear the lien from the title.*

**Comment by:** Allen N. Palmer, David Hines, Jim Farrish, Jimmy Wilkey (Rhea County Court Clerk), J. Winston Martin (Tellico Village Property Owners Association), Robert K. Maxon, James M. Talley, Mrs. James M. Talley, Robert L. Johnson, Melody Kirby, Brendan Kirby, 1 survey comment

**Response:** Imposing liens has legal implications. TVA could include provisions in permits about imposing liens if structures become rundown. However, the lien would need to be attached to the residence or some other structure of value. Residences are not on TVA property, but docks that become dilapidated are situated along TVA shoreline. This land ownership pattern compounds the effectiveness of the lien approach, but these suggestions will be given further consideration if other approaches prove unsuccessful. TVA has withdrawn the SMI fee proposals.

**1227** **Comment:** *I would think that enforcing the limits of construction, but not the design, would be a good idea, such as a simple dock on the lake, no boathouses, no electricity past the water's edge, no roofed structures, no painted structures. Enforcement costs should be so little—\$1,000 a year for Patrick Henry, Boone, South Holston, and Watauga Lakes—that TVA's vast budget could easily provide the financing. Two registered letters should be sent to property owners, and if the problem is not corrected, a TVA crew could destroy the overbuilt structure with a maximum charge of \$200 to the landowner.*

**Comment by:** 1 survey comment

**Response:** Comment noted. TVA does notify owners of action needed to comply with TVA requirements. If the owners fail to comply within a reasonable time frame (30 to 60 days), TVA's policy is to remove the structure and bill the owner for expenses or pursue other remedies such as civil litigation.

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**1228** **Comment:** *We are the owners of property in Loudon County. TVA's SMI proposal directly involves the majority of lake property surrounding Knoxville, and in our opinion, this initiative is a bit excessive. Although the legislation has not been approved, TVA staff have treated us as though they were implementing the guidelines now.*

**Comment by:** Kevin Mason, George Haun

**Response:** Mr. Haun and Mr. Mason were issued a permit on June 7, 1996, for a dock, riprap, and water and electric service. However, they also removed trees from TVA public land without TVA permission. At least 19 of the trees were larger than TVA currently approves for removal from TVA public property. A settlement was reached between the property owners and TVA.

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**1229** **Comment:** *TVA should stop any cutting, clearing, grading, digging, etc., by individual or commercial developers, which would allow runoff into the water or cause visible harm to the shoreline. This is occurring on Bear Creek at Eastport with commercial developers. This is not specifically covered in the DEIS.*

**Comment by:** 1 survey comment

**Response:** Each permit issued by TVA includes terms and conditions that are agreed to by the applicant. Many of the terms and conditions specifically address actions that the applicant must take to protect lake water quality. TVA's current shoreline management guidelines and those proposed in the Blended Alternative prohibit cutting, clearing, grading, and digging on TVA shoreline without TVA approval. When TVA detects unauthorized activity, it takes steps to stop the activity. Refer to Section 2.8 of the FEIS for more information about the standards included in the Blended Alternative.

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**1230** **Comment:** *Shoreline obstructions that would interfere with public access should not be allowed below the high-water mark.*

**Comment by:** 1 survey comment

**1231** **Comment:** *There is a problem with private dock owners putting 2,700-pound concrete blocks out into the lake below the summer pool. Attached to the blocks are steel cables which are threaded through eye-bolts on the sides of docks and floats so that these docks can slide down the cables as the water recedes. The banks of the reservoirs are becoming a big mess of cables and ropes, thus restricting public access. This has been blatantly*

*ignored by TVA to the benefit of real estate developers and landowners. There is still time to stop this destruction of the lakes (especially Norris). TVA also needs to stop the construction of concrete launch pads below the high-water mark.*

**Comment by:** 1 survey comment

**Response:** Under TVA's Section 26a approval process, the effects of shoreline structures on public access are evaluated. TVA does not approve structures which block or exclude public access along public shoreline. Concrete launching ramps do not typically obstruct access. Cables and ropes can block access if improperly installed. The Norris Land Management Office can investigate specific problem locations if further details are provided.

**1232** **Comment:** *We object to the 90-day dock repair period. Ample time must be given. Many of these shorelands are used purely on a vacation or recreational basis. Many land or dock owners may not see their property except in the summer. So please lengthen any repair period to one or two years.*

**Comment by:** Association for Democratic Reform of the Environment and Shoreline

**Response:** TVA usually requests that repairs be completed within 30 to 60 days. However, TVA is willing to consider granting extensions to accommodate owners who may not be permanent lake residents.

**1233** **Comment:** *The DEIS's absurd overemphasis on "enforcement, conformity, compliance" is a pathetic spectacle of obsessional bureaucracy run amok, given the minuscule number of dangerously dilapidated old docks and boathouses on the lakes.*

**Comment by:** 1 survey comment

**Response:** Comment noted. Actually, TVA has received several comments in favor of increasing emphasis on enforcement. Many property owners believe that enforcement of standards helps to maintain lakefront property values. Also, enforcement of standards does not only address dilapidated conditions of structures. It also addresses size, materials, location, effects on navigation and flood operations, safety, and environmental impacts on public shorelines. When the DEIS was published, TVA had on record over 550 dilapidated structures that needed either repair or removal.

**1234** **Comment:** *I would offer the following suggestions to make your job and my life easier:*

- 1. Complete your surveys.*
- 2. Analyze the results and make the decisions you can justify.*
- 3. Publish a set of TVA rules of lake management.*
- 4. Distribute these to all of the people who live on or own property along your impoundments.*
- 5. Provide a phone number for reporting a violation of the rules. A local TVA person could check violation and report if necessary.*
- 6. React promptly to these calls, prosecute violators, and publish results in the local papers.*

**Comment by:** 1 survey comment

**Response:** Comment noted. In response to public comments, TVA has developed a Blended Alternative, which includes reasonable and fair standards. TVA plans to publish any new standards as part of its Section 26a and property management rules. These rules will be made available to

property owners around TVA reservoirs. TVA's 11 Land Management Offices rely heavily on citizen reports of suspected unauthorized activities. TVA follows up on these reports and, if violations are confirmed, notifies violators what must be done to correct the problem. TVA will consider the use of newspapers as a mechanism to help its enforcement and compliance efforts.

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**1235** **Comment:** *My boundary line survey maps show corner pins and a topographical elevation contour line of 685.44 feet, denoting homeowner's land easement with TVA that can be flooded. During the past year and a half, a TVA surveying crew, without permission or explanation, came through the neighborhood onto landowners' property and proceeded to resurvey property lines. By its surveyors' actions, TVA has attempted to decrease the length of my property lines or in effect confiscate several feet of my land. In addition, TVA surveyors' actions reduced by several feet the amount of easement land that TVA can flood. Of course, my property is protected by a recorded guaranteed title and property deed on file in the courthouse. The above brief remarks are included to show how Alternatives C1, C2, and D will change some lake property owners' land who may not understand the relationship between their original deeded property line location and the TVA-installed orange property line markers and white land easement markers. The TVA resurvey project may have the potential of costly litigation and time-consuming meetings with property owners' title insurance companies if either Alternative C1, C2, or D is approved.*

**Comment by:** Edwin E. Howard, Patricia Howard

**Response:** No SMI alternative has any effect on legal property boundaries, public or private. As funds are available, TVA resurveys and marks its property boundaries where the original markers have been lost and the boundary is unclear. This is done so that both TVA and adjacent private landowners know the location of the common property boundary. It is possible that the original boundary survey was not as accurate as that which is possible today. Therefore, some property corner and line locations may change slightly when a new survey is done. However, none of the alternatives proposed in the SMI DEIS include any provisions which would affect the location of TVA fee land or flowage boundary locations. The boundary resurvey described was not initiated by SMI but was part of TVA's ongoing property boundary maintenance program.

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**1236** **Comment:** *In my neighborhood of Tanglewood, Sharps Chapel, across from Point 26, we are having a difficult time getting to the lake. The people owning lakefront property are constructing private property barriers, and TVA markers have been removed. I would like to see these markers replaced along the shoreline so everyone could have an equal opportunity to enjoy our shorelines. I realize funding was cut for surveying and markers.*

**Comment by:** 1 survey comment

**1237** **Comment:** *TVA needs a surveyed and well-marked boundary to distinguish public from private property, to safeguard public land and enforce restrictions, and to let people know when they are trespassing on private land.*

**Comment by:** 4 survey comments

**1238** **Comment:** *It would be of benefit to reevaluate if the boundary is sufficiently marked at all projects so that any or all of the alternatives can realistically be implemented.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**1239** **Comment:** *Buffer zones will include all TVA marginal strips from the water to the private owners' legal boundaries. The boundary between TVA-managed buffers and the private property should be clearly marked.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**1240** **Comment:** *Landowners should have a better method of marking TVA land which borders their property. My bluff has old red stakes which my neighbor says mark TVA property and distinguish its limits up the bluff where it fronts my property. I was able to (not easily) locate stakes through the overgrowth. They are very unofficial-looking and are not in any way marked as TVA property. This is important because with the erosion problem we have, we lose a foot or so of bluff each year in the winter due to expansion and contraction of the soil.*

**Comment by:** Keith Dicken

**1241** **Comment:** *The legal boundary between TVA-managed shoreland and private property should be fenced or clearly marked to avoid confusion. Fences should not dissect the buffer from the shoreline to the TVA boundary as this could inhibit the free passage of wildlife. Boundary marker posts every 50 to 60 feet would serve well and could be part of the resource survey process. Landowners wishing to define their property could pull a line from post to post to establish it accurately. When backlying land is sold TVA should be responsible to pull a marking tape along these posts so that the buyers know.*

**Comment by:** Dolores Howard

**Response:** TVA agrees that easily identifiable boundaries are important and needed to better manage TVA public lands. Unfortunately, all TVA boundaries are not well marked. As funds are available, TVA marks additional boundaries with high priority being placed on those that are adjacent to residential areas where boundary encroachments have been observed.

**1242** **Comment:** *The referenced document appears to have limited effects on Tennessee Department of Transportation facilities, since it is geared toward residential shoreline development impacts. However, the Department does maintain facilities adjacent to TVA-managed reservations, such as highways, rest areas, and mitigation sites, that may be affected by one or more of the SMI alternatives. The maintenance of these facilities is imperative to their functional operation. The Department must retain the ability to implement adequate maintenance activities in a timely manner at these locations. The final decision alternative should provide the Department with the ability to implement these maintenance activities without time-consuming bureaucratic processes.*

**Comment by:** J. Bruce Saltsman, Sr. (Tennessee Department of Transportation)

**Response:** SMI decisions will not affect the ability of highway departments to adequately maintain their transportation facilities adjacent to TVA reservoirs.

**1243** **Comment:** *The Commonwealth has no objection to the proposals presented in the DEIS, provided that construction of facilities identified in the DEIS is carried out in strict accordance with all applicable federal, state, and local regulations.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**Response:** Comment noted.

**1244** **Comment:** *More attention should be given to how the farmers till the leased land. They should have to provide some food plots.*

**Comment by:** 1 survey comment

**Response:** Provisions for improving wildlife habitat, including SMZs, are now included in all licenses for agricultural use of TVA property.

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**1245** **Comment:** *If you fence 100 or 50 feet from shoreline to pasture field, then weeds, especially thistles, will spread beyond belief; 2,4-D is the cheapest and most effective spray and a lot will have to be used at the expense of the farmer and the environment. It costs farmers a lot of money and time to fence. We are sure it costs TVA (really the American taxpayer) a lot more money to fence than almost anyone.*

**Comment by:** James E. Jones, Jr. (Anderson County Farm Bureau)

**Response:** Comment noted. It has been TVA's experience that thistles do not always invade the areas removed from grazing. More often, early successional vegetation predominates on the site after several years. Sites with heavy stands of fescue may not revert to successional species for many years. The ultimate vegetation management objective along TVA agricultural property is a reforested shoreline, where tree roots help to hold and stabilize the banks.

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**1246** **Comment:** *This DEIS does not address the problem of livestock on TVA land bordering the lake.*

**Comment by:** Donald M. Shepherd

**1247** **Comment:** *The cows which are allowed to enter the waters of the reservoirs are a greater hazard to bank stabilization than private residential ownership could ever be.*

**Comment by:** Darlene A. Leland

**1248** **Comment:** *Work toward eliminating farm grazing on TVA shoreline. Use a buffer zone to eliminate cattle waste and chemical run-off.*

**Comment by:** 1 survey comment

**1249** **Comment:** *Will cattle and horses be allowed to graze pasture along the waterfront? We do not cut your trees, but the beavers do. We have planted several hundred trees on our own land and allowed several acres to grow whatever trees came up on their own, but beavers like to ring the bark on those too. A garden (flower or vegetable) cannot survive the deer. That is okay, but fencing cattle from a buffer zone would be economically impossible.*

**Comment by:** 1 anonymous letter comment

**Response:** TVA requires a 50-foot zone of riparian vegetation and the construction of watering lanes and cattle exclusion fences in places where adjacent property owners have rights to cross TVA property to water their livestock and/or TVA licenses for livestock grazing.

## Chapter 5 — Access Rights and Grandfathering

### Access Rights

Citizens or groups commented on a number of issues related to access rights. These issues included topics such as:

- Need for clarification of shoreline rights of landowners, other lake users, and TVA
- Landowners' rights should be honored
- TVA's regulation of property owners
- Landowners should have more shoreline control
- Landowners' rights should be equal to or exceed the rights of other lake users
- Rights and needs of the public
- Rights of owners of undeveloped property and adjacent property transferred to TWRA
- Rights on flowage easement land
- Agricultural rights

**1250** **Comment:** *The rights of landowners, dock owners, and recreational users of the lakes should be clearly defined, and neither should infringe upon the rights of the others.*

**Comment by:** 1 survey comment

**1251** **Comment:** *What rights do lakefront property owners have, and what rights does TVA have in relation to TVA-owned residential access and to flowage easement property?*

**Comment by:** Gaines Davis, Ralph Fielder, 3 survey comments

**Response:** Where TVA owns the land between lake residences and the water, rights of the adjacent property owners vary depending upon specific language in deeds. Generally, these rights include rights of ingress to and egress from the water and the right to request TVA permission to construct docks or other water-use facilities. Subject to applicable laws, TVA has discretion in how property in its custody is used and managed.

TVA works with the public to determine the best uses of its property. TVA public lands, including properties that lie between residential areas and the water, are available for use by the public for bank fishing, hiking, picnicking, and related recreational activities. Members of the public may not use docks or other personal property of the adjacent homeowner without permission from the owner of the structure.

TVA has responsibility under Section 26a of the TVA Act, as amended, to regulate shoreline development to ensure the unified development of the Tennessee River system and to prevent the construction of obstructions to navigation, flood control, or power generation. In carrying out this responsibility, the agency administers a permitting program to review plans for water-use facilities, such as docks proposed for construction along the Tennessee River or any of its tributaries. When reviewing these permits, TVA also takes into account policies and goals established by NEPA and other federal legislation. In addition to this permitting responsibility, TVA either has custody of ("owns") public land between lake residences and the water or owns easement rights, such as the right to flood land along the water's edge and the right to prevent the construction of structures that would be damaged by floods.

Any homeowners with questions about how they may use TVA land or shorelines are encouraged to contact their local Land Management Office.

**1252** **Comment:** *TVA says they are going to leave the land that is open, which means you can access, clear, or do whatever you want on land where you have deeded access.*

**Comment by:** Jerrie Ann Weaver

**Response:** Deeded access rights across public land in TVA custody allow the owner of the access rights to cross the public land for reasonable access to the water and to request TVA approval of water-use facilities on the shoreline. Advance written approval from TVA is required before clearing the TVA land of vegetation or making other changes to the TVA land.

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**1253** **Comment:** *People have never applied for a boat dock permit, because they always assumed that they had rights. Now TVA is telling us we must have it in our deed. TVA did not give us any deed when they took the land. They just took it.*

**Comment by:** Ron Barnes

**Response:** Anyone with access rights who wants to build a dock or make any other alterations along the shoreline of TVA reservoirs may apply for a written permit from TVA. Whether someone assumes or knows that deeded rights exist, a permit must be applied for. Deeded rights provide access to the shoreline and allow the property owner to request TVA permission to build a dock. Deeded access rights do not guarantee that the dock or other plans will be approved. Before issuing a permit, TVA reviews proposals to ensure navigation, flood control, power generation, and sensitive resource concerns do not exist. When TVA acquired land for the reservoir projects, the acquisition was always documented with a legally recorded deed.

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**1254** **Comment:** *I cannot understand why some landowners who bought land from TVA on Buck Island in the 1960s have more rights with TVA land than other landowners. I am speaking of land where TVA sold land but held a contour of land from 605 feet or less. I hear they have rights that others do not; why? Why let one side of the island develop and not the other? Why deny us the use of TVA land?*

**Comment by:** 1 survey comment

**Response:** TVA has purchased various types of landrights over the years and occasionally these rights vary from tract to tract on an individual reservoir. SMI attempts to account for this variation in the alternatives. Specific information about Buck Island can be obtained from the Gunterville Land Management Office.

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**1255** **Comment:** *Our civil and human rights as property owners have been granted to us by our Constitution, and TVA must respect these rights as they were originally written, not as SMI is interpreting them to be. The proposed changes that would occur as a result of SMI are just a small part of a much larger change going on all over our country. It involves the taking of our property without full compensation. TVA should not have any more control than they have now. It would not be right to take our land without paying for it.*

**Comment by:** Troy Atkins, R. P. Spencer, 1 evaluation form comment (Memphis, TN), 2 survey comments

**1256** **Comment:** *If TVA curtails landowner development options on their privately owned properties, the property owners should be reimbursed for the adverse actions affecting them. For example, if TVA wants to take over my seawall and dock they should pay me for the original cost.*

**Comment by:** 2 survey comments

**1257** **Comment:** *SMI hinges on the property rights issues.*

**Comment by:** Nick Hamilton

**1258** **Comment:** *TVA regulations have the effect of law, unless they are successfully challenged by a litigant at his expense. Let property owners control their rights through present law and legal decisions handed down in court.*

**Comment by:** 2 survey comments

**1259** **Comment:** *Imposition of the shoreline protection category has the potential for abuse of property owners' rights by TVA land management officers, foresters, and environmentalists.*

**Comment by:** 1 survey comment

**1260** **Comment:** *SMI is not a result of public outcry about what residential landowners are doing on the lake. It is happening because there are those within TVA who want to establish a policy which limits the use of the shoreline by lakefront landowners.*

**Comment by:** James A. McIntosh

**1261** **Comment:** *The SMI overemphasizes the environmentalist viewpoint. Why not focus on our rights as landowners, and stop trying to control our property based on imagined and exaggerated complaints?*

**Comment by:** 2 survey comments

**1262** **Comment:** *SMI seems to be an intrusion on private landowners and an attempt to take away our rights. TVA should be careful when setting restrictions not to cause us financial distress or limit our use of the shoreline.*

**Comment by:** 5 survey comments

**1263** **Comment:** *I do not feel good about the explanations I have heard. I am upset that property owners have to be under assault like this and that we have to spend our time defending our property rights. I would urge all to take whatever action they can to fight this.*

**Comment by:** John W. Musser

**1264** **Comment:** *TVA has no right to restrict what landowners do on their private property and should not try to regulate what property owners do on the shoreline. The lakefront property owner invests in the shoreline, pays more for property, and pays higher taxes. Yet, TVA is trying to take away lakefront property owners' rights, including mowing, constructing water-use facilities, and vegetation management.*

**Comment by:** Bob Orrell, C. Demetriou (Citizens for Less Government), Brad Johnson, Charles Beard (Colbert County Commission), Curtis Daniels, Dana Baker, Ed Sharp, Edwin E. Howard, Garland Lankford (Meigs County Executive), Granville Major, Harold Lemenick (State Farm Insurance), Jack Carrier, James E. Jones, Jr. (Anderson County Farm Bureau), Jerrie Ann Weaver, James W. Northington, M.D., Jimmy Wilkey (Rhea County Court Clerk), Mark Dickey, Rex Dove, Robert Hazel, Robert Peterson, Roger Brown, Sandra Wright, Sayra Thacker (Tennessee Marine Construction), Steve Lewis, Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), Victor Hart, 22 survey comments

**1265** **Comment:** *TVA is going about this in the wrong way. TVA would get a more positive response if they would ask the property owners to help and not tell them what they are going to do. The landowners are not particularly fond of someone giving orders as to what they can do on their own property.*

**Comment by:** Troy Crowder

**1266** **Comment:** *In light of TVA's disastrous financial conditions and proven inability to manage its own money (i.e., \$30 billion debt), TVA should reduce its area of control and influence and stop trying to tell the private citizen what he can do with his property.*

**Comment by:** 2 survey comments

**1267** **Comment:** *TVA has no business regulating the aesthetics or use of private land. This is the proper concern of state and local land use controls.*

**Comment by:** Allen N. Palmer

**1268** **Comment:** *TVA should only manage the land that is not owned by property owners.*

**Comment by:** 1 survey comment

**1269** **Comment:** *Except in special circumstances, TVA has no right to tell landowners that homes cannot be constructed or to specify what type of house can be constructed.*

**Comment by:** 2 survey comments

**1270** **Comment:** *I am concerned about keeping the community as beautiful as possible. Shoreline development, if done tastefully, does not necessarily detract from the beauty of the community. Within Tellico Village there are many islands and other "undevelopable" properties which can harbor nature's plants and animals in their habitat. Certainly, these properties add to the beauty of the community, and they need to be protected. Like everything else in life, we need a balance when it comes to man and nature. However, we should protect these properties by limiting the development on them through carefully thought out zoning restrictions and not by compromising the rights of property owners for that which is already zoned residential. The property owners should be free to enjoy the benefits of their land without undue or unfair restrictions.*

**Comment by:** H. K. Witzke

**1271** **Comment:** *All shoreline categories should remain open to residential development. If TVA wishes to eliminate some shoreline from eligibility for residential development, then the limitation should only apply to property purchased by TVA and should never apply to privately owned property. If TVA wants to increase restrictions, let TVA just purchase the land. Let the market decide what is done with each piece of land. Do not coerce people (by law) into doing things with their land that they do not want to do, and do not prevent people from doing with their land what they want to.*

**Comment by:** 1 survey comment

**1272** **Comment:** *Sportsmen's Federation Club members oppose the arbitrary taking of individual property rights along the TVA shoreline. Therefore, we oppose Alternative C1 that is favored by TVA. We would favor a plan that does not add more restriction to the private property owner.*

**Comment by:** Wayne Fish (East Tennessee Sportsmen's Federation)

**1273** **Comment:** *Alternative D restricts me. I cannot cut a tree. People want to own next to a lake because they want freedom from all the zoning boards and everything. People want to own their land and say it is theirs. They do not want to be told that they cannot use this piece of land on the lake because of a restriction.*

**Comment by:** Mark Dickey

**1274** **Comment:** *It was evident from the response to those speaking at the public meetings and the applause received that 95 percent were adamantly opposed to Alternatives C1, C2, or D. If Alternatives C1, C2, or D is approved by TVA Board of Directors, lake users' and lakefront property owners' enjoyment of the beauty of the lake and the use of the facilities they created and paid for over many years will be severely restricted.*

**Comment by:** Edwin E. Howard, Patricia Howard

**Response:** SMI addresses possible uses of property owned by TVA and the permitting of structures along the shoreline. SMI does not address the use of property owned by others where there are no applicable TVA landrights or permitting responsibilities. None of the SMI proposals would take away rights or land owned by lakefront property owners. TVA is improving how it administers its Section 26a responsibilities and how it manages public lands and landrights. As the level of shoreline development has increased and as we have learned more about the long-term, cumulative effects of that development, the public has asked that we reevaluate and modify our permitting practices. However, TVA recognizes the need to make necessary changes in ways that minimize effects on existing homeowners. That is why TVA, under the Blended Alternative, would clearly grandfather existing permitted docks and other uses where access rights now exist. TVA would also accept after-the-fact permit applications for approval of permissible existing facilities for which there is no permit record.

Several existing homeowners have legally deeded rights to request approval to construct water-use facilities, but this still requires TVA's advance written approval. Many of these homeowners are mowing public lands where access rights now exist and will be allowed to continue mowing within these existing areas. If the Blended Alternative is adopted, the privilege of mowing TVA public land next to existing residences would be extended to existing homeowners, as well as future purchasers of the existing residences. Although existing mowing may continue, homeowners are and will be required to obtain written permission from TVA before cutting trees, removing bushes, or making any other changes (other than mowing or maintaining existing permitted docks and other water-use facilities) to the TVA property.

**1275** **Comment:** *Backlying private property owners have the right to request access to the water across TVA-managed residential access land, but TVA must consider all the impacts and be very judicious in granting permits. Once granted a permit, the landowner should be allowed as many options as possible.*

**Comment by:** Dolores Howard

**1276** **Comment:** *TVA should allow development to the limit of the residential marginal strips if deeded and implied rights are held. For example, a landowner should be able to build a dock or put in a ramp and should not be forced to maintain a buffer zone.*

**Comment by:** 2 survey comments

**1277** **Comment:** *When a person purchases lakefront property, he does not expect to be denied access to the lake at any point within his property boundaries.*

**Comment by:** 1 survey comment

**1278** **Comment:** *I have a deed that allows my access across TVA property to the lake. It is not limited to 6 feet and any change would be a violation of my deed.*

**Comment by:** 1 survey comment

**1279** **Comment:** *Our deed states that we have ingress and egress to the lake. Under real estate law if TVA wanted us to have an easement of 6 feet, it should have been put in the deed at*

*the time TVA sold the property. Since TVA did not put this into the deed, our ingress and egress is the total width of our property and all the way to the shoreline.*

*The reason TVA gave ingress and egress to the lake at the time of the sale was to entice more buyers and get a higher price for the property. We believe it is illegal for TVA to change this agreement and to damage our property value. If TVA changes our rights to ingress and egress to the lake and obstructs our view and access to the lake, it will cause considerable damage to our property value, and we will expect TVA to reimburse us for any devaluation of our property.*

**Comment by:** Powell McDonald, Ruth D. McDonald, Eula May Smith Hale

**1280** **Comment:** *When reservoirs were established, certain property was designated to have deeded rights of ingress and egress. These rights must be honored as in the past. Introducing more restrictions is completely uncalled for, as only 17 percent of all reservoir land falls into this category (TVA retains structure approval rights on another 21 percent of property subject to flooding). If original land commitments are adhered to, it will go a long way towards avoiding adverse environmental consequences as reported so extensively in the DEIS. It will not, however, support the kind of resources being requested by TVA to police and harass homeowners and lake users. I support less rather than more TVA control of my deeded access rights to the lake. My investment will testify that I do not need to be controlled to improve the environmental attributes of my property.*

**Comment by:** John W. Musser

**1281** **Comment:** *If this proposal were implemented, property owners would have virtually no private access to the water.*

**Comment by:** Alan L. Compton

**1282** **Comment:** *When we bought our lot we did not have any restrictions on developing the land. We were told by TVA officials that we could build docks, mow, plant trees and shrubs, cut trees of a certain size, and in general, take care of this area, which we have done. TVA is now changing its rules and denying lakefront property owners their deeded rights. TVA will have to forfeit our deeded rights to implement these new proposals.*

**Comment by:** Catherine Blalock, Glen Willett, 3 survey comments

**Response:** The rights of access in some existing deeds simply provide the authorization to cross TVA-owned land to get to and from the waters of the lake. There is nothing in any of the proposals that would eliminate that right. All of the deeds that refer to the construction of water-use facilities state that TVA's approval is still required. There are a variety of circumstances that can result in denial of plans at locations where these rights exist. For instance, plans are denied if they do not conform to agency permitting guidelines, if the proposed structure will obstruct navigation or create flood control concerns, if environmental resources on the site will be destroyed, and if other problems or concerns surface during the review process.

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**1283** **Comment:** *The proposed buffer strip would prevent me from developing my property, and I could not enjoy the lake.*

**Comment by:** Mark Dickey

**1284** **Comment:** *Will TVA take 100 feet of property from landowners as the proposed buffer strip? If so, what happens to the title and deed to this property?*

**Comment by:** Alice Mortinmore

**1285** **Comment:** *TVA has taken our family farms twice now, paying as little as \$45 an acre for the one in Anderson County. It is hard for me to comprehend that TVA would have the nerve to mark off a 100-foot area on the entire shoreline for briars and weeds, with no mowing allowed, as well as charge landowners for the privilege of cutting a path through to a boat dock. TVA took our land, the farms we had hoped to pass along to our children and grandchildren. Now it wants what little shoreline we may have left. We realize it was only by accident that we were blessed with a little backwater on our remaining land. Is it asking too much now to be able to keep that small amount of land usable for recreation?*

**Comment by:** Clyde L. Wells

**1286** **Comment:** *TVA has a well-established record of practicing extortion upon those who cannot defend themselves. As an example, consider the property I own now. This land originally belonged to my grandfather. Then TVA came along and condemned the property for the construction of the new reservoir. They originally offered about half of the market value for the land. When this was refused, they cut their offer even more. When this was refused, they told my grandfather that if the offer was not accepted by week's end, the price would be cut again. After stealing his property and constructing the dam, TVA found out that they had stolen more land than they needed (I wonder how that could have happened?), and so they were able to sell a bunch of lakefront lots 10 years later for a tidy profit. Now you tell me you want to come back to that very same lot and remove a large portion of the value by forcing me to maintain a 100-foot buffer of scrub brush between me and the water.*

**Comment by:** 1 survey comment

**1287** **Comment:** *I was told that there would be no attack on private property rights; yet, I just heard that TVA was going to require a 100-foot setback. That is taking my private property. Right now it is pasture all the way to the river, and approximately 2 1/2 acres of my property would fall below the 819 line. However, it is my property, and I am not willing to give up my rights to any agency of the government. The will of the people should prevail and not the will of bureaucrats. Politics should not come before the Constitution.*

**Comment by:** 1 unidentified speaker comment (Winchester, TN public meeting)

**Response:** As further explained in the Grandfathering section of this volume, TVA would not require existing homeowners with access rights to convert a lawn to an SMZ, stop mowing established lawns, or plant trees. Several of the alternatives under consideration attempt to strike a balance between the need for heightened resource protection and the interests of adjacent private property owners. The SMZ proposed under Alternative C1 would be located entirely on TVA land and would not take away privately owned property. The depth of the SMZ would be determined by the extent of TVA's ownership. For example, if the TVA property boundary was located 50 feet back from the shoreline, then the SMZ would be only 50 feet wide, unless the adjacent private property owner chose to extend the SMZ onto his property. If the TVA land extended back 100 feet, then the SMZ would be 100 feet.

In response to public concerns, TVA has prepared a Blended Alternative, which provides for a narrower, 25-foot-deep SMZ along forested shorelines. If TVA's property does not extend back 25 feet, the SMZ would end at the TVA property line and would not extend onto private property. The Blended Alternative includes provisions for removal of specified plants like poison ivy and for selective thinning of trees outside the SMZ. For more information, refer to the description of the Blended Alternative in Section 2.8 of the FEIS and to the Alternatives section of this volume.

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**1288** **Comment:** *Our view of the Smokies and the water is very important to us, and we would not like to lose this view to uncontrolled vegetation. We are on a point with a concrete ramp-drive for boat launching and a boathouse above the high-water mark. The remaining area is*

*left with natural woods as a buffer zone between the water and our lawn and garden area. The buffer zone provides privacy for our home and a natural shoreline from the water, but selective removal to maintain the view is vital.*

**Comment by:** 1 survey comment

**1289** **Comment:** *The shoreland is not really large enough to affect a large number of people. These proposed restrictions take away lakefront property owners' right to have a view of the lake.*

**Comment by:** Eddie Bradley

**Response:** The recreation analysis in the FEIS shows that residential shoreline alterations on public shoreland can affect a large number of people. Depending on the alternative, the loss of recreation opportunities could range from 269,000 to 726,000 annual visits systemwide by the year 2020. Backlying property owners do not have a legal right to alter adjacent public shoreland to gain a view of the lake. However, TVA appreciates the desire of many property owners to view the lake. That is why all alternatives considered by TVA, with the possible exception of Alternative D, provide for alteration of vegetation on TVA-owned-and-managed residential access shoreland.

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**1290** **Comment:** *In the DEIS TVA seems obsessed with vegetation. There is already a regulation pertaining to trees along the shoreline which should be sufficient. Let the homeowner create his own environment. I like trees but that does not mean everybody does. My wife and I ride around the lake and see a building lot being stripped of trees and wonder why. The reason is the people who are building there want it that way. Some local zoning laws would take care of many problems that might arise.*

**Comment by:** James M. Talley, Mrs. James M. Talley

**Response:** A large portion of the reservoir shoreline has no local zoning, and many of the existing zoning regulations do not address landscaping. The vegetation management standards proposed in this FEIS would apply only to TVA-owned land, not private land.

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**1291** **Comment:** *Citizens want less government control and do not like bureaucracy. We are already overtaxed and overgoverned and do not need to have more costs and restrictions placed on us. TVA already has enough control over residential property owners and should be keeping a very low profile in these days of government cutbacks, if it wants to continue. Instead, TVA should focus on protection of publicly owned shorelands and minimize its intrusion on the rights of private shoreland owners. We are against further TVA involvement and intervention in our private lives.*

**Comment by:** William H. I. McCrary, C. Demetriou (Citizens for Less Government), Cecil Batchelor, Edwin E. Howard, Granville Major, Harold Johnson, Janet K. Adams, John Rast, Leonard Storie, Roger Brown, Theodore S. Maloney, Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), Tim Gorman, 1 unidentified speaker comment (Guntersville, AL public meeting), Ken Cole, 1 evaluation form comment (Blountville, TN), 1 evaluation form comment (Clinton, TN), 42 survey comments

**1292** **Comment:** *We, the undersigned, vehemently oppose the dictatorial attempt of TVA to exercise control over private property as represented by TVA's recent shoreline management proposal. Private citizens are already overtaxed and overgoverned.*

**Comment by:** Petition with 843 signatures

**1293** **Comment:** *I, like many American citizens today, believe that government is interfering too much with our lives and freedom. I want less government, not more. I know I am capable of taking care of myself and my family unless prevented by excessive taxation, controls, or regulations. I do not need or want “Big Brother” to control or look after me, and I resent any attempt by any agency to do so.*

**Comment by:** Donald L. Janeway

**1294** **Comment:** *The general tone of things in this country right now is against government control. TVA is obligated to be more considerate of the taxpayers, since they pay your salaries. Statements like “TVA-owned land” do not help. The taxpayers own the land.*

**Comment by:** 1 survey comment

**1295** **Comment:** *TVA should not increase management and enforcement of the shoreline with unnecessary standards. Protection activities may warrant additional rules, but in general, the fewer regulations we have, the better off we are.*

**Comment by:** James Thompson, John Coyle, 5 survey comments

**1296** **Comment:** *The DEIS points out that there are many different opinions. New regulations will always adversely affect some individuals. Therefore, just use common sense, and do not hurt anyone with senseless rules and regulations. We all have rights.*

**Comment by:** 1 survey comment

**1297** **Comment:** *I am a property owner on Lake Wilson. We do not need a government agency telling us what to do with our lake property. TVA has enough regulations and restrictions.*

**Comment by:** Thomas J. Van Sandt

**1298** **Comment:** *TVA property belongs to the American people. I am one of those people. I do not think you should place restrictions on the way I use my own land, as long as I do not abuse it or use it for a landfill, and there are already laws against that.*

**Comment by:** 1 survey comment

**1299** **Comment:** *Not only should TVA not charge for lake use or corridors, they should not be managing or regulating access to the water at all.*

**Comment by:** 1 survey comment

**1300** **Comment:** *The government should stay out of our business. We pay a high price to live on the water and will do our best to maintain and upgrade our shoreline property. We do not need TVA enforcing what we do.*

**Comment by:** 2 survey comments

**1301** **Comment:** *Many people have a major portion of their net assets or net worth in the purchase of their land adjoining the TVA lakes. New rules that would keep a landowner from building a dock, seawall or otherwise improving the shoreline should not be imposed. In other words, allow the property owners to use the shoreline if they use common sense and cooperate with the TVA.*

**Comment by:** 1 survey comment

**1302** **Comment:** *It seems as if no consideration is given to the property owners who have also helped keep the shorelines healthy. TVA can control development without taking control of the TVA property completely away from the adjoining landowners.*

**Comment by:** 1 survey comment

**1303** **Comment:** *TVA should not be involved (and certainly not funded) in the trash pickup, education, or police business. Motivated property owners and interest groups will collect the trash, educate, etc.*

**Comment by:** 2 survey comments

**1304** **Comment:** *Each use of TVA land is monitored now. What else do you want? It is so unfair to keep a death grip on the land like TVA in Guntersville does. No, you cannot clear underbrush; no, you cannot clear a walkway; no is the only word TVA knows in Guntersville.*

**Comment by:** 1 survey comment

**1305** **Comment:** *I see nothing in the quoted regulations that allows TVA to dictate which trees can be cut; what water-use facilities should look like or how big they can be; what roof colors should be; or how wildlife and forests should be managed.*

**Comment by:** 1 survey comment

**1306** **Comment:** *There are many examples in the DEIS of TVA's desire to micromanage the lives and activities of shoreline owners and residents. For example, you cannot cut a dead, dying, or damaged tree without some bureaucrat's approval under all alternatives except Alternative A (page 2-15); and, some bureaucrat is going to go out and measure private parties' storage lockers at taxpayers' or ratepayers' expense (page X-39).*

**Comment by:** 1 survey comment

**Response:** These comments generally reflect a misunderstanding of TVA's SMI proposal. SMI primarily focuses on the potential uses of public property in TVA's custody (i.e., property that TVA "owns"). TVA is not proposing to regulate use of private property. TVA is also considering establishing new standards for those seeking to locate water-use structures on the TVA reservoir system. Since the 1930s, TVA's approval has been required to locate structures on the Tennessee River and its tributaries.

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**1307** **Comment:** *Is TVA going to over-intrude and over-regulate just to control erosion and provide for fish and wildlife?*

**Comment by:** 1 unidentified speaker comment (Guntersville, AL public meeting)

**Response:** TVA intends to accommodate reasonable levels of homeowner access to the water in environmentally responsible ways. Erosion, fish, and wildlife are concerns of both TVA and the public. The agency is very concerned about watershed management and protection of water quality. In addition, TVA wants to continue to provide public recreation opportunities from its public lands and waters. The agency also wants to protect important historic or archaeological sites, provide sanctuaries for threatened and endangered plants and animals, and improve the stewardship of public lands and waters. TVA's Blended Alternative has been formulated to meet these objectives.

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**1308** **Comment:** *TVA should provide recommendations and assistance to landowners and recognize their rights by giving them overall discretion over how the shoreline is managed.*

**Comment by:** 2 survey comments

**1309** **Comment:** *Nothing was mentioned about private companies maintaining a contract with shoreline owners. Many people pay to have their yard mowed. Why can we not hire someone to maintain the shoreline in the same way? TVA should leave this up to the property owners to decide.*

**Comment by:** 3 survey comments

**1310** **Comment:** *Individuals who own lakefront property should have the right to improve the land between their property and the lake to enhance their property values, increase the usability of the land, control erosion, and otherwise maintain an attractive appearance. They should be able to construct docks, boat ramps, and retaining walls; use riprap; cut trees and clear vegetation; and mow grass.*

**Comment by:** 21 survey comments

**1311** **Comment:** *Residential property owners should be allowed to mow grass and remove dead trees on the property below the 1080 shoreline.*

**Comment by:** Mary Huddleston

**1312** **Comment:** *On Wheeler Lake, TVA should let property owners control to the waterline as on Wilson Lake. TVA should retain the right to flood to the 560, as it does now. This would take TVA out of the management of this small section on each property owner's land.*

**Comment by:** 3 survey comments

**1313** **Comment:** *Homeowners have a right to the type of landscape that they choose. They should also have a right to mow or landscape the adjoining property below the 750/straight line boundary in an appropriate manner. No one wants to have an immaculate lawn with a lakefront that they cannot have some control over.*

**Comment by:** James M. Talley, Mrs. James M. Talley

**1314** **Comment:** *If under 50 feet, the portion of land lying below the 690, 685, etc., should be deeded to the landowners if they are making an effort to stop erosion and maintaining the area in an aesthetic manner. TVA would still reserve the right to flood to this level; however, the owners would control what they cut and what they plant. This would prevent the kind of hostility that was evident at the public meetings held by TVA. There is no logical reason for TVA retaining ownership of a small strip of property—only flood rights.*

**Comment by:** Sandra Wright, Thomas C. Wright

**1315** **Comment:** *TVA should allow property owners to care for waterfront land as long as erosion is controlled. If erosion is a problem or such things as docks are not being maintained, TVA should work with the owner to resolve the problem within the owner's means.*

**Comment by:** 1 survey comment

**1316** **Comment:** *I am in favor of responsible shoreline management. However, I prefer giving the landowner latitude to develop his lot as he desires within limits that are environmentally responsible.*

**Comment by:** 1 survey comment

**1317** **Comment:** *TVA should give lakefront property owners a chance to establish their own buffers before TVA flags the property and does it themselves.*

**Comment by:** Frank Sanders

**1318** **Comment:** *TVA says that lakefront property owners do not own the shoreland. However, we still consider it part of our land. The reason we bought the land is because we wanted lake access, and we wanted to be able to use that shoreland. TVA granted property owners the right to manage the shoreland.*

**Comment by:** Laurence M. McMillan, Steve Lewis

**1319** **Comment:** *I believe that areas already designated as residential should not have a TVA-owned residential access category. I really do not understand the need for a TVA-owned strip of land between my property and the lakeshore. I would rather own that land and pay TVA an annual fee for a shoreline inspection to assure that I am not causing damage, erosion, etc., due to irresponsible actions.*

**Comment by:** 1 survey comment

**1320** **Comment:** *Do not tell people what to do with the area between their house and the water unless it really matters. Very few areas have endangered plants or animals.*

**Comment by:** 1 survey comment

**1321** **Comment:** *I should have complete right to my land below the 600-foot mark on Gunterville Lake. TVA has no genuine claim on this land and will not take care of it but wants to restrict my right to do so.*

**Comment by:** 1 survey comment

**1322** **Comment:** *We will provide our own facilities without TVA.*

**Comment by:** 1 survey comment

**Response:** Where TVA land is located between homes and the water, the shoreland is owned by the public. This public shoreland around TVA lakes provides many values and public benefits. It affords opportunity for bank fishing or other recreation. It provides wildlife habitat and adds aesthetic quality to the lake landscape. The public shoreland provides storage space for flood waters and contributes to effective operation of the TVA reservoir system. Although the shoreland is not part of the adjacent lot, homeowners may walk along the shoreland and use it for informal recreation activities just like all members of the public. When the homeowner also has deeded rights to seek approval for the construction of water-use facilities, TVA accepts applications from the homeowner to build docks and make other alterations to the shoreland. Each of these applications is reviewed to make sure the proposed action meets public interests and TVA requirements. Before purchasing property on TVA lakes, interested individuals should check with the local Land Management Office to find out if TVA owns the shoreland and what types of shoreline uses are allowed.

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**1323** **Comment:** *TVA should not have control over dock types and sizes and require people to maintain their docks to some specified standard.*

**Comment by:** W. Wathan Fielding

**Response:** The TVA Act of 1933, as amended, gives TVA responsibility for the unified development and management of the Tennessee River system. In the 1993 Gallup public opinion survey, 77 percent of the respondents said that TVA needs more requirements on the size and placement of docks. The results of this random public survey provide evidence of how TVA's permitting actions serve public interests. In addition, numerous comments provided during SMI public involvement address the need for standards (see the Standards section in this volume). If TVA did not control the placement and size of docks, there would be serious conflicts between neighbors and between

lakefront property owners and other lake users. Uncontrolled shoreline development can also result in significant environmental impacts and property devaluation.

**1324** **Comment:** *One of my biggest concerns is the public use of the land between the water and me.*

**Comment by:** 1 evaluation form comment (Tims Ford, TN)

**1325** **Comment:** *Under current regulations anyone may use shoreline areas to picnic or camp for up to two weeks at a time. Fortunately, the shoreline in front of my property does not allow such access except in winter. Some property owners spend a lot of time and money creating a nice area in front of their property, and then someone trashes the area with garbage and uses vulgar language. This has happened to some of my neighbors. We have had trotlines attached to or placed directly in front of our docks, making it unsafe for swimmers, etc. No camping should be allowed in front of residential areas.*

**Comment by:** 1 survey comment

**Response:** While the public is permitted to use most TVA land, including public lands fronting private residences, most public use occurs where adjacent private residences have not been developed. TVA manages problems such as dumping of trash and driving of vehicles on undeveloped shoreline land. Some public uses of undeveloped shoreline fronting residences, such as using motorized vehicles or tying trotlines to docks, are inappropriate and can present problems to adjacent homeowners and other users of the shoreline. However, activities such as informal camping, bank fishing, and picnicking can be accommodated, if conducted in a responsible manner, on public lands without creating problems or undue impacts on land and shoreline resources.

**1326** **Comment:** *If a homeowner cannot store a canoe or raft near the shore, his fair use of the public property is denied, while a casual user could store his canoe on the shore for as long as he was using the public property. This seems very illogical and would likely be found unconstitutional under the equal protection clause in the Bill of Rights.*

**Comment by:** Gregory E. Huber

**Response:** Under the Blended Alternative, temporary storage of canoes on TVA land by the adjacent landowner would be acceptable. Members of the public could temporarily land a canoe on shore while using public land.

**1327** **Comment:** *Lakefront property owners should have the same rights as recreational users, and recreational users should have the same restrictions placed on them as the lakefront property owners. For example, recreational users should not be able to clear off a camping spot when property owners are fined for the same action. Also, recreational users should pay their fair share of fees.*

**Comment by:** Barbara Ellis, R. Cliff Roop, Jerrie Ann Weaver, 5 survey comments

**1328** **Comment:** *Shoreline landowners pay a fee for permits. Why should backlot owners not pay a fee also? If you allow an off-water owner to purchase clearing rights beyond the 6-foot rule, you will see many off-water owners gaining full access to TVA land as if they owned it with no vested interest in shoreline management, since they use, but do not own, shoreline land.*

**Comment by:** 1 survey comment

**1329** **Comment:** *After lakefront property owners pay their annual and deposit fees, are we going to have any rights? Are we going to have a lease agreement with TVA with specific property rights?*

**Comment by:** Tom Anderson

**1330** **Comment:** *Since day users now have rights to go through the vegetation corridor on our property, maybe they would like to pay some of our taxes.*

**Comment by:** 1 survey comment

**Response:** Any permits issued by TVA for shoreline alterations will specify permissible uses of TVA land by the permittee. As members of the general public, recreational users, as well as lakefront property owners, have the right to use TVA land for hiking, bank fishing, and other informal recreational activities. Unlike lakefront homeowners with access rights, recreational users cannot apply for permits to build docks or make other more permanent changes along the shoreland. In response to public comments, TVA has withdrawn the performance deposit, structure registration, and vegetation management fee proposals. Please refer to the Fees section of this volume for a more complete discussion of fee issues.

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**1331** **Comment:** *Lakefront property owners have rights that are superior to TVA's and should have a greater voice in how the shoreline is developed, especially since we are taxed to a greater degree and are more conservation-minded. In addition, we should be granted water privileges to compensate us for the extra taxes (i.e., docking privileges, no-wake zones, anti-jet ski areas, etc.).*

**Comment by:** 4 survey comments

**1332** **Comment:** *Property owners should have more rights when their property adjoins TVA's. I think the government is just wanting more say and control in everything we do.*

**Comment by:** Judy Fletcher

**1333** **Comment:** *As a property owner, I am very concerned about control of access to TVA property that adjoins private property and the lake. More specifically, the private property owner should have more control of the activity in this area, such as parking of vehicles, camping, playing ball, etc. Specific areas are already provided for such activity. The property owner is also a member of the public. The property owner not only pays dearly for the property but also in taxes. Public access is provided in other areas without imposing on the property owners. Property owners clean and maintain the adjoining property according to TVA guidelines and should be able to enjoy the view of the greenery as well as the lake.*

**Comment by:** 1 evaluation form comment (Guntersville, AL)

**1334** **Comment:** *TVA should do more to recognize the rights of lakefront property owners and give them more decision-making power in how shoreline is managed.*

**Comment by:** 8 survey comments

**1335** **Comment:** *Whether legal, permitted, or not, TVA has set a 40-year precedent by allowing existing residential property owners a great deal of leeway in marginal strip land use. Now the people who will fall under the managed group of landowners will be subjected to a radical and severely punitive shoreline management policy. Obviously, everyone realizes that the lands we are discussing are public properties. They belong to everyone. I would*

*hope that we can also concede that the adjacent property owner has a rather unique vested interest in how these lands are managed.*

**Comment by:** 1 survey comment

**1336** **Comment:** *Recreational use should not be placed above private property rights. Improvement of water quality should not be placed above private property rights. Preservation of shoreline vegetation should not be placed above private property rights. Wildlife should not be placed above private property rights. Existing restrictions are too restrictive.*

**Comment by:** 1 survey comment

**1337** **Comment:** *If a shoreline owner pays an annual fee, then this is the same as renting the land from TVA. Therefore, he should have right to ask unwanted guests to leave the public property/shoreland adjacent to his private residence.*

**Comment by:** 2 survey comments

**1338** **Comment:** *If an individual pays for a vegetation management corridor, then he should be given exclusive use. The cost of preparing and maintaining the corridor is cost enough for an individual that is doing something that is going to benefit the general public.*

**Comment by:** 1 survey comment

**Response:** There is tension between the concept of public use and enjoyment of public lands and the desire of some adjacent landowners to prevent public use. Several SMI alternatives seek to balance these competing desires. In response to public comments, TVA has withdrawn the performance deposit, structure registration, and vegetation management fee proposals. Please refer to the Fees section of this volume for a more complete discussion of fee issues. Also, details about grandfathering of existing uses can be found in Section 2.8.6 of the FEIS.

**1339** **Comment:** *The DEIS places too much emphasis on shoreline property owners.*

**Comment by:** 7 survey comments

**1340** **Comment:** *The DEIS overstates the concerns of those who do not own property at the expense of those who do. I think TVA should leave things alone.*

**Comment by:** 1 survey comment

**1341** **Comment:** *A major concern is that those using the lakes for recreational purposes only can and do have precedence over the property owners living on the lake.*

**Comment by:** 1 survey comment

**1342** **Comment:** *SMI discriminates against property owners who have deeded access to the lake and depicts them as being irresponsible citizens, instead of as allies ready to help resolve present and future difficulties.*

**Comment by:** 6 survey comments

**1343** **Comment:** *Residential property owners are part of the human race and not the villains TVA's assessment would have everyone believe. The views and comments of property owners, as well as those of TVA, should be on equal ground, giving way to a fair assessment of the problems and solutions.*

**Comment by:** 1 survey comment

**1344** **Comment:** *SMI penalizes property owners and does nothing to control shoreline problems caused by recreational lake users, industry, municipalities, etc. In some cases, recreational users benefit at the landowners' expense. Specifically, the shoreline buffer zone benefits the bass fishermen, many of whom do not own property on the lakes.*

**Comment by:** Johnny L. Boyles, George M. Brown, Virginia C. Brown, 1 survey comment

**1345** **Comment:** *If you removed all the adjoining residential property owners from the reservoir, you still would not affect water quality or navigation in the slightest. You fail to consider that those visitors who you say would like us to hide our homes behind undergrowth could ever be the cause of any of the problems.*

**Comment by:** 1 survey comment

**1346** **Comment:** *After studying the DEIS, it looks like TVA is leaning to put the responsibility of management squarely on shoreline property owners. I think all boat owners should share in this responsibility.*

**Comment by:** 1 survey comment

**1347** **Comment:** *The study sounds rather punitive to the private landowner. I did not recognize any trading. If you require all these new things, what do we receive in return?*

**Comment by:** 1 survey comment

**1348** **Comment:** *There is too much government thinking, and no real consideration for the property owner. If Alternative C is adopted, the landowner bears all the costs and suffers all of the negative impacts, such as reduced property values. SMI is not considering the fact that not all lakefront property owners are wealthy.*

**Comment by:** 2 survey comments

**Response:** SMI is not intended to be prejudiced for or against lakefront property owners, recreational users, environmentalists, or any other group. TVA recognizes the contribution that many lakefront property owners make to the quality of the shoreline. TVA has corrected and prevented shoreline problems caused by some recreational users, industries, and municipalities and will continue to do so. TVA intends to continue developing partnerships with anyone who is interested in improving the quality of TVA lakes and shoreland.

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**1349** **Comment:** *The public is one of the most valuable resources in the Tennessee Valley; yet TVA seems to leave them out of the equation. These reservoirs are man-made lakes, not natural environments. They were created for recreation and river traffic, and people need to remain the main focus. While we support some environmental values, TVA places too much emphasis on things like aesthetics, wildlife, endangered species, aquatic habitat, and preservation of natural areas. At times TVA appears to be controlled by the environmental fringe in this country.*

**Comment by:** Betty Jansen (Lakeview Mobile Home and RV Park), William H. I. McCrary, George J. Jeram, Granville Major, Jackie Hines, Jerrie Ann Weaver, John Croes (Timberlake Estates Homeowners Association), Brenda Hughes Shaffer, 14 survey comments

**1350** **Comment:** *Lakefront property owners pay taxes; wildlife does not.*

**Comment by:** Edwin E. Howard, John Croes (Timberlake Estates Homeowners Association)

- 1351** **Comment:** *Alternative D seems designed with the sole purpose of making humans, property owners, and lake users not only unwelcome but almost endangered species on TVA lakes.*
- Comment by:** 1 survey comment
- 1352** **Comment:** *I do not understand why TVA puts regulations on the landowner because of an eagle or anything else. What about the human species? I do not believe we are in that much danger of eliminating species.*
- Comment by:** C. Demetriou (Citizens for Less Government)
- 1353** **Comment:** *SMI is slanted towards vegetation, wildlife, etc., and against economics and the welfare of adjacent property owners.*
- Comment by:** 1 survey comment
- 1354** **Comment:** *Protection of endangered species is a waste of time and energy. Life goes on, stronger species survive, and we got here because of it.*
- Comment by:** 1 survey comment
- 1355** **Comment:** *There should have been another objective—to minimize the financial, physical, and emotional discomfort of those who will be primarily affected by any plan. I do not believe Alternative C1 would satisfy these criteria.*
- Comment by:** Donald W. Reeves
- 1356** **Comment:** *While we believe in having a nesting place for songbirds and being ecologically sensitive, there must be some provisions for people such as ourselves who need to be able to clean up the mess and have an attractive and clean landscape. In reviewing the booklet that was furnished, it seems that Alternatives B1/B2 would be the most practical.*
- Comment by:** Richard Durham, Brenda Durham
- 1357** **Comment:** *TVA says it is concerned about declining water quality due to clearing land and building subdivisions. Where does TVA expect people to live? How many miles from the water do you wish homes to be built? TVA management should know that the population is growing; are you going to propose a national limitation on family size? Sponsor a birth control initiative? Make everyone live in a city?*
- Comment by:** 1 survey comment
- 1358** **Comment:** *Once TVA allowed private property ownership on a TVA lake, the ballpark expanded. TVA cannot have it both ways. It must either be a federal agency responsive to its constituency or be autocratic. Remember we are talking about live, honest people. Be the agency we all want TVA to be—responsive to problems, in control, following its mission, but most of all, listening.*
- Comment by:** 1 survey comment
- 1359** **Comment:** *TVA was originally for the people—to help people enjoy and take care of their own property. TVA is doing and has done a super job and needs to keep the environmentalists out of this. Most of the environmentalists do not own or contribute anything to our world. Let them take care of the snail darter.*
- Comment by:** 1 survey comment

**Response:** Our world is a very complex ecosystem, and we and other living things are interdependent. This study examines those interrelationships to ensure that sustainable, environmentally responsible shoreline alteration practices are followed.

The needs of people are a very important part of the shoreline management equation and the TVA decision-making process. The SMI study examines how recreational users would be impacted by future shoreline development. It also looks at how people living adjacent to these developments would contribute to the local economy. The DEIS offered six alternatives for managing shoreline development so people would have a wide range of choices. Even the most conservation-oriented option, Alternative D, provides for continued use and development of some of the shoreline by lakefront homeowners. In response to public comments, TVA has developed a Blended Alternative which grandfathers existing lawns. It also combines features of the previous alternatives to provide homeowners more flexibility for docks, erosion control, and other shoreline uses. More information about TVA's preferred alternative can be found in Section 2.8 of the FEIS.

Eagles and other animals are protected by regulations embodied in federal laws passed by the Congress of the United States. For example, the Endangered Species Act protects threatened and endangered species of plants and animals.

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**1360** **Comment:** *TVA should stop this attempt to manage lake access as if it were a toll road. The public has a common law right to access the rivers, lakes, and waterways.*

**Comment by:** 2 survey comments

**Response:** Under the mandates of the TVA Act and as an agency managing shoreline property, TVA has responsibilities for properly managing that property.

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**1361** **Comment:** *Speaking as a sportsman who enjoys both hunting and fishing along and on TVA reservoirs, the reduction of shoreline vegetation carries with it negative connotations. When hunting and fishing TVA reservoirs, I and others utilizing the lake for recreational purposes do not want to literally be doing so in somebody's backyard with a house and elaborate boat dock in full view. This is a violation of my rights as a recreational user of the reservoir.*

**Comment by:** Troy L. Ettl (The University of Tennessee)

**Response:** TVA recognizes that many of its lake users do not own adjacent residential property and do not want to look at maintained lawns and other residential shoreline alterations. However, TVA tries to balance the often competing needs of property owners and lake users in managing the scope and intensity of vegetation management on public lands under its control.

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**1362** **Comment:** *As current lakefront property owners who have not yet built on that property, we are entitled to the same privileges of other owners who have already built. These proposed changes are unfair to those of us without a permit in hand or with future plans to build, which is the reason we bought originally. We want to enjoy our property and build the kind of boat dock we want, just as others in the past have been able to do.*

**Comment by:** Donald M. Shepherd, 3 survey comments

**Response:** Current property owners may apply for dock or other shoreline use permits under the existing guidelines until they are replaced with new standards. In order to provide ample time for existing homeowners to submit applications under existing guidelines, TVA proposes to wait six

months after an SMI policy decision is made by the TVA Board before implementing any new standards. In addition, the grandfathering provisions of the Blended Alternative would allow owners of lots platted before the effective date of a new SMI policy to apply for a variance of the new standards and request permits for shoreline use and alterations that are compatible with permitted uses of their neighbors. Property owners with access rights, whether current or future, may apply for TVA's approval to construct water-use facilities in or along the Tennessee River and its tributaries. Permits are required for any alteration to TVA public land. No one has a "right" to build along the shoreline or alter TVA land without a permit.

**1363** **Comment:** *Allow me dock privileges on shoreline managed by TWRA.*

**Comment by:** 1 survey comment

**1364** **Comment:** *When I purchased my residential property (home included), I was informed I could build a dock on the shoreline. I was told by the previous owner and a real estate agent that TVA owned the property and that an older dock in need of repair existed. Five years later I am financially able to build a small, flat dock, and I find out this property adjoining mine has been transferred to TWRA. What recourse do I have?*

**Comment by:** 1 survey comment

**Response:** In situations where TWRA owns or manages the shoreline, adjacent property owners should first check with TWRA about permissible shoreline uses. Any questions directly related to TVA should be directed to the local TVA Land Management Office.

**1365** **Comment:** *TVA is trying to interpret some additional rights they did not acquire when they bought flowage easement.*

**Comment by:** 1 survey comment

**1366** **Comment:** *TVA bought the flowage easement over my property in the 1940s. Now they are trying to interpret that easement to completely control any activity on my land.*

**Comment by:** 1 survey comment

**1367** **Comment:** *I feel that private property over which TVA holds easements to flood should not be controlled by TVA. Rather, the use of the property should be the landowner's choice.*

**Comment by:** 1 survey comment

**1368** **Comment:** *TVA's control of privately owned property over which TVA has a flowage easement should be limited to activities necessary for effective reservoir operation, such as navigation, mosquito control, water quality, erosion, etc.*

**Comment by:** Allen N. Palmer, 1 survey comment

**1369** **Comment:** *On flowage easement land, TVA has no right to control dock size, as long as the dock does not interfere with navigation.*

**Comment by:** 1 survey comment

**1370** **Comment:** *How does the proposed buffer strip affect flowage easement property?*

**Comment by:** Gaines Davis

**1371** **Comment:** *TVA does not own the land on Douglas. They only own the rights to flood it.*

**Comment by:** 1 survey comment

**1372** **Comment:** *I am opposed to any charges or restriction of the recreational use of any land on Douglas Lake, including restrictions on building docks, putting in riprap, dredging, or any other additions or improvements I feel are necessary on my land.*

**Comment by:** Jake Carter

**1373** **Comment:** *How does SMI apply to Wilson Lake, since it is privately owned up to the water's edge?*

**Comment by:** David Blazer

**Response:** Flowage easements are floodplain areas that are not owned by TVA, but the agency does own the right to flood these areas and typically to approve the kind of structure that can be built on the easement property. TVA's permitting requirements for the construction of docks or other obstructions under Section 26a of the TVA Act do apply along flowage easement shorelines as well as along TVA shorelines. TVA permission is required for the placement of docks or other obstructions within the easement area. Otherwise, TVA does not control how such property is used. TVA permission is not required for the removal of vegetation from these privately owned properties. On Douglas and Wilson Lakes, private landowners hold 88 and 92 percent of the shoreline, respectively. TVA has flowage easement rights over this privately owned land, and permits are required under Section 26a for docks and other obstructions. Several of the SMI alternatives propose new standards for approval of structures under Section 26a. TVA has withdrawn the performance deposit, structure registration, and vegetation corridor fee proposals.

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**1374** **Comment:** *The land which was purchased by TVA for the right to flood when necessary should be managed by strictly enforced guidelines. The flowage easement allows TVA to flood as needed for purposes of navigation, flood control, power production, and protection of the watershed. We believe strictly enforced guidelines are necessary to protect public health and safety and the integrity of the watershed.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**Response:** TVA's flowage easement rights typically provide the right to flood private property and control the type of structure built on the property. TVA manages flowage easements to the extent provided for in the easement and in TVA's Section 26a regulations.

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**1375** **Comment:** *The University of Tennessee Agricultural Experiment Station has research lands which join Fort Loudoun and Melton Hill Lakes, and it operates TVA land joining Chickamauga Lake. The Knoxville Station operates research lands governed by TVA flowage easements at the Holston River, Cherokee, Blount, and Plant Sciences Units. In East Tennessee, the Experiment Station's most productive research lands are located near TVA lakes. Losing the use of lands within the 100-foot shoreline management zone will have a severe, adverse effect on Experiment Station crops and vegetable, forestry, and livestock research programs. Therefore, the Experiment Station urges TVA's consideration of Experiment Station needs for good research lands and requests that the Experiment Station not be required to give up those research activities located within 100 feet of the shoreline.*

**Comment by:** John I. Sewell (The University of Tennessee)

**Response:** The proposed SMI SMZ would apply to residential shoreline alterations on TVA land. TVA cannot require that the Tennessee Agricultural Experiment Station establish SMZs on land not owned by TVA. Likewise, TVA cannot require SMZs on private shoreline where TVA owns flowage easements. On TVA land licensed for agricultural purposes, TVA requires that a 50-foot SMZ be retained between the lake shoreline and the agricultural license area. These SMZs protect water quality, enhance wildlife habitat, and help prevent soil and shoreline erosion. The nation has launched a new initiative to install conservation SMZs. The National Conservation Buffer Initiative is a multiyear effort led by the Natural Resources Conservation Service. Our Tennessee Valley lands and waters would benefit if waterfront property owners would voluntarily participate in this national effort.

**1376 Comment:** *I am a property owner on Fort Loudoun Lake in Knox County, and my property is only subject to the flood easement of TVA. My property includes a permitted boathouse and a seawall. There is no reason for TVA to make any additional regulations for such property, except to proceed against a property owner whose shoreline improvements are permitted to deteriorate to a dangerous or unsightly condition.*

**Comment by:** Edwin M. Luedeka

**Response:** The alternatives in SMI do not propose any changes to currently permitted structures. SMI standards would apply to new shoreline development. On flowage easement lands, TVA manages land-based structures only to the extent provided for in the flowage easement document applicable to that specific tract. See the Grandfathering section for more information about existing shoreline development.

**1377 Comment:** *In this poor rural area, the TVA-managed land is very important to the citizens of Perry County for recreational hunting and fishing. At Kelly's Landing, which is the next upstream landing from Cedar Creek, land adjacent to the ramp is used by hunters, fishermen, and boaters. The area is subject to flooding and is characterized by a low-lying thicket and forest, which in the summer is only about 2 feet above normal pool. However, at other times this area serves as habitat for various small game and a bedding and feeding area for deer. The area immediately adjacent to the boat ramp also provides an area for camping (mostly in tents) for boating families and a good place to fish from the bank.*

*Recently much of this area was bulldozed in order to cut roads and sell lots which lie in a floodplain. These lots could not be sold to local citizens, because they know of the frequent flooding. Instead, these lots will be peddled to unsuspecting visitors, who will wake up some morning with their land and/or buildings surrounded by water. In my opinion, the sale of these lots and the bulldozing of this land border on fraudulent criminal activity. I will defend TVA's continued ownership and management to my dying breath, but this requires a wise use of land and resources, not the type of activity currently going on at Kelly's Landing.*

**Comment by:** Donald R. Russell

**Response:** TVA does not condone the destruction of wildlife habitat or the inappropriate use and development of the floodplain. TVA does not own all the land bordering the reservoir, and private property owners are free to use their land as they please, as long as they do not violate the law or local ordinances. The activity at Kelly's Landing may not be a wise use of the floodplain, but in this area TVA owns only flowage easements.

**1378 Comment:** *TVA needs to better define and make available to people what constitutes agricultural access rights and leases. What has to be grown there, and how much property can actually be used for agriculture? For example, does a 40-by-50-foot garden count as an*

*agricultural tract? Is grass considered an agricultural product? Can someone cut grass and sell the cuttings to a neighbor as part of an agricultural practice?*

**Comment by:** Calvin Carpenter, Patricia Carpenter

**1379** **Comment:** *I live on Cherokee Lake, and my concern is agricultural rights. I am not necessarily concerned about the definition of those rights, but when they were conveyed and why they were conveyed. Those rights were conveyed probably in the 1930s for a specific reason. That reason was farming. The land is not going to be farmed anymore, obviously. So I think TVA should look at the situation and decide whether the land with agricultural rights is being used for the purposes originally intended. I understand that TVA expediently granted those rights when it purchased the property and needed to appease the landowners at the time.*

**Comment by:** Edward R. Pruett

**Response:** In most cases, agricultural rights left outstanding on TVA tracts are defined in the deeds for the fee property that TVA acquired. These deeds are available in the appropriate Land Management Office and county registrar's office. Each individual deed should be checked, because these rights vary from tract to tract. For example, agricultural rights on Cherokee Lake are often described as follows: "The agricultural purposes for which said land may be used shall be limited to the planting, cultivating, and harvesting of crops, and the pasturing of livestock, and shall not include the right to clear or cultivate those portions of said land which are now in forest cover." A small garden with vegetables and the cutting of hay are considered standard agricultural practices. Cutting grass from a lawn is not an agricultural practice.

Agricultural rights were left outstanding so the people who sold the land to TVA could continue to farm on land that was not inundated by the reservoir. It was an attempt by TVA to work with the former landowners. In some cases, a person with agricultural rights could plant crops below normal summer pool; however, crops planted below that elevation could possibly be flooded. Property owners with access rights to the water across TVA public land may continue to mow established lawns on TVA land between their houses and the water.

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**1380** **Comment:** *My deed states that the owners have agricultural rights to property remaining above the lake, limited to planting crops, livestock, cultivating—not to the 1080 line or to the lake. This is TVA-owned land, and it is an easement across the property. As the lake goes down, does that also give the person the right to cultivate? Some people mow down to the edge of the lake and have a garden on their property. I was advised that the current property owners who have been mowing could continue to do so.*

**Comment by:** James Southerland

**Response:** Because agricultural rights are specified in individual deeds and may vary from tract to tract, a specific response to this commenter will be provided by the appropriate Land Management Office. In general, homeowners with legally deeded access rights who are now mowing public land will be allowed to continue mowing.

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**1381** **Comment:** *Property owners' agricultural rights must be honored. If TVA voids any contracts they totally lose credibility.*

**Comment by:** Gerald Winn, 1 survey comment

**1382** **Comment:** *The DEIS gives very little information on plans to manage the farms that have been used for grazing and row crops. Perhaps farming is grandfathered, but that is not*

*stated. Agricultural rights must be honored. The restrictions proposed in the DEIS would restrict farmers from utilizing what may be their most productive farmland.*

**Comment by:** James Dale Franklin (Jefferson County Farm Bureau), 1 anonymous letter comment

**1383** **Comment:** *We were given agriculture rights in the 1940s. Now TVA wants to take them away.*

**Comment by:** Loretta S. Overbey

**1384** **Comment:** *Is TVA proposing to change how land with agricultural rights is currently used?*

**Comment by:** Gaines Davis

**1385** **Comment:** *In the Morristown paper an article said TVA was proposing to take away our deeded agricultural rights. Even if TVA allowed us to keep our deeded agricultural rights, those of us who have them now would not be able to pass them on to the next owner of our property.*

**Comment by:** Patricia Carpenter

**Response:** TVA is not proposing to alter existing agricultural rights under any SMI alternative. SMI focuses on residential shoreline development, not farming.

**1386** **Comment:** *Property owners have an implied right under Section 26a to construct water-use facilities such as boat-launching ramps. Deeded rights are not easily (or cheaply) overturned. Please estimate the legal costs TVA might incur in its efforts to overturn deeded rights and compare these costs with the least expensive efforts to mitigate the environmental consequences of boat ramps.*

**Comment by:** 1 survey comment

**Response:** Property owners do not have “implied” rights to build water-use facilities under Section 26a of the TVA Act, especially on TVA land or landrights. The proposals under consideration by TVA do not remove landowner rights for development of privately owned property. Refer to the responses to comments 1252 and 1253 for more information.

**1387** **Comment:** *If we buy property now and TVA proposes to keep it unused and thereby makes this property useless to us, will the state or TVA buy it back?*

**Comment by:** Priscilla Guess

**Response:** TVA will not purchase private lots. Lake lot purchasers are advised to base their decision to buy a particular lot on the current rights applicable to that lot.

## Grandfathering

Citizens or groups commented on a variety of grandfathering issues during the 1996 public involvement effort. These issues included:

Grandfathering of

- Existing shoreline alterations
- Mowing and vegetation management
- Existing permitted structures

- Future owners
- Future shoreline alterations adjacent to undeveloped lots
- Need for clarification of grandfathering
- Need for written commitment by TVA

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**1388** **Comment:** *As an unwilling seller of land to TVA, I feel we should have special privilege during our lifetime.*

**Comment by:** 1 survey comment

**1389** **Comment:** *Current property owners and their successors should be “grandfathered” (i.e., allowed to continue current permitted practices with no new changes or restrictions). A new SMI policy should apply only to future residential shoreline development.*

**Comment by:** Gordon Robbins (Greenways Oak Ridge), 12 survey comments

**1390** **Comment:** *Property owners should be allowed to continue mowing their lawns.*

**Comment by:** John Shacter, 2 survey comments

**1391** **Comment:** *We strongly object to the proposal that we will not be able to mow and maintain the TVA property which adjoins our backyard. This proposal would have only negative effects on the beauty of the property and lake. I sincerely hope that we will be allowed to continue maintaining and mowing this property.*

**Comment by:** Mildred M. Crawford

**1392** **Comment:** *Assuming that Alternative C1 is not yet in effect and was not in effect in November 1994, can you estimate how many other property owners have been notified that they are not to mow TVA shoreline?*

**Comment by:** Tricia Bledsoe

**1393** **Comment:** *TVA should mark and hold the line against the encroachment of the less than 2 percent of people who own lakefront property. Do not allow mowing anywhere to the shore.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**1394** **Comment:** *Does the buffer requirement mean that I cannot mow the grass anymore?*

**Comment by:** Betty Jansen (Lakeview Mobile Home and RV Park)

**1395** **Comment:** *I do not believe that TVA will really grandfather existing property owners from having to establish a buffer.*

**Comment by:** W. L. Panter

**1396** **Comment:** *Landowners should be grandfathered regarding the shoreline management zone.*

**Comment by:** 1 survey comment

**1397** **Comment:** *We who have lots with rights of ingress and egress should be permitted access to the lake in a more reasonable fashion than what is being proposed. If I understand it*

*correctly, we would not be able to mow and keep the shoreline clean but would only be allowed a walkway through undergrowth and shrubs. It makes more sense to clean it up than to allow it to be a cesspool.*

**Comment by:** Richard Durham, Brenda Durham

**1398** **Comment:** *As a lakefront homeowner, I complied with all TVA requirements and maintained a good seawall, dock, and boat slip. Now you tell me all that money and work is now owned and mandated by TVA. I will have to have a snake-infested buffer zone so some environmental wackos can try to control nature.*

**Comment by:** 1 survey comment

**1399** **Comment:** *Try to imagine how you would feel if it were yours, and instead of seeing the view that you have been accustomed to for years, you were looking straight into an overgrown, snake- and vermin-infested wall of untended trees, brambles, weeds, overgrown grass, and vines—an eyesore both from the lake and the land side. This is not just a strip of land you are dealing with. These are, for the most part, well-meaning people who, because of this rigid policy, have suffered inconvenience, disappointment, severe mental stress, and most of all, feelings of helplessness and futility that there cannot be a basis of goodwill between TVA and the landowners.*

**Comment by:** Peggy K. Scandlyn

**1400** **Comment:** *My home property which I bought directly from TVA at auction in 1952 is listed as WBR 176. It was covered with small ditches and briars and brush. With much expense and hard work, I obtained a good crop of fescue, clover, and bluegrass. My wife and I also set out flowering shrubs and flowers down to the water's edge. It is a delight to see, both from the road in front and from the lake in back. TVA was glad to issue us a permit to build a concrete seawall, because about 10 feet of the shoreline had been washed into the lake. In about 20 years or so, the wall came down, and I was forced to obtain a permit to riprap the lake frontage, which was 750 feet. The total of all this, of course, came to several thousand dollars. TVA was glad to have me stabilize the shoreline because it cost them not one dime. Now for TVA management to ask that this property revert to the state in which we found it is not only unfair but ridiculous. Is the public better served by such action?*

**Comment by:** Jewel W. Revels

**1401** **Comment:** *What happens when the family farm must be sold due to death in the family or economic necessity? My property is amply endowed with "viewable wildlife, an abundance of trees, and natural landscape features" now, but will I be able to keep a front yard and a cow pasture? Alternatives C1, C2, and D would greatly diminish the value of this property when I must move on.*

**Comment by:** 1 anonymous letter comment

**1402** **Comment:** *If the alterations are in place and meet the standards at time of permit, current owners should be allowed to remain, unless they endanger the public health or safety, seriously degrade the watershed, or interfere with navigation.*

**Comment by:** Dolores Howard

**1403** **Comment:** *We reside on Tims Ford Lake in the Ridgeville Subdivision and have already put in our dock, etc. We hope no changes will be made to docks and land already established.*

**Comment by:** William C. Reed, Sr.

**1404** **Comment:** *What would cause a landowner to lose the grandfather protection?*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**1405** **Comment:** *Under all of the alternatives, would seawalls be grandfathered, and would we be allowed to continue maintaining those walls?*

**Comment by:** Bobby Wood

**1406** **Comment:** *We have a facility that TVA told us was out of compliance, but they agreed to grandfather it because it was built 26 years ago. Would it still be grandfathered?*

**Comment by:** Richard Caldwell

**1407** **Comment:** *We own a boathouse that is grandfathered, but it is a boathouse that has living quarters above it, and we exceed 1,000 square feet. The boathouse rests on creosote-treated utility poles, and sooner or later we will need to replace them. Will we have trouble with permits and regulations at that time?*

**Comment by:** James Thompson

**1408** **Comment:** *If a permitted boathouse is destroyed by fire or by a tornado or just needs to be replaced, should an application for a new permit to replace that boathouse be submitted, or would it be grandfathered? Also, we have built our boathouse to fit our boats. Would we be subject to certain size boathouses?*

**Comment by:** 1 unidentified speaker comment (Guntersville, AL public meeting)

**1409** **Comment:** *If I want to change my dock by putting a roof over it or by making it bigger, do I have to get a new permit? At that time, am I going to be assessed any new fees?*

**Comment by:** Mickey Irwin (Outdoor Adventure Club)

**1410** **Comment:** *If I own a permitted dock and want to add another structure, will I be held to the new maximum allowable footprint?*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**1411** **Comment:** *A new permit should not be required for maintaining, updating, or enlarging an existing facility.*

**Comment by:** Leonard Storie, 1 survey comment

**1412** **Comment:** *How does the grandfathering clause apply when the lakefront property owner needs to replace an existing structure? What if I want to add a gazebo to an existing structure?*

**Comment by:** Glenn James, W. Wathan Fielding

**1413** **Comment:** *Present lakefront property owners should be allowed a one-time update application to cover anything they might want to build in the near future, such as a birdhouse, flagpole, etc., for no fee.*

**Comment by:** 1 evaluation form comment (Parsons, TN)

**1414** **Comment:** *Will any of the proposals increase my cost of maintaining the existing structures today and of upgrading them as time goes on—replacing foam and rotting wood, etc.?*

**Comment by:** Richard Caldwell

- 1415** **Comment:** *How long does grandfathering last? Will grandfathering rights be granted to future owners (including heirs and subsequent buyers) and to current owners who plan to develop but have not yet done so? If grandfathering rights do not continue as ownership changes, property values will decrease.*
- Comment by:** Bill Riehl, Dave Cooper, Ed Sharp, Henry Everitt, Jimmy Wilkey (Rhea County Court Clerk), John Emmons, Wanda Thomas, 1 unidentified speaker comment (Guntersville, AL public meeting), Ken Cole, 1 evaluation form comment (Dandridge, TN), 1 evaluation form comment (Farragut, TN), 3 survey comments
- 1416** **Comment:** *How long will it take for 80 percent of the people to lose their grandfather status by selling out or moving or dying? Most people change houses about every five years or so.*
- Comment by:** Allen Gezelman
- 1417** **Comment:** *Property owners do not trust TVA to honor grandfathering commitments. TVA can revoke a permit for an existing facility and require homeowners to apply for a new permit for a fee.*
- Comment by:** Allen Gezelman, Chris Hinson, 3 survey comments
- 1418** **Comment:** *TVA is trying to put the minds of current property owners at ease by saying they will be grandfathered. Anyone willing to fall for that has not heard of “rolling grandfather clauses.” It is the same as the proverbial camel’s nose under the tent.*
- Comment by:** Janet K. Adams
- 1419** **Comment:** *TVA’s verbal statements about grandfathering do not carry any legal weight and leave landowners with little trust in TVA. People applying for permits under new guidelines in the future will be wondering if TVA will change its position in later years. This uncertainty leaves landowners with an unwillingness to expend time or money on maintaining and protecting the lake shores. TVA cannot afford to maintain the shorelines and needs to rely on the adjacent landowners in this area.*
- Comment by:** Jim del Toro
- 1420** **Comment:** *TVA should put its grandfathering commitment in writing. This is particularly important to existing landowners when they sell or transfer their property.*
- Comment by:** Sandra Wright, Thomas C. Wright, Marc A. Carter, 1 evaluation form comment (Dandridge, TN), 1 survey comment
- 1421** **Comment:** *The DEIS says specifically that if you have written permission to do what you are doing, then you are grandfathered. Does anyone have written permission to mow his lawn down to the water? Is it true that anyone who does not have it in writing would only be able to apply for a 6-foot path or would automatically get a 6-foot path? If it is not in writing, it is not a contract and may be subject to change.*
- Comment by:** William A. Young, Dave Cooper, Hugh M. McCue, Pete Williams, Tom Anderson, W. L. Panter
- 1422** **Comment:** *The term grandfathering as it applies to existing landowners needs clarification. It is not clear if property owners should apply for permits to continue their current practices. The DEIS contains conflicting statements about what would be grandfathered.*
- Comment by:** Donald L. Janeway, 1 survey comment
- 1423** **Comment:** *There was not enough communication in the old days, so I believe TVA should be very lenient on existing homeowners.*
- Comment by:** 1 survey comment

**1424** **Comment:** *Where TVA shoreline has been used for many years with the tacit approval of TVA and the adjoining landowner has developed the property and the shoreline at his own expense, TVA should not promulgate rules which limit usage or impair the value of the property. The 6-foot path, the brush, tree barrier, etc., when promulgated after the fact, are clearly a make-work effort on the part of TVA.*

**Comment by:** Edwin M. Luedeka

**1425** **Comment:** *Landowners who currently have safe, well-kept, permitted docks, seawalls, etc., should be grandfathered. It is unreasonable to expect these types of structures, made in good faith or under older permits, to be removed at the owner's expense.*

**Comment by:** Dolores Howard, 1 survey comment

**1426** **Comment:** *We oppose any and all changes that TVA wants to make on shoreline property. Before buying our property on Hixson Pike, we asked TVA if we could mow the grass to the shoreline and put our boat in the water, and they said yes. We would not have bought this property without the right to keep this area cleared. We also take care to keep this area in good condition.*

**Comment by:** Powell McDonald, Ruth D. McDonald, Eula May Smith Hale

**1427** **Comment:** *We purchased our property 11 years ago, primarily for the access to Kentucky Lake (Jonathan Creek), after receiving permission from TVA for access rights and cutting/clearing. Our desire to remain here would disappear if any of these agreements were changed.*

**Comment by:** 1 survey comment

**1428** **Comment:** *At the Chattanooga meeting it was stated by property owners that TVA is already prohibiting some residents from mowing grass. TVA's arrogance is causing a tremendous loss of respect and credibility.*

**Comment by:** Edwin E. Howard, Patricia Howard

**1429** **Comment:** *If TVA changes the policy on allowing homeowners to mow TVA frontage, why not allow homeowners who have a seawall or riprap to continue to mow and pay an annual fee for the right to do so? I will gladly pay a reasonable fee.*

**Comment by:** James B. Baker

**1430** **Comment:** *Many shoreline residents have lawns which reach to the water's edge. Some of this land is their property, and some of it is TVA's land. For years these residents have mowed and maintained these lawns, some with TVA permits, but many who never knew that a permit was even required. Several people have told me that once they discovered they needed a permit as a result of the development of the SMI, they applied to TVA for a permit and were informed that TVA was no longer granting permits to clear vegetation at the shoreline. My constituents fear that TVA intends to stop their maintenance of this land that they have performed for years. I strongly oppose any effort of TVA to prohibit existing and future shoreline owners from maintaining presently developed property and the TVA buffer zone as the property has been maintained in the past, whether the property owners currently have a permit or not.*

**Comment by:** Van Hilleary (United States House of Representatives)

**1431** **Comment:** *My family has been a member of a group of landowners that has occupied land located along White Oak Creek in Houston County for over 60 years. "The Shamrock Club"*

*has enjoyed access to Kentucky Lake and TVA since before the dam was completed and has maintained a boat ramp and two small impoundment areas to dock fishing and pleasure boats. We have always respected the environment, have maintained a gravel road and mowed a reasonable area so that families could safely use this area. There are currently 10 permanent part-time residences on this property, several other members and families that use the land for fishing, picnicking, walking, running, and numerous other recreational activities. For those of us who grew up spending our summers at the lake, this land and the lake hold almost a religious significance. These families, many of which are third- or fourth-generation club members, have been good neighbors to TVA and for the most part TVA to us. As one of third-generation neighbors of TVA, I am concerned that TVA may be thinking about changing a relationship that has been good to all concerned. I would assume that TVA's new plans would not impact the long-standing uses of the Shamrock Club on White Oak and jeopardize our friendship with TVA. We would expect established uses to be grandfathered and allowed to continue without new restrictions or fees. Please advise me if there is any part of the current proposals that would impact the current or historic uses mentioned above.*

**Comment by:** Dan M. Alsobrooks

**1432 Comment:** *There is not one word in the DEIS about grandfathering my current property.*

**Comment by:** Edwin E. Howard

**1433 Comment:** *Much hostility could have been avoided if TVA had made it clear from the beginning that there was a grandfather clause. TVA obviously lost their audience before they ever said their first word because of this misconception. TVA should emphasize grandfathering to the public.*

**Comment by:** Sylvia Adams, 1 evaluation form comment (Harrison, TN), 1 survey comment

**1434 Comment:** *The shoreline categorization section should explicitly say that existing residential property would not be affected by this proposal unless changes to the shoreline are made after the Record of Decision.*

**Comment by:** Gregory E. Huber

**1435 Comment:** *I have many problems with the SMI proposal as drafted. We request a waiver for our permitted dock and for all fees and permit costs, as long as we or any owners have a dock. We also request a waiver that the SMI, if adopted, would not apply to us or any successor owner or assigns; we would not be required to provide a buffer zone on any TVA property that abuts lot 13 of Harbor Point; cutting of the grass to the water's edge should remain permissible; no fees would be required by TVA for allowing the status quo. I hereby request the above waivers in a recordable form. This will provide the needed protection for subsequent purchasers of our property.*

**Comment by:** Dennis C. Valkanoff

**1436 Comment:** *Will grandfathering apply to current homeowners who want to add a boathouse, riprap, seawall, or dock? What fees would homeowners be required to pay?*

**Comment by:** Bubba Doss (Bubba's Marine Construction), 1 unidentified speaker comment (Guntersville, AL public meeting)

**1437 Comment:** *The DEIS should be more specific in stating that every lot in existing subdivisions is grandfathered, whether that lot is currently developed or not.*

**Comment by:** Dave Cooper

**1438** **Comment:** *Many undeveloped areas are in existing subdivisions where everyone else is already mowing. It would be unfair to the new residents if they were unable to mow.*

**Comment by:** James Helton

**1439** **Comment:** *We suggest that the standards remain as they are for present homeowners, as long as those standards are the same per area. In other words, the grandfather clause does not seem fair, because it allows one neighbor to mow and have a boat dock and could prevent the person next door from doing the same thing.*

**Comment by:** Matt Galas, Dot Galas

**1440** **Comment:** *I oppose Alternative C1, because it will negatively impact lakefront property owners—maybe not immediately, due to the grandfather clause, but when owners want to modify their facilities, they will come under these new regulations.*

**Comment by:** Earl Shirley

**1441** **Comment:** *Why punish future lakefront property owners more than those who have owned for years? By grandfathering, TVA is creating first- and second-class lakefront property owners.*

**Comment by:** Ronald Hortter, 1 survey comment

**1442** **Comment:** *Future lakefront property owners should have the same rights as present lakefront property owners. The future lakefront property owners will pay the higher price for the property and pay more in taxes.*

**Comment by:** Jeff Hill, Hugh M. McCue

**Response:** TVA did not adequately explain in the DEIS the agency's commitment to allow existing landowners to continue existing permits and practices. Section 2.8.6 of the FEIS contains an explanation of grandfathering provisions. These provisions are also explained below. Grandfathering provisions would apply to existing development and uses (those that are established prior to the effective implementation date of any new SMI policy) along shorelines that are open for access (flowage easement shoreland or TVA-owned residential shoreland). Within these areas, the following grandfathering provisions would apply.

#### Mowing and Vegetation Management

- Mowing of established, preexisting lawns on TVA-owned residential shoreland would be allowed to continue.
- In situations where established mowing is not specifically included as an authorized use in an existing permit, TVA would add mowing as a permitted use in the next permit action involving that site. This could be done most efficiently:
  - When reviewing a permit application for existing structures and other uses that had not been previously permitted,
  - When reviewing proposals for additional shoreline alterations at the site, or
  - When ownership of the adjacent property changes and the new owner requests a permit to continue existing uses.
- Mowing and other vegetation maintenance practices on flowage easement shoreland or other privately owned property would not require TVA approval.
- The SMZ would not be required on flowage easement shoreland, other privately owned land, or where established lawns exist.
- Any additional removal of trees or other vegetation (except for mowing of established preexisting lawns) would require TVA's approval. Removal of trees over 3 inches in diameter at

ground level is not permitted under existing guidelines and would not be permitted under the grandfathering provisions.

#### Existing Structures

- Existing shoreline structures (docks, retaining walls, etc.) that have been permitted by TVA would be automatically grandfathered.
- TVA would not require grandfathered docks or other permitted alterations to be modified to new standards.
- Any homeowner who is uncertain about whether existing docks and other shoreline alterations have been permitted may contact the local Land Management Office to obtain a copy of the permit on record or to apply for an after-the-fact permit. It is the homeowner's responsibility to ensure that all existing shoreline alterations are permitted by TVA.

#### Change in Ownership

- When ownership of permitted docks or other shoreline alterations change, the heir or subsequent owner would need to notify TVA of the change in ownership. TVA would reissue the permit for those existing alterations to the next owner, whether an heir or subsequent buyer.
- The next owner and any subsequent owners would be allowed to continue using existing permitted docks and other shoreline alterations.
- Subsequent owners would not be required to update existing docks to new standards. In addition, they could continue mowing established lawns that existed prior to the effective date of the new policy.

#### Maintenance

- Routine maintenance would not require TVA approval. Any repairs that would alter the size of the facility or any new construction would require TVA's approval.
- If a permitted facility is destroyed by a fire or storms, the permit would be reissued, if the replacement facility was rebuilt to its original specifications permitted by TVA. If modifications are proposed, a new permit would be required.

#### Transition Period

- For a transition period of six months after the TVA Board approves a shoreline management policy, TVA would accept permit applications for additional facilities and uses that are permissible under TVA's existing guidelines.
- Once the six-month transition period has expired, TVA would review requests for additional water-use facilities under the new standards.

#### Waivers

- Requests for waivers of new standards could be submitted by owners of property within preexisting developments. These are areas where shoreline development existed prior to the effective date of SMI policy. Waivers could be requested for shoreline alterations that are compatible with surrounding permitted structures and uses within the subdivision or, if there is no subdivision, within the immediate vicinity (one-fourth-mile radius). In reviewing waiver requests, TVA would consider the prevailing practices within the subdivision or immediate vicinity. The uses permitted under the guidelines followed by TVA prior to adoption of a new policy would also be considered. TVA would ensure that the proposed use would not adversely affect navigation, flood control, power generation, or sensitive environmental resources.

### Where Grandfathering Does Not Apply

- Undeveloped shoreline where no docks or other shoreline uses exist would not be grandfathered, but waivers could be considered as discussed above. Grandfathering provisions would not apply to structures or uses that are encroachments or violations on TVA land where access rights do not exist.

### Fees

- In response to public comments, TVA has withdrawn the performance deposit, structure registration, and vegetation corridor fee proposals. The only fee that will be charged is the existing permit processing fee. The permit fee will be waived during the transition period for applicants seeking after-the-fact permits for existing, unapproved (but permissible) facilities and uses.

### Costs

- The grandfathering provisions and the standards in the Blended Alternative should not result in increased facility maintenance costs.

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**1443** **Comment:** *If Alternative C1 is implemented, how much will it cost me as a taxpayer to have a TVA policeman prevent me from mowing grass that I have been cutting for the last 30 years?*

**Comment by:** Edwin E. Howard

**Response:** Under any of the alternatives, TVA will allow existing homeowners with access rights across TVA land to continue mowing existing, established lawns on the TVA property. Therefore, there will be no additional enforcement costs related to mowing within existing developed areas. TVA Land Management employees, not TVA Police, have primary responsibility for managing TVA lands.

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**1444** **Comment:** *TVA is telling me what my yard will look like in the future. It will not look as good as it does today if they have their way, and I will be charged a fee for destroying it. My heirs will also, no doubt, be enjoined from repairing my then rotting seawall, because biostabilization of the shoreline is to become the preferred erosion preventative.*

**Comment by:** John W. Musser

**Response:** Existing homeowners and their heirs or subsequent purchasers will be allowed to maintain and repair existing retaining walls, docks, and other structures. Only Alternatives C1, C2, and D identify biostabilization as the preferred erosion control method for new bank stabilization projects. Under the new Blended Alternative, permit applicants could choose between riprap, biostabilization, and gabions for erosion control. As further explained in the Fees section of this volume, the proposals to charge fees have been withdrawn. Refer to the response to comments 1388 through 1442 in this section for more information about grandfathering provisions.

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**1445** **Comment:** *A vegetative corridor and the planting of trees on a well-developed, manicured lawn is ludicrous—a perfect example of TVA’s infamous overkill policies and unwillingness to work with people in a reasonable manner.*

**Comment by:** 1 survey comment

**1446** **Comment:** *How would the vegetation management corridor proposed by TVA affect current property owners who have been maintaining a wider corridor for many years, establishing some legal precedent for their seeking a good property appearance from both the land and water views?*

**Comment by:** Richard H. Shuford, Jr.

**Response:** Existing property owners with access rights who have been maintaining a wider corridor would be allowed to continue established shoreline uses.

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**1447** **Comment:** *TVA should name a specific effective date for the grandfather clause.*

**Comment by:** Jack McWhirter

**1448** **Comment:** *Give property owners one more chance to get a dock permit.*

**Comment by:** 2 survey comments

**1449** **Comment:** *I think that everyone with an existing permit needs to be given an ample amount of time to make changes before these new rules go into effect.*

**Comment by:** Mickey Irwin (Outdoor Adventure Club)

**Response:** The grandfathering provisions would apply to all existing structures that are permitted by the time any new standards become effective. Homeowners may continue to apply for permits to build new docks or modify existing docks, under TVA's existing guidelines, until those are replaced. Even if new standards are approved by the TVA Board, they would not become effective until six months after the date of approval. This would allow existing homeowners additional time to apply for permits under existing guidelines. Please refer to the response to comments 1388-1442 in this section and Section 2.8.6 of the FEIS for additional information.

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**1450** **Comment:** *Would existing property owners be grandfathered to have at least one access to the lakeshore?*

**Comment by:** Ron Barnes

**Response:** TVA is willing to work with existing property owners who have access rights to find reasonable ways to exercise those rights.

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**1451** **Comment:** *I am not in favor of grandfathering existing illegal uses without a sunset upon their status, and I suggest a 10-year sunset for all illegal uses. Even those who have, through lack of knowledge, innocently violated the regulatory provisions will have enough time in 10 years to recover their economic investment and bring any future use into legal compliance.*

**Comment by:** Michael A. McMahan

**Response:** Comment noted. TVA is not proposing to grandfather existing encroachments or other unauthorized uses where access rights do not exist.



## Chapter 6 — Alternatives

During the 1996 public involvement process, citizens or groups commented on the six alternatives presented in the DEIS. Their comments included subjects such as:

- The need for a blended alternative
- The need for clarification on the original six alternatives
- Support for Alternatives A, B1, B2, C1, C2, and/or D
- Opposition to Alternatives A, B1, B2, C1, C2, and/or D
- New or eliminated alternatives

### Alternative A

**1452** **Comment:** *The DEIS states that under Alternative A, no standards will be applied. However, there are federal laws that govern the floodplains; and there are also permitting guidelines that will be in place.*

**Comment by:** Jerrie Ann Weaver

**Response:** In stating that there would be no standards, TVA meant that there would be no maximum size requirements for docks or other routine requirements that every applicant must meet. TVA would ensure that permitted actions complied with federal laws.

**1453** **Comment:** *We support Alternative A.*

**Comment by:** Dale Hedges, Don Davidson, James E. Jones, Jr. (Anderson County Farm Bureau), Johnny Ledford, Richard Spears (Timberlake Estates Homeowners Association), Roy Tindula (Timberlake Estates Homeowners Association), 1 evaluation form comment (Clinton, TN), 6 survey comments

**1454** **Comment:** *If I had to choose a plan, I would go for Alternative A, with my second choice Alternative B1.*

**Comment by:** Pat Thompson

**1455** **Comment:** *Alternative A is preferable, because it gives property owners more freedom. The other alternatives are too restrictive, intrusive, and unnecessary.*

**Comment by:** Victor Hart, 2 survey comments

**1456** **Comment:** *I support Alternative A, because it would result in less TVA regulation.*

**Comment by:** Patricia Stoll, Harold Lemenick (State Farm Insurance)

**Response:** Comments noted.

**1457** **Comment:** *I believe in minimum restriction and regulation. Should future problems occur, solutions could be applied as required.*

**Comment by:** 1 survey comment

**Response:** Alternative A comes closest to this point of view. It would result in the highest level of environmental impacts, largely due to the extensive amount of shoreline that could be developed and the absence of standards.

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**1458 Comment:** *I support Alternative A, because under Alternatives B1 and B2 I would be unable to use part of my property. I would not even be able to get to the lake because of the thickets and briars.*

**Comment by:** Robert Peterson

**Response:** Alternatives B1 and B2 provide for select thinning of vegetation under 3 inches in diameter on TVA-owned residential access shoreland that is located between homes and the water. This would allow for removal of thickets and briars. Under the Blended Alternative, these same vegetation requirements would be applied to all TVA-owned land, except for property that is within 25 feet of the normal summer pool level of the reservoir. Thinning of specified plants and pruning of side limbs of trees would be allowed in the near-shore area. None of the alternatives define vegetation management requirements for privately owned land.

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**1459 Comment:** *I would like to see an Alternative A2 developed.*

**Comment by:** 1 survey comment

**1460 Comment:** *Alternative A is acceptable if no further development is allowed or if development is limited to flowage easement or TVA-owned residential access shoreline.*

**Comment by:** 2 survey comments

**1461 Comment:** *Overmanaging by TVA is overwhelming, and because of this I must favor Alternative A, although it is flawed to some extent. There must be some restrictions, enforcement, and legal action taken for gross violation.*

**Comment by:** 1 survey comment

**Response:** These are interesting variations of the alternatives presented in the FEIS. From our analysis, we conclude Alternatives A and B1 have very similar impacts. Therefore, it is reasonable to conclude that the impacts of the suggested approaches would be similar to Alternative B2.

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**1462 Comment:** *I support Alternative A because it will result in more lakefront property owners. Once there are more lakefront property owners, we will have more of a voice to prevent TVA from fluctuating the water levels.*

**Comment by:** Mark Dickey

**Response:** Most TVA reservoirs are multipurpose, meaning they are operated to accommodate many purposes, rather than being operated to maximize any one particular demand. TVA's statutory objectives—flood control, navigation, and power—must continue to be met, and the number of lakefront property owners does not lessen the importance of these critical operational needs. TVA refined its lake operation policy as a result of the *Lake Improvement Plan* (TVA, 1990b).

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**1463 Comment:** *Alternative A is the only one we can accept. My wife and I studied the huge book that TVA sent us, and we believe that TVA is completely biased against the small property owner and that TVA has started a program to reclaim control over every square inch of*

*property bordering the lakes. Today TVA will take 100 feet, and in 25 years they will take another 100 feet.*

**Comment by:** 1 survey comment

**Response:** TVA is not biased against small property owners. TVA is working hard to balance the needs of individual property owners with the interests of the general public and arrive at standards that work for everyone. The agency is not trying to gain control of all property bordering the lakes. TVA proposals for management of vegetation apply only to TVA-owned land. None of the proposals in the FEIS would take away private rights or property.

**1464** **Comment:** *Alternative B1 should be abandoned, and Alternative A should be followed. TVA should be restrained from acting in ways not intended by the original TVA Act.*

**Comment by:** 1 survey comment

**Response:** Under the TVA Act, the agency is responsible for permitting proposed obstructions in and along the Tennessee River and its tributaries. As a caretaker of federal shorelines, TVA is responsible for proper management of those lands. Each of the alternatives examines how TVA would address its responsibilities.

**1465** **Comment:** *If fees are removed, I prefer Alternative A.*

**Comment by:** 2 survey comments

**1466** **Comment:** *Alternative C1 cannot be changed to make it acceptable. This is also true of Alternatives B1, B2, C2, and D. Only Alternative A could be made acceptable, if the \$100 annual charge and the \$1,000 deposit are eliminated.*

**Comment by:** 1 survey comment

**Response:** As further explained in the Fees section of this volume, TVA has withdrawn the proposals to charge the \$1,000 performance deposit, \$100 structure registration fee, and vegetation management fee.

**1467** **Comment:** *Alternative A is unacceptable, because it gives property owners too much freedom, allows unregulated development, and would result in degradation of the land and water.*

**Comment by:** 3 survey comments

**1468** **Comment:** *I oppose Alternative A, because it would degrade aesthetics. People should cherish what they have here.*

**Comment by:** Ralph Bahr

**1469** **Comment:** *We are all tired of too much regulation, but if TVA assumes no role, then we will not have an agency looking at all of the problems that go from North Carolina to Alabama, into Virginia, and into Kentucky. I would urge TVA not to give up its management/compliance role. I think Alternative A is not a viable alternative, if TVA feels any responsibility at all to the lands and the water of this region.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**Response:** Comments noted. Under Alternative A, TVA would review plans for docks and other residential shoreline alterations to ensure there would be no impacts to navigation, flood control, or protected environmental resources. Because of the lack of standards and the extent of shoreline development anticipated under this alternative, it would result in a higher level of environmental impacts than other alternatives.

## Alternative B1

**1470** **Comment:** *We support Alternative B1.*

**Comment by:** William A. Young, Roy Crass, 34 survey comments

**1471** **Comment:** *As a former Director of TVA, I wish to speak out as strongly as possible against any change in the management policy of TVA.*

**Comment by:** Frank E. Smith

**1472** **Comment:** *This SMI is not needed. If TVA must have something like this before it can make more shoreline available for public or private use, then stop trying to make more shoreline available and leave things as they are. No change is better than a change to the worse.*

**Comment by:** 2 survey comments

**1473** **Comment:** *If any alternative other than Alternative B1 is adopted, there could be a strong political and judicial backlash that would permanently injure TVA. There could also be negative environmental consequences resulting from actions of enraged property owners.*

**Comment by:** 2 survey comments

**1474** **Comment:** *I think there is a desirable balance between development and natural resource conservation under the current policy (Alternative B1).*

**Comment by:** 1 survey comment

**1475** **Comment:** *TVA should take five or ten years and show us what it can do with what it has now, rather than write new regulations.*

**Comment by:** Harold Johnson

**1476** **Comment:** *This entire study was originated by conservative environmentalists who have nothing better to do. If the environmentalists have their way, we could not mow our yard or build a pier or boat ramp for less than a \$1,000 permit or maybe even more. Look at the Columbia Dam—tens of millions of dollars in concrete and 90 percent complete—and it was left standing. I feel TVA has handled the use and permitting of their shorelines for the past 60 years just fine. Please leave things as they are, and have another review possibly 10 years down the road.*

**Comment by:** 1 survey comment

**1477** **Comment:** *TVA should keep the flexibility to review requests for shoreline modifications on a case-by-case basis.*

**Comment by:** Robert L. Johnson, 1 evaluation form comment (Clinton, TN), 6 survey comments

**1478** **Comment:** *I support Alternative B1, because it gives everyone who wants to build on the lake the same privileges that I have had for 30 years.*

**Comment by:** Edwin E. Howard

**1479** **Comment:** *We do not want any drastic changes to the current shoreline management guidelines. It would defeat our purpose for living on the lake if strict regulations were put in place and enforced. For example, if TVA prohibited us from mowing down to the water, we could not enjoy our yards and take pride in our property as much as we do now. We prefer Alternative B1.*

**Comment by:** 4 survey comments

**1480** **Comment:** *TVA has in the past done a good job of managing its reservoirs, properties, and shorelines. TVA should not invent additional make-work activities or operations that would create more government bureaucracy or expense to taxpayers and residents.*

**Comment by:** 2 survey comments

**1481** **Comment:** *Alternative B1 gives TVA all the authority it needs. Current guidelines are working well and should be continued.*

**Comment by:** C. Demetriou (Citizens for Less Government), Chris Hinson, B. David Mumpower, Gene Marsh, J. D. Hale, Jeffrey Overstreet (Little Rivers Dredging, Inc.), Jim Walmsley, Jimmy Wilkey (Rhea County Court Clerk), Joseph Vought, Leonard Storie, Michael Flanagan, 1 evaluation form comment (Harrison, TN), 60 survey comments

**1482** **Comment:** *TVA has adequate authority and guidelines now to do their job. Politicians and influential people probably cause TVA some headaches, but additional restrictions are not going to remove this problem.*

**Comment by:** 1 survey comment

**1483** **Comment:** *If Alternative B1 is used, then no further funding would be required, except what is provided now through new dock applications.*

**Comment by:** 1 survey comment

**1484** **Comment:** *The present regulations that TVA has in place for docks, piers, seawalls, vegetation management, dredging, and other shoreline structures and practices seem to be working well. We do not see why they cannot be used to control future development just as well.*

**Comment by:** 6 survey comments

**1485** **Comment:** *While reviewing your lengthy DEIS, I kept in mind the theme that we all have the responsibility to maintain our lakes to preserve them as best we can for future generations. This, of course, includes efforts to assure good water quality and efforts to protect the shoreline to minimize erosion and provide pleasant aesthetics. These are the qualities that provide longevity of the lakes and promote enjoyment of the same. In reading your DEIS, I can find nothing that promotes the above-mentioned qualities any more effectively than the program already in place. In fact, it occurs to me that your recommendations would do more to degrade lake quality than to improve it.*

**Comment by:** Philip Kirkham

**1486** **Comment:** *We support Alternative B1, because it allows for additional future residential development.*

**Comment by:** Bob Inklebarger, Mark J. Morrison, 1 survey comment

**Response:** Comments noted. Some features of TVA's current guidelines have been in place since the 1950s. Other features have evolved over the past 10 to 20 years to respond to new laws that TVA must follow in administering its permitting program. Some features were included over the past 5 to 10 years to clarify TVA requirements and increase consistency of permitting decisions within TVA's regional land management field offices.

Over the past few years, there has been increasing dissatisfaction with the management of TVA's shorelines. A Gallup public opinion survey conducted for TVA in 1993 reported that four out of every five people surveyed felt that more limitations were needed on the size and number of piers that could be built on TVA reservoirs. Some homeowners have indicated that TVA's existing requirements for docks and other water-use facilities do not offer them enough flexibility to design the type of structures they need. Other agencies and citizens expressed concern that the existing guidelines contribute to environmental degradation. At the same time, TVA was receiving increasingly higher numbers of permit applications, leading to concerns about the cumulative environmental impacts of shoreline development.

TVA decided to seek public comment on several alternative approaches in an effort to address these concerns. In response to these comments, TVA has developed a Blended Alternative that combines features of Alternatives B1, B2, C1, C2, and D. Under the Blended Alternative, TVA would adopt standards that would guide individual permitting decisions. TVA would work with individual permit applicants to meet their needs within the framework of the standards. This alternative is designed to accommodate varying needs of different applicants. For more information, refer to Section 2.8 of the FEIS.

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**1487** **Comment:** *TVA's preferred Alternative C1 would be detrimental to the economic development of Roane County by restricting shoreline development to 48 percent and requiring a 100-foot buffer zone along lakefront property. Therefore, the Roane County Commission requests that TVA consider less restrictive alternatives than Alternative C1 and adhere to Alternative B1, which preserves the status quo.*

**Comment by:** Ken Yager (Roane County Executive)

**1488** **Comment:** *The legislative bodies representing Rhea, Johnson, Perry, Loudon, and Bradley Counties oppose the SMI EIS and Alternative C1, because the 100-foot buffer would cause a devaluation of lakefront property and a potential loss of property tax dollars. This course of action is also opposed because uses of the shoreline available for residential dwellings and the number of structures that could be built on the shoreline would be limited. For these reasons, we request that TVA leave shoreline management as it is in Alternative B1.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), George Lowe (Johnson County Executive), Jane Lewis (Perry County Clerk), George M. Miller (Loudon County Executive), Bill Ledford (Bradley County Commission)

**1489** **Comment:** *The Hamilton County Commission opposes the SMI EIS and Alternative C1 because of the drastic changes that would occur to landowners' rights to utilize the beauty of their property. The Commission also opposes the proposed permit fees and annual assessments, recognizing the financial hardships this would cause the commercial businesses and property owners along the waterways controlled by TVA. This course of action is also opposed because the 100-foot buffer would cause a devaluation of lakefront property and a potential loss of property tax dollars, and uses of the shoreline available for residential dwellings and the number of structures that could be built on the shoreline would be limited. For these reasons, we request that TVA leave shoreline management as it is in Alternative B1.*

**Comment by:** William F. Knowles (Hamilton County Clerk)

**1490** **Comment:** *We, the undersigned citizens of the United States of America and living within the boundaries of TVA, do hereby petition our elected representatives to oppose the TVA Land Management Division in its proposed plan, Alternative C1, to control the waterways in the Tennessee Valley. We believe the present policy, Alternative B1, is the proper control measure for TVA to use in controlling construction on TVA waterways. Alternative B1 gives TVA control of construction on the lakes, without infringing on the rights of the property owners. We are especially opposed to the \$1,000 performance fee and the annual \$100 recertification fee. We the people are speaking out for government downsizing, and we believe this proposed Alternative C1 is a blatant effort by the TVA to avoid downsizing.*

**Comment by:** Petition with 2,661 signatures

**Response:** Comments noted. In response to public comments, TVA has developed a Blended Alternative. It includes features from Alternatives B1, B2, C1, C2, and D and provides more flexible vegetation management standards for public land subject to access rights, while also placing higher priority on resource conservation and public use. As long as navigation, flood control, and sensitive resources are not impacted, the Blended Alternative would allow additional residential access Valleywide along the 13 percent of the shoreline that is now developed and along another 25 percent of the shoreline with outstanding access rights. The local tax base would increase from this additional development and from tax revenue generated as a result of rising property values, which would increase under all alternatives. See Section 2.8 of the FEIS for more information on the Blended Alternative and Section 4.14.4 for information about property values and taxes. As explained in the Fees section of this volume, the performance deposit, structure registration, and vegetation management fee proposals have been withdrawn.

**1491** **Comment:** *My brother and I have 150 acres of farm and residential property on Boone Lake. Approximately 120 acres are covered with water under a flowage easement. At the time the lake was formed, the only thing we could not do was build a permanent structure on it. Now, from what I understand, it will be worthless, even though the taxes have increased eight-fold in the past three years. We are glad the value is increasing, because we plan to sell it to help in our retirement, but with TVA's planned restriction on the amount of buildout, our land could be greatly decreased in value, if not worthless as lake property. I am sure the taxes will not come down, so my suggestion would be to make determinations on a case-by-case basis.*

**Comment by:** 1 survey comment

**Response:** None of the SMI alternatives would change existing landrights. Property values are expected to increase under all alternatives. Under the Blended Alternative, TVA would continue to permit docks and other shoreline development.

**1492** **Comment:** *Most property owners maintain the shoreline and would do more, if the present system (i.e., Alternative B1) did not have such a long, drawn-out process of securing permission from the powers that be. Some regulations are necessary, and if Alternative B1 were followed up, this would be adequate.*

**Comment by:** 1 survey comment

**Response:** TVA has made substantial improvements over the past few years in the amount of time required to process permit applications. We now routinely process dock permit applications in less than 30 days. Under the Blended Alternative, processing time should be improved by the availability of shoreline inventory and categorization data.

**1493** **Comment:** *TVA has been in business since 1933. Why is it necessary to change the rules that are in effect? Why are we starting all over? Is it strictly from a financial standpoint, or what is the reason?*

**Comment by:** Bobby Dozier

**1494** **Comment:** *Alternative B1 is acceptable if fees are eliminated.*

**Comment by:** Jeff Hill, Ronald Walker (Oak Cove Shore Homeowners Association), Steven Summers

**1495** **Comment:** *There is presently nothing wrong with the current shoreline management program, and TVA should continue to manage as in the past with limited personnel. The options offered are just a way of raising funds and creating job opportunities for TVA.*

**Comment by:** 3 survey comments

**1496** **Comment:** *On Tellico Lake, shoreline development should continue to be managed essentially the same way as in the past. There is no need for TVA to expand its role or charge one-time or annual fees for permits or require deposits for docks or other shoreline developments. Such charges will never solve the money problems of TVA.*

**Comment by:** William C. Reynolds

**1497** **Comment:** *TVA should adopt a modified version of Alternative B1 that would result in more reasonable fee proposals. These charges could be made on a case-by-case basis, although exceptions should occasionally be allowed if all parties can agree.*

**Comment by:** 2 survey comments

**Response:** Comments noted. The primary goal of SMI is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources, while accommodating reasonable access to the water by lakefront property owners. The alternatives were developed with that goal in mind; they were not designed to provide job opportunities or address financial issues, and TVA has no plans to increase shoreline management staff. The new standards would be implemented by existing staff who now handle permitting. As further explained in the Fees section of this volume, the proposed structure registration, performance deposit, and vegetation management fee proposals have been withdrawn.

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**1498** **Comment:** *Alternative B1 is not acceptable, because we need a long-range plan. This is essentially status quo.*

**Comment by:** 1 survey comment

**Response:** TVA's objectives in initiating SMI included examining the environmental effects of Alternative B1, exploring other shoreline management options, and developing a long-range plan for protecting shoreline resources, while accommodating reasonable access to the water. The Blended Alternative meets these objectives by emphasizing the importance of conserving shoreline resources and adopting shoreline permitting standards. The Blended Alternative provides a long-range strategy for shoreline management that includes provisions to maintain and gain public shoreline. For more information, refer to Section 2.8 of the FEIS.

## Alternative B2

**1499** **Comment:** *We support Alternative B2.*

**Comment by:** 9 survey comments

**1500** **Comment:** *Alternative B2 will work if it is supported by homeowners' associations and reasonable standards.*

**Comment by:** 1 survey comment

**1501** **Comment:** *Alternative B2 is my preference because of population limits and navigation safety.*

**Comment by:** 1 survey comment

**1502** **Comment:** *There is nothing about Alternative C1 that is more beneficial to the public than Alternative B2. Alternative B2 provides the best balance between homeowner and TVA usage concerns. It allows common sense to be applied to each case, instead of a black-and-white rule structure. In addition, 38 percent residential development is adequate.*

**Comment by:** 3 survey comments

**1503** **Comment:** *In preferring Alternative B2 over B1, we feel the situation does not warrant committing to increased development at this time. It can be reviewed at some future date when the results of the ensuing development are known.*

**Comment by:** 1 survey comment

**1504** **Comment:** *We believe that the best way to control development of the shoreline in the future is to designate and keep a reasonable portion of the shoreline undeveloped. We consider the 38 percent listed for Alternatives B2, C2, and D a maximum and would support even lower percentages. Therefore, Alternative B2 most closely reflects our views.*

**Comment by:** David N. Braski, Nancy A. Braski

**1505** **Comment:** *I support Alternative B2, because I am concerned about unregulated shoreline development. I am also concerned about overregulation by TVA and other government agencies.*

**Comment by:** Joe Gautney

**1506** **Comment:** *I have boated from one end of the TVA system to the other. I have seen hundreds of docks, yards, and commercial developments. Most people are spending money and time maintaining their waterfront. TVA is ripping their facilities or building concrete walls and very neatly mowing to the waterfront. The undeveloped property they are leaving alone. Do not fix something that is not broken. Leave us alone and limit future development.*

**Comment by:** 1 survey comment

**1507** **Comment:** *We prefer a modified Alternative B2 as it, like Alternatives C2 and D, minimizes the impact to the total inventory of TVA's land. A modified Alternative B2 would also more easily entice current landowners, and new ones within the 38 percent land scope, to accomplish the same land management objectives as those of TVA, but in a more democratic/ privatized manner. We believe that a modified Alternative B2 is an approach that addresses the concerns of those who want no growth and those who want no government.*

**Comment by:** Harry A. Nesteruk

**Response:** Comments noted. Under any of the alternatives, TVA would continue to review permit applications to ensure there would be no adverse impacts to wetlands, cultural resources, floodplains, threatened or endangered species, or other protected resources. TVA proposes a Blended Alternative which incorporates features from Alternative B2, as well as Alternatives B1, C1, C2, and D. Under the Blended Alternative, property owners with access rights would have more flexibility in the management of TVA public shorelands. This alternative also adopts conservation strategies, including a shoreline categorization system, promotion of conservation easements, educational materials, incentives, and a maintain-and-gain policy which would ensure the anticipated level of shoreline development does not exceed the level expected under Alternative B2. See Section 2.8 of the FEIS for a description of this alternative.

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**1508 Comment:** *Alternative B2 is acceptable if fees are eliminated.*

**Comment by:** Riley Ramsey, 1 survey comment

**1509 Comment:** *TVA's preferred Alternative C1 will not result in any significant environmental quality improvement over existing TVA regulations, i.e., Alternative B2. TVA's primary purpose in proposing Alternative C1 and the additional dock cost-recovery measures for all alternatives is to increase TVA's revenues. TVA's SMI document is a veiled attempt to increase its own funding sources. I would support Alternative B2 without the additional dock performance deposit and recertification fees.*

**Comment by:** Thomas Begley, P.E.

**Response:** As further explained in the Fees section of this volume, the structure registration, performance deposit, and vegetation management fee proposals have been withdrawn.

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**1510 Comment:** *Alternative B2 is existing guidelines on open shoreline only, which means if you do not have it in your deed and you did not buy the property from TVA, you will have no rights.*

**Comment by:** Jerrie Ann Weaver

**Response:** Comment noted.

## Alternative C1

**1511 Comment:** *Why did TVA choose Alternative C1? Is this a forced compromise?*

**Comment by:** 1 survey comment

**Response:** Alternative C1 was identified in the DEIS as the preferred alternative because it offered a balance between environmental protection and economic growth issues. In response to public comments, TVA has developed a Blended Alternative. This alternative includes features of several alternatives presented in the DEIS. For more information about the Blended Alternative, please refer to Section 2.8 of the FEIS.

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**1512 Comment:** *How much will it cost to implement Alternative C1, and how will this be funded? How can TVA justify this cost when it is already \$25 billion in debt?*

**Comment by:** 2 survey comments

**Response:** Shoreline management has been funded through a variety of mechanisms, including appropriations, power funds, and permit processing fees. We expect continued funding of shoreline management through some mix of funding sources.

**1513 Comment:** *How would Alternative C1 apply to new subdivisions? Would the developer apply for a license? If so, how would the license be transferred to the person who would buy that lot later on?*

**Comment by:** Mark J. Morrison

**Response:** If Alternative C1 is implemented, either developers or individuals could apply for licenses for access in new areas, depending on ownership of adjacent land. Under TVA's new Blended Alternative, permit requests for docks and other shoreline development would be considered where access rights already exist. However, no additional new areas would be available for residential access unless no net loss of public shorelines could be achieved, as provided for in the maintain-and-gain public shoreline policy. Refer to Section 2.8 of the FEIS for more information.

**1514 Comment:** *About a year and a half ago TVA began implementing Alternative C1 in our subdivision, even though there are about seven houses already there.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**Response:** TVA has not begun implementing Alternative C1. Most of the lots in this subdivision adjoin a wide tract of retained TVA public land that is located along the main channel of Melton Hill Reservoir. There are no access rights at this site, and docks are not permitted along the main channel at this location. The TVA land in question was at one time licensed for agricultural purposes. Much of the surrounding shoreline on both sides of the reservoir is still licensed for agricultural use. A 50-foot-deep zone of native plants has been established on both the existing and the former agricultural properties to mitigate past agricultural impacts and to help curtail shoreline erosion. TVA has worked with the homeowners in this association to develop a mutually agreeable plan for erosion control and vegetation management.

**1515 Comment:** *At the August board meeting of the Association of Tennessee Valley Governments (ATVG), our directors voted to submit comment to you voicing their concern about the preferred alternative, Alternative C1, presented in TVA's SMI study. Alternative C1 would establish a shoreline management plan for each of TVA's lakes along open shoreline and additional areas. Of particular concern to ATVG's Board of Directors is the lack of clear definition for "other" shoreline segments. ATVG is a not-for-profit public interest association dedicated to giving voice to the interests and concerns of local governments and the people they represent in the seven-state Tennessee Valley Authority region. We represent the 201 counties and their 198 county seat towns and cities within the Tennessee Valley in Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia. On behalf of our membership, we welcome the opportunity to present our concern about Alternative C1 to you. We would appreciate clarification.*

**Comment by:** Miles Mennell (Association of Tennessee Valley Governments)

**Response:** Comment noted. Under Alternative C1, the additional lands opened for shoreline development would be those that meet the criteria identified in Section 2.5.1 of the FEIS.

**1516** **Comment:** *We support Alternative C1.*

**Comment by:** Boyd A. Simmons, George J. Jeram, 14 survey comments

**1517** **Comment:** *I like the education part of Alternative C1.*

**Comment by:** 2 survey comments

**1518** **Comment:** *I favor Alternative C1. It provides flexibility as well as some control. For example, it would prevent people from building giant docks that extend way out into the lake.*

**Comment by:** Wade McCamey

**1519** **Comment:** *Under Alternative C1, only 10 percent more of the land could be developed. It is still going to be done case by case. Permits will still need to be obtained. Nobody is going to rape and pillage the land.*

**Comment by:** Jerrie Ann Weaver

**1520** **Comment:** *Alternative C1 is a reasonable "middle ground" alternative. It will achieve the balance needed between environmental protection and public use and will allow a reasonable amount of growth.*

**Comment by:** George J. Jeram, Fred W. Young, 5 survey comments

**1521** **Comment:** *Local people often have to move away to find employment. I am not sure if Alternative C1 will balance the need for creating employment and protecting the resources, but I think it comes close.*

**Comment by:** Richard Bell

**1522** **Comment:** *I prefer Alternative C1 because it seems to be a more moderate approach. Many environmental problems can be avoided by planned development. It is harder to do but, generally speaking, the human environment and the natural environment benefit by that hard-working commitment.*

**Comment by:** Kim Pritchard

**1523** **Comment:** *Alternative C1 provides for development and for conservation. I am a biologist, and I personally lean towards conservation, but I also realize that smart conservation also has to allow development. We all need to look at the more compromising alternatives so that we can have both.*

**Comment by:** Amy Henry

**Response:** Comments noted. Although these comments express support of Alternative C1, numerous other commenters objected to specific standards, like the 100-foot SMZ and the level of shoreline development anticipated under Alternative C1. In response to public comments, TVA has developed a Blended Alternative, which combines features of the previous alternatives. For more information about the Blended Alternative, refer to Section 2.8 of the FEIS.

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**1524** **Comment:** *We oppose Alternative C1.*

**Comment by:** Charles G. Mead, 44 survey comments

- 1525** **Comment:** *The DEIS appears to be a good study, but TVA's recommendation is too severe and has no basis.*
- Comment by:** 4 survey comments
- 1526** **Comment:** *If Alternative C1 is implemented, TVA will lose public support.*
- Comment by:** Jimmy Wilkey (Rhea County Court Clerk), 5 survey comments
- 1527** **Comment:** *It would appear that if Alternative C1 were instituted, TVA would expend great amounts of money.*
- Comment by:** 1 survey comment
- 1528** **Comment:** *Alternative C1 suggests too little development.*
- Comment by:** 2 survey comments
- 1529** **Comment:** *Alternative C1 is not preferred by most lakefront property owners because it is illogical and complicated, which will make compliance and enforcement nearly impossible. Also, the restrictions proposed under Alternative C1 would penalize property owners, which is unfair, since they take good care of their property and the shoreline.*
- Comment by:** Jimmy Wilkey (Rhea County Court Clerk), 1 anonymous letter comment, 19 survey comments
- 1530** **Comment:** *I oppose Alternative C1 because its 100-foot buffer zone is too restrictive and does not allow lakefront property owners to manage the vegetation or make improvements.*
- Comment by:** C. Edward Smith, 5 survey comments
- 1531** **Comment:** *Regardless of what most people think about Tellico Village and its history, it is a beautiful area, and the people keep up their homes and homesites. Under Alternative C1 there would not be the same beautification down to the lake as there is in Tellico Village.*
- Comment by:** J. Marty Rogers
- 1532** **Comment:** *This SMI is a monumental work and obviously represents a lot of time and effort. The proposals are well-intentioned, but the timing is unfortunate. As you must know, the present trend in Congress and much of the country, particularly in this area, is towards decreasing the scope and control of the federal government. I personally believe that TVA has done an excellent job, both in its power division and its nonpower projects. The Land Between The Lakes in Kentucky has some of the finest camping sites in the country. However, there are people in Congress who believe that TVA should be abolished and sold off to private interests. I do not agree with this, but I am concerned that the proposed Alternative C1 is so restrictive and controversial that it might enable the opponents of TVA to rally the necessary support to carry out their plans. This would be a great loss to the country, since it would open the lakes to unlimited development and ultimate destruction.*
- Comment by:** 1 survey comment
- 1533** **Comment:** *TVA's preferred Alternative C1 is unfair and undesirable to property owners because it opens up additional TVA land to others. Under this alternative, up to 48 percent of the shoreline could be opened to development, compared to 38 percent if only existing deeded rights were honored over the next 25 years. We find this particularly unfair and prejudicial when current and future deeded rights are to be curtailed. It appears that TVA*

*would be the sole judge of whether or not deeded property rights would be honored, or for that matter, if you could even develop your property along their reservoir boundary.*

**Comment by:** John W. Musser, 2 survey comments

**1534** **Comment:** *I am dismayed with this effort in general and specifically with the DEIS and the potential negative impact the implementation of Alternative C1 will have on property owners. The cost, the alienation between people, the creation of a federal police force to harass people, the reduction in property values, the ascendancy of TVA to law enforcement stature, the poorly defined, poorly thought-out procedures and standards of Alternative C1, and more all support my concern. I hope my comments will be heard and acted on but hold little hope. My efforts from here on will be aimed at opposing implementation by whatever legal avenues are open to me.*

**Comment by:** 1 survey comment

**Response:** The alternatives address management of TVA public land and administration of TVA shoreline permitting responsibilities. None of the alternatives would take away private property rights. Property values are expected to increase under all alternatives, as further explained in Section 4.14.4 of the FEIS. TVA no longer prefers Alternative C1. In response to public comments, TVA has developed a Blended Alternative, which combines features of the previous alternatives to provide simple, flexible, and workable solutions to issues raised by the public. For example, this new alternative would allow more flexibility for erosion control of docks and other shoreline uses. More information about the Blended Alternative can be found in Section 2.8 of the FEIS.

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**1535** **Comment:** *I think Alternative C1 would make it too difficult for private property owners to get permits to do anything on their property.*

**Comment by:** 1 survey comment

**Response:** Alternative C1 is no longer preferred by TVA. TVA now proposes a Blended Alternative, which would adopt permitting standards that could be implemented in a timely and effective manner. TVA's permitting requirements apply to shoreline development and use of TVA public land, not private property.

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**1536** **Comment:** *We oppose Alternative C1 because it would expand TVA's role, create more bureaucracy, add more staff, and drive up power rates.*

**Comment by:** Charles G. Mead, 10 survey comments

**Response:** TVA has had responsibility for shoreline permitting since the 1930s. Alternative C1 would result in new shoreline permitting standards, but it would not expand TVA's role. It would be implemented with existing personnel. They would integrate the new permitting standards into their current permitting process, and the existing guidelines would no longer be used. None of the SMI alternatives are expected to drive up power rates.

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**1537** **Comment:** *The DEIS is very readable and well presented, but it absolutely fails to make the case for Alternative C1 and, in my opinion, would be found inadequate if tested in court.*

**Comment by:** 1 survey comment

**1538** **Comment:** *Alternative C1 is not restrictive enough. The development standards are too low.*

**Comment by:** 2 survey comments

**1539** **Comment:** *I am concerned that Alternative C1's greatest economic potential is in direct opposition to environmental and cultural issues.*

**Comment by:** 1 survey comment

**1540** **Comment:** *Alternative C1 concerns me greatly, because we are very interested in the birds and the ecology and the coves that we love so much to anchor in, and it is alarming to see what has happened to some of the shoreline already.*

**Comment by:** Barbara Tigrett

**1541** **Comment:** *Currently, 38 percent of the shoreline is open and available for residential development. We oppose the preferred Alternative C1, because it will increase that by 10 percent, and opening up more land for development would be destructive to the shoreline environment.*

**Comment by:** Ben Kron, Michael A. Butler (Tennessee Conservation League), 16 survey comments

**1542** **Comment:** *The Wildlife Management Institute (WMI) and other organizations have assisted TVA over the years in development of shoreline management and reservoir plans that would protect and wisely manage fish, wildlife, and other resources for all citizens. The selection of Alternative C1, as TVA currently prefers, flies in the face of the many good efforts developed in the past. TVA officials must be courageous and resist the strong pressures of the relatively small, vocal minority and some elected officials who are foolishly supporting them.*

*According to the DEIS, 137,000 people currently live on the lakefront or in the backlots associated with shoreline development. Alternative C1 projects an increase of this population by 530,000 people. The increase in people allowed to develop on lakeshores must be more carefully compared with needs of the estimated 113 million visits (fishing, hunting, picnicking, swimming, camping, hiking, and birding) made to TVA reservoirs and the 1.3 million annual informal visits on undeveloped public reservoir lands. We recognize that those who live on the reservoirs make up some of the recreational visits, but many millions of visitors live away from the lakeshores. TVA officials have acquired the necessary information and know the proper course to follow to properly manage these valuable resources for the benefit of the majority of citizens. This must be done.*

*Assuming Alternative C1 is selected, 48 percent (5,247 miles) of the shoreline could be impacted by development. This amounts to a 369 percent increase. Also, Alternative C1 would allow much more liberal policies to clear vegetation to the water's edge. WMI contends that development of 48 percent of the shoreline is excessive and outright foolhardy. The direct and indirect impacts would be highly detrimental to fish, wildlife, forest, and water resources in the Tennessee River Basin.*

**Comment by:** Chester A. McConnell (Wildlife Management Institute)

**1543** **Comment:** *TVA has a public trust responsibility to manage its resources to provide the greatest public benefit. Management of reservoir shorelines under Alternative C1 would benefit only a relatively small group of growth-dependent interests.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**1544** **Comment:** *TVA is charged with the responsibility of managing its lands and to thereby protect the public interest. We believe that this requires maintaining the current level of public ownership of shoreline land. Maintaining public ownership is in the public interest. That is why I was surprised and disappointed to learn that TVA had endorsed Alternative C1. TVA states that its principal justification for this choice is the need to respond to anticipated future development demands. We strongly object to this interpretation of TVA's public responsibility. TVA has no obligation to respond to "anticipated future development demands." In fact, a positive response to such demands almost guarantees that TVA will fail to meet its mandate to act in the public interest. Because TVA is a public entity, citizens are counting on TVA to take a larger view and to resist the demands of selfish economic interests. If necessary to protect the public trust, TVA should ignore those demands.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council)

**1545** **Comment:** *TVA's preferred Alternative C1 is not really "a balance between environmental protection needs and anticipated future development needs." If implemented, the shoreline development and related activities would become the dominant land use, and TVA would find it more and more difficult to contain development within its fences. TVA would likely experience the multiple problems that the USACE continues to experience on lakes (such as Old Hickory Lake) which it opened to development before establishing setback and buffer zones on other, more "natural lakes." TVA does not explain what it means by balance, but it certainly would not be a qualitative balance. That is, the quality of the resulting environment and natural resources would not be enhanced or increased in the same ratio as development. Additionally, a quantitative balance would not be achieved, because more development necessarily means diminished natural resources and impaired environmental values such as water quality, aquatic habitat (now it is only 33 percent, according to your Executive Summary), wildlife habitat (particularly nongame species, which are an important part of diversity), and wetland protection (which in turn provides protection to water quality and waterfowl habitat and other values).*

**Comment by:** Joe W. McCaleb

**Response:** TVA no longer prefers Alternative C1. In response to public comments, TVA has developed a Blended Alternative. The Blended Alternative would heighten protection of the shoreline by allowing docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. Under the Blended Alternative, TVA would place high priority on conserving the ecological and recreational benefits of other public shorelines. For more information, refer to Section 2.8 of the FEIS.

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**1546** **Comment:** *Alternative C1 is unacceptable because of the fee and deposit requirements.*

**Comment by:** 9 survey comments

**1547** **Comment:** *I am uncertain as to how much Alternative C1 will cost me.*

**Comment by:** 1 survey comment

**Response:** As more fully explained in the Fees section of this volume, TVA has withdrawn the proposals to charge the \$1,000 performance deposit, the \$100 annual structure registration fee, and the vegetation management fee, regardless of which alternative is chosen.

## Alternative C2

**1548** **Comment:** *I prefer Alternative C2.*

**Comment by:** 1 survey comment

**1549** **Comment:** *I would like to speak in favor of Alternative C2, understanding that all current owners' boathouses, piers, and access rights will be grandfathered and protected through their permits.*

**Comment by:** Michael Kirkpatrick

**1550** **Comment:** *We support Alternative C2, because it is balanced and leans more toward preservation.*

**Comment by:** 1 evaluation form comment (Memphis, TN), 1 survey comment

**1551** **Comment:** *Alternative C2 is preferred because it adequately addresses vegetation management and erosion control and protects wildlife/aquatic habitat, water quality, and wetlands.*

**Comment by:** 2 survey comments

**1552** **Comment:** *TVA has done a good job in rating impacts of the various alternatives in the Executive Summary. It would appear that the several factors ranked there show that Alternative C2 should be the preferred alternative, since it is the most cost-effective and has so many positive environmental effects.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**1553** **Comment:** *We prefer Alternative C2 because it minimizes the total miles of shoreline impacted by residential development. Thirty-eight percent is a significant amount when you consider that much of the shoreline across the Tennessee Valley is not developable.*

**Comment by:** Joe W. McCaleb, Michael Kirkpatrick, 4 survey comments

**1554** **Comment:** *What makes East Tennessee a special treasure is the quality of the lakes, particularly lakes like Norris that are not heavily developed, where the water quality is good and you can still eat the fish with confidence. That is a treasure that we will not have in the future, unless we take some unpopular but necessary steps. I support Alternative C2. Additional planning and controls for managing TVA shoreline are needed, but I do not agree that we need to open additional public land to private development.*

**Comment by:** Charles Buffington

**1555** **Comment:** *The most reasonable, fair, and environmentally sound choice would be Alternative C2. This concept is a compromise among property owners, developers, and conservationists. Alternatives A, B1, and B2 offer little, if any, environmental protection of the lakes. The reason we did not opt for TVA's preferred Alternative C1 is that there is no reason to open additional lands for development, if the lands already open are not fully developed. While Alternative D would be the best from an ecological standpoint, we realize there must be a compromise. It is our viewpoint that Alternative C2 is a clear choice. People live on, visit, and move to areas around TVA lakes for their magnificent natural beauty. People must realize there will probably never be lakes of this magnitude ever created again, and we must take the proper measures to conserve and protect them. TVA lakes are a natural resource*

*and should be managed as such. Additional development around TVA reservoirs would take away their aesthetic qualities and could prove detrimental to wildlife. These lakes were built for use by all taxpaying citizens—hunters, fishermen, boaters, recreational users, and lakefront property owners. For that reason, the lakes and their shorelines should be conserved for all interested parties. If TVA lakes were opened for further development, they could eventually become one big subdivision or commercial development. Alternative C2 would increase the enjoyment of the lands, without damaging their potential for enjoyment by our children and theirs.*

**Comment by:** Dustin L. Mackey (The University of Tennessee - Martin)

**1556** **Comment:** *The issues pertinent to future development around TVA properties are special, because of the beauty, quality, and ambiance involved. If I were to vote my wallet, my order of preference would be for Alternatives A, B1, or C1. But I cannot do that, because these properties, while under tremendous economic and population pressures, are one of a kind. There will probably never be waterfront properties of this magnitude created on this scale again in this country, and for that reason they are a special asset, and the utmost care should be taken to minimize damage to them, while allowing reasonable enjoyment of them by taxpaying citizens.*

*Alternative C2 is the only alternative that can balance the pressures from development with enjoyment by the populace. Alternative D is unrealistic and would reduce enjoyment by the populace. In spite of the care taken under Alternative C1 to minimize damage from future development, the enjoyment level of the populace would suffer, because of the stronger impact to the shoreline than Alternative C2. To summarize, I pose a comparison. Assume you own the Hope Diamond, unique in all the world and immensely precious. You want as many people to be able to enjoy it as possible. Do you increase visiting hours to your museum or cut up the diamond and open many museums so that more people can enjoy it? The quality of the water, the environment, and the views at and around the TVA lands in question are precious, like the diamond. Increasing the density of shoreline development from the 2,809 miles, as managed in Alternative C2, to the 3,864 miles, as managed in Alternative C1, is tantamount to cutting up the diamond and passing it around; its enjoyment and value will decrease such that it will become undesirable.*

**Comment by:** Stephen B. Shepherd (Shepherd Construction Company, Inc.)

**Response:** Comments noted. TVA agrees that the TVA shorelines and public lands are special resources. See Section 2.8 of the FEIS for information about the Blended Alternative, which was developed in response to comments like these. The Blended Alternative adopts conservation strategies, including a shoreline categorization system, promotion of conservation easements, educational materials, incentives, and a maintain-and-gain policy for future management of TVA residential shorelands. Under the Blended Alternative the anticipated level of shoreline alterations would not exceed the level expected under Alternative C2.

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**1557** **Comment:** *I would favor Alternative C2, except that it would allow TVA to impose unfair annual fees and other cost sharing.*

**Comment by:** 1 survey comment

**Response:** As further explained in the Fees section of this volume, the structure registration, performance deposit, and vegetation management fee proposals have been withdrawn.

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**1558** **Comment:** *Alternative C2 is a case for more regulation, with bureaucracy that follows.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

## Alternative D

**1559** **Comment:** *Why have you listed Alternative D, which reads as no new development, when TVA eliminated prohibiting future residential development as an alternative (page 13 in the Executive Summary)?*

**Comment by:** 1 survey comment

**Response:** Alternative D does not prohibit additional shoreline development. It prohibits opening up additional areas for shoreline development, while accommodating needs for reasonable access within areas where access rights already exist.

**1560** **Comment:** *We support Alternative D.*

**Comment by:** Brooke Bradley (Tanasi Girl Scout Camp), Paul Kwiatkowski, 6 survey comments

**1561** **Comment:** *I do not support Alternative C1. I prefer a modified Alternative D.*

**Comment by:** 1 evaluation form comment (Dandridge, TN)

**1562** **Comment:** *Alternative D is the only acceptable alternative. I do not think it is restrictive enough. TVA should eliminate privatization of public land.*

**Comment by:** 1 survey comment

**1563** **Comment:** *It would be a mistake if the people, the state, TVA, or the government let go of what they have here in East Tennessee. So maybe Alternative D is best.*

**Comment by:** Ralph Bahr

**1564** **Comment:** *I live at Cedar Creek Boat Dock, which is southeast of Linden, Tennessee, on land which borders TVA-managed land along Cedar Creek and the Tennessee River. Therefore, the SMI adopted by TVA has a very direct impact on my life. I wish to urge the TVA to adopt Alternative D listed in the DEIS. This option, in my opinion, is the most desirable and the least disruptive of the current options listed.*

**Comment by:** Donald R. Russell

**1565** **Comment:** *If a person buys land and there is TVA land between him and the lake, then he needs to talk to a real estate agent, because he did not buy lakefront property. That is public land, and as a lake user, I would rather see minimum development.*

**Comment by:** Paul Rister (Kentucky Department of Fish and Wildlife Resources)

**1566** **Comment:** *TVA has a responsibility to protect the taxpayers' property—the shoreline not owned by private citizens. I strongly support Alternative D.*

**Comment by:** 1 survey comment

**1567** **Comment:** *As a naturalist, I use much of my public land to pursue my hobby. I have been on all the TVA reservoirs, and so I am familiar with many degrees of shoreline development. When I see development that resembles Alternative A, I literally become depressed. I do not understand why anyone would ravage the land. I do not understand the thinking behind such destruction. However, I do know that I cannot use my public reservoirs if this kind of selfish foolishness is to continue. This is why I vote for Alternative D. Man and nature can coexist, and indeed they should.*

**Comment by:** Allan J. Trently

**1568** **Comment:** *In order to maximize TVA's environmental goals and to minimize suburbanization of the Valley, we must operate under Alternative D. In addition, as suburbs grow and agriculture becomes controlled by assembly-line production industry, we must show that a human community does not mean a community with only lawns, a few small trees, and a small community park. By operating under Alternative D (as a more stringent, disciplined, and scientific design), we can show the world a community which defies the segregation of humans and nature. In developing excellent policy designed to balance life and human comforts and entertainment, we can and must lead.*

**Comment by:** 1 survey comment

**1569** **Comment:** *Decrease the amount of shoreline impact to that of Alternative D or lower.*

**Comment by:** 7 survey comments

**1570** **Comment:** *TVA should go with Alternative D as the worst case. I would prefer to see even less shoreline development than Alternative D allows. We, the general public, have seen TVA encourage shoreline development by selling property to developers. I agree that this increases the economic value to TVA (electricity sales), the labor force, and the local economy and tax base. However, it adds to the infrastructure cost (roads, schools, etc.); it raises the cost of living in the general area; and most of all, it removes a resource that TVA is not going to make any more of.*

**Comment by:** 1 survey comment

**1571** **Comment:** *We object to the release of any TVA-owned land to private development, including the 1,275 acres of national forest on Fontana Lake. There is no buffer zone or anything else that can compensate for the loss of that forest. Once TVA releases land into private ownership, the development above the SMZ is out of TVA control. It then falls to other agencies and governing bodies to regulate what can be placed there and how. Our experience proves these agencies and boards are unable to withstand the pressure to develop. Twenty-one percent of the shoreline is open now, has varying degrees of development, and will quickly have more. Based on our observations of this development, we must urge the most conservative approach to shoreline management—Alternative D.*

**Comment by:** Ottolene Browning, Virginia Browning Eslinger

**1572** **Comment:** *We are strongly opposed to any residential shoreline development on TVA lakes. We boat and fish on Percy Priest, Center Hill, and Dale Hollow extensively, because the shorelines are so wild and pristine. Because of docks and homes on Tims Ford and Old Hickory, we seldom visit these lakes. These lakes belong to the public, and the shoreline should not be further developed for the benefit of a few landowners. We favor Alternative D and would prefer that it be even more strict from an environmental and development standpoint. Please take a long-term view and observe the interests of the more silent, but vast, majority of the public who want to preserve these shorelines for wildlife and our children.*

**Comment by:** Gerald W. Kaye

**1573** **Comment:** *Most public land should remain undeveloped, although some should be made available for parks, camping, ramps and marinas, etc. In reservoirs where residential shoreline is minimal and population centers near, some shoreline should be opened for residential use, but this should be closely controlled to minimize its impact as in Alternative D.*

**Comment by:** Allen N. Palmer

**1574** **Comment:** *The membership of the Walden Ridge Sportsman's Club is very aware of the ever-decreasing land resources available for families to enjoy nature experiences. Therefore, we are concerned about TVA's plan to provide opportunities for additional development of the shoreline. The TVA reservoirs and the shoreline and backlying lands owned by TVA are public lands owned and paid for by the citizens of the United States. These lands were entrusted to TVA to manage and protect for the good of the citizens. Since land is a resource of limited supply, any and all public lands must be retained as public lands so that future generations can experience the outdoors as we now experience it. Therefore, we request that TVA reject the preferred Alternative C1, as well as Alternatives A, B1, B2, and C2. We urge TVA in the strongest way possible to adopt Alternative D. The membership understands that people have built homes on land adjacent to the land owned or controlled by TVA and that the homeowners would like to have access to the water, and Alternative D would provide them that opportunity. However, those individuals have no right to encroach upon and claim as their own the public land owned by the citizens of this country.*

**Comment by:** Dick Urban (Walden Ridge Sportsman's Club)

**1575** **Comment:** *The use of the shoreline by fishermen and wildlife watchers is just as important as the use of the shoreline by adjoining property owners. TVA can help by choosing Alternative D. I hope that someday Tennessee will become known as the Environmental State. The shoreline is already overdeveloped at its current 13 percent level. I am very concerned about the ecological impact of a 38 percent development considered for Alternative D. It is frightening to consider the impact of the 48 percent development considered in Alternative C, much less greater development considered in the other alternatives. I urge you to place the interest of the public at large and the environmental concerns recognized in the DEIS at the forefront.*

**Comment by:** Michael A. McMahan

**1576** **Comment:** *The Tennessee Conservation League agrees that an overall policy designed to protect shoreline and aquatic resources is needed. Additionally, we agree that this policy can aid TVA in controlling an ever-increasing demand for shoreline access. However, we feel the proposed preferred Alternative C1 is unacceptable. There is no reasonable argument for preferring Alternative C1. Currently, 38 percent of TVA public shoreline is categorized as open to development. Of this 38 percent, about half (17 percent) has experienced development. Alternative C1 would designate 48 percent of TVA's public shoreline as being open to development. We feel that this 10 percent increase in the open category for shoreline development is not needed. Twenty-one percent of shoreline open to development has not been used, thus removing the need for opening additional shoreline. The League supports Alternative D, based on public opinion monitored by TVA and the opinion of our membership. Recent public desires documented through debates regarding the Little Cedar Mountain area, Land Between The Lakes, and the TVA Land Management public opinion poll show overwhelmingly that the citizens of Tennessee support Alternative D. We ask that TVA's land management decisions reflect public desires throughout our great state of Tennessee.*

**Comment by:** Ann P. Murray (Tennessee Conservation League)

**1577** **Comment:** *I support Alternative D. Based on TVA's analysis presented in the Executive Summary, Alternative D is obviously the environmentally preferred alternative (i.e., the alternative presenting the least potential for adverse impacts to the environment).*

**Comment by:** Brian Bowers

**1578** **Comment:** *Considering the potential environmental impacts posed by the other proposed management alternatives listed in the initiative, I am least dissatisfied with Alternative D, which calls for TVA to set standards that minimize shoreline disturbance.*

**Comment by:** James O. Mills

**1579** **Comment:** *The Knoxville-based Harvey Broome Group of the Sierra Club's Tennessee Chapter is well aware of the extensive development and clearing of our reservoir shorelines and the ongoing degradation of the shoreline environment. As an organization that works to minimize environmental degradation and works to improve the quality of our environment where possible, we are quite concerned with the continuing degradation of the reservoir shoreline. After reviewing the Executive Summary, it is our position that protection of the shoreline's natural environment should receive the highest priority. Therefore, we support the selection of Alternative D, Minimum Disturbance Along Open Shoreline Only.*

**Comment by:** Ray Payne (Sierra Club, Harvey Broome Group)

**1580** **Comment:** *A lot of us have been to the Grand Canyon, the Great Smoky Mountains, and Chattanooga River Park. Do any of us know what they would bring on the New York Stock Exchange? We do not even care because this is our public property. We have one thing to invest in. It is the environment. I believe in harvesting the waterfowl. We could feed the Chattanooga Food Bank with harvested geese. They are doing that across the nation now with deer meat. That is a conservation effort that we can build on. A healthy environment is essential for a healthy economy. I do not like Alternative C1. As far as I am concerned, Alternative D is the only way, if we do anything.*

**Comment by:** Ross A. Malone (Ducks Unlimited)

**1581** **Comment:** *The members of the Doe Creek Hunting & Fishing Club urge TVA to adopt Alternative D as recommended by TWRA. It is our opinion that Alternative D is best for the environment, wildlife, and regular users of TVA lakes. Speaking as sportsmen, recreational users, and conservationists, we are concerned that the future of family recreation for the ordinary citizen is seriously threatened by the other alternatives being proposed.*

**Comment by:** Petition with 38 signatures (Doe Creek Hunting & Fishing Club)

**1582** **Comment:** *The Tennessee Bass Federation disagrees with TVA's preferred Alternative C1. We would support a minimalistic approach such as Alternative D. Alternative D has the lowest impact of all of the alternatives with regard to the environment as a whole. We members of the Tennessee Bass Federation remind TVA of our commitment to a clean environment that supports the very fisheries resource we strive to preserve for future generations. By your own account provided in the DEIS, the least impact on the environment (and therefore our fisheries) would come from Alternative D. Although we understand the need for utilization of federal resources for the public good, the development of shoreline for residential use cannot possibly be placed in this category.*

**Comment by:** Eric T. Newberry, Jr., P.E. (Tennessee Bass Federation)

**1583** **Comment:** *Friends of North Chickamauga Creek Greenway, Inc., is a nonprofit land trust. The corporation is organized to promote, for the benefit of the general public, identification, understanding, conservation, preservation, restoration, and enjoyment of the significant resource values of North Chickamauga Creek, its tributary streams, and associated lands. In addition, the corporation is organized to promote the significant resource values of areas within, adjoining, in the vicinity of, or relating to the watershed of North Chickamauga Creek. The aforementioned areas include portions of the Tennessee River, sections of Chickamauga Lake, Nickajack Lake, and Dallas Bay.*

*Historically, the Friends group has been pleased with TVA's actions concerning resource issues within the North Chickamauga Creek watershed, Chickamauga Lake, and the Tennessee River. The group would like to see TVA's future actions follow the precedents it has set over the last several years. Considering the potential environmental impacts posed by the other proposed management alternatives listed in the DEIS, Friends of North Chickamauga Creek Greenway, Inc., strongly favors Alternative D, which calls for TVA to set standards that minimize shoreline disturbance. Only those future shoreline alterations that do not threaten existing conditions should be allowed. The Friends group also believes that Alternative D is the alternative most in keeping with TVA's commitment to the natural environment and, in effect, to the citizens of Tennessee. If Alternative D is not feasible, then Alternatives C1 and C2 are acceptable.*

**Comment by:** R. Kincaid Mills

**1584** **Comment:** *We prefer Alternative D because it best fulfills shoreline management goals. Alternative D proposes no more residential development beyond existing access rights (i.e., 38 percent of the shoreline), allows only minimal disturbance, protects the environment, and keeps shoreline in its natural state by preserving shoreline management zones, wetlands, and wildlife.*

**Comment by:** Sid Roorda, Susan Jata, William Russell, Mike Jolly, Becky Jolly, Maria Blair (Chattanooga Chapter, Tennessee Ornithological Society), 17 survey comments

**1585** **Comment:** *As more shoreline is developed for private use, less will be available for public use. Therefore, as population increases, additional shoreline development will deprive the public at large of the quality shoreline experience which is available to them today. Time is quickly running out for us to save what we have now for future generations. Of the six alternatives, we favor that alternative which allows the least amount of shoreline development and promotes conservation and stewardship with minimal disturbance to our environment. These factors dictate selection of Alternative D, Minimum Disturbance Along Open Shoreline Only.*

**Comment by:** Ann Layne, Walter Kaye, Ken Scharabok, Joel F. Keebler, 1 evaluation form comment (Clinton, TN), 2 survey comments

**1586** **Comment:** *The Tennessee Valley river system and adjacent shorelands contain some of our most valuable natural resources and ecosystems. Only by aggressively protecting these resources will we be able to maintain the natural and scenic beauty of these public lands and the quality of life for our citizens. Therefore, we favor the selection of Alternative D, which limits residential development to existing access rights and promises to better protect shoreline vegetation, wetlands, wildlife, endangered species, aesthetics, cultural resources, soils, water quality, fish, and recreational opportunities.*

**Comment by:** Jo Walters, Liz Limon (Tennessee Forest Defense Council), Keith Blanton (United States Department of Agriculture), Eric Hirst, Susan Hirst, Gregory M. Denton (Tennessee Department of Environment and Conservation), 3 survey comments

**1587** **Comment:** *I hope that TVA will act in good faith when making a decision about future development. I realize there has to be a certain amount of compromise; however, a strongly conservation-minded approach will prove to be the most wise in the years to come. We must remember that once this land is developed it can never be undeveloped. I support Alternative D but believe future development should be curtailed even more than specified in this plan.*

**Comment by:** Earl F. Calfee, III

**1588** **Comment:** *I am for a plan of no development of the public lands managed by TVA. Since these are public lands, they belong to all the people of the United States. Therefore, I do not think these lands should be leased out or developed for private use. Activities that are harmful to our environment affect everyone and everything. Some places must be saved for the future health of our planet, its people, and all life. However, since I must choose, I prefer Alternative D over the others. Why does TVA prefer Alternative C1? Development demands must not be met at a cost to our environment.*

**Comment by:** Barbara H. Warner

**1589** **Comment:** *Eighty percent of Tennesseans enjoy watching wildlife, 15 percent fish, and 4 percent hunt. Alternative D is the only option I have, but I would prefer it a little more conservative than that.*

**Comment by:** Pete Wyatt

**1590** **Comment:** *The only alternative that improves aquatic habitat is Alternative D. It is the only one that we could justify from the standpoints of law and future generations.*

**Comment by:** Ben Kron

**1591** **Comment:** *I prefer Alternative D, but maybe I am too tough on the public. I am a park ranger and have seen wildlife vanish when too many people encroach on its ground. TVA should intervene in this matter.*

**Comment by:** 1 survey comment

**1592** **Comment:** *I am familiar with environmental issues and chemical/agricultural safety. I am also a bird watcher who supported the extra tax on recreational equipment. I am willing to pay for enjoyment of the outdoors. I support Alternative D (least development). Undeveloped land is not worthless land. Tourism and the high quality of life in Tennessee depend upon parks, forests, and buffer zones. I am very much against private profit in development of public land.*

**Comment by:** Pennie L. Jennings

**1593** **Comment:** *First and foremost we want to see the river preserved as a natural entity, one that is left primarily in its natural vegetative state. This means keeping development, which is always a form of urban and technological intrusion, at a minimum all along the river. This means keeping the main river itself and all its tributaries and watersheds—the waters, the estuaries, the lands, and the soil; and the vegetative cover of forests, woods, and brush abutting the water; and the shore and wetlands—in their natural state. Keeping the natural state would preserve its integrity. The simple fact is that human-made intrusion—a building, a dock, a boat ramp, the clearcutting of trees, plowing or bulldozing the ground, a road, a marina, a factory, a drainage ditch, a pipeline, and even electric lines—causes permanent damage to the site. Keeping the land preserved as natural habitat and modern development of any kind are simply incompatible. Our preferred Alternative is D of those mentioned, but it*

does not go far enough to protect the environment. Especially guard against structures, roads, or housing developments in any sensitive natural areas or nearby.

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**1594** **Comment:** *Tennessee Citizens for Wilderness Planning (TCWP) is a statewide volunteer organization with over 500 members dedicated to the protection and preservation of the environment. TCWP urges TVA to adopt Alternative D, the minimum disturbance alternative, and strongly opposes opening additional public lands to development. Development of additional shoreline would have adverse impacts on shoreline vegetation, wildlife, endangered and threatened species, soils, wetlands, flood control, water quality, cultural resources, and navigation. Therefore, we are opposed to Alternatives A, B1, and C1. As of 1994, 17 percent of the TVA shoreline had been developed. Under the terms of Alternative C1, this amount could be almost tripled.*

*Among the alternatives restricted to open shorelines, namely Alternatives B2, C2, and D, the one with the greatest potential for adverse impact is Alternative B2, and the one with the least potential is Alternative D. Alternative D has additional good features, such as encouraging states to pass laws that would protect shoreline and riparian vegetation. Therefore, with certain restrictions, TCWP's preferred alternative is Alternative D.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning), Karen Peterson (Tennessee Citizens for Wilderness Planning)

**1595** **Comment:** *Both Alternatives C1 and C2 represent a significant improvement in shoreline management over existing conditions, establishing formal shoreline development standards and maintaining vegetated buffer areas around reservoirs. While we concur with TVA that Alternative C1 is preferred over Alternatives A and B1, this is not the preferred alternative of the North Carolina Wildlife Resources Commission (NCWRC), because it would open additional areas to residential access. The majority of lands on TVA reservoirs in North Carolina are jointly managed with other agencies, primarily the U.S. Park Service and the Forest Service. Ongoing fisheries and wildlife management activities of the NCWRC on TVA reservoirs depend on continued management of these lands for public use. The NCWRC would strongly oppose the removal of jointly managed lands from public use for the purpose of private residential development. The potential for loss of public land is our primary basis for opposition to Alternative C1. Because of the expanded areas available for development, this alternative would have greater cumulative adverse impact on fish and wildlife habitat than all other alternatives except Alternative B1 (no action) and Alternative A (unregulated shoreline destruction).*

*Alternative C2 is preferred over Alternative C1, because it does not propose to expand existing areas of residential development. Future development activities would be subject to formal standards and buffer zone protections, and rate of loss of fish and wildlife habitat would be greatly reduced from existing levels. While this alternative is less preferable than Alternative D, it does achieve the desired balance between environmental costs and economic benefits, as habitat loss is reduced while property values for lakefront home owners are increased.*

*NCWRC prefers Alternative D as the only alternative under which the ongoing degradation and loss of fish and wildlife habitat would be reversed. Potential for improvement of aquatic habitat and bank stability would exist under Alternative D, and long-term cumulative impacts to other natural resources would be less severe than under any other alternative. This alternative would allow reasonable use of residential lakefront property, without sacrificing quality of public fishery, wildlife, and forest resources and would ensure the continued availability of recreational experiences for Tennessee Valley residents.*

**Comment by:** David L. Yow (North Carolina Wildlife Resources Commission)

**1596** **Comment:** *TVA's preferred Alternative C1 should not be selected, because it and Alternatives A and B1 allow far too much shoreline development and, therefore, would result in the greatest loss and fragmentation of unspoiled and ecologically significant public lands. These alternatives would result in the destruction of existing forests and habitat, as well as degradation of water quality from soil erosion and runoff pollution. Alternative D is recommended because it provides the most environmental safeguards and would have the least impact on shoreline resources.*

**Comment by:** Kenneth Wills (Alabama Environmental Council), Michael Rasmussen, Daniel Russo, Rosalie Russo

**1597** **Comment:** *In justifying its selection of alternatives, TVA states that Alternative C1 would provide a balance between environmental protection and anticipated future development demands. There will always be development demands. We believe that such demands can be adequately met on the 38 percent of TVA shoreline miles that already are privately owned or have deeded access rights.*

*We do not agree that TVA's tentatively preferred Alternative C1 is the most appropriate means of managing the tremendous public resource represented by the shorelines of TVA reservoirs. We believe that the DEIS clearly demonstrates that Alternative D is by far the best of the alternatives considered. Summary Table 3 of the EIS Executive Summary clearly demonstrates that Alternative D has the least negative impacts on shoreline vegetation, wildlife, endangered and threatened species, soils, wetlands, floodplains, informal recreational opportunities, cultural resources and navigational safety compared to all the other alternatives. Alternative D also has the most positive impact on aquatic habitat and the smallest potential for additional sites not meeting water quality criteria.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**1598** **Comment:** *While it is true that several of the TVA initiatives would not apply to us due to grandfather clauses, I am writing as a citizen concerned about the environment and the preservation of the resources of the area. While I realize that TVA is leaning toward Alternative C1, I am in favor of a more restrictive alternative that would impact the resources less—preferably Alternative D (although Alternative C2 may be politically more feasible). I am most displeased that TVA is leaning toward Alternative C1, which will impact an additional 35 percent of shoreline. I hope that TVA will adopt an alternative that impacts only 25 percent.*

**Comment by:** Edmund C. Smith, Jr.

**1599** **Comment:** *The interest of the State of Franklin Sierra Club lies in the preservation of our wild areas, as these are habitat for bear and deer and are potential wintering sites for migratory fowl. Our wetlands are extremely important as habitat, as well as for flood control, sediment and pollution control, and for the maintenance of an ecosystem. The loss of forest areas would decrease wildlife habitat and affect population and could affect some endangered and threatened species. There would be additional shoreline erosion which could affect aquatic life and water quality, as could run-off from development. We believe there is potential for loss of economic growth when tourists stop coming to our less-developed lakes for the natural wilderness-like experience they provide. Alternative C1 would mean a loss of 443,000 informal recreation opportunities.*

*There is no alternative that is not detrimental to the environment, but Alternative D makes the most effort at protection, so this should be TVA's choice. Even under Alternative D, the amount of shoreline impacted by residential use could increase from the present level of 13 percent to 38 percent over the next 25 years. At 38 percent level, 4,192 shoreline miles could be developed.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group)

**1600** **Comment:** *While the Kentucky Department of Fish and Wildlife Resources (KDFWR) applauds TVA for its initiative for shoreline management, KDFWR feels the preferred Alternative C1 allows for too much development, with a resultant loss of fish and wildlife habitat. TVA's Alternative C1 will result in the third greatest wildlife and fish habitat loss, fourth greatest wetland loss, potential for violation of state water quality standards, and loss of cultural resource sites. As far as aesthetic resources are concerned, a majority of people did not favor the preferred alternative. Therefore, it is obvious the preferred alternative is not the most environmentally sensitive alternative.*

*KDFWR would prefer Alternative D, since it would result in minimal impacts to the fish and wildlife resources, yet allow for limited development of the shoreline at TVA projects. From the data in the DEIS, it appears this is the type of alternative that a majority of the public would also like.*

**Comment by:** C. Tom Bennett (Kentucky Department of Fish and Wildlife Resources)

**1601** **Comment:** *Within the past several years, the USF&WS has become very concerned about the increase in development, both residential and commercial, along the shoreline of TVA's reservoirs and its impact on fish and wildlife resources. The USF&WS has been working with TVA in a proactive effort to develop a shoreline management plan that would protect fish and wildlife resources, as well as maintain the aesthetic beauty of the Tennessee River system.*

*TVA has identified Alternative C1 as its preferred alternative. If Alternative C1 is selected as TVA's framework for shoreline management, it would destroy years of TVA progress toward protection of fish and wildlife resources on its reservoir properties. Based on the analysis provided in the DEIS, the USF&WS strongly prefers Alternative D for TVA's involvement in shoreline management. According to the DEIS, 13 percent of the reservoir shoreline has already been developed. If Alternative D is selected, it would ultimately allow 38 percent (4,192 miles) of the shoreline to be developed, even though it would be the most restrictive alternative with regard to shoreline development and has the lowest potential for resource impacts (forested wildlife habitat, aquatic habitat, and wetlands). If Alternative C1 is selected, it would allow 48 percent (5,247 miles) of the shoreline to be developed and would permit more liberal clearing of paths to the water's edge. The USF&WS views 48 percent shoreline development as very excessive and detrimental to fish and wildlife resources in the Tennessee River Basin.*

**Comment by:** James H. Lee (United States Department of the Interior)

**1602** **Comment:** *I find it ironic that many of the current lakeshore homeowners are in favor of future development and against further regulation. It seems to me that these people would want to preserve the aesthetic beauty of the land around them, to which they were initially attracted. I would also think that these same people would do everything in their power to protect the quality of water that they live on. If the quality of water should deteriorate (which it has in some areas) to the point where one cannot fish or swim, what will happen to the value of their property? Who wants to live on a contaminated lake? Who wants to live on a lake overpopulated with loud motor boats? Where will a grandfather take his grandchild canoeing to discuss things like understanding right from wrong?*

*I am curious as to how many current lakeshore property owners are voting for future development just because it goes along with reduced TVA regulation. I agree with the speaker from Montana who suggested that these topics be presented individually. I am also curious as to how many people would be in favor of development of lakeshore property if they themselves were unable to purchase the land that is made available—if, for example, these people were out-competed for the limited amount of land or if they could not afford it. Perhaps if they knew their situation in advance, they would rather choose to recreate on undeveloped lakes. If*

*these assumptions are correct, then acting upon a majority vote in favor of development could possibly dissatisfy a greater amount of the population than it satisfies. I vote for Alternative D.*

**Comment by:** Randy Wetzel

**Response:** Comments noted. In response to comments such as these, TVA developed the Blended Alternative. This alternative would strengthen protection of resources and would still allow reasonable use of TVA public shorelands as other commenters requested. As further described in Section 2.8 of the FEIS, TVA would adopt a maintain-and-gain policy for management of its public shorelands. Compared with Alternative C1, TVA's Blended Alternative is closer to Alternative D. Chapter 4 identifies the potential impacts associated with each alternative.

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**1603 Comment:** *I am in favor of Alternative D, because I see what is going on at Watauga Lake. I understand TVA just sold off 30 lots up there, and that is public property. They have no right to sell off anything that is public. Some of these boat docks in East Tennessee are big docks. Only the wealthy can afford them. Some kind of restriction is needed on the development in East Tennessee and Middle Tennessee around these TVA lakes.*

**Comment by:** Dean Martin

**Response:** Comment noted. The TVA Act establishes requirements restricting the sale of public land. The referenced sale was not conducted by TVA and did not involve TVA land.

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**1604 Comment:** *As a lakefront property owner, I think Alternative D is excellent. It will increase the value of my property, because I have flowage easement land.*

**Comment by:** Richard Bell

**Response:** Comment noted. As discussed in Section 4.14.4 of the FEIS, shoreline property values are expected to continue to increase, regardless of which alternative is chosen.

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**1605 Comment:** *Of the six alternatives, it appears that Alternative D allows the least development and disturbance, while providing the most environmental safeguards. For this reason, we recommend this alternative, with the qualification that new development be restricted to single-family residential structures.*

**Comment by:** Daniel Russo, Rosalie Russo

**Response:** Comment noted. Regulation of density of dwellings on private land is the responsibility of local authorities.

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**1606 Comment:** *My neighbors and I are very upset by Alternative D.*

**Comment by:** Alfred Wade

**1607 Comment:** *Alternative D is too restrictive.*

**Comment by:** David Hines, 1 survey comment

**1608** **Comment:** *Alternative D would hasten my return to Colorado. Please remember, before TVA there was the Tennessee River. If you want to return to the original footprint, which dam comes down first? TVA helped develop our river system and the Valley, but as a federal authority, we the people own TVA; thus, to my knowledge, the people still own TVA's land.*

**Comment by:** 1 survey comment

**Response:** Comments noted.

## Blended Alternative

**1609** **Comment:** *I prefer an alternative which combines features from each of the original alternatives. Such an alternative would offer more flexibility and variety.*

**Comment by:** Jeff Gargis (Custom Riverworks), 5 survey comments

**1610** **Comment:** *I do not see an alternative that I am in favor of. I think TVA needs to combine different aspects of the alternatives so that the landowners are working with the people who recreate on the lake.*

**Comment by:** Robert Thomas (Cove Norris Subdivision)

**1611** **Comment:** *In the public meetings, homeowners asked for more control over the shoreline, but what TVA is offering in the future is less. They ask for standards to maintain their shoreline and to build boathouses, and TVA has responded with a separate effort. We would like to have standards, and we would agree to meet those standards. We would like to see an alternative that relies on homeowners who agree to develop standards together. We believe it would achieve all of the things that TVA is trying to do with regulation.*

**Comment by:** Henry Everitt

**1612** **Comment:** *I would like to see a little bit of awareness and a little less arrogance from TVA. Unless formulas, rules, and broad overall plans have mechanisms in them for specific planning and specific area alterations and changes, the use of wisdom is precluded. TVA is going to use technology, but TVA is not going to use wisdom. I think any model TVA comes up with needs to allow us to occasionally use wisdom. If a man has lived on property for 60 years, he does not want to see it washed down the river, and he is probably going to have some ideas about how to preserve it. However, TVA says that does not fit their plan. Perhaps we could talk about that at some point.*

**Comment by:** Wess Harris (Appalachian Community Services)

**1613** **Comment:** *A modified Alternative A would represent the most rational approach. Alternative A should, however, include some of the controls manifest in Alternatives B1 and B2.*

**Comment by:** 1 survey comment

**1614** **Comment:** *A merger of Alternatives A , B1, B2, and C1 would be best.*

**Comment by:** 1 survey comment

**1615** **Comment:** *I am not happy with any of the alternatives that are proposed. I think somewhere between Alternatives B1 and B2 might be best.*

**Comment by:** Ron Reeves

**1616** **Comment:** *Of the six alternatives in the DEIS, the one that is the most attractive is Alternative B2. There are certain features of the other alternatives which are also attractive and could be implemented.*

**Comment by:** Bill Evans

**1617** **Comment:** *A mixture of Alternatives C1 and B2 would be the best choice.*

**Comment by:** 1 survey comment

**1618** **Comment:** *A combination of Alternatives B2 and C2 is my preference.*

**Comment by:** 1 survey comment

**1619** **Comment:** *Merge Alternatives C1 and C2.*

**Comment by:** 1 survey comment

**1620** **Comment:** *I prefer an alternative which combines parts of Alternatives A and B1—not as restrictive as B1 but more limited than A. From Alternative A, I would use the standards for a shoreline management zone, management of woody understory, tree cutting, and shoreline stabilization.*

**Comment by:** 3 survey comments

**1621** **Comment:** *Use Alternative A for the woody understory. Use Alternative A, B1, or B2 for the shoreline management zone, tree-cutting, and community facilities. Use Alternative B1 or B2 for shoreline stabilization. Use Alternative D for boat-launching ramps.*

**Comment by:** 2 survey comments

**1622** **Comment:** *From Alternative B1, I would select the standards for maximum allowable footprint, covered boat slips, standardized dock designs, flotation, community facilities, boat launching ramps, and dredging.*

**Comment by:** 1 survey comment

**1623** **Comment:** *Adopt the Alternative B2 dock policy—with no community facilities.*

**Comment by:** 1 survey comment

**1624** **Comment:** *The ideal alternative would offer the dock standards of either Alternative B1 or C1 and ask for no performance deposit.*

**Comment by:** 1 survey comment

**1625** **Comment:** *Make some adjustments between Alternatives B2 and C1, primarily modifying the restrictions on open boat slips to allow and encourage sides and to allow some more flexibility in lake access for adjacent property owners.*

**Comment by:** 1 survey comment

**1626** **Comment:** *I prefer an alternative which combines parts of Alternative B1 and B2. I would add features of Alternatives C1 and C2, if rules about the shoreline management zone and woody understory were removed.*

**Comment by:** 3 survey comments

**1627** **Comment:** *The perfect alternative would amend Alternative B2 by adding the boat slip and flotation guidelines from Alternatives C1 and C2, as well as the boat-launching ramp and dredging guidelines from Alternative D.*

**Comment by:** 1 survey comment

**1628** **Comment:** *The incentive provisions for shoreline management in Alternatives C1/C2 do not appear in Alternatives B1/B2. I would encourage their application to any criteria finally selected.*

**Comment by:** Harry A. Nesteruk

**1629** **Comment:** *Change the shoreline vegetation aspects of Alternative C1 to allow removal of trees 3 inches and less without charge. This allows continuous access to the water and enhances the quality of life for homeowners, many of whom bring dollars and employment to the region.*

**Comment by:** 1 survey comment

**1630** **Comment:** *I believe some combination of Alternatives C1, C2, and D would best protect the abundant resources along the shoreline (including visual, wildlife, water quality, and natural areas) and would provide the most public benefits.*

**Comment by:** 3 survey comments

**1631** **Comment:** *My personal interest lies in the natural (water quality, wildlife, aesthetics, communing with nature) values. After touring a number of TVA lakes (e.g., Norris, Cherokee, Douglas, South Holston, Fontana, and Watauga), I am impressed with the reasonably wild and natural areas left. Even more built up lakes such as Boone and Fort Patrick Henry have natural areas which provide relief from development and suburbanization. Therefore, I would like to comment on your proposed management alternatives in terms of how we can preserve as much of the natural environment as possible.*

*In conjunction with other agencies, identify the most outstanding natural areas on the TVA lakes. This should involve both sides of the lake where necessary to preserve viewsheds, wildlife, and natural values. Then use a combination of Alternatives C and D to manage the lake shorelines. Use Alternative D to preserve natural areas in which there might be some residential development which cannot be prevented. Use Alternative C for developing attractive residential, dock, and developed recreation areas, while maintaining as much shoreline vegetation buffer as possible.*

**Comment by:** Mike Everett (East Tennessee State University)

**1632** **Comment:** *I believe some combination of Alternatives C2 and D would best achieve a balance between private land development and public benefits. It would also provide an acceptable solution to the issue of how much shoreline management is necessary.*

**Comment by:** Bill Terry, 2 survey comments

**1633** **Comment:** *Alternative C2, managed development, could easily include many of the points TVA proposes under Alternative D, such as maintaining streamside management zones, promoting donations of conservation easements that protect privately owned shoreline properties, and encouraging Valley states to adopt laws that protect shoreline and riparian vegetation.*

**Comment by:** Joe W. McCaleb

**1634** **Comment:** *In general, I prefer Alternative D, although I think some of the measures may be too restrictive. I think property owners should be allowed some lake views.*

**Comment by:** Barbara Walton (Citizens Advisory Panel)

**Response:** Comments noted. In response to public comments, TVA has developed a new Blended Alternative, which combines standards and strategies from Alternatives B1, B2, C1, C2, and D. More information on the Blended Alternative is included in Section 2.8 of the FEIS.

**1635** **Comment:** *Alternative C1 needs to be a blend between Alternatives C1 and B2. TVA needs to be more specific about buffers, because the differences in interpretation between lake groups will cause problems. For example, is Cherokee's Lake Association or TVA going to interpret what they view as reasonable and proper differently from Douglas or Loudoun or some other group? Blend the existing guidelines with Alternative C to soften the 100-foot buffer.*

**Comment by:** Dennis C. Valkanoff

**Response:** TVA has developed a new Blended Alternative that includes simple, clear standards. The vegetation management standards governing use of TVA land would provide for a narrower, 25-foot SMZ. Thinning of specified plants and pruning of side limbs of trees would be allowed within this zone. Outside this zone, select trees under 3 inches in diameter could be cut, as allowed under the existing guidelines. When there are interpretation questions, TVA will respond to them.

## More Than One Alternative

**1636** **Comment:** *We support Alternative A or B1.*

**Comment by:** Douglas MacEwen, Theodore S. Maloney, Thomas Schmidt (Timberlake Estates Homeowners Association)

**1637** **Comment:** *I have heard about government land grabs in the West with little understanding until the recent revealing of TVA's SMI. I still have little understanding of the authority in the United States of America, where property rights have always been our heritage, that allows the federal government or any of its agencies to amend and increase its control of land contracts. I believe Alternative A is desired in a free country. However, most of the current property owners purchased their lakefront lots with the understanding of the rights and limitations of TVA's flood control requirements and permitting guidelines for docks and floating boathouses. Therefore, Alternative B1 is tolerable.*

**Comment by:** Janet K. Adams

**1638** **Comment:** *We support Alternative B1 or B2.*

**Comment by:** 12 survey comments

**1639** **Comment:** *Alternatives B1 and B2 are fair and reasonable and accommodate residential needs.*

**Comment by:** 2 survey comments

**1640** **Comment:** *Alternatives B1 and B2 have the best options for the shoreline management zone.*

**Comment by:** 1 survey comment

**1641** **Comment:** *Many of the residents on Watts Bar are retired and take care of their property, making Alternatives B1 and B2 the only viable options for the SMI.*

**Comment by:** 1 survey comment

**1642** **Comment:** *I understand TVA's preference for Alternative C1; however, I am reluctant to give any federal agency more authority than it now has. My personal preference is Alternative B2 or B1, because of my personal experience with government agencies overregulating.*

**Comment by:** Bill Riehl

**Response:** Comments noted. In response to public comments, TVA has developed a Blended Alternative which combines features of Alternatives B1, B2, C1, C2, and D. It also addresses grandfathering of existing shoreline uses. For more information, see the Blended Alternative and Grandfathering sections of this volume and Section 2.8 of the FEIS.

**1643** **Comment:** *To stabilize the environment, either Alternative B2 or C2 would allow increased regulation without violating existing property rights.*

**Comment by:** 1 survey comment

**1644** **Comment:** *Alternative B2 is fine for the land currently available for residential development. I would prefer Alternative C2 or even D.*

**Comment by:** 1 survey comment

**1645** **Comment:** *I prefer Alternatives B2, C2, and D, which do not open additional areas to development. Development is occurring all over Campbell and Anderson Counties, as well as most other areas of East Tennessee. As property prices increase as a result of demand, private property owners will find it more difficult to resist the temptation to develop their land or sell it to developers. Therefore, it is very important to keep the acres not already open to development.*

*As a conservationist, I prefer Alternative D. However, this alternative will not be viable, due to adjoining landowner complaints. It is becoming a political issue with politicians who do not know the whole story. Therefore, Alternative B2 will most likely survive. My concern is future development. I have no objection to docks, boathouses, etc., but I do not want to see any additional areas opened to development.*

**Comment by:** R. Deron Hendren

**1646** **Comment:** *I support Alternatives B1/B2 and Alternatives C1/C2, as well as Alternative D. I strongly urge TVA to take an active role in shoreline management.*

**Comment by:** 1 survey comment

**1647** **Comment:** *I support Alternative C1 or C2.*

**Comment by:** James E. Sherrill, 1 survey comment

**1648** **Comment:** *I believe that Alternative C, with some modifications, is the best choice.*

**Comment by:** 3 survey comments

**1649** **Comment:** *I agree that TVA needs to be involved in shoreline management and that people need to maintain a balance between nature and progress. However, we tend to destroy nature in order to get to progress. Either Alternative C1 or C2 would be a great balance for all concerned.*

**Comment by:** Donetta Krantz (Cheatham County Chamber of Commerce), 1 survey comment

**1650** **Comment:** *This comment is based on the data in the SMI report. Alternatives C1 and C2 are more middle-of-the-road, giving the needed protection to the environment and the property owner.*

**Comment by:** 1 survey comment

**1651** **Comment:** *Some new initiative needs to be tried to move forward. This leads more into Alternatives C1 and C2. There is more risk, but if managed change can happen in a planned fashion, good should prevail.*

**Comment by:** 1 survey comment

**1652** **Comment:** *I prefer the Alternative D standards governing tree-cutting, shoreline vegetation, and aesthetics; however, I feel Alternative C1 is the most practical.*

**Comment by:** 1 survey comment

**1653** **Comment:** *If Alternatives D and C2 are not likely to be accepted for political reasons, then I would prefer Alternative C1, TVA's preferred alternative.*

**Comment by:** 1 survey comment

**1654** **Comment:** *Alternatives C1 and C2 are okay, but I like the word minimum in Alternative D.*

**Comment by:** 1 survey comment

**1655** **Comment:** *Alternatives C1, C2, and D best promote sound resource management and water quality objectives.*

**Comment by:** 1 survey comment

**1656** **Comment:** *From a recreation aspect, Alternatives C and D seem to be the only fair choices, allowing all people to enjoy lake recreation—not just those fortunate enough to afford lakefront property or to own a boat.*

**Comment by:** 1 survey comment

**1657** **Comment:** *Ideally I prefer Alternative D, but realistically, Alternatives C1 and C2 would be somewhat preferred. My biggest concern is future development of reservoir shorelines in the Tennessee Valley.*

**Comment by:** Robert Hendrew

**1658** **Comment:** *I strongly recommend Alternative D or Alternative C2 at the very least.*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**1659** **Comment:** *Alternative D is my choice, but I realize that this would hamper economic growth, which is greatly needed. So Alternative C2 is my second choice. It saves the environment and helps the people, although not as much as others.*

**Comment by:** 1 survey comment

**1660** **Comment:** *The DEIS unnecessarily allows expansion of private property while losing public lands. We are already feeling the pains of buildout to the present 13 percent. Can we not triple this and say enough is enough (Alternatives D and C2)? Why expand even more to 48 percent? Also, I cannot see that TVA is really obligated to stop at 48 percent under Alternative C1.*

**Comment by:** 1 survey comment

**1661** **Comment:** *As a lake user, I prefer Alternative D, but I understand that property owners would like to have some view access to the water. Alternative C2 allows such a view, while providing habitat for shoreline wildlife, some shade for aquatic organisms utilizing the shoreline area, and habitat for riparian vegetation. I am not in favor of opening more shoreline area for private development; thus, I am strongly opposed to Alternatives C1, B1, and A.*

**Comment by:** Maureen Cunningham

**1662** **Comment:** *The Division of Natural Heritage opposes the precedent-setting action of opening additional percentages of land for development, as we can expect to see increasing pressure to turn over public lands for private gain. This Division cannot support the loss of wildlife habitat and lands suitable for recreational uses.*

*During 1992 TVA conducted a Gallup poll of those people using TVA facilities and land. This poll indicated that 69 percent of the users wanted to see further protection of public lands in an undeveloped condition, and 84 percent of those polled wanted to see TVA lakefront lands maintained for further (long-term) public use. Additionally, 61 percent of those polled indicated that the highest priority for TVA should be preserving the environment. The Division has worked with TVA staff for many years to protect large, undeveloped tracts which prolong significant habitat and species biodiversity. The proposed actions of Alternatives A, B1, B2, and C1 are inconsistent with the long-standing cooperative effort. In summary, considering the alternatives presented, we find Alternatives C2 and D least objectionable.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**1663** **Comment:** *The Environmental Protection Agency (EPA) believes that TVA reservoir development should be based on the degree of existing reservoir development, on the reservoir ecological sensitivity, and on the individual reservoir/overall reservoir system health. TVA's preference for Alternative C1 at this time is based on ". . . a balance between environmental protection needs and anticipated future development demands" (page 2-27). However, although "only" up to a 48 percent buildout scenario is predicted for Alternative C1, it would make 100 percent of the permissible (not protected) portions of TVA's total shoreline accessible to development, based on accessible ownership categories. Therefore, it could be argued that this "balance" would favor development, albeit controlled development. EPA believes that maintaining development within permissible portions of the current 38 percent of TVA's total shoreline (Alternative C2) would be more of a conservative "balance" that would err on the side of the environment.*

*We believe that the TVA-preferred Alternative C1 is a reasonable choice when compared to Alternatives A, B1, and B2, since shoreland development would be considerably more controlled under Alternative C1. Nevertheless, EPA believes that Alternatives D and C2 offer greater environmental benefits than C1. Alternative D is the best environmentally, since there would be minimal development and therefore minimal shoreland conversion; Alternative C2 is attractive, since it would limit controlled development to permissible portions within the two TVA ownership categories currently open to residential development (i.e., 38 percent of TVA's total reservoir shoreline), so that additional shoreline areas would not be opened under Alternative C2. Since Alternative C2 allows more development than D, yet controls*

*development, it is perhaps more practicable and realistic than Alternative D, considering the interest in shoreland ownership and recreation. Alternative C2 also allows less development than A and C1 and controls development more than A, B2, and B1.*

*EPA prefers a TVA selection of Alternative D, from a strictly environmental perspective, but would not object to a selection of Alternative C2 from a practicable perspective. EPA does not prefer the current TVA selection of Alternative C1, since it would open too much shoreline to residential development. Alternatives A and B1 or B2 are also not preferred by EPA, due to their insufficient environmental protection, although Alternative B2 would limit access to 38 percent. Based on limited shoreland accessibility and/or better environmental controls, EPA's overall alternative preference decreases in the following order: D, C2, B2, C1, B1 and A.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Alternative B2 would continue use of TVA's existing guidelines. None of the alternatives would remove or change private property rights. In response to public comments, TVA has developed a Blended Alternative. This alternative combines standards and other features from Alternatives B1, B2, C1, C2, and D to produce a flexible option which should be more publicly acceptable than Alternative D. In comparison to TVA's initially preferred Alternative C1, the Blended Alternative provides a level of environmental protection closer to Alternative C2. Under the Blended Alternative, TVA would better protect sensitive resources, while accommodating reasonable access in areas now open.

The Blended Alternative would place high priority on conserving ecological and recreational values. In addition, TVA would adopt shoreline conservation strategies such as shoreline categorization, conservation easements, and a maintain-and-gain public shoreline policy. Under this policy, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. See Section 2.8 of the FEIS for a description of the Blended Alternative.

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**1664** **Comment:** *Alternatives B1 and B2 come closest to my thinking, but not with the fees included. We have a system that is working just fine. If it is not broken, do not fix it.*

**Comment by:** 1 survey comment

**1665** **Comment:** *Alternatives B2 and C1 would be acceptable if TVA cancels the proposed annual "dock registration charge" (tax) and does what work it can with existing appropriations. I strongly oppose any plan funded by an annual tax on waterfront structures, docks, boat-houses, etc.*

**Comment by:** 1 survey comment

**1666** **Comment:** *I support Alternative B2 or C2, without the inspection fees.*

**Comment by:** 1 survey comment

**1667** **Comment:** *Unfair fees to property owners make Alternatives C1, C2, and D all unacceptable.*

**Comment by:** 1 survey comment

**Response:** Comments noted. As further explained in the Fees section of this volume, the performance deposit, structure registration, and vegetation management fee proposals have been withdrawn.

**1668** **Comment:** *Alternative A seems intent upon the rape of the Tennessee Valley area. Alternative B1 is not much better than A, because gentle rapes that happen more often than one savage rape are still unacceptable.*

**Comment by:** 1 survey comment

**1669** **Comment:** *The Sierra Club, State of Franklin Group opposes Alternatives A, B1, and B2.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group)

**1670** **Comment:** *Alternatives A, B1, and B2 offer the greatest economic potential but the most environmental harm.*

**Comment by:** 2 survey comments

**1671** **Comment:** *Alternatives A, B1, and B2 offer little, if any, environmental protection of the lakes.*

**Comment by:** Dustin L. Mackey (The University of Tennessee - Martin)

**1672** **Comment:** *TVA adequately defined why the SMI is important to the public by stating the need to improve the management of 10,995 miles of shoreline through sound resource management and water quality objectives. This should be the guiding influence for whatever alternative or combination of alternatives is finally selected. Alternatives A, B1, and B2 would not accomplish the stated objectives.*

**Comment by:** 1 survey comment

**1673** **Comment:** *Alternatives A, B1, and B2 will not be at all sufficient to protect the reservoirs into the next century and beyond. Long-term sustainability must prevail over current consumptive uses if the lakes are to be enjoyed and are to contribute to the quality of life beyond the current generations. This is why I am opposed to Alternatives A, B1, and B2. They carry on business as usual, with no long-term protection or coherent and rational management in mind, and they do not provide for education or enforcement of rules and agreements. None of this has been shown to work. If it had worked, there would seem to be no reason for preparing an SMI assessment in the first place.*

**Comment by:** 1 survey comment

**1674** **Comment:** *We have decided that TVA's preferred Alternative C1 should not be selected. We oppose this alternative and Alternatives A and B1, because we believe they allow far too much shoreline development and therefore would result in the greatest loss of unspoiled and ecologically significant public lands. In addition, the more shoreline development, the greater the potential for water quality degradation from soil erosion and runoff pollution.*

**Comment by:** Daniel Russo, Rosalie Russo

**1675** **Comment:** *Alternatives B1 and B2 both invite destruction of lake habitat for all living things.*

**Comment by:** 1 survey comment

**1676** **Comment:** *Based on the data in the SMI report, Alternatives B1 and B2 are too restrictive.*

**Comment by:** 1 survey comment

**Response:** In response to public comments, TVA has developed a Blended Alternative, which would combine elements of previous alternatives, place priority on conservation of shoreline resources, and adopt workable standards. Education and incentives would also be emphasized. The Blended Alternative is described in Section 2.8 of the FEIS.

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**1677** **Comment:** *Alternatives A and D are extreme and unreasonable.*

**Comment by:** 2 survey comments

**1678** **Comment:** *The process is too long and not focused enough. Alternatives A and D were a waste of time to talk about. TVA could not pursue either one, both for practical and political reasons.*

**Comment by:** 3 survey comments

**1679** **Comment:** *It appeared the entire DEIS was obsessed with the idea of selling Alternative C1, with Alternative D thrown in as a scare tactic.*

**Comment by:** 1 survey comment

**Response:** Alternatives A and D are both reasonable. Either one of these could potentially be implemented. During public participation, there was considerable support for and opposition to each of these alternatives. TVA's objective was to provide a reasonable range of alternatives that met the stated purpose of SMI, and we believe Alternatives A and D are the appropriate endpoints of this range. TVA no longer prefers Alternative C1. A Blended Alternative is described in Section 2.8 of the FEIS.

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**1680** **Comment:** *Property owners oppose Alternatives C1 and C2.*

**Comment by:** 2 survey comments

**1681** **Comment:** *Alternatives C1 and C2 are too restrictive.*

**Comment by:** 1 survey comment

**1682** **Comment:** *Alternatives C1 and C2 are unacceptable, because vegetation alterations are too tightly restricted. They also fail to compensate for lost recreational opportunities.*

**Comment by:** 1 survey comment

**1683** **Comment:** *TVA said that Alternative C1 would not affect your property. TVA also said landowners do not have to let their property grow up. However, in those places where TVA land is less than 100 feet, the DEIS says that a landowner has to agree to let his property grow up to make up the difference, if he wants more than a 6-foot pathway to the water. That is found under Alternatives C1 and C2 in the TVA manual. Also, if your property that adjoins TVA land is less than 100 feet, you would never get more than a 6-foot pathway.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk)

**1684** **Comment:** *Alternatives C1, C2, and D are totally unacceptable and should be eliminated.*

**Comment by:** 3 survey comments

**1685** **Comment:** *Alternatives C1, C2, and D will cause erosion of TVA public support. TVA could not be created in today's climate, but it can be dismantled.*

**Comment by:** 1 survey comment

**1686** **Comment:** *I believe some level of shoreline management by TVA is necessary. However, Alternatives C1, C2, and D are all examples of governmental overcontrol.*

**Comment by:** 1 survey comment

**1687** **Comment:** *Alternatives C1, C2, and D would be a bureaucratic nightmare to oversee and cost too much money. These costs should not be placed on the property owners.*

**Comment by:** 2 survey comments

**1688** **Comment:** *Alternatives C1, C2, and D are too restrictive for lakefront property owners and are unacceptable because of the SMZ requirements.*

**Comment by:** 3 survey comments

**1689** **Comment:** *I do not mind some TVA management. It is probably better than none, as in Alternative A. However, if I am helping to control shoreline erosion by putting in riprap, I should not be required to have a 100-foot SMZ of, perhaps, 5-foot-high brush and weeds between my property and the lakeshore. So I do not like Alternatives C1, C2, and D.*

**Comment by:** 1 survey comment

**1690** **Comment:** *Alternative C1, as currently preferred by TVA, is unacceptable. Alternative C1 projects an increase in the lakefront and back lot populations associated with shoreline development by approximately 530,000 people. If Alternative C1 is selected, 48 percent of the existing shoreline (over 5,200 miles) could be adversely impacted by development. This alternative is ecologically unsophisticated, environmentally irresponsible, and politically naïve. The exploitation and overdevelopment promoted by the adoption of this alternative would be highly detrimental to fish, wildlife, forest ecology, and water quality, as well as the overall aesthetic value of the area. The most conservative alternative, Alternative D, is also an unacceptable option. Although the DEIS maintains that shoreline impacts would be “minimal”—an approximate 38 percent (4,192 miles) of possible development—we do not feel that a 10 percent reduction from Alternative C1 is “minimal” enough.*

**Comment by:** Cassi M. Yost

**Response:** Comments noted. TVA no longer prefers Alternative C1, and as further explained in the Grandfathering section of this volume, existing homeowners with access rights would be allowed to continue mowing established lawns. The SMZ would not be required along these existing mowed shorelines. TVA now proposes a Blended Alternative, which would provide more flexible vegetation management standards for new shoreline development. This alternative would allow future owners of private residential lots adjacent to TVA-owned shorelands to access the shoreline via designated visual and pedestrian corridors (up to 20 feet wide) that have been cooperatively sited by TVA and the property owner.

Under the Blended Alternative, TVA would also place high priority on managing public lands for resource conservation and public use. TVA would also adopt shoreline conservation strategies, such

as shoreline categorization, conservation easements, and a maintain-and-gain public shoreline policy. Under this policy, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. TVA would not expand its role, and additional people would not be hired to implement this alternative. For more information about the Blended Alternative, refer to Section 2.8 of the FEIS.

## All Alternatives

**1691** **Comment:** *The alternatives are not very clear, and the differences between them are not readily obvious. For example, using the Alternative B1/B2 and C1/C2 combinations widely throughout the manual and then listing each individually made a clear choice more difficult.*

**Comment by:** 12 survey comments

**1692** **Comment:** *An attempt has been made to make each item stand-alone, when there should be a matrix that helps determine which is the most important.*

**Comment by:** 1 survey comment

**Response:** The primary differences in the alternatives are: (1) the type of standards that would be used and (2) where they would apply. There is a matrix comparison of alternatives in Section 2.10 of the FEIS. The Executive Summary and the FEIS include several other tables that compare alternatives.

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**1693** **Comment:** *Some of the differences between the alternatives are in the 2-3 percent range, which is probably not significant. It is commendable, however, that an effort was made to quantify or identify the same order of magnitude for the possible differences.*

**Comment by:** 2 survey comments

**Response:** Comment noted. TVA agrees that some individual resource and measurement indicators show small differences between some of the alternatives. However, when all indicators are taken into account and viewed as a whole, the differences among the alternatives are substantial.

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**1694** **Comment:** *All options must allow for TVA to be flexible, willing to at least allow landowners to present their requests and clearly give reasons if requests are denied. Immediate denial only creates further bad feelings.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**1695** **Comment:** *None of the six alternatives are acceptable.*

**Comment by:** 1 evaluation form comment (Clinton, TN), 13 survey comments

**1696** **Comment:** *None of the alternatives are feasible or practical. They are too restrictive, specific, complicated, and inflexible and will be a financial burden to taxpayers.*

**Comment by:** 5 survey comments

**1697** **Comment:** *The Meigs County Commission opposes the SMI and all alternatives because of the drastic changes that would occur to landowners' rights to utilize the beauty of their property and to control erosion. The Commission also opposes the proposed permit fees and annual assessments, recognizing the financial hardships this would cause the commercial businesses and property owners along the waterways controlled by TVA.*

**Comment by:** Janie Rowland (Meigs County Clerk)

**Response:** Comments noted. TVA has developed a Blended Alternative. It offers simplified standards and strategies that have been combined from Alternatives B1, B2, C1, C2, and D. It provides for flexibility and choices by adjacent landowners seeking permits from TVA. See Section 2.8 of the FEIS for a description of this alternative. As explained in the Fees section of this volume, the performance deposit, structure registration, and vegetation corridor fee proposals have been withdrawn.

**1698** **Comment:** *The alternatives considered do not include one that aggressively designs for residential and environmental accommodation.*

**Comment by:** 1 survey comment

**Response:** See Alternative D in Section 2.7 of the FEIS.

**1699** **Comment:** *Based on state agency comment and our evaluation, the state of Tennessee suggests the following: TVA's current alternatives do not completely characterize an appropriate approach for management of TVA lake system shorelines. Increased development of public shorelines surrounding publicly owned TVA lakes reduces shoreline habitat for very diverse biological communities, reduces undisturbed, natural, and scenic vistas preserved along public reservoirs, and tends to decrease the quality of public waters and opportunities for public recreation. This position is supported by all reviewing state agencies. In general, we recommend that TVA restrict residential development on all TVA-owned-and-managed or jointly managed shorelines.*

**Comment by:** Justin P. Wilson (Tennessee Department of Environment and Conservation)

**Response:** Comment noted. In response to public input, TVA has developed a Blended Alternative which includes strategies and standards from Alternatives B1, B2, C1, C2, and D. The Blended Alternative would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. No additional shoreland would be made available for residential access unless the no-net-loss objectives of a maintain-and-gain public shoreline policy could be met. See Section 2.8 of the FEIS for more information.

**1700** **Comment:** *Under all of the alternatives, there will be adverse environmental impacts to shoreline vegetation and surrounding forests, wildlife, threatened and endangered species habitat, water quality, wetlands, floodplains, aquatic habitat, aesthetics, and recreational opportunities. There is the potential for violation of state water quality laws and federal statutes regarding environmental protection.*

**Comment by:** Larry Richardson (Tennessee Conservation League), Michael A. Butler (Tennessee Conservation League), William D. Stokes, 1 survey comment

**Response:** Depending on the resource and the kind and extent of alterations that occur along the shoreline, a number of natural resources could be harmed. The risk of harm varies across the alternatives studied in the EIS. TVA does not agree, nor do its analyses support, that all of the identified resources would be harmed under every one of the alternatives. Moreover, one of SMI's goals is to formulate a residential shoreline management strategy that reduces the risk of adverse impacts. Regardless, potential harm to protected resources and compliance with applicable environmental statutes will have to be addressed again when actions under the policy adopted by TVA occur. At that time, the potential for impacts to specific resources can be assessed with greater certainty. TVA, other agencies with environmental responsibilities, and the public will also be able to better identify those measures and safeguards that should be taken to avoid unacceptable impacts.

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**1701** **Comment:** *I do not like industrial development so close to the shoreline.*

**Comment by:** 1 survey comment

**1702** **Comment:** *Any alternative which allows industrial development is not acceptable.*

**Comment by:** 1 survey comment

**Response:** The alternatives specifically address residential shoreline alterations (docks, bank stabilization, and related shoreline uses). TVA develops individual reservoir land management plans to determine where industrial development or other uses would be suitable.

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**1703** **Comment:** *Why is there not an alternative without fees? None of these alternatives are acceptable as long as the fees are included.*

**Comment by:** 5 survey comments

**Response:** As further explained in the Fees section of this volume, the performance deposit, structure registration, and vegetation management fee proposals have been withdrawn.

## Alternatives Eliminated From Detailed Discussion

**1704** **Comment:** *Development of the shoreline should be completely stopped and held to its present level. We feel there are compelling reasons for TVA to include this option in the range of alternatives and give it serious consideration in the FEIS. For example, allowing further development would increase pollution to dangerously high levels and destroy the beauty of the area. Stopping all development would protect wildlife and aquatic habitat, control erosion, safeguard buffer zones, improve and maintain water quality, preserve endangered species, help the economy, and promote tourism. Adopting a "no-loss-of-public-lands" policy would also show TVA to be environmentally forward-thinking and committed to protecting the public interest. Shoreline development for private use benefits only a few privileged individuals. If our lakes and shorelines are to be here for future generations, TVA must reject the idea that more development is inevitable and resist any pressure from special interests to allow more development.*

**Comment by:** Barbara Price (Friends of the Tennessee River), Bob Dodd (Native American Interests), Cliff Griggs (Friends of the Tennessee River), Danny Solomon, David Alverson, David Hines, Faye Tusin, James E. Sherrill, John Johnson (Katuah Earth First), Kirk Johnson, Lisa Richardson-Calfee, Luci Bell, Margaret Rohs, Pete Wyatt, Ralph Bahr, Tim Pruitt, William Burrow (Pickwick Boaters Association), William D. Stokes, Paul A. Yambert, Mary Lee Crews, Randy McNally (Tennessee State Senate), Brian Bowers, 1 evaluation form comment (Memphis, TN), 1 evaluation form comment (Murray, KY), 78 survey comments

**1705** **Comment:** *Stopping development and restoring previously developed areas to their natural state is a viable alternative that TVA should seriously evaluate and include in the FEIS. We believe the current level of development is already too high, and future development of any kind would be detrimental to the shoreline environment. As the population continues to grow, our natural resources are disappearing and pollution is worsening. TVA must protect our lakes and shoreline from further development and restore shoreline vegetation to protect water quality, endangered species, and wildlife habitat. TVA should also purchase available shoreline acreage and leave it undeveloped forever.*

**Comment by:** Cliff Griggs (Friends of the Tennessee River), Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), William G. Minser, Gloria Reagon Price, Joe Knoepfler, Alison Brayton (Tennessee Department of Environment and Conservation), 9 survey comments

**Response:** It is important to recognize that the Valleywide buildout percentage (i.e., 38, 48, or 63) associated with each of the alternatives represents nothing more than TVA's estimate of the upper limit or maximum amount of shoreline development that could occur across the Tennessee Valley region over SMI's 25-year planning horizon under certain conditions. This does not mean that buildout necessarily would occur, because these percentages are not shoreline development goals or targets of the alternatives. These upper limits were needed for analysis purposes only and were used primarily to assess the environmental impacts that the alternatives could have on each of the 13 resources. The length of the planning period provides an opportunity to observe trends and adjust whatever policy is adopted to respond to these trends.

The impacts of no more shoreline development are presented in Chapter 3 of the FEIS as the current conditions. Impacts resulting from restoration of previously developed areas would presumably be less than those produced under current conditions, but how much less is not known. However, the restoration process would itself have adverse environmental impacts. See Section 2.9 of the FEIS.

As indicated in Section 2.9 of the FEIS, TVA rejected the no-more-shoreline-development-and-restoration alternative for the following reasons:

- (1) It fails to meet an essential component of the stated purpose of SMI, which is to review existing permitting practices and establish a policy to better protect shoreline and aquatic resources, while allowing adjacent landowners reasonable access to the water.
- (2) Under existing property rights, 6 percent of the privately owned shoreline has been developed, and another 15 percent could be developed for certain uses over which TVA has no control (i.e., vegetation management and construction of homes on private land). In addition, permitted shoreline facilities such as docks and bank stabilization exist along a total of 13 percent of the shoreline. Any attempt to acquire the necessary rights to stop all shoreline development or restore previously disturbed shorelines would be strongly opposed by many property owners, politically unacceptable, and economically prohibitive.
- (3) Removing existing shoreline development and restoring previously developed areas would require revoking existing Section 26a permits. While some 26a permits have language allowing TVA to terminate without any specific reason, the more common provisions authorize termination only for specific causes, such as failure to properly maintain a facility or the identification of adverse effects on navigation, flood control, or public lands.

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**1706** **Comment:** *TVA's SMI policy should be one that preserves the scenic beauty and recreational quality of the lakes and protects the shoreline environment and natural resources. However, development of up to 38 percent of the shoreline would result in unacceptable impacts to these important resources. Therefore, we urge TVA to evaluate and adopt an alternative that limits total residential development to a maximum of 25 percent of the shoreline.*

**Comment by:** Cassi M. Yost, Marilyn Livesay, Martin Beckler, Gayle Beckler, W. Paul Dixon, 9 survey comments

**1707** **Comment:** *The Tennessee Environmental Council believes that one or perhaps two new alternatives need to be developed. Alternatives D and C2 are the best alternatives in the EIS, but even Alternative D allows for a tripling in shoreline development (38 percent of the shoreline developed from 13 percent today). We need a new alternative that captures the best features of Alternatives C2 and D and that adds protection for TVA-owned residential access land. Perhaps the most prudent policy is to restrict new development to land that is privately owned and retain ownership and management of the land that is in public hands. The cap should be somewhere around 25 percent or maybe the 21 percent that is privately owned.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council)

**1708** **Comment:** *Millions of acres of private lands are available for development, and we believe our public lands should be used for those natural values that are not likely to be protected on private lands. Alternative D provides the most protection for natural resources of the six alternatives presented but, sadly, it also allows for a threefold increase in shoreline development. We cannot fathom how TVA considered that impacts on 38 percent of the shoreline is minimal, although it is 10 percent less than 48 percent (Alternative C1). We urge TVA to develop and circulate another alternative for public review that would allow development on a maximum of 25 percent of the shoreline, including that residential development currently existing on 13 percent of the shoreline. This would allow for a 12 percent increase which, if properly designed, would be acceptable.*

**Comment by:** Chester A. McConnell (Wildlife Management Institute)

**1709** **Comment:** *Potential shoreline residential development, or commercial development including a residential component, should be capped at no more than 28 percent of the total shoreline. This total would be made up of the existing 13 percent of developed shoreline (7 percent residential access land and 6 percent flowage easement shoreland) plus the remaining 15 percent of undeveloped private property in the flowage easement category.*

*Since TVA does not own the land over which it holds flowage easements, all of the remaining shoreline property (15 percent) in this category would be allowed to develop. TVA would protect the remaining 10 percent of residential access shoreland by using private-lands mechanisms (e.g., conservation easements and fee title purchases) and implementing Tennessee Conservation League's proposed guidelines designed to help retain some of the ecological functions of the shoreline. There must also be no net loss of the remaining 62 percent of TVA shoreline (e.g., TVA-owned-and-managed and TVA-owned-and-jointly-managed ownership categories). TVA owns this land, and TCL feels strongly that this land should be managed for the benefit of the public and public uses.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**1710** **Comment:** *We are concerned that not any of the six alternatives promote less than 38 percent development. Although Alternative D would have the least impact, there would still be more than a doubling of the presently developed shoreline. Development of that magnitude would severely degrade the health of the shoreline environment, lower the quality of life for those fortunate enough to live on the lake, and detract from the recreational experiences of all who use the lakes and shorelands. Therefore, we urge TVA to take its planning beyond Alternative D and adopt an alternative that would affect less than 38 percent of the total shoreline. Many of the environmentally responsible features of Alternative D, such as preservation of shoreline buffers to protect water quality, should be incorporated into this new alternative.*

**Comment by:** Robert O. Barnett (Tennessee Trails Association), Brian Ripley (Tennessee Wildlife Resources Agency), Gordon Vanstone, Liane B. Russell (Tennessee Citizens for Wilderness Planning), Karen Peterson (Tennessee Citizens for Wilderness Planning), 1 evaluation form comment (Clinton, TN), 1 evaluation form comment (Memphis, TN), 4 survey comments

**1711** **Comment:** *The Tennessee Wildlife Resources Commission and TWRA are established by the legislature of the state of Tennessee for the purpose of placing first and foremost the welfare, management, and conservation of wildlife and habitat resources. Of the alternatives considered in the SMI EIS, Alternative D offers the most conservation benefit. However, this alternative is still inadequate to protect shoreline and riparian habitat for conservation purposes. Alternative D allows for residential development of an additional 2,809 miles of TVA shoreline, an increase of 25 percent above present development, with the resultant loss of significant shoreline and riparian habitat for wildlife resources and significant loss of lands held in the public interest for boating, wildlife viewing, tourism, and public access. Since the need and demand for TVA shoreline managed for conservation in the public interest will increase substantially in the future, the Tennessee Wildlife Resources Commission petitions TVA to prepare a new alternative which substantially strengthens and improves commitment to conservation of shoreline and riparian properties. TVA should develop and implement a long-term management strategy which significantly reduces future loss of shoreline and riparian habitat for fish and aquatic life, water quality, wildlife, waterfowl, wildlife viewing, public access, boating, and other conservation purposes.*

**Comment by:** Harold Gibson (Tennessee Wildlife Resources Commission), Gary T. Myers (Tennessee Wildlife Resources Agency)

**1712** **Comment:** *Public land must be preserved to ensure a healthy environment. Therefore, TVA should not allow any more development of the land it oversees, except for wildlife management plots, bike trails, nature trails, campgrounds, and designated swimming areas and beaches.*

**Comment by:** Kristina S. Roth, Jerry Davis (Alabama Waterfowl Federation, North American Waterfowl Federation, Alabama Waterfowl Association, Inc.), 2 survey comments

**1713** **Comment:** *We oppose the preferred Alternative C1, as well as Alternatives A, B1, B2, and C2. We support Alternative D, provided new development is restricted to private residential lands (Category A) and not allowed on TVA-owned shoreline, including buffer strips. There should be no fragmentation of large blocks of TVA land. Any additional development of public land will be detrimental to plant and animal habitat, wildlife corridors, and recreation and will cause such problems as soil erosion and run-off pollution.*

**Comment by:** Mary S. Uziel, Mayo Uziel

**1714** **Comment:** *TVA should allow development of privately owned shoreline property to continue but should stop all development of land that it controls. This would ensure that the public would always have access to the lakes and shoreline and that enough land would be available for protection of shoreline resources.*

**Comment by:** Larry S. Taylor, 1 survey comment

**Response:** TVA agrees that shoreline property under its control should be managed in a way to protect and preserve important natural resources. SMI analyses indicate that unchecked shoreline development would eventually result in unacceptable impacts on many resources, although TVA is uncertain when this threshold would be reached. For a number of resources, unacceptable impacts would likely occur when buildout exceeds 38 to 48 percent of the shoreline. For a few resources, TVA's analyses suggest that the risk of unacceptable impacts could occur as a 38 percent buildout level is approached.

The question before TVA is what policies should be adopted to lessen the risk of such impacts occurring, while providing for access to and development of the shoreline in appropriate situations. These commenters suggest that such a balance should be struck at a level below 38 percent.

It should be recognized that the Valleywide buildout percentage (i.e., 38, 48, or 63) associated with each of the alternatives represents nothing more than TVA's estimate of the upper limit or maximum amount of shoreline development that could occur across the Tennessee Valley region over SMI's 25-year planning horizon under certain conditions. This does not mean that buildout necessarily would occur, because these percentages are not shoreline development goals or targets of the alternatives. These upper limits were needed for analysis purposes only and were used primarily to assess the environmental impacts that the alternatives could have on each of the 13 resources. The length of the planning period provides an opportunity to observe trends and adjust whatever policy is adopted to respond to these trends.

For several of the alternatives, 38 percent was identified as the potential, maximum Valleywide shoreline buildout. As explained in the EIS, this percentage is based on the amount of residential shoreline development that has already occurred and that could occur under previously conveyed property rights: (1) 13 percent of the shoreline has already been developed, (2) another 15 percent of the shoreline is undeveloped and owned by persons or entities other than TVA, and TVA only has flowage easement rights over this property, and (3) 10 percent more of the shoreline is undeveloped and owned by TVA, but backlying property owners have rights to access the shoreline by crossing TVA property. TVA's ability to control or prohibit shoreline development with these outstanding access rights is limited by the same legal, political, and economic realities that prevent it from stopping all shoreline development (i.e., a zero development alternative). Therefore, it is not reasonable to assume that TVA could reduce existing shoreline development or outstanding development rights below 38 percent to any material degree (see the previous response for more information). However, it should be noted that 38 percent represents the Valleywide level of shoreline that could be developed and that the amount of shoreline encumbered with outstanding access rights varies from reservoir to reservoir. For example, 12 of the 30 reservoirs included in the study have access rights that cover 28 percent of the shoreline or less.

TVA has not ignored these recommendations or the concerns that motivated them. TVA thinks it is possible that some undeveloped shorelines with access rights may not be developed, as explained in Section 4.2 of the FEIS. Conservation measures proposed in some SMI alternatives could reduce the probability that the estimated maximum buildout Valleywide of 38 percent would be reached. These include encouraging the use of conservation easements and creating educational materials to help property owners understand the importance of preserving shoreline under their control. TVA does not have a method to reasonably estimate how much of a decrease in possible buildout these measures could achieve, although some reduction is likely. More importantly, a substantial reduction in the risk of significant adverse environmental impacts would be certain to result if these measures were adopted as part of TVA's SMI policy. TVA would continue to ensure that access is accomplished in a reasonable manner that reduces the potential for adverse environmental impacts. Hence, TVA has evaluated several alternatives that include environmental protections or standards for accessing (crossing) TVA property.

Because of these and other comments, TVA staff formulated the Blended Alternative (refer to Section 2.8 of the FEIS), which it now proposes to recommend to the TVA Board. Under the Blended Alternative, TVA has tried to maximize the use of measures that would help reduce the level of future residential shoreline development. The cornerstone of this alternative is a maintain-and-gain public shoreline policy. Under this policy, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. TVA would also limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency's integrated resource management mission. Other than these situations, no additional residential access rights would be considered. TVA has been persuaded that a policy that would purposefully open an additional 10 percent of the shoreline (i.e., Alternative C1 at 48 percent buildout) would heighten the risk that unacceptable environmental impacts would eventually result.

Another important feature of the Blended Alternative is the categorization of remaining undeveloped shorelines to identify those areas that should be set aside and protected due to the presence of environmentally sensitive resources. This provides a meaningful, resource-driven basis for limiting potential buildout to the maximum extent of TVA's capabilities.

Few of the commenters that recommended TVA adopt an alternative that would allow less buildout than 38 percent provided an objective rationale for deciding where to draw the line. Those commenters who tried to do this relied on the kinds of outstanding residential access rights that exist. For example, some commenters recognized that TVA has less ability to control residential shoreline alterations on flowage easement property because it does not "own" the property. Consequently, they recommended that TVA propose an alternative that would preclude any more access across TVA-owned residential-access property (reducing the 38 percent buildout estimate to around 28 percent).

TVA believes it is more meaningful, especially from an environmental standpoint, to try to limit shoreline alterations in those areas that are environmentally sensitive. TVA would continue to deny requests for approval of proposed shoreline alterations when this would result in impacts on environmentally sensitive resources. Not only would this prevent the kind of in-water impacts associated with activities like construction of water-use facilities, but it may discourage disturbance of the shoreline where these resources are located.

In summary, TVA believes the Blended Alternative would, if adopted, significantly enhance protection of environmentally sensitive resources. The Blended Alternative would also help keep residential shoreline development on TVA's reservoir system to levels that do not threaten the resources and attributes of the lakes and shoreline that the public has come to value.

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**1715** **Comment:** *I am writing on behalf of the Alabama Environmental Council to express our support of Alternative Zero for the SMI. This alternative was developed by citizens within the Tennessee Valley, and it serves landowners and the environment better than TVA's best option, Alternative D. We are disappointed that TVA prefers to develop publicly owned TVA lands under its SMI. Private lands and TVA easement lands along the reservoir are developing rapidly, and it is important to conserve the public lands of the reservoir to protect the environmental values of the area.*

*Alternative Zero would adopt the safeguards of Alternative D to protect the lakeshore environment. However, Alternative Zero would allow landowners to develop all private property along the lakes as well as their access rights across public easements, but the special resources of TVA's public lands would be protected from development. TVA lands contain many unique resources, including legally regulated bald cypress-tupelo and bottomland hardwood wetlands, endangered species habitats, and archaeological sites. However, these lands contain many other unique resources that have not been given legal protection, such as old growth, mixed mesophytic (cove) hardwood forests, cedar barrens, and neotropical forest bird habitat. TVA lands containing any of the above or other important natural resources should absolutely not be opened for development. Alternative Zero would protect these resources.*

*The wetlands, waterfowl, and aquatic habitat of the lake will be decreased by development. This development will also contribute to soil erosion, nonpoint water pollution, and greater stress on aquatic systems through increased waste treatment needs. Considering that substantial new development on private land and TVA easement land will be causing these same problems, it is critical that TVA not contribute to the overloading of the lakes' environmental systems by developing public land. TVA did not create an alternative protecting all undeveloped public land, and we urge TVA to adopt Alternative Zero, which provides this level of environmental protection.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**1716** **Comment:** *Drawing upon our eight years of RiverKeeper monitoring and TVA's own conclusions, we believe:*

- 1) *No new development should occur in the remaining 25 percent (2,760 miles) of public lands managed by TVA that are presently free from legal claims. These lands are managed with federal tax dollars to serve the needs of navigation, flood control, power production, public recreation, and protection of the watershed. They should remain public, and there should be zero development of these lands.*
- 2) *There should be no net loss, zero development, of lands "jointly managed," including wetlands, prime informal recreational areas, forests, or other special habitats. Joint managers should be held to the original deed restrictions. Conversion to residential, commercial, or industrial development should not be allowed under any circumstances. This includes YMCA campgrounds, Wheeler Wildlife Refuge, state parks, National Forest land, and comparable jointly managed lands in Tennessee, Kentucky, North Carolina, Alabama, Mississippi, and Georgia.*
- 3) *Seventeen percent of the reservoir shoreline is public land, maintained and managed by TVA with tax dollars, to serve the needs of navigation, flood control, power production, public recreation, and to protect the watershed. We believe that this land must be managed under Alternative Zero's stated guidelines of buffer zone use. Backlying landowners would have legal access across the TVA-managed shoreline/buffer zone, must receive the required 26a permit to construct water structures, and must abide by the high standards in the guidelines found in our Alternative Zero and TVA's Alternative D. Using the higher standards put forth in this alternative, the remaining 10 percent of land could be developed without damaging the watershed.*
- 4) *The land which was purchased by TVA for the right to flood when necessary should be managed by strictly enforced guidelines. The flowage easement allows TVA to flood as needed for purposes of navigation, flood control, power production, and protection of the watershed. We believe strictly enforced guidelines are necessary to protect the public health, safety, and the integrity of the watershed.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**1717** **Comment:** *In considering the alternatives offered by TVA, Alternative D comes closest to what we feel should serve the most people in the best possible way, but it falls short in some areas. Therefore, we offer Alternative Zero, which provides additional options that we feel move the decisions closer to what is fair, what is desired by the most taxpayers for their public shorelands, as well as what is necessary to protect the integrity of the watershed.*

*Category 1) Flowage lands should be managed by strictly enforced guidelines to protect the public interest—health, safety, and the integrity of the watershed—and to preserve these lands for their intended uses—navigation, flood control, and power production.*

*Category 2) Jointly managed lands should be held to the deed restriction/original agreement; and TVA should mandate no net loss (zero) of public lands, no net loss (zero) of unaltered, undeveloped lands, no loss (zero) of wetlands or prime informal recreation sites, or special habitat. Informal recreation uses should be encouraged and lands returned to protected shoreland status whenever feasible. Conversion to residential, commercial, or industrial development should not be allowed under any circumstances. Where some flexibility is desired to exchange lands of equal value and alter the deed restrictions, loss*

*to development should be held to the least impacts and should not exceed 8 percent. Note that equal value should not be considered as an economic judgment.*

*Category 3) Residential access managed land: The backlying private property owners have the right to request access to the water across TVA-managed public land. Only 10 percent remains to be developed in this category, and with reasonable enforcement of strict standards, the landowners should be able to exercise their rights and protect the public interest as well.*

*Category 4) TVA-owned public land: The remaining 25 percent of TVA land must remain unencumbered, unaltered, undeveloped, and available for future generations. There must be no loss of public land (zero).*

*As we read through the TVA SMI DEIS, we found that every conclusion drawn by the various specialists and all the scientific data support Alternative D, as compared to the other alternatives. There is no other choice for the watershed, and even this may not be enough for the future. Alternative Zero improves on Alternative D and offers the following distribution of shoreland as “balanced”: Currently developed—17 percent; To be developed—33 percent; Leave undeveloped—50 percent. The 50 percent of shoreland that is developed would consist of 21 percent flowage easement, 17 percent residential access managed, 11 percent TVA-owned-and-jointly-managed, and 1 percent TVA-owned-and-managed.*

**Comment by:** Dolores Howard

**Response:** In response to comments such as these, TVA has developed a Blended Alternative. In comparison to TVA’s initially preferred Alternative C1, the Blended Alternative provides a level of environmental protection closer to Alternative D. Under the Blended Alternative, TVA would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist.

Standards would be adopted to guide management of vegetation on TVA land and shoreline construction activities. Flowage easement properties would be managed consistent with the rights acquired by TVA and agency flood control objectives.

TVA would place high priority on conserving ecological and recreational values of other public shorelines by adopting a maintain-and-gain public shoreline policy. Under this policy, TVA would limit consideration of requests for access across shorelines where such rights do not exist to (a) projects proposed by others for exchange of access rights that result in no net loss or preferably a net gain of undeveloped public shoreline, and (b) TVA projects that support the agency’s integrated resource management mission. Other than these situations, no additional residential access rights would be considered. TVA would also adopt other conservation strategies, such as adding a shoreline categorization system to individual reservoir land management plans and promoting conservation easements.

TVA projects that the level of residential shoreline development could be up to 38 percent of the shoreline Valleywide. When residential shoreline development is combined with existing and anticipated recreation and industrial development, total shoreline development is not expected to exceed 45 percent of the shoreline Valleywide. The greatest portion of the shoreline is expected to be conserved for natural and cultural resource management purposes.

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**1718 Comment:** *I am in favor of discontinuing TVA’s role in shoreline management. Why would there be “uncontrolled development” if TVA were removed from permitting and development decisions? Why would not some other agency be just as reliable, efficient, and concerned*

*for public interests as TVA? How does TVA come to such an adverse and negative conclusion should the shoreline come under state or local control?*

**Comment by:** Gloria Reagon Price

**1719** **Comment:** *TVA should get completely out of the shoreline/land management business and concentrate on flood control and power production. Transfer land management responsibilities and sell/deed any property not associated with these functions to local and state government and/or the private sector. TVA should not receive any more funds from Congress for shoreline management activities.*

**Comment by:** Dave Cooper, Jack Carrier, Theodore S. Maloney, 1 evaluation form comment (Harrison, TN), 30 survey comments

**1720** **Comment:** *None of the alternatives address the fact that federal appropriated funds will not always be available to TVA. Therefore, TVA should plan for the transfer of its resource management tasks to the public and the various local governments. Then, when federal money is no longer available, TVA can get completely out of the shoreline and land management business.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), 2 survey comments

**1721** **Comment:** *A proper and fiscally responsible solution would be to incorporate the TVA lands into either the federal system or into the correct state park system and release for sale to the general public all other TVA land holdings not necessary for flood control, hydroelectric power, or the economic development of the Tennessee Valley area. By eliminating all of the land-based problems for TVA, we should in turn eliminate the need for the SMI, the fees and salaries required to support it, and the manpower and police power to enforce it.*

**Comment by:** 1 survey comment

**1722** **Comment:** *TVA has a lot of land that it should consider deeding back to the states. Then, the counties could receive any additional tax revenue that might be generated. Since property owners already pay taxes to the county, the local governments should also be responsible for issuing shoreline permits and overseeing improvements. They could do this much more efficiently and with less cost to the taxpayers.*

**Comment by:** Waldo Boyce (Toestring Cottages), 1 survey comment

**1723** **Comment:** *TVA stated that there may be other agencies that can do things better, and I wholly agree with that. For example, why could we not take the money TVA is spending to patrol the lakes and turn it over to the states? Let them police the lakes. Why could we not turn the shoreline over to the counties and to the state? Let them manage the shoreline.*

**Comment by:** Pete Williams

**1724** **Comment:** *Most necessary services could be more efficiently performed by other existing agencies (e.g., USACE, Coast Guard, EPA, USF&WS, etc.).*

**Comment by:** 1 survey comment

**1725** **Comment:** *If TVA cannot operate the lake system with existing appropriations and without the annual structure registration tax, TVA should abandon this function entirely and cede lake management to the U.S. Department of the Interior, National Park Service, USACE, TVA Power Division, or respective state governments.*

**Comment by:** 1 survey comment

**1726** **Comment:** *I think the TWRA would be a better choice to maintain and regulate shoreline development. There could be a committee made up of one-half lakefront property owners and one-half other lake users. This committee would make recommendations for TWRA to consider.*

**Comment by:** 1 survey comment

**1727** **Comment:** *As a sportsman of Tennessee, living many miles away from some of my favorite TVA lakes, I am steadfastly opposed to development. I favor, at the least, Alternative D. It is my firm belief that TVA has a historic obligation to keep its land in the public realm and its inhabitants (wildlife) within the safety of land managed for its benefit. Perhaps TVA should consider Alternative E: Sell or give your property to conservation-minded agencies (TWRA, etc.).*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**Response:** Promoting the conservation of natural resources and providing for the unified development of the Tennessee River system are among the original purposes of TVA (TVA Act of 1933, as amended) that remain very valid today. Throughout the United States, there is a growing interest in and emphasis on watershed management approaches to water quality and other natural resource management issues. TVA has been a leader in applying watershed techniques in the management of the Tennessee River watershed, which spans 7 states and encompasses 125 counties. However, TVA cannot address watershed issues and needs alone and recognizes the need to work with lakefront property owners, local governments, and others in the effective management of the Tennessee River watershed. TVA's River Action Teams and local Land Management Offices are seeking volunteers to participate in watershed improvement projects and looking for other opportunities to work collaboratively with Valley citizens, local governments, and others interested in watershed management.

In a 1993 Gallup public opinion survey, 84 percent of the Valley citizens responding said TVA should retain ownership of its lakefront land and manage it for public benefits. In public meetings in 1997 to discuss the future of TVA appropriated programs, 97 percent of the respondents favored continued federal funding for TVA resource management programs.

**1728** **Comment:** *The SMI DEIS does not meet the minimum requirements of NEPA because TVA did not consider alternatives that assume less development than 38 percent of the shoreline. To comply with NEPA, TVA must revise the draft with a range of alternatives that extends below 38 percent and then reissue the document for public comment. TVA should not eliminate any alternative without first hearing from the public.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council), Lynn Leach (Alabama Environmental Council), Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), William D. Stokes, Ned Mudd, II (Biodiversity Legal Foundation), 3 survey comments

**Response:** In an EIS, agencies are required to assess the proposed action and reasonable alternatives to it. What constitutes a "reasonable" alternative is largely a matter of judgment but requires consideration of the purpose or need to which the agency is responding, as well as notions of feasibility. Agencies are not required to analyze every conceivable alternative.

In the SMI EIS, TVA identified a range of alternatives that took into account the purpose of the proposal, which is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources, while allowing adjacent landowners reasonable access to the water. TVA also took into account the fact that a certain portion of the TVA shoreline either has been developed or can be developed under existing property rights. Some of the alternatives—such as the no-more-development alternative—were therefore considered but eliminated from detailed discussion

because they would not fulfill an essential component of the SMI purpose or would be otherwise infeasible. TVA did give the public an opportunity to comment on the alternatives that were eliminated, and Section 2.9 of the FEIS has been revised to better explain TVA's reasons for doing so.

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**1729** **Comment:** *Alternatives Eliminated From Detailed Discussion, on page 2-14, briefly discusses three action alternatives that were considered but not further detailed in the PDEIS. We appreciate that environmental consequences were mentioned in the rationale to some degree. Regarding the third alternative to restore presently developed shorelands to natural areas, it might be mentioned that, although such an action would not be realistic or practicable, it would have definite environmental benefits (less cleared land [i.e., more diverse habitat], less bulkheading, less nonpoint-source runoff including nutrients, less septic tank seepage, etc.)*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Comment noted. Appropriate changes have been made to the FEIS.

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**1730** **Comment:** *We strongly oppose any commercial or residential development at LBL. The development along the shoreline, i.e., condos, apartments, motels, hotels, etc., is strongly opposed as well.*

**Comment by:** 1 survey comment

**Response:** Comment noted. Proposed use or development of LBL is not part of the SMI proposal and would be subject to a separate NEPA review process (see Section 1.5 of the FEIS). TVA is no longer considering the LBL development concepts that it earlier made available for public comment.

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**1731** **Comment:** *For those of us familiar with LBL's now infamous five preliminary concepts, this document sounds eerily familiar. Could it be there is, awaiting discovery, some sort of bureaucratic DNA? We can readily identify the persuasive techniques employed: focus on a limited set of options. For example, do not consider the options of no further shoreline development or possible retrodevelopment.*

**Comment by:** Paul A. Yambert

**Response:** As described in Section 2.9 of the FEIS, TVA does not consider the alternatives of no more residential shoreline development and restoration of previously disturbed shoreline to be reasonable. TVA did release the LBL concepts in order to give the public a chance to comment on them. However, these concepts were not presented in an EIS, were not developed to serve as a wide range of alternatives, and were not accompanied by an environmental analysis. Therefore, there are few similarities to this effort. TVA is no longer considering the LBL concepts.

## Conservation Easements and Land Exchange

**1732** **Comment:** *TVA should encourage voluntary donations of conservation easements whenever possible to protect the shoreline, help retain wildlife corridors, minimize development, and prevent other environmental problems.*

**Comment by:** Kenneth Wills (Alabama Environmental Council), William G. Minser, Chester A. McConnell (Wildlife Management Institute), Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County), Gary T. Myers (Tennessee Wildlife Resources Agency), Justin P. Wilson (Tennessee Department of Environment and Conservation), 1 survey comment

**1733** **Comment:** *Only Alternative D promotes the donation of conservation easements. We strongly encourage TVA to include voluntary donations of conservation easements as a feature of every alternative. We also urge TVA to adopt a shoreline management policy that minimizes development and protects wildlife and shoreline and riparian vegetation.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** None of the alternatives would prohibit TVA from accepting conservation easements. TVA would promote donations of conservation easements under Alternative D and the Blended Alternative. This is an important feature of the Blended Alternative that would allow TVA to maintain and gain public shoreline.

**1734** **Comment:** *All residential development permits should require a shoreline easement for future development of greenway trails across residential property.*

**Comment by:** 1 survey comment

**Response:** TVA has recently worked with developers to promote the inclusion of trails and greenways in planned communities. We will continue to seek opportunities to promote greenways.

**1735** **Comment:** *The Tennessee Conservation League would like to work with TVA in developing some innovative ideas, such as conservation easement tools.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**1736** **Comment:** *One shoreline management problem faced by TVA is that TVA does not own all shoreline property. On 21 percent of the shoreline, TVA owns only a flowage easement over the property. TVA should try to acquire as much of the easement property as possible, through either purchase or conservation easements. TVA might be surprised to learn how many lakeshore property owners would be interested in protecting the scenic value of the lakes by donating either the property or the development rights to protect those values. The Foothills Land Conservancy has experience in land exchanges and conservation easements and would welcome the opportunity to assist TVA and conservation-minded landowners in developing programs of this nature.*

**Comment by:** Randy Brown (Foothills Land Conservancy), William G. Minser

**1737** **Comment:** *TVA activities impact the entire community, and TVA should involve the community in its planning efforts. TVA should let farmers help with shoreline control in exchange for conservation easements. Some farmers and other large landowners would be willing to leave land undeveloped in exchange for access to the water and permission to build a boat dock.*

**Comment by:** Wess Harris (Appalachian Community Services)

**Response:** TVA recognizes the merits of working more closely with groups like the Foothills Land Conservancy and the Tennessee Conservation League and with farmers or other landowners and community members to promote the conservation easement concept. There is growing interest throughout the nation in the use of conservation easements as an effective long-term protection mechanism that leaves land in private ownership. In the DEIS, Alternative D was the only alternative that included conservation easements as a protection mechanism. The Blended Alternative, created in response to public input, would also promote the use of conservation easements. Under the Blended Alternative, TVA would consider proposals exchanging land use rights for conservation easements, particularly if there was a net gain of public shoreline.

**1738** **Comment:** *TVA should be able to exchange land currently in the open category for land in the closed category. This would ensure that the land most suitable for development (e.g., areas around existing development, highway interchanges, etc.) is available and would protect the larger contiguous tracts and other parcels most suited for natural areas, critical habitat, wetlands, and recreation. TVA should partner with land conservation organizations and state and local government agencies to accomplish this.*

**Comment by:** Gregory M. Denton (Tennessee Department of Environment and Conservation), Alison Brayton (Tennessee Department of Environment and Conservation), Reginald G. Reeves (Tennessee Department of Environment and Conservation), 1 survey comment

**1739** **Comment:** *Natural areas might include areas with existing parks, wildlife management areas, terrain which is difficult to build on, and the myriad small islands and coves which often are not suitable for development. Consolidate these protected areas with land swaps of small parcels of TVA land in highly developed or developable areas.*

**Comment by:** Mike Everett (East Tennessee State University)

**1740** **Comment:** *If TVA's categorization and inventory process identifies areas of ecological significance in the flowage easement category, TVA should use all means necessary to protect these areas. If no private-lands tools provide adequate protection, TVA may consider trading for other lands TVA owns that would be deemed less ecologically important as determined through the categorization and inventory process. Any land transfers, however, would be evaluated consistent with NEPA requirements, and transfers should only take place to conserve ecological integrity, not for economic development purposes.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** The land exchange concept is an intriguing suggestion. TVA does not currently have authority to exchange fee title ownership of property, although the agency can exchange less than fee property rights. Under TVA's new Blended Alternative, those seeking access rights and use of TVA land for residential shoreline development would be required to provide offsetting conservation easements or property ownership of shoreline for public use that is comparable to the shoreline proposed for development.

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**1741** **Comment:** *We urge you to consult with the Tennessee Wildlife Resources Agency (TWRA) regarding the possibility of land exchanges. TWRA is currently seeking to buy 2,000 acres of shoreline in Rhea County that are heavily used by sandhill cranes and threatened with development. There should be some TVA lands with high-development potential where an exchange could be worked out. In this manner, TVA could get paper companies away from the riverfront and subdivisions.*

**Comment by:** Randy Brown (Foothills Land Conservancy)

**Response:** The TVA Act prescribes the ways the agency can dispose of property. TVA does not currently have authority to exchange land. The Act does not provide for TVA participation in land exchanges. It does allow the agency to convey land to other agencies like TWRA for wildlife management and several other purposes. Much of the land around the reservoir system that is managed as city, county, or state parks is former TVA land. Likewise, many of the wildlife management areas and refuges are sited on land that was conveyed by TVA to the state or USF&WS.

## Chapter 7 — Promoting and Recognizing Stewardship

### Education and Incentives

Citizens or groups provided comments on education and incentive issues such as:

- Need for more education
- Suggestions for providing education
- Need for incentives

**1742** **Comment:** *Education is critical and cannot be stressed too much. TVA should create strong education programs that would allow citizens to better understand TVA plans such as SMI and encourage the participation of private shoreline landowners and other lake users. Topics should include stewardship, environmental issues, water quality, buffers, lake level fluctuations, land ownership issues, flood control, pollution, trash/litter, erosion, TVA rules and regulations, allowable footprint, boater and jet-ski safety, wetlands, forestry, fish and wildlife, aesthetics, and cultural resources. Education activities should be promoted through grants and stewardship programs. These programs should use demonstration sites, publications, and public service announcements to communicate with people.*

**Comment by:** Bill Evans, J. B. Patton, Jackie Tipper (League of Women Voters of Shoals), James A. McConkey, John Johnson (Katuah Earth First), Kenneth E. Johnson, Jr., Leo Potts, Thomas Begley, P.E., Loretta Carpenter, Monte B. Miller, M.D., Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County), Caroline Williams (League of Women Voters of Chattanooga-Hamilton County), David L. Yow (North Carolina Wildlife Resources Commission), Graham Christie, Cheri Christie, Darlene A. Leland, Alison Brayton (Tennessee Department of Environment and Conservation), Mary S. Johnson, 1 evaluation form comment (Clinton, TN), 35 survey comments

**1743** **Comment:** *Has TVA studied the effectiveness of education efforts versus the use of Gestapo tactics for enforcement of its preferences?*

**Comment by:** 1 survey comment

**1744** **Comment:** *TVA seems to have made great efforts to inform and educate landowners. Perhaps more attention could be given to people who are concerned about water pollution, wildlife, recreation, and aesthetic resources. These are threatened by clearcutting of forests not on TVA lands.*

**Comment by:** 1 survey comment

**1745** **Comment:** *Should TVA be in the business of educating the public regarding the shoreline? Do most people care enough, or is education just a waste of time?*

**Comment by:** Gloria Reagon Price, 2 survey comments

**Response:** TVA believes education is an important component of shoreline management. TVA intends to provide as much education as possible and will seek opportunities to partner with other agencies, institutions, or groups and look for innovative, cost-efficient ways to provide education.

When the final SMI decision is made, TVA plans to publish and distribute a shoreline management handbook explaining TVA's policy for future residential shoreline development and how to comply with this policy. The handbook will also provide information for existing property owners, such as how to avoid, minimize, or mitigate potential adverse environmental impacts of shoreline alterations.

TVA currently has some information available on topics requested by SMI participants. One brochure, called *Save Yourself Time and Money*, answers questions about what types of activities require TVA approval, whom to contact, and how the approval process works. Another brochure, *Play It Safe This Year*, provides water safety tips and information. TVA has also published a *Lakescape Homeowner's Guide*, which contains information on how to control erosion, how to establish and maintain an SMZ, and other information for lake residents and users. These publications are available at no charge from local Land Management Offices or from TVA's central Land Management Office, 17 Ridgeway Road, Box 920, Norris, Tennessee 37828-0920. A CD-ROM and handbook, entitled *Banks and Buffers, A Guide to Selecting Native Plants for Streambanks and Shorelines*, is available from TVA Water Management, 1101 Market Street, TVA CST 17B, Chattanooga, Tennessee 37402-2801.

Local Land Management Offices can provide information on many TVA activities and offer an excellent avenue for citizens to bring issues and concerns to our attention. Land Management Office locations and phone numbers are listed in the Public Involvement section of this volume.

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**1746** **Comment:** *I like the education part of Alternative C1.*

**Comment by:** 2 survey comments

**Response:** Education is also an important part of the Blended Alternative. Refer to Chapter 2.8 of the FEIS for more information.

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**1747** **Comment:** *TVA should cooperate with other government agencies, community groups, volunteers, and local schools to promote educational efforts aimed at shoreline conservation, cumulative impact reductions, pollution control, and the use of best management practices by property owners.*

**Comment by:** Justin P. Wilson (Tennessee Department of Environment and Conservation), 6 survey comments

**1748** **Comment:** *More education should be provided prior to instituting any TVA project. Specifically, if more education had been provided on SMI prior to the public meetings, TVA might have gained the cooperation of many property owners and avoided a lot of conflict.*

**Comment by:** Winfred Shoopman (Anderson County Commission), 3 survey comments

**1749** **Comment:** *The SMI has been a time-, money-, and people-intensive process with some laudable results. But because TVA did not lay a careful foundation of educating and modeling environmental responsibility in the 30-plus years following the radical restructuring of this natural waterbody, the users of the Tennessee River are not favorably responsive to environmental initiatives which may alter private use.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**1750** **Comment:** *TVA should use commercials and public service announcements to provide education on shoreline management and environmental issues.*

**Comment by:** Virginia Eslinger, 1 survey comment

**1751** **Comment:** *TVA should eliminate the luxuries, such as glossy publications and food at public meetings. They should use the money in a more respectable way, such as providing education. Distribute materials on request. Not everyone needs another notebook.*

**Comment by:** 1 survey comment

**1752** **Comment:** *Shoreline cleanup should be a community responsibility. I would love to see an educational campaign such as Ladybird Johnson's "Don't be a litterbug." That counteracted roadside littering, and it could do the same for recreational littering.*

**Comment by:** 1 survey comment

**1753** **Comment:** *I strongly support TVA's current approach. TVA can and should offer advice and standardized designs but should not mandate. TVA should persist in its research and development efforts, continue to benchmark test practices, and educate and demonstrate for the public the most effective methods.*

**Comment by:** 1 survey comment

**Response:** TVA appreciates these suggestions and will consider all comments in planning future education programs.

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**1754** **Comment:** *Lakescape is a good education piece. TVA should share its expertise on the proper application of fertilizers and pesticides.*

**Comment by:** Bryant Beames

**Response:** The first two volumes of *Lakescape* address shoreline erosion and buffer zones. These were distributed to SMI participants at the 1996 public meetings. You can obtain a copy by calling 1-800-TVA-LAND. TVA hopes to produce additional *Lakescape* articles, which would include subjects such as pesticides and permitting. Any future volumes will be distributed to those who received the *Lakescape* notebook.

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**1755** **Comment:** *TVA should develop a World Wide Web site for SMI and use it to publish the shoreline use and construction standards, standardized dock plans, public comments and TVA's responses, and the electronic mail addresses of employees responsible for SMI and other TVA projects.*

**Comment by:** Roger Dooley, Keith Dicken, 1 evaluation form comment (Memphis, TN), 3 survey comments

**Response:** Putting SMI comments and responses and TVA's requirements and standardized plans on a home page or web site are good suggestions that will be given further consideration as TVA examines what information should be delivered via the Internet.

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**1756** **Comment:** *TVA should rely on an incentive-based approach with SMI, rather than punitive or regulatory controls. For example, provide incentives and rewards for improving the lakes and shoreline; offer press coverage or an article in a TVA publication about environmentally friendly landscaping; provide credits or rewards to property owners who conduct shoreline cleanups and undertake erosion-control and buffer-enhancement projects; sponsor community contests and give awards for desired shoreline projects. TVA should develop a fund for specific demonstration projects which illustrate the proper use of viewsheds, pathways, and appropriate plant materials in riparian areas.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council), Nancy Benziger Brown (American Planning Association), Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County), 6 survey comments

**1757** **Comment:** *Try education first, and use fines (after warnings) instead of fees. Because of TVA's strict policy on the removal of dead and dying trees, people cut first and beg forgiveness later.*

**Comment by:** 1 survey comment

**1758** **Comment:** *Existing property owners and others who may be affected should be given an incentive, rather than a mandate to participate in the establishment of a buffer strip.*

**Comment by:** John Johnson (Katuah Earth First)

**Response:** TVA agrees that reasonable standards and workable incentives are tools to protect the interests of the general public. The Blended Alternative would provide recognition of good stewardship projects undertaken by property owners. See Section 2.8 of the FEIS.

## Partnerships

During the 1996 SMI public involvement process, citizens or groups commented on TVA partnerships. These comments included:

- Suggestions for partnerships with
  - Property owners
  - Recreational users
  - Communities
  - Citizens advisory groups
  - Homeowner/lake associations
  - Environmentalists
  - Volunteer organizations
  - Businesses
  - Other agencies and local governments
- Suggestions for more effective TVA partnerships

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**1759** **Comment:** *TVA should take steps to foster cooperation and mutual respect between lakefront property owners and TVA. Lakefront property owners want to partner with TVA to help protect the environment and the beauty of the lake. Instead of imposing additional rules and fees, TVA should be working with property owners to protect water quality and cultural resources, control erosion, clean up trash, stop pollution, encourage responsible operation of boats and watercraft, and protect landowner rights.*

**Comment by:** A. Clayton Waddell, James Thompson, John Sublett, Robert Peery, Sandra Wright, Thomas C. Wright, Melody Kirby, Brendan Kirby, Jeffrey L. Durbin (Georgia Department of Natural Resources), 1 evaluation form comment (Clinton, TN), 11 survey comments

**1760** **Comment:** *I dislike the TVA approach and philosophy toward shoreline improvement. In a climate of government distrust, TVA is a large, uncontrolled federal agency seeking to further control the lives of Valley residents. I dislike this whole social experiment and its implication. I would rather see TVA partner with property owners and provide them with the expert assistance needed to enhance the beauty and habitat quality of adjacent TVA-owned land.*

**Comment by:** 1 survey comment

**1761** **Comment:** *At the same time that TVA is paying attention to the environment and future property owners, it should also be communicating and partnering with current property owners to make their lives better.*

**Comment by:** 1 survey comment

**1762** **Comment:** *Recreational users and lakefront property owners want to be good neighbors, good land stewards, and partners with TVA to control erosion, stop pollution, clean up trash, protect water quality and aquatic habitat, etc.*

**Comment by:** Charles C. Smoot (Bear Paw Subdivision), James Harter (Scenic Tennessee), James A. McConkey, Jerrie Ann Weaver, John Croes (Timberlake Estates Homeowners Association), Robert Thomas (Cove Norris Subdivision), Ross A. Malone (Ducks Unlimited), 1 evaluation form comment (Florence, AL), 1 survey comment

**1763** **Comment:** *Our record of cooperation with TVA is a manifestation of our desire to participate fully in the process of orderly residential development, while sharing TVA's concern for protecting these beautiful lakes.*

**Comment by:** J. Winston Martin (Tellico Village Property Owners Association)

**1764** **Comment:** *TVA should develop long-term partnerships with communities. These partnerships would be useful in trying to balance nature and human concerns. More community programs, such as shoreline cleanups, should be sponsored by TVA.*

**Comment by:** Winfred Shoopman (Anderson County Commission), 7 survey comments

**Response:** Properly caring for 11,000 miles of shoreline is a tremendously complex job that requires the help and cooperation of homeowners, recreational users, other agencies, private businesses, and other stakeholders. TVA appreciates the cooperative spirit of these comments. TVA fully agrees that cooperative efforts are essential to achieve environmentally responsible solutions that meet the needs of homeowners, recreational users, and other stakeholders. TVA is willing to meet with homeowners and offer erosion control suggestions, vegetation management advice, instructions about how to apply for permits, and other assistance. For such help, homeowners should contact their local Land Management Office.

Over the past two years, TVA has conducted almost 40 erosion control demonstrations on various lakes to show how biostabilization and innovative solutions provide cost-effective erosion control. TVA provided the *Lakescape* article about biostabilization as another way homeowners can learn more about these techniques. The Blended Alternative provides some flexibility to property owners with access rights to manage vegetation on TVA land. More information about the Blended Alternative is provided in Section 2.8 of the FEIS.

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**1765** **Comment:** *TVA has gone to universities to get opinions and statistics that I cannot understand. TVA should come to the people who use this lake and work with them to put together a comprehensive plan.*

**Comment by:** Ray Werden

**1766** **Comment:** *I think the existing landowners and the future landowners are going to have to work together, and with TVA and several other groups to come up with a plan that is going to be the best for everyone in the long run.*

**Comment by:** Mickey Irwin (Outdoor Adventure Club)

**1767** **Comment:** *We need to have forums to promote better communication between the land-owners and the people that use the lakes.*

**Comment by:** Kenneth E. Johnson, Jr.

**Response:** This study is a regional, Valleywide assessment to review existing permitting practices and establish a policy framework for the permitting of residential shoreline alterations. It is not intended to be a comprehensive plan for individual lakes. TVA does prepare comprehensive reservoir land management plans and has completed individual plans for Pickwick, Guntersville, Kentucky, Nickajack, Chickamauga, Watts Bar, and Wheeler Reservoirs. These plans were prepared with active involvement of local citizens, community leaders, and other agencies. Plans are being prepared for Boone, Melton Hill, and Tellico Reservoirs. Once again, TVA is seeking local involvement in preparing these plans.

TVA conducts periodic open houses to provide an open forum for discussion of land management issues. TVA publishes a quarterly newsletter, *TVA River Neighbor*, that provides articles about topics such as erosion control, habitat improvement, water quality, and lake levels. TVA also attends boat shows and other public events to distribute information.

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**1768** **Comment:** *TVA should partner with property owners and developers on construction projects such as dock construction, riprap, etc. TVA should be present at the beginning of and during construction to ensure that projects are done correctly.*

**Comment by:** B. J. Gillum

**Response:** TVA field-checks sites before construction. If TVA staff are in the vicinity for other business and notice construction underway, they will check that construction is proceeding as permitted. Routine field checks during construction for all projects would be cost-prohibitive. TVA reviews permit requirements and schedules special field checks with homeowners for highly complex projects, permitted actions that involve unique mitigation requirements, or other nonroutine projects. Otherwise, TVA expects the homeowner to ensure that the work is completed in full compliance with TVA's permit. If the homeowner is not comfortable assuming this responsibility, TVA can arrange for at least one inspection during construction.

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**1769** **Comment:** *We need to have more local involvement and control of what happens on our lakes.*

**Comment by:** Jerry Anderson

**1770** **Comment:** *Has TVA ever used a committee on each reservoir as a sounding board to help solve problems?*

**Comment by:** 1 survey comment

**1771** **Comment:** *TVA should place shoreline property owners and nonresident lake users on an advisory committee with TVA representatives and work with them on a lake-by-lake basis. The committee could help TVA identify shoreline problems, set policy, and administer rules that protect the environment and property owners.*

**Comment by:** Gene Marsh, John Key, Luci Bell, Rex Dove, Robert Peterson, James B. Baker, Johnny L. Boyles, 4 survey comments

**1772** **Comment:** *Since there are exceptions to any policy, TVA should form an ombudsman committee from people in the community. The committee would objectively look at specific shoreline situations and problems and have the flexibility to deviate from established policy, if warranted.*

**Comment by:** Paul Cowell

**1773** **Comment:** *TVA should transfer some of the management decisions to reservoir-specific citizen advisory boards composed of a diverse community of lake users and interested stakeholders. TVA should continue to provide technical expertise as needed, but the citizens will be able to choose management options and solutions to problems that best meet the needs identified locally. An advisory board could create locally acceptable policy on issues that concern lake users. Putting a system of advisory boards in place is good planning for the time when funding for non-power programs is significantly decreased or eliminated, with responsibilities potentially falling to state governments, the USACE, or private industry.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge)

**1774** **Comment:** *If people would get organized into small groups, educate themselves on the problems and the law, they could get representatives to meet with TVA and solve problems.*

**Comment by:** Harold Sharp (Fishin' Talents Incorporated)

**1775** **Comment:** *Shoreline property owners should have been represented on the committee that originated and developed SMI. Look at the list of consultants in the DEIS; none of those listed are property owners. At the very least, TVA should have a separate advisory council.*

**Comment by:** John A. Ewing, 1 survey comment

**Response:** The local Land Management Offices host open-house forums to encourage more citizen interaction with TVA. TVA is also exploring how focus groups with diverse representation could assist in land management activities. However, TVA remains responsible for proper stewardship of its public shorelands.

The Federal Advisory Committee Act provides stringent guidelines governing formation of formal advisory committees that have decision-making responsibility. By executive order from the President, agencies have been directed not to establish new advisory committees. TVA prefers to work with stakeholders in an ad hoc, less formal capacity that encourages discussion of various points of view.

**1776** **Comment:** *We need lake associations on every reservoir; their input helps TVA.*

**Comment by:** Danny Hunt, Dale Engstrom

**1777** **Comment:** *Select a representative from each of the lakes and form a "super association" that would oversee all of the reservoirs and get information out to the property owners.*

**Comment by:** Dale Engstrom

**1778** **Comment:** *Homeowner associations should be organized so that TVA will have people to contact anytime they are anticipating changes that would affect the shoreline owners. Representatives from the associations could also meet periodically and share information with each other.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), Lee Miller, 1 survey comment

**1779** **Comment:** *Lake associations give property owners a stronger voice in decisions that affect the lake and the appearance and value of their property.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**1780** **Comment:** *Instead of a regulatory approach, TVA should partner with homeowner associations and enter into covenants with them. TVA could then work with the associations to set standards and use them to achieve compliance.*

**Comment by:** 2 survey comments

**1781** **Comment:** *If there are to be charges, they should be in the context of lake associations that would provide incentives for homeowners to participate.*

**Comment by:** 1 survey comment

**1782** **Comment:** *At \$25 per year, membership in the Boone Lake Association is a bargain for anyone living along the lake. As a group, they are far more capable of representing our interests than an individual would be. We all face many of the same problems on the lake, and the association has the experts to help us.*

**Comment by:** Hunt Archer

**1783** **Comment:** *If we have an association for each of the reservoirs, and a strong group of capable and talented people who are meeting and talking about the needs of a particular reservoir, we should have a member from TVA as well. Some problems will be expensive to fix, and today TVA is a target for reduction of congressional funding. We do not want TVA to need or receive an increased budget. We can help get things done that need to be done.*

**Comment by:** Dale Hedges

**1784** **Comment:** *Property owners should be monitoring themselves and checking for compliance, rather than TVA's making regular inspections. In this way, we could help TVA do its job and save them a lot of time.*

**Comment by:** Charlotte Manis, 1 survey comment

**Response:** TVA encourages and promotes the formation of lake associations. We provide literature and advice about how to organize an association and build a strong membership. We also make suggestions about special projects that will improve conditions around the lake and increase awareness about lake management issues.

Associations provide an effective communication network to get the lake community more involved in projects like SMI. They also offer a forum for open communication about problems that need to be addressed and provide avenues for working together to achieve the common goal of improving the lakes. Sharing ideas from one association to another is a good way to spread solutions to other locations and increase the effectiveness of the associations. Anyone interested in obtaining information about how to organize a new association or learning more about those that now exist can call 1-800-TVA-LAND.

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**1785** **Comment:** *There was a strong anti-government/anti-TVA sentiment at the public meetings. When it comes to past TVA land management, this is a vocal minority. If TVA is resorting to this monumental divestiture due to dire financial straits, then the citizens of the Valley would do whatever it takes to come together to solve this problem. Debatably, higher rates would be welcomed versus a Tennessee River Subdivision.*

**Comment by:** William D. Stokes

**1786** **Comment:** *Environmentalists should do more work on the shorelines and help keep them in compliance.*

**Comment by:** 1 evaluation form comment (Florence, AL)

**1787** **Comment:** *Volunteer organizations, such as Ducks Unlimited, Turkey Federation, and Quail Unlimited, have biologists and can help take care of the lakes.*

**Comment by:** 1 survey comment

**1788** **Comment:** *I could continue to fill pages with specific issues regarding the residential development of our dearly bought federal lands. However, I fear it would only serve to tear down the relationship that we of the Tennessee Bass Federation would like to establish with TVA in the future.*

**Comment by:** Eric T. Newberry, Jr., P.E. (Tennessee Bass Federation)

**Response:** TVA gets help from environmentalists, lake users, homeowners, volunteer organizations, and others in conducting lake cleanups, improving wildlife habitat, and undertaking other special projects. The agency is always looking for ways to increase volunteer hours spent on lake improvement activities. People interested in participating in such projects should contact the local Land Management Office.

**1789** **Comment:** *Use other federal agency resources to help control costs, i.e., the USACE, EPA, HEW, etc.*

**Comment by:** 1 survey comment

**1790** **Comment:** *Education and erosion control are important. Other federal government agencies such as the EPA and the USACE already have similar processes. Perhaps a partnership with these agencies would be useful.*

**Comment by:** Gregory E. Huber

**1791** **Comment:** *TVA should work with TWRA to encourage people not to litter and to show them what a beautiful place we have.*

**Comment by:** Chris Hinson

**1792** **Comment:** *In order to address pollution sources and water quality concerns, TVA should include in this initiative a proposal to set up an interagency liaison group and work with the Tennessee Wildlife Resources Agency, which has jurisdiction over boating.*

**Comment by:** Luci Bell

**1793** **Comment:** *TVA should establish parameters in coordination with the appropriate state agency (i.e., TWRA), rather than avoiding responsibility. TVA should be working aggressively with the state to zone use areas on nonnavigable, tributary, or storage reservoirs; to control tributary pollution; and to improve fish habitat.*

**Comment by:** 3 survey comments

**1794** **Comment:** *The Tennessee Wildlife Resources Commission and the Tennessee Wildlife Resources Agency are committed to working with the Tennessee Valley Authority to conserve and protect Tennessee's natural resources.*

**Comment by:** Harold Gibson (Tennessee Wildlife Resources Commission), Gary T. Myers (Tennessee Wildlife Resources Agency)

**1795** **Comment:** *The appropriate agencies should be contacted prior to implementation of projects in Virginia.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**1796** **Comment:** *The alternatives outlined offer practices which would help protect water quality and are similar to state of Virginia concerns. Any zoning guidelines developed for TVA shoreline should be consistent with state regulations or zoning ordinances that are already in place.*

**Comment by:** Ronald D. Sexton (Virginia Department of Environmental Quality)

**1797** **Comment:** *Businesses and other government agencies should partner with TVA on shoreline cleanups, erosion-control projects, safety patrols, educational activities, construction of public facilities, and other work to protect and enhance our land and water resources. This would be an effective way to provide additional funding and avoid duplication of effort.*

**Comment by:** 6 survey comments

**Response:** TVA is actively involved with local, state, and federal agencies, organizations, and citizen groups in a number of cooperative initiatives aimed at protecting and enhancing water quality in the region, including shoreline management. TVA works closely with numerous other agencies, including EPA and the USACE. As we begin work on new educational materials and resource management projects, we seek partners who are willing to share their expertise and help fund the effort. This is a highly effective way to leverage our limited funds and bring additional funding to the projects. EPA has helped fund some of our educational materials in the past, such as *Water Sourcebook*, *Environmental Resource Guide*, and a *Wetlands Are Wonderlands* poster. We also perform special ecological studies for EPA and share data with them. TVA and the USACE have worked together for the past 20 years on a joint permit processing system that avoids duplication of effort. We also partner with the USACE on some erosion-control projects. For example, the shoreline stabilization work at Sequoyah Park was a partnership effort between the city of Knoxville, TVA, and the USACE.

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**1798** **Comment:** *Development standards and buffer zones should be considered, but only in conjunction with local governments and planning agencies who are responsible for regulating land development. Since the river does not recognize political boundaries, some overarching standards should probably be established through TVA, but many guidelines may be better administered by local governments. We concur that Alternative C1 should be pursued based on an inventory and realistic criteria and in partnership with local governments. We would be happy to work with you to develop guidelines for the Chattanooga-Hamilton County area.*

**Comment by:** Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County)

**Response:** TVA agrees that cooperation among various levels of government would ensure successful implementation of new standards and that TVA can play an important role in establishing residential shoreline development standards that promote a healthy watershed. Through its Section 26a permitting program, TVA has responsibility to regulate riverfront development. Most local governments in the Tennessee Valley do not have riverfront development standards, and some do not have planning commissions. TVA is willing to offer suggestions and other assistance to local governments interested in riverfront development standards.

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**1799** **Comment:** *The Morristown Area Chamber of Commerce is dedicated to enhancing the economic and community development of our area. The lakes and rivers of this region play*

*a significant role in the lives of our residents and are considered by the Chamber to be a major asset for attracting industry, tourism revenues, and residential development. The Morristown Area Chamber of Commerce wants to be a part of and have direct input into any review of our lakes and rivers by TVA. We have a long history of partnership with all levels of government to promote the well-being of our area through cooperative efforts acceptable to everyone. We ask that the Chamber be included on TVA's list of contacts and announcements. Our Lakes and Parks Committee is already reviewing the SMI, and other committees may provide additional input. We invite TVA to assign a direct liaison to the Chamber to communicate with our staff and committees. By acting together we can provide a much stronger base for the economic and community well-being of the Lakeway Region.*

**Comment by:** Terry Ball (Morristown Area Chamber of Commerce)

**Response:** Comment noted. TVA works with local chambers of commerce, and our local Land Management Offices serve as liaisons with chamber groups.

**1800** **Comment:** *I fail to understand why TVA and the USACE are not presenting (at least in this region) a united front against the proposed sale of lakes particular to the Southeastern Power Administration (SEPA). SEPA represents not only TVA lakes but also USACE lakes. This impacts the entire state of Tennessee. Our springs, feeder streams, rivers, and lakes define our topography and our very existence. TVA needs to come to the forefront in defense of an interconnected system of waterways that know no agencies, states, or other boundaries. Populations can no longer exist on the water without fouling it. The name of the Tennessee Valley Authority speaks for itself. TVA is a domestic government agency. It has no business whatsoever engaging in foreign ventures. We should keep it focused at home.*

**Comment by:** 1 survey comment

**Response:** SEPA handles the power sales from the USACE projects, including those on the Cumberland River system. SEPA does not manage the lakes. The proposal to sell SEPA is not being actively pursued in Congress at this time. Under the TVA Act, TVA is charged with managing the Tennessee River system in a unified manner regardless of state boundaries.

**1801** **Comment:** *TVA needs to use a different approach in working with the public. TVA should try to be a good neighbor, and TVA staff should be more friendly, responsive, courteous, and sensitive to citizens' needs.*

**Comment by:** Jerry Anderson, 5 survey comments

**1802** **Comment:** *TVA needs to stop being Big Brother and use a different approach with people. TVA would probably get better cooperation if they did not arbitrarily make and enforce rules.*

**Comment by:** Granville Major

**1803** **Comment:** *Before the public meeting and during the break I heard a lot of people talking about how ugly the TVA land management people were to them. One man talked about how many years he had to beg TVA to take up a piece of abandoned railroad line. A woman said she called about some drunks shooting off firecrackers and throwing beer cans in the lake, but TVA said they could not do anything about that. TVA should be making friends instead of enemies—first to save their jobs, and then to get people to cooperate in protecting the lake and shoreline environment.*

**Comment by:** 1 survey comment

**1804** **Comment:** *Most of the encounters we have had with TVA's Resource Group have been with personnel who gave us the impression that they owned the land and we, the taxpayers, were intruders.*

**Comment by:** James R. Rives

**1805** **Comment:** *TVA needs good public relations with landowners next to the shoreline. So far, TVA personnel have been very courteous and helpful and willing to cooperate. Also, I believe most landowners have not been hard to deal with, and cooperation on both sides has been very satisfactory. Does TVA really want to upset this balance of cooperation and cause grief for everyone? TVA will lose the respect of many people and make a bad name for themselves if things are changed.*

**Comment by:** 1 survey comment

**1806** **Comment:** *We need to come together to work a favorable solution for both parties. We can do this if we work together and communicate.*

**Comment by:** Winfred Shoopman (Anderson County Commission)

**Response:** TVA agrees that continuing dialogue is important. We plan to keep the 1-800-TVA-LAND phone line active. We have sent our quarterly newsletter, *TVA River Neighbors*, to all SMI participants. Our local Land Management Offices are available on a daily basis to discuss citizen issues and are located in reservoir communities to provide convenient service.

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**1807** **Comment:** *I appreciate the public meetings and public involvement. I hope that SMI continues this way and that we can work out some type of compromise so that everyone will have a say.*

**Comment by:** Eddie Bradley

**Response:** TVA values citizen involvement. TVA wants to be as responsive as possible to all SMI participants. With the diversity of opinions that exist about critical SMI issues, it will not be possible to totally please everyone. However, TVA hopes that all participants will find some of their views represented in the final decision. Most importantly, TVA hopes participants will accept the decision and join TVA in successfully implementing it.

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**1808** **Comment:** *The survey did not deal with the option of initiating increased cooperation, particularly in areas of mutual concern such as erosion control, protection of water quality, etc.*

**Comment by:** 1 survey comment

**Response:** Although the survey did not specifically solicit comments on increased cooperation, it was designed to allow respondents to provide comments on any subject.

## Stewardship

Comments regarding stewardship covered issues such as:

- Pride and stewardship of property owners
- Causes of shoreline problems
- TVA's stewardship responsibilities

**1809** **Comment:** *As property owners, we are proud of the lakes and of our land, and we invest a good deal of time and money to maintain our property and the shoreline. There are many out-of-pocket expenses for property maintenance and improvements, and we also pay more property tax than recreational users who do not reside on the lake. We protect our investments by taking good care of the shoreline and keeping our property and facilities well maintained. We pick up trash and litter (especially when the lake level drops), assist in preventing crime, help boaters in distress, plant trees and other native vegetation, control erosion, provide protection for fish and wildlife, help prevent and control forest fires, and strive to protect the environment. TVA should recognize that there are not any better stewards of the land and water than lakefront property owners and should offer us help and encouragement, instead of working to deter our efforts.*

**Comment by:** A. J. Garrison, Allen Gezelman, William S. Stewart, Bob Orrell, Brent Lay (River Oak Recreation), Catherine Blalock, Donald M. Shepherd, R. Donathan Ivey, M.D., C. Edward Smith, Edwin E. Howard, Frank Hopkins, Frank McGinley, Garland Lankford (Meigs County Executive), George J. Jeram, Jack Carrier, James Harter (Scenic Tennessee), James A. McConkey, James Thompson, Jeff Hill, Jerrie Ann Weaver, Jim Walmsley, Jimmy Wilkey (Rhea County Court Clerk), John Croes (Timberlake Estates Homeowners Association), John W. Musser, John Young, Joseph Vought, Judy Fletcher, Leonard Storie, Luci Bell, Martin Gilliam, Nick Hamilton, Patricia Carpenter, Pete Williams, Rex Dove, Riley Ramsey, Robert Critchfield, Robert Peery, Ronald Hortter, Ronald Walker (Oak Cove Shore Homeowners Association), Roy Tindula (Timberlake Estates Homeowners Association), Sandra Wright, Steve Lewis, Steven Summers, Theodore S. Maloney, Thomas Begley, P.E., Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), Thomas C. Wright, W. L. Panter, W. Wathan Fielding, Wayne Burge, Winfred Shoopman (Anderson County Commission), Lee Miller, Lane Parkison, Alice Mortinmore, Jack C. Bryden, W. Terry Finnell, Robert E. LeFoy, Jr., Gary McDougal, John Coyle, Mary Lee Crews, Philip Kirkham, Donald R. Phillips, James B. Baker, Troy Crowder, Billy C. Greenlee (Stuart C. Irby Co.), H. O. Finley, Mrs. H. O. Finley, George M. Brown, Virginia C. Brown, Melody Kirby, Brendan Kirby, Mr. Shirley, Mrs. Shirley, 1 anonymous letter comment, 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Harrison, TN), 97 survey comments

**1810** **Comment:** *Numerous surveys show that most landowners have a land ethic. They do not want to compromise the rights of future landowners by devouring the landscape today.*

**Comment by:** Denny Haldeman

**1811** **Comment:** *Because the reservoirs are man-made, lakefront property owners are taking better care of the shoreline than nature can.*

**Comment by:** George J. Jeram

**1812** **Comment:** *Why would you want to change something beautiful to look ugly? Lakeside homeowners plant many trees and bushes; this helps your cause. We should not be punished, but encouraged.*

**Comment by:** 1 survey comment

**1813** **Comment:** *I am proud of my place, and I am sure others who own a place on the lake are as well. Half of my property (property that TVA owns and I use) is below the 750 elevation line. I take care of it and keep it up, and I want you to keep it up. I just want you to know that I consider it a privilege to live on the lake.*

**Comment by:** Chris Hinson

**1814** **Comment:** *I have a letter from Mr. Crowell, who is Chairman of the Board of Directors of TVA in Knoxville. He expressed his appreciation for the cleanup that we did along our shoreline and his hope that it would continue.*

**Comment by:** Patricia Carpenter

**1815** **Comment:** *The Agricultural Experiment Station always strives to conduct all of its agricultural research operations in an environmentally responsible manner.*

**Comment by:** John I. Sewell (The University of Tennessee)

**1816** **Comment:** *TVA's alternatives make the assumption that landowners have a contrary view to that of the general public; too much blame is placed upon residential development for degradation of just about everything. If anything, it should be obvious that riverfront property owners are more concerned about the shorelands. People that have spent that much money are not going to tear up the land, pollute the water, and erode the soil. They bought the land for its beauty and enjoyment potential and will take care of it.*

**Comment by:** 3 survey comments

**1817** **Comment:** *Everything that we have built has been to TVA's specifications, and it has been built with pride. I live with some of the finest people I have ever known. They are hardworking and industrious, and we believe in our creek. We love our water, and we would never do anything to harm it. So, any presumption on the part of TVA that we would let our properties fall into disrepair is heinous, as far as I am concerned.*

**Comment by:** John Scherz

**1818** **Comment:** *It amazes me to see how perceptive and good-willed TVA and its employees are, as compared to the single-minded and environmentally destructive property owners. The property owner who builds a house and a dock adjoining a TVA reservoir on average will fall into at least two of the following categories: a homeowner, a dock owner, a boat owner, a lover of the environment, a wildlife person, a water person, a person of average or above-average economic status (check some lake lot costs), and/or a person concerned for his property's appearance.*

*TVA appears to be saying that even though the property owner, on average again, owns a \$60,000+ property, a \$100,000 home, a \$7,000 boat dock, an \$8,000 boat, has a good job or his own business, and is of average education, he is still lacking. He can manage his business, his job, his family, his home, his properties, and his life. However, when it comes to the adjoining property, TVA thinks the landowner is going to destroy this little piece of land that lies between the water (the reason he lives here) and his property; TVA believes that he somehow wishes to destroy or mistreat the land that he looks out over 365 days per year and is so proud of. I do not think so.*

**Comment by:** 1 survey comment

**Response:** Many lakefront homeowners clearly take pride in living at the lake. TVA appreciates the efforts of these homeowners to maintain facilities, pick up trash and debris, control erosion, and otherwise protect the land and the lake. TVA alone cannot do everything that is needed to protect the water and the land. We need the help of homeowners, lake businesses, lake users, lake associations, and everyone else who cares about the lakes. Coalitions of concerned citizens, like the Boone Lake Property Owners Association, are having a direct impact on serious issues like water quality. TVA appreciates the initiative and the accomplishments of this and similar organizations. TVA hopes to work more closely with lake associations, homeowners, and other lake stakeholders to identify lake improvement projects that we can all work on together.

**1819 Comment:** *Please recognize you cannot develop more property when you cannot take care of what you have.*

**Comment by:** 1 survey comment

**1820 Comment:** *When promulgated after the fact, the 6-foot path, the brush, the tree barrier, etc., are clearly a make-work effort on the part of TVA, which has done effectively nothing in connection with the shoreline in the last 20 years that we have lived on the lake.*

**Comment by:** Edwin M. Luedeka

**1821 Comment:** *In some of TVA's publications, I have been fleetingly referred to as a "neighbor." If I am your neighbor, is it too much to ask that you maintain your adjacent property at a standard equal to mine?*

**Comment by:** 1 survey comment

**1822 Comment:** *As adjoining property owners, we take much better care of the public land than TVA does. We have a personal and financial interest in the shoreline, and our continuing efforts to protect our investment greatly exceed TVA's ability to do so. For example, not only does TVA benefit from the amount of time we spend cleaning up trash from their land, but having us so close to the shoreline and water also helps deter others from littering. TVA should be glad that we are willing to keep their property in such an attractive condition and give us credit for having the common sense to do the right thing.*

**Comment by:** Allen Gezelman, R. Cliff Roop, Donald L. Janeway, George J. Jeram, James E. Jones, Jr. (Anderson County Farm Bureau), Jim Cobb, James A. McIntosh, Keith Warren, Hugh M. McCue, Rex Dove, Robert Peery, Vernon Reedy, W. Wathan Fielding, Alan L. Compton, 15 survey comments

**1823 Comment:** *I am on the river just about every day, and I see the property owners working hard to keep their property clean. When I pass by their houses, it is a lot prettier sight than some of the public areas where all of the trees and vegetation have been cut or the land is caved in because of erosion.*

**Comment by:** Jeff Gargis (Custom Riverworks)

**1824 Comment:** *The trees that break loose into the water—posing as partially submerged and submerged threats to boaters, skiers, and wave runner riders—do not come from the areas where private property owners have built retaining walls and planted groomed vegetation. TVA does not pull these hazards from the water to prevent accidents to the general public. The property owners do. The property owners provide the private money and personal effort to maintain a safer recreation water environment.*

**Comment by:** Janet K. Adams

**1825** **Comment:** *It appears that SMI is biased against residents along a reservoir, and residents can expect little support from TVA on several important aspects of shoreline management. For example, where is the plan to eliminate along the shoreline dead trees which typically fall into the reservoir, creating soil erosion, hazards to boaters, skiers, etc.?*

**Comment by:** Richard H. Shuford, Jr.

**1826** **Comment:** *I have decided that I no longer desire to participate in the SMI and request that you delete my name from your mailing list. I have reached this decision for a number of reasons: First, I no longer believe that it is in the best interest of the lakes that any governmental agency have oversight authority on environmental issues pertinent thereto. TVA has had authority over the lakes for my entire lifetime, and all I have observed has been a continual, 50-year decline in water quality, shoreline appearance, pollution, and a general degradation of the lakes. Secondly, a mere casual observance of the shorelines will reflect that property owned by private citizens is, in the main, better maintained than that owned by TVA—except for the highly visible locations, such as dam sites. This negative diversity in TVA management policies clearly indicates that TVA has, over the years, elected to ignore its responsibilities in this area and has no right to now attempt to claim jurisdiction.*

**Comment by:** David H. Smallman

**1827** **Comment:** *We believe most property owners and citizens want to be good stewards and are very interested in working out a win-win relationship with TVA. However, it appears that TVA does not want to cooperate but would rather be authoritarian in its dealings with the public. TVA has been absolutely rigid and refused to even listen to our requests, despite the fact that we have been good stewards of TVA shoreland, helped with trash pick-up, assisted lost TVA surveyors, etc. This rigid attitude is infuriating and encourages defiance of rules.*

**Comment by:** 3 survey comments

**Response:** It is clear from the SMI public involvement process that property owners and many others care about the land. This is the common ground shared by all SMI participants and serves as a foundation for defining solutions that can work for everyone.

TVA's land management activities are directed at managing the land in an integrated manner that enhances protection of the Tennessee Valley watershed and its waterways. Specific activities conducted by TVA include providing quality recreational facilities, improving fish and wildlife habitat, preserving endangered plants and animals, cleaning up litter and illegal hazardous waste dumps, reviewing permit applications to minimize or avoid impacts to the environment, restoring heavily abused informal recreation sites, and numerous other specific activities.

With 11,000 miles of shoreline and 265,000 acres of land to manage, it would be cost-prohibitive and unnecessary for TVA to actively maintain all of this property. In fact, 69 percent of the respondents to TVA's 1993 Gallup public opinion survey said they prefer the shoreline to be kept in an undeveloped state. Many critical habitat areas are best managed by leaving them alone, so the ecosystem can function without human intervention. For these reasons, TVA directs its active management efforts to areas that receive heavy public use, like the dam reservations, and high-priority sites needing cleanup, restoration, erosion control, or other management actions.

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**1828** **Comment:** *We have ownership interest in approximately 7 acres of waterfront property. As property owners, we have made a strong commitment to the environment. A portion of the property is home to nearly 100 scutellaria montana plants (a federally endangered plant species). TVA has surveyed the plants that are growing within TVA's floodway easement.*

**Comment by:** R. Kincaid Mills, James O. Mills

**Response:** TVA encourages all homeowners to become familiar with the environmental conditions on and around their private land and adjacent TVA public land. As noted in the FEIS, some 25 species of threatened and endangered plants and animals exist along the shoreline. Protection of these species and critical habitat for their expansion is a key objective of the shoreline categorization system proposed under Alternatives C1, C2, D, and the Blended Alternative.

**1829 Comment:** *This DEIS makes it appear that the lakefront property owners are the cause of all the environmental problems related to the lake. I do not see how they are.*

**Comment by:** John McJilton

**1830 Comment:** *The lakefront property owners are taking care of their property, as well as making improvements. I do not think they are negatively impacting the river whatsoever.*

**Comment by:** C. Demetron (Citizens for Less Government)

**Response:** There are multiple causes of environmental problems in the reservoir system. The FEIS focuses on effects of residential shoreline development, because TVA is looking at changing its policy for permitting of docks and other shoreline alterations. The FEIS examines the collective impacts that result from shoreline alterations fronting the areas that are expected to be developed for residential uses over the next 25 years. While the impacts in front of a single lot may be minor, the cumulative negative impacts from all lots can be significant. As explained in the FEIS, cumulative impacts can be minimized through standards for new development and limitations on the amount of shoreline that can develop.

**1831 Comment:** *Property owners do a lot to protect and maintain the water and shoreline. It is the other lake users who litter, pollute, and create swimming hazards and fish advisories; they should pay for the damage they are doing.*

**Comment by:** Charles Morton, James A. McConkey, George M. Brown, Virginia C. Brown, 2 survey comments

**1832 Comment:** *I feel that most farmers take much better care of the TVA properties than do recreational users.*

**Comment by:** 1 survey comment

**1833 Comment:** *Boaters, not property owners, are causing damage to the lakes and shoreline. Boat wakes cause erosion; oil, gas, and boat emissions pollute the water; the noise from boat motors disturbs nesting wildlife; and boaters throw trash in the water and along the shoreline. Most landowners pay extremely high property taxes and spend a lot of money to keep the shoreline clean and their property maintained; yet, boaters can come and go freely and never pay a dime toward maintaining the river.*

**Comment by:** Richard Bell, Ruth Davis, 9 survey comments

**1834 Comment:** *Campers and other nonresident recreational users cause more damage to the lakes and shoreline than property owners. They leave trash and litter, pollute, cause erosion, destroy vegetation and wildlife, and are not safety-minded.*

**Comment by:** Chris Hinson, Fred Childress, George J. Jeram, Glenda Coffey, Hardie Haley, Joe Adkins, John Croes (Timberlake Estates Homeowners Association), Luci Bell, 9 survey comments

**1835** **Comment:** *The public in general (negligent developers, uncaring industries, irresponsible sportsmen, tourists, and other visitors) cause far more damage to the lakes and shoreline than property owners.*

**Comment by:** George J. Jeram, Sue Little, Loretta S. Overbey, 32 survey comments

**1836** **Comment:** *As a property owner, I would like to be able to keep clear and clean the TVA property surrounding our property. We have made an ugly area a very nice place and hope to be able to continue this. However, we are burdened by others who like to take advantage and use this as their free recreation and parking area. I also add: these people never maintain this area.*

**Comment by:** 1 evaluation form comment (Guntersville, AL)

**1837** **Comment:** *It is beautiful to see privately owned property where people have allowed the trees to grow. They have the squirrels and the ducks, and they mow their lawns, and they keep it looking pretty. On the other side there are mud and holes, and you can only get in with a four-wheel drive. It looks like a war zone.*

**Comment by:** Bruce Watkins

**1838** **Comment:** *Cleanup is a hard one to lay at the feet of lakefront property owners, since it is the characteristic of water to transport, and that makes the shoreline an excellent dumping ground.*

**Comment by:** 1 survey comment

**Response:** Problems around the lakes stem from a number of causes, and no single factor or group is the cause of all of the problems. TVA agrees that some careless boaters and other lake users do contribute to the accumulation of trash on TVA lakes and shorelines. However, many act responsibly in the disposal of trash and actively participate in lake cleanup projects. Litter sometimes enters the reservoirs as a result of improper dumping along streams in the upper reaches of the watershed. Some degree of erosion can be expected to naturally occur, due to wind action and other weather forces. Wave action from boats, disturbance of vegetation on land, and other human activities can make erosion worse.

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**1839** **Comment:** *If you return all of the shoreline to public land, it will wash away, and you will have a lot of trash and debris. The only people you can count on are the people who have a vested financial interest in this property, not the guy that throws a boat in and pulls it back out, and maybe sells it a week later.*

**Comment by:** Sid Nelson

**Response:** TVA is not proposing to change existing landrights. Much of the public land that is now undeveloped is not severely eroded or littered. TVA has identified the public lands that do have severe problems and is working to correct those.

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**1840** **Comment:** *I believe TVA will do the right thing and protect the environment.*

**Comment by:** 1 survey comment

**1841** **Comment:** *TVA has done a good job of managing and protecting public land around the reservoirs and should continue on its present course.*

**Comment by:** 17 survey comments

**1842** **Comment:** *TVA has always managed the environmental impact of the Tennessee River system in an excellent fashion. Continue as is with some fine tuning.*

**Comment by:** 1 survey comment

**1843** **Comment:** *TVA is to be commended for keeping our water quality as good as it is, with heavy usage and barge traffic as it is.*

**Comment by:** 4 survey comments

**1844** **Comment:** *Thanks for all of your work, your kindness when approached, and for working together to try to preserve the beauty, protect the natural habitat, and keep pollution out of our streams.*

**Comment by:** 1 survey comment

**1845** **Comment:** *I think TVA would be the best judge of how to care for the water and TVA-owned properties, if you will follow the same rules for all.*

**Comment by:** 1 survey comment

**1846** **Comment:** *There may be a time in the future when TVA needs the revenue or needs to remove the responsibility of managing the public landscape of its lakes and rivers. There is yet no documented reason that now is the time. And I would question whether there ever will be such a time. If the image of TVA being a steward of the Valley—best expressed by its commitment to maintaining public spaces within the larger landscape of the Valley—is ever jettisoned, the agency will break an often unstated and unrecognized, but nevertheless crucial, bond between itself and the Valley’s residents. The goodwill many residents feel for the agency will be gone, never to be replaced. And for most residents TVA will become just another nameless, faceless government bureaucracy and become viewed, unfairly no doubt, as the enemy. At many TVA installations, one can still find the words “built for the people of the United States.” That is why TVA is one of the most unique public landscapes in the western world. Do not lose that legacy in the pursuit of current ideological fads and philosophies; do not break your bond with the people of the Tennessee Valley.*

**Comment by:** Carroll Van West

**Response:** Comments noted.



## Chapter 8 — Resource Issues

### Shoreline Vegetation

Comments on shoreline vegetation issues during the 1996 SMI public involvement process included the following subjects:

- Ecosystems and biodiversity
- Management of shoreline vegetation
- Protection of shoreline forests
- Cumulative impacts of logging, clearcutting, and strip mining on vegetation
- Impacts of development on shoreline vegetation
- Effects of Alternative C1 on forested areas
- Timber on TVA land
- Increase in forest land in Tennessee
- Quality/quantity of shoreline vegetation

**1847** **Comment:** *In the DEIS TVA separated the resources (endangered species, shoreline vegetation, aquatic species, etc.). However, these resources are really intertwined. Collectively, this is known as an ecosystem. What impacts one impacts another.*

**Comment by:** Barbara Price (Friends of the Tennessee River)

**1848** **Comment:** *It is appropriate to address the 13 resources identified in the DEIS, and the summary descriptions for each resource are on target. However, TVA may be taking a somewhat fragmented and piecemeal approach. For example, several of these resources need to be considered together in the context of a bigger picture regarding ecosystems management and biodiversity.*

**Comment by:** Brian Bowers

**1849** **Comment:** *Natural, native forest cover in this area is disappearing at an alarming rate. The wildlands all over the United States are being diminished because of human activity. Biological diversity is what enables us to survive on this beautiful planet.*

**Comment by:** John Johnson (Katuah Earth First)

**1850** **Comment:** *We need to look at the ecosystem as a whole, determine on a case-by-case basis the allowances, and always choose the minimum impact alternative.*

**Comment by:** 1 survey comment

**Response:** TVA recognizes the importance of ecosystem management and biodiversity, and information about such concepts is presented throughout the FEIS. Addressing these concepts required the baseline analyses of many of the 13 resources presented.

**1851** **Comment:** *Shoreline vegetation should be managed, not abandoned. Management should favor oaks, beech, maple, dogwood, shrubs, and hardwoods, which would benefit wildlife. Pines should be thinned. Grass should be sown.*

**Comment by:** 3 survey comments

**Response:** TVA manages its forests for a variety of purposes, including wildlife habitat, visual protection, recreation, and timber production. In some cases, a hands-off management approach is appropriate for meeting these purposes. In other cases, TVA more actively manages its forests, within the constraints of its limited budget.

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**1852 Comment:** *Greater preservation of shoreline vegetation was one of the important concerns identified in TVA's scoping hearings. Alternative C2 would have only a small decrease in the forested area within one-fourth mile of the shoreline and, as with Alternative D, would have an increase of total wooded area within 25 feet of the shoreline. For purposes of protection against bank erosion, water quality, and other resource values, it is desirable that as much wooded shoreline be preserved as possible along the banks of the reservoirs.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**1853 Comment:** *Increase forest area and tract size of contiguous forests within one-quarter mile of the shoreline. Increase the number of miles of forest area within 25 feet of shore. Provide more protection for forest and waterfowl habitats.*

**Comment by:** 2 survey comments

**Response:** Comments noted. The Blended Alternative has been designed, in part, to increase protection of shoreline vegetation and associated wildlife habitats and is now identified as the policy option that TVA staff proposes to recommend to the TVA Board.

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**1854 Comment:** *Residential development within one-fourth mile of the shoreline will not affect wildlife as much as vegetation and forests beyond this border. Habitat referenced in Section 1.8.3 must include more than shoreline management areas. Again, the land beyond the TVA shoreline is far more important to all species than just the shoreline management areas.*

**Comment by:** 1 survey comment

**Response:** The discussions of shoreline vegetation, wildlife, and endangered and threatened species focus on lands within one-fourth mile of the shoreline because this is the area most impacted by residential shoreline development (FEIS Section 3.4.5). As described in FEIS Section 3.5.3, lands within one-fourth mile of the shoreline are more heavily forested than lands further from the shoreline and make up a large proportion of the total forested land in some counties. The wildlife sections also acknowledge that wildlife populations are affected by development beyond one-fourth mile of the shoreline. TVA's shoreline management activities, however, have much less effect on these non-shoreline lands.

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**1855 Comment:** *Thought should be given to the projected increase in logging, clearcutting, and strip mining in the TVA area, whether on private, state, or national forests. This will impact the TVA shoreline and water quality from increased siltation of streams, other runoff, loss of wildlife and habitat, loss of wetlands, increased flooding, air pollution, etc.*

**Comment by:** James Harter (Scenic Tennessee), Caroline Williams (League of Women Voters of Chattanooga-Hamilton County), 1 survey comment

**Response:** Comment noted. TVA is also concerned about impacts from strip mining and clearcutting and has worked to help mitigate these impacts. Timber harvesting is one of the many sources of cumulative impacts considered in the FEIS.

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**1856** **Comment:** *The DEIS indicates that residential expansion would negatively affect shoreline and inland vegetation to various degrees. Inland vegetation about one-fourth mile from the shoreline would decrease about 26 percent, with forest area to decrease about 10 percent. The DEIS cites that industrial, public, and commercial development would also have detrimental effects on vegetation. I am opposed to development that destroys vegetation.*

**Comment by:** Gloria Reagon Price

**Response:** Comment noted.

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**1857** **Comment:** *Alternative C1 would hurt forested areas.*

**Comment by:** 2 survey comments

**1858** **Comment:** *There should be a smaller decrease of wooded areas in Alternative C1.*

**Comment by:** 1 survey comment

**Response:** The effects of Alternative C1 on forested areas are described in Section 4.3.2. The Blended Alternative has been designed, in part, to reduce the potential for such impacts and is now identified as the policy option that TVA staff proposes to recommend to the TVA Board.

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**1859** **Comment:** *There is a lot of timber on TVA land—some behind our property—just wasting. Timber is just like cotton; it needs to be harvested when ripe. I believe there are a lot of loggers that would harvest that timber for half.*

**Comment by:** 1 survey comment

**1860** **Comment:** *The wooded shoreline should be managed to favor hardwoods. This will increase the value of the shoreline timber.*

**Comment by:** 1 survey comment

**Response:** TVA agrees that timber can “ripen” when the goal is to maximize commercial timber production and agrees that much timber on TVA lands has reached this level of economic ripeness or maturity. It is also true that certain species of hardwoods are more valuable at maturity than softwoods. However, timberland serves a number of purposes other than producing revenue. Timber on much of TVA’s land is managed to meet stewardship goals, such as wildlife habitat, visual protection, and recreation.

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**1861** **Comment:** *Big pines and other trees along the shoreline may have limbs going out 20 to 25 feet on one side. On the other side, higher on the land, there may be no limbs at all. There are a lot of these on Watauga. As these trees get heavier and heavier on one side, they go down, and then there are bright-side or blinded trees all over the lake.*

**Comment by:** James Thagard

**Response:** This “bright side” condition is the tree’s natural response to the unnatural forest edge created during initial clearing of the reservoir area. There is no easy solution to this problem. However, this condition will not be as pronounced in young trees growing along this forest edge. After falling into the reservoir, these bright side trees do provide high-quality fish habitat.

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**1862** **Comment:** *A recent study shows there is more forested land in the state of Tennessee now than there was 25-50 years ago. So we are not cutting down more forests; we are planting more forests.*

**Comment by:** Curtis Daniels

**Response:** TVA agrees. However, recent data indicate that the rate of increasing forest area is slowing, and it is not certain that there will be any net increase over the 25-year period of this study.

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**1863** **Comment:** *We must preserve as much land as possible. Increases or decreases in forest, grass, etc., do not factor in disturbance of native habitat. Merely having more trees and grass does not increase habitat or life-form quality.*

**Comment by:** 1 survey comment

**1864** **Comment:** *There seems to be a strong bias that having all trees and brush is the only desirable alternative to quality reservoir management. I believe quality does not necessarily mean quantity, and with education and consultation there are reasonable alternatives (e.g., some trees less than 5 inches in diameter are highly desirable and should not be cut; and some much larger are less than desirable for many reasons).*

**Comment by:** 1 survey comment

**Response:** Comments noted. The Blended Alternative has been designed to provide more flexibility to landowners.

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**1865** **Comment:** *Require vegetation planting along the lakeshore for developed lots. Use a staggered, annual replanting program for landowners with developed property.*

**Comment by:** 1 survey comment

**Response:** Comment noted. The vegetation management standards proposed under the various alternatives do not apply to currently developed lots. Under Alternatives C1, C2, D, and the Blended Alternative, TVA would provide educational materials and consider offering incentives, such as cost-sharing and free seedlings, to encourage replanting of developed lots.

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**1866** **Comment:** *A monoculture of anything (trees or grasses) is not a good idea. I hope that there is enough diversity of opinion plus enough undeveloped land that it is not necessary to try to tell anyone how they must manage their few acres or few thousand square feet.*

**Comment by:** 1 survey comment

**Response:** TVA does not, under any of the alternatives, advocate establishment or maintenance of only one plant species along the shoreline.

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**1867** **Comment:** *Thick vegetation in residential areas looks unkempt and neglected, but in nonresidential areas it is a great erosion deterrent.*

**Comment by:** 1 survey comment

**Response:** Comment noted. Thick vegetation also deters erosion in residential areas.

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**1868** **Comment:** *I do not agree with the premise of Section 1.8.1. Scenic beauty, natural resource protection, and wildlife habitat are hardly so dependent upon shoreline vegetation that such a broad premise cannot be valid. The shoreline of the TVA reservoirs can hardly hope to support such large issues as these. One-quarter-mile tracts may be aesthetically pleasing but cannot be enough to support such grand objectives. The microecological contribution of shoreline management begins at preserving the shore. Nothing here does that.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

## Shoreline Management Zone

During the 1996 SMI public involvement process, a number of citizens or groups commented on the proposed shoreline management zone (SMZ). These comments included issues such as:

- Purpose of the SMZ
- Support for SMZs
- Importance of SMZs for recreation, aquatic habitat, water quality, and erosion prevention
- Opposition to SMZs
- Impacts of SMZs on aesthetics and lake view
- Problems with certain plants, snakes, rats, mosquitoes, ticks, and other pests in SMZs
- Importance of SMZs for wildlife habitat
- Impact of SMZs on hay production, farmland, property values, local tax base, tourism, and lake access
- Trash and debris in SMZs
- Effectiveness/ineffectiveness of SMZs in controlling erosion
- Use of native versus nonnative plants

**1869** **Comment:** *TVA needs to better explain the purpose of a buffer zone, why buffers are needed, and how the buffer strip requirements change with each of the alternatives. In addition, TVA should be very specific about the types of plants that would be allowed and the kinds of vegetation management activities that would be permitted in the buffer area and corridor. Also, how is the proposed 100-foot SMZ measured? Where does it begin? What if public land is less than 100 feet deep? Is there a period of time that the buffer strip must be allowed to grow up before I can sell my property? It is difficult to understand and visualize exactly what is proposed. More education and demonstrations are needed to better illustrate what TVA means by a buffer strip.*

**Comment by:** Betty Jansen (Lakeview Mobile Home and RV Park), Brad Johnson, Dennis C. Valkanoff, Donald M. Shepherd, Glenn Smith (Smoot Homeowners Association), John Croes (Timberlake Estates Homeowners Association), Kenneth E. Johnson, Jr., Nancy Benziger Brown (American Planning Association), 1 unidentified speaker comment (Guntersville, AL public meeting), 1 evaluation form comment (Harriman, TN), 4 survey comments

**Response:** SMZs on TVA lands fronting private residential properties would help maintain a healthy forest. The purpose of an SMZ is to filter physical and chemical contaminants, keep the water clean, reduce the scope and intensity of shoreline erosion, maintain scenic amenities of the forest, and provide habitat for wildlife species requiring shoreline or riparian habitats. Backlying private property owners with access rights would be allowed to use the shoreline where navigation, flood control, power generation, and sensitive resources would not be impacted. *Table 2.8-1* in the FEIS summarizes the construction and land use standards that would be applied under each of the seven alternatives.

Alternatives C1 and C2 provide for a 100-foot-deep, undisturbed SMZ, except for clearing of an access/visual corridor. This depth was based on recommendations in scientific literature and the experience of other shoreline managers. For example, a nationwide survey of 36 riparian vegetation protection programs found that urban buffers range from 20 to 200 feet deep, with a median depth of 100 feet (Heraty, 1993). Although some commenters supported the 100-foot-deep SMZ proposed under Alternatives C1 and C2, it also received considerable opposition. In order to balance these concerns, the SMZ depth was reduced in the new Blended Alternative to 25 feet. At 25 feet, the SMZ is at the minimum depth required to meet water quality objectives, help prevent erosion, and provide aquatic habitat. The vegetation management guidelines in the Blended Alternative are similar to recommendations by Welsch (1991). This author proposes the use of a three-tiered streamside management zone consisting of 15 to 20 feet of undisturbed forest (Zone 1), 60 to 75 feet of managed forest (Zone 2), and a runoff control zone (Zone 3). Welsch recommends grassing or lawn establishment only within Zone 3, and he suggests that this zone be located at least 75 feet from the shoreline. A similar approach is recommended by the Natural Resources Conservation Service and by the Center for Watershed Protection (Schueler, 1995), which recommends a 25-foot-deep streamside zone.

Under the Blended Alternative, the 25-foot SMZ would be required for new homesites that develop next to forested TVA public land with outstanding access rights. TVA would work with adjacent homeowners to encourage the planting of native trees, shrubs, and plants in those areas where the TVA land is not forested. The SMZ would not be required on private land or on TVA land where permitted shoreline development and lawns now exist. As noted in Section 2.8 of the FEIS, TVA would continue to allow mowing of established lawns. In contrast to Alternative C1 (which allowed no vegetation disturbance in the SMZ other than that required for clearing the access corridor), the more flexible Blended Alternative provides for clearing of specified plants—such as poison ivy, Japanese honeysuckle, and kudzu—within the 25-foot-deep zone and elsewhere on TVA land.

The Blended Alternative adopts existing tree-cutting guidelines on the portion of TVA property that is located outside the SMZ. Permits would be required for the clearing of select trees and other vegetation under 3 inches in diameter at the base. Pruning of side limbs on trees could also be allowed in the SMZ and elsewhere on TVA land.

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**1870** **Comment:** *We support the establishment and maintenance of buffer zones around our lakes and agree with TVA's proposed requirements designed to protect them. Buffer zones are important to our lake and shoreline environment, because they provide corridors, food, cover and breeding sites for many species of wildlife; decrease the potential for erosion; increase forest tract size; protect wetlands and aquatic habitat; and preserve aesthetic benefits, such as the scenic beauty that attracts people to this area. Buffer zones also protect water quality by filtering out pollutants and contaminants before they enter the reservoir. In addition, vegetative buffer zones reduce municipal costs for shoreline stabilization, flood control, and runoff, while providing public recreational access to the river.*

**Comment by:** Bob Dodd (Native American Interests), Claude H. Smith, John Johnson (Katuah Earth First), Kirk Johnson, Larry Richardson (Tennessee Conservation League), Luci Bell, Nancy Benziger Brown (American Planning Association), Ann Coulter (Regional Planning Agency, Chattanooga-Hamilton County), Troy L. Ettl (The University of Tennessee), Dolores Howard, Mike Jolly, Becky Jolly, 1 evaluation form comment (Clinton, TN), 11 survey comments

**1871** **Comment:** *It is most important to protect and enhance the vegetation existing along the shorelines. The vegetation assists in preventing erosion; on the shore it provides food, cover, and breeding sites for many forms of wildlife. That is why we say no net loss of undeveloped shoreline. A vegetation buffer between shoreline and human habitation and industrial activity should be left and protected if future developments occur. TVA could trade*

*lands they control for those they do not control to achieve this goal. Let there be no more Tellico Villages. On developed shorelines, TVA should encourage owners to restore vegetation for wildlife and to prevent erosion.*

**Comment by:** Marvin Johnson (Tennessee Valley Sportsmen's Club)

**1872** **Comment:** *The shoreline zone is the most diverse and productive area for a wide range of species. These areas merit special protection consistent with the rights of adjoining property owners and the public.*

**Comment by:** Justin P. Wilson (Tennessee Department of Environment and Conservation)

**1873** **Comment:** *Briars are vines that associate with trees, and they can easily be controlled when necessary.*

**Comment by:** Allan J. Trently

**1874** **Comment:** *Natural vegetation is definitely desirable on lakes and probably feasible in many areas. In some areas, it may not be. I moved here from the Chesapeake Bay area, and there you had tide. In tidal areas there were some salt grasses that were tolerant and could stand the slow, daily variation, but you have something quite different here. Maybe this managed pasture area along the river is not as bad as TVA thought it was.*

**Comment by:** Barbara Walton (Citizens Advisory Panel)

**1875** **Comment:** *Throughout the entire Tennessee Valley, there is rapid development resulting in the loss of farms, woodlands, wetlands, and open green areas. Under current conditions, responsible private lakeshore development that would adequately preserve wildlife and forests will not exist because of the large profits to be made. TVA's control of private dock facilities and attempted monitoring of SMZs is not enough. In some areas, SMZs should exist in acres and miles, not in feet.*

**Comment by:** Ottolene Browning, Virginia Browning Eslinger

**1876** **Comment:** *Another vital component of our work is establishing streamside management zones—strips of land 50 to 100 feet wide, that run alongside the banks of streams and reservoirs. These zones protect the shoreline and water quality from adjacent land-use activities. Vegetation is the only self-repairing erosion-control measure we have, and best of all, it really works.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**1877** **Comment:** *The importance of a riparian zone to protect the reservoirs cannot be understated. Recently the state of Massachusetts passed a law requiring such a zone. The Massachusetts law makes a distinction between urban and rural areas in designating the required setback, with a 25-foot minimum in urban areas. We believe that TVA should give further consideration to how urban and rural areas along the river differ and should provide options for each type of area.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**1878** **Comment:** *Public ownership of the shorelines creates a buffer zone around TVA lakes. I believe this buffer zone allows for use by the entire public, and, therefore, its maintenance is in the best public interest. In addition, maintenance of this buffer zone keeps a resource that future generations may utilize.*

**Comment by:** Randy McNally (Tennessee State Senate)

**1879** **Comment:** *I believe that there should be a legally recognized and guaranteed buffer zone at the shore that the householder may not mow or clear and that this buffer should extend around the full circumference of all TVA lakes, except for easements for public utilities, navigation, highways, and other public or military uses. The few thousand householders around TVA lakes should not be allowed by default to manage a public resource as a private benefit.*

**Comment by:** Gerald L. Smith (The University of the South)

**1880** **Comment:** *At one time TVA required a buffer zone. That was done with public money, for the public good. Buffer zones make our lakes beautiful. The scenic background of the trees and the wildlife habitat created by a buffer is great. A lot of people see these buffer strips as a national treasure and as small national parks.*

**Comment by:** William G. Minser

**1881** **Comment:** *I like the buffer zone idea, but the landowners should be allowed to clear poison ivy, sawbriar, and undergrowth that makes it a habitat for snakes, etc.*

**Comment by:** 1 survey comment

**1882** **Comment:** *I am in favor of the proposed buffer strip, as long as I can put a dock in.*

**Comment by:** Bogue Waller

**Response:** TVA agrees that shoreline management zones provide important benefits, and these are addressed in Chapter 3 of the FEIS. The SMI alternatives under consideration include strategies for managing shoreline vegetation, as discussed in Chapter 2 of the FEIS. The anticipated environmental effects are discussed in FEIS Chapter 4.

Alternatives C1 and C2 would provide for 100-foot-deep SMZs on TVA land. Under Alternative D, all TVA property would be managed as an SMZ. Under the new Blended Alternative, a 25-foot SMZ would be required for new homesites that develop next to forested TVA public land with outstanding access rights. TVA would work with adjacent homeowners to encourage the planting of native trees, shrubs, and plants in those areas where the TVA land is not forested. The SMZ would not be required on private land or on TVA land where permitted shoreline development and lawns now exist. As noted in Section 2.8 of the FEIS, TVA would continue to allow mowing of established lawns. In contrast to Alternative C1 (which allowed no vegetation disturbance in the SMZ other than that required for clearing the access corridor), the Blended Alternative provides for clearing of specified plants—such as poison ivy, Japanese honeysuckle, and kudzu—within the 25-foot-deep zone and elsewhere on TVA land.

The Blended Alternative adopts existing tree-cutting guidelines on the portion of TVA property that is located outside the SMZ. Permits would be required for the clearing of select trees and other vegetation under 3 inches in diameter at the base. Pruning of side limbs on trees could also be allowed in the SMZ and elsewhere on TVA land.

None of the alternatives under consideration would prevent owners of adjacent property who have the necessary deeded rights of access from requesting TVA approval of docks and other water-use facilities. However, prior to the placement of any docks or water-use facilities, adjacent property owners must obtain a Section 26a permit from TVA's local Land Management Office.

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**1883** **Comment:** *After reading this proposal very thoroughly, I find it is still not addressing important issues, like having enough public access along the shores. There should be a buffer which starts at the waterline and extends back onto the shore at least 100 feet. If a state or*

county road is running parallel to the shore within 200 feet of the waterline, then no dwellings, barns, sheds, etc., should be built on the water side of the roadway. If the roadway is farther back from the shore, there should be 8-foot-wide access paths constructed to the waterline, with a turnaround area at the waterline. These paths, spaced one-fourth mile apart, will provide fishers, hunters, etc., with reasonable access to the water. In addition, all fences, no-trespassing signs, and other obstructions placed on public land by homeowners must be removed and prohibited in future planning. The landowner should pave the 8-foot-wide walkway, either with asphalt or cement, to prevent erosion of a bare-earth pathway.

**Comment by:** 1 survey comment

**Response:** The 100-foot setback suggestion is very similar to the approach proposed in Alternatives C1 and C2. The pathway proposal is akin to the Alternative D approach.

**1884** **Comment:** *There were many concerns as to the danger of snakes living in the habitat (buffer zone) that TVA has created. I do not have cold, hard facts, but I would venture to say that more individuals are injured or killed each year in East Tennessee by water-related accidents than by venomous snakes. People living in North America are very fortunate to have a relatively large diversity of nonvenomous snakes, in comparison to venomous.*

**Comment by:** Randy Wetzel

**1885** **Comment:** *I have cleaned up many vegetated shorelines with little trouble, and I never had trouble with snakes. This year, I have spent 220 days without incident in areas that can harbor snakes.*

**Comment by:** Allan J. Trently

**Response:** Comments noted.

**1886** **Comment:** *Further development will only create large blocks of fragmented land that will prove detrimental to recreation. TVA land and buffer strips should be conserved because of their recreational value.*

**Comment by:** Barbara Price (Friends of the Tennessee River)

**1887** **Comment:** *As human populations grow in the Tennessee Valley, the public need for recreational lands will only increase, making the buffer zones around TVA lakes more valuable. TVA shorelines in their natural state are a national treasure. Be visionary. Protect this resource for future generations. If you make a mistake now and the shorelines are developed, they will be irreversibly lost, and our grandchildren will wonder why.*

**Comment by:** William G. Minser

**1888** **Comment:** *We are opposed to TVA's contributing to the fragmentation of forested lands and to the loss of wildlife habitat and recreational resources. We believe that TVA should also explore the repurchasing of high-quality habitat and areas deemed necessary for shoreline protection zones.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**Response:** Comments noted. A detailed discussion of fragmentation impacts on wildlife is found in the FEIS, Section 4.4. Sections 3.13 and 4.11 note the importance of large tracts of land to serve recreational activities.

Under the Blended Alternative, high priority would be placed on conserving ecological, cultural, and recreational values of the shoreline for the benefit of current and future generations. Vegetation management standards would be adopted. Docks and other alterations would be allowed along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. No new access rights would be made available, unless the objectives of the maintain-and-gain public shoreline policy could be met. TVA would not consider proposals from others for shoreline access in new areas, unless the proposal provided for conveyance to TVA of other land or landrights with equal or greater public and ecological value. This practice would result in no net loss and preferably a net gain of public shoreline. For more information, refer to Chapter 2.8 of the FEIS.

Purchase of high-quality habitat could become very costly. Under the Blended Alternative and Alternative D, TVA would promote voluntarily establishment of conservation easements to achieve shoreline protection objectives.

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**1889** **Comment:** *A number of Tennessee's state parks, natural areas, and scenic rivers owe their very existence to the foresight of TVA's early natural resource and regional planning efforts. Numerous parks in our system have outstanding TVA landrights and interests. Likewise, we hope that TVA would consider the sensitivity of these areas and the need for buffers to protect the visual, ecological, natural, and cultural values of these recreational areas. It is our hope that your standards and guidelines are strengthened to recognize the public trust responsibilities and obligations that we share for these public recreational lands.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation)

**Response:** Under the Blended Alternative, high priority would be placed on conserving the ecological, cultural, and recreational values of the shoreline. Please see the previous response for more information. Through reservoir land management plans, TVA determines the most suitable use of its properties, taking into account adjacent land uses and special attributes of the TVA public lands.

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**1890** **Comment:** *A major disadvantage in residential construction is when the banks are cleared and fallen trees and brush in the water are also cleared away. This completely destroys the natural habitat for many species of fish in the area. Although the construction of a dock provides new cover for some fish, it cannot be used by all species, like the trees and brush were.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**1891** **Comment:** *The removal of shoreline vegetation will not only destroy a peaceful experience on the lake for sportsmen and other users, but it will also eliminate sport fish habitat by removing shoreline cover which also serves as habitat for aquatic insects upon which fish feed.*

**Comment by:** Troy L. Ettel (The University of Tennessee)

**Response:** TVA's findings regarding impacts of vegetation removal or manipulation on aquatic habitat and aesthetic resources are presented in the FEIS Sections 4.9 and 4.12, respectively.

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**1892** **Comment:** *Maintenance of natural vegetation along the shoreline is of utmost environmental concern. The cities of Chattanooga and Knoxville are required by the Clean Water Act to develop stormwater programs to help prevent the pollution of the Tennessee River and its tributaries. I have been intimately involved in stormwater regulation, including primary*

*authorship of Tennessee's statute and Chattanooga's ordinance on stormwater. The presence of forest and shrub brushland along the shoreline helps to keep the Tennessee River cleaner. Alternative D is the only alternative which furthers the national environmental policy of "clean water."*

**Comment by:** Michael A. McMahan

**1893** **Comment:** *In future developments, TVA should avoid the effect of allowing contiguous development around its lakeshores. There should be 10-to-20-yard natural buffers after every third lot, reaching from the lakeshore and running parallel to the property lines. In no case should a development plan be accepted that has contiguous lots around the entirety of a cove or arm of any TVA lake. Perennial streams entering TVA lakes should be recognized as public resources and not allowed to be included within private ownership or control. There should be an undevelopable buffer zone on each side of any perennial stream from the lakeshore upwards at least as far as the upper boundaries of any contiguous lakeshore private property.*

**Comment by:** Gerald L. Smith (The University of the South)

**Response:** TVA agrees that SMZs are important tools for reducing water quality impacts. Accordingly, TVA has included a 25-foot-deep SMZ as a feature of its new Blended Alternative (see FEIS Section 2.8). Under this alternative, TVA would allow selective removal of some understory vegetation, while preserving trees and other vegetation in the important near-shore zone.

**1894** **Comment:** *The ground cover on land next to a river should not be touched, mowed, burned, or cut down, so that erosion and runoff are prevented.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**1895** **Comment:** *Grass does not provide enough protection against erosion, because there needs to be a stronger root system. Cutting trees, especially clearcutting the land, causes siltation, which degrades water quality and harms the fish population.*

**Comment by:** Barbara Tigrett, Clifford C. Amundsen, Ph.D., James Gooch, Troy L. Ettl (The University of Tennessee)

**1896** **Comment:** *During residential development of shorelines, a typical chain of events usually happens. First, the owner clears the shoreline vegetation, including most of the trees, so he can establish a lawn and have a view of the lake. Nothing else holds the soil along the waterway like tree roots. Once the root systems are gone, the bank begins to wash away. Next comes the riprap, which the landowner often petitions local or federal government to install, to halt bank erosion, even though he caused the problem himself.*

**Comment by:** William G. Minser

**1897** **Comment:** *The idea that vegetation causes erosion is too moronic to even consider, although I believe it will be necessary to utilize riprap in some areas. I would be in favor of using riprap, as long as aesthetics are taken into account.*

**Comment by:** Allan J. Trently

**1898** **Comment:** *A natural buffer zone of riparian vegetation will serve the good ecological purpose of stabilizing the shoreline against wave action and will also serve as a filter against yard/lawn-generated silt and other lake pollutants. My sustained observation around TVA lakes is that wave action from recreational boats is a major source of lake siltation, bank side*

*caving, and shoreline erosion. These effects are aggravated by policy tolerance for extending ecologically damaging yard/lawn management into the shoreline zone by householders. I would much prefer to see a natural border of riparian vegetation allowed to grow around our lake shores than to see TVA forced to line thousands of miles of shoreline with riprap because of our inability to regulate recreational boating. We will not be able to protect shorelines if we are tolerant of both householder abuse and of recreational boats. It cannot be assumed that either of these powerful user groups will disappear from TVA lakes in the next 25 years. Riparian vegetation is a solution that does not require TVA to choose between householders (even while recognizing that some of them will oppose the idea) and boaters.*

**Comment by:** Gerald L. Smith (The University of the South)

**Response:** Depending on slope, soils, and location, grasses may provide some protection against shoreline erosion. However, as noted by these commenters, woody vegetation (forest with associated understory shrubs and small trees) is generally more effective in conserving the shoreline and preventing erosion (see FEIS Section 4.6).

The capability of naturally vegetated shorelines for resisting erosion is well documented in the scientific literature (Karr and Schlosser, 1978; Sweeney, 1993). However, TVA recognizes that in some cases, simply retaining natural vegetation will not curb erosion. For this reason, under Alternatives C1 and C2, TVA would approve use of riprap where maintenance of undisturbed buffers is unlikely to effectively curb erosion. Under the Blended Alternative, TVA would demonstrate biostabilization techniques and would provide technical assistance, when requested, about which erosion control method is best suited for a particular site. Applicants could choose between biostabilization, riprap, and gabions, or some combination of these approaches. Refer to Chapter 2 of the FEIS for more information about bank stabilization standards of the various alternatives.

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**1899** **Comment:** *We oppose TVA's proposed buffer zone.*

**Comment by:** William A. Young, Dale Hedges, Johnny Ledford, Sandra Wright, Thomas C. Wright, 55 survey comments

**1900** **Comment:** *I hope there is never a requirement that brush and weeds be left to grow.*

**Comment by:** 1 survey comment

**1901** **Comment:** *Eliminate the vegetative buffer and adopt a policy of educating and informing the lakeside owners as to how they can assist in developing a more acceptable management approach.*

**Comment by:** 1 survey comment

**1902** **Comment:** *Let property owners use and maintain the TVA buffer under existing guidelines.*

**Comment by:** 2 survey comments

**1903** **Comment:** *We express our concern about TVA having a buffer zone that could become a wilderness area.*

**Comment by:** James Dale Franklin (Jefferson County Farm Bureau)

**1904** **Comment:** *The very idea that property owners should abandon their lawns and make them into wildlife refuges in a 10-to-12-foot strip is preposterous.*

**Comment by:** 1 survey comment

**1905** **Comment:** *TVA's proposal would represent a threat to private property owners' enjoyment of their own property by providing a place for snakes and criminals to hide.*

**Comment by:** Petition with 843 signatures

**1906** **Comment:** *I recommend TVA take action to get rid of shoreline vegetation in the areas where there are campgrounds, boat ramps, and residential property.*

**Comment by:** 1 survey comment

**1907** **Comment:** *TVA publications make it clear that the need for and benefits of an SMZ depend on slope, soil type, adjacent development, etc. TVA has failed to make a case for the no-mow shrub zone as a systemwide (Valleywide) formula. As a Ph.D. environmental researcher at ORNL, I need scientifically defensible data in place of broad and unsupported generalizations on this issue.*

**Comment by:** 1 survey comment

**1908** **Comment:** *The DEIS explained that water quality, fish, wildlife, and erosion control depend on good shoreline vegetation, but all the angry comments I heard in the meeting about weeds and briar patches made me wonder if you are not going too far too fast. I would not like camping in weeds and briars, so I can see why people would not want to live in them either. I like big trees best, and I think they control erosion and help wildlife (and fish, when the trees lean over the water). Some grass is okay, as long as there are trees too.*

**Comment by:** 1 survey comment

**1909** **Comment:** *You may "encourage" me to maintain a 100-foot buffer zone of vegetation, but I would have trees and vines growing almost into the living room of my aging farmhouse. TVA owns only a narrow strip along the shoreline of my property with triangular wedges inland (floodplain) that have been allowed to grow wild.*

**Comment by:** 1 anonymous letter comment

**1910** **Comment:** *While we recognize that there must be a management policy to protect the environmental resources of our lakes' shorelines, we urge TVA not to insist that current lakefront owners allow their shoreline to return to a vegetative condition. With the permission of TVA, we have made many improvements to the shoreline in front of our property. There would be no advantage to the protection of the environment to insist that we change it.*

**Comment by:** Edwin G. Grubb, Joyce T. Grubb (Tele/Tec Phone Services)

**Response:** At many locations, the land located between private adjacent lots and the shoreline is owned by TVA and managed for public benefit. As confirmed in numerous polls and public involvement activities (see FEIS Section 3.14), there is strong public interest in the protection of natural vegetation and other resources along TVA shorelines. Other responses in this section mention various studies that have documented the benefits of waterfront vegetation.

In managing these public shorelands, TVA must strike a balance between its resource protection responsibilities, the needs of the public, and the needs of the adjacent private property owners. Achieving this balance is an objective of TVA's SMI. Documenting the anticipated environmental impacts associated with each of the seven alternatives under consideration is the purpose of this EIS. Several of the alternatives under consideration would better balance the need for environmental and resource protection with the needs of the public and adjacent private landowners.

Although some commenters supported the 100-foot-deep SMZ proposed under Alternatives C1 and C2, it also received considerable opposition. In order to balance the concerns, the SMZ depth was reduced to 25 feet in the new Blended Alternative. The vegetation management standards in this alternative are more flexible. At 25 feet, the SMZ is at the minimum depth required to meet water quality objectives, help prevent erosion, and provide aquatic habitat. The vegetation management guidelines in the Blended Alternative are similar to recommendations by Welsch (1991). This author proposes the use of a three-tiered streamside management zone consisting of 15 to 20 feet of undisturbed forest (Zone 1), 60 to 75 feet of managed forest (Zone 2), and a runoff control zone (Zone 3). Welsch recommends grassing or lawn establishment only within Zone 3, and he suggests that this zone be located at least 75 feet from the shoreline. A similar approach is recommended by the Natural Resources Conservation Service and by the Center for Watershed Protection (Schueler, 1995), which recommends a 25-foot-deep streamside zone.

Under the Blended Alternative, a 25-foot SMZ would be required for new homesites that develop next to forested TVA public land with outstanding access rights. TVA would work with adjacent homeowners to encourage the planting of native trees, shrubs, and plants in those areas where the TVA land is not forested. The SMZ would not be required on private land or on TVA land where permitted shoreline development and lawns now exist. As noted in Section 2.8 of the FEIS, TVA would continue to allow mowing of established lawns. In contrast to Alternative C1 (which allowed no vegetation disturbance in the SMZ other than that required for clearing the access corridor), the more flexible Blended Alternative provides for clearing of specified plants—such as poison ivy, Japanese honeysuckle, and kudzu—within the 25-foot-deep zone and elsewhere on TVA land.

The Blended Alternative adopts existing tree-cutting guidelines on the portion of TVA property that is located outside the SMZ. Permits would be required for the clearing of select trees and other vegetation under 3 inches in diameter at the base. Pruning of side limbs on trees would also be allowed in the SMZ and elsewhere on TVA land.

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**1911** **Comment:** *I am concerned that this proposed buffer strip is in conjunction with the EPA.*

**Comment by:** Jerry Anderson

**Response:** The proposals requiring establishment and maintenance of SMZs were developed by TVA and were based upon findings of other scientists. The EPA did not participate in development of TVA's SMZ proposals.

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**1912** **Comment:** *When TVA flooded the land several decades ago, the natural shoreline was destroyed then. It is never going to be natural again, so why are you forcing us to make a briar thicket out of it? It is not like the environment that was here before you flooded the lakes.*

**Comment by:** John Rast

**Response:** Whether TVA lakes are natural or man-made, the water quality, aquatic habitat, aesthetics, and other benefits derived from forested shorelines are important just the same. For this reason, TVA must balance the interests of owners of adjacent private properties with those of the lake-using public. The SMZ would not be required on private land or where established lawns exist. The Blended Alternative would provide more flexible vegetation management standards that allow removal of specified plants, such as poison ivy and Japanese honeysuckle. Therefore, the TVA land would not be a briar thicket. More information about the Blended Alternative can be found in Section 2.8 of the FEIS.

**1913** **Comment:** *The property owner was not given enough consideration. Buffer zones proposed in Alternative C1, C2, and D are too restrictive and unnecessary to preserve habitat and water quality.*

**Comment by:** 2 survey comments

**1914** **Comment:** *TVA's proposed buffer strip is too restrictive. You would not be able to pick up dead and fallen trees or cut vines and bushes.*

**Comment by:** Bruce Watkins

**Response:** Under TVA's new Blended Alternative (Section 2.8), vegetation management practices would be more flexible. The Blended Alternative merges some existing vegetation management practices with a modified SMZ approach. Selective removal of some understory vegetation would be allowed.

**1915** **Comment:** *It is very hypocritical of TVA to deny development of homesite lawns to the water's edge, when nearly all of TVA's recreation areas and dam sites are mowed.*

**Comment by:** 1 survey comment

**1916** **Comment:** *TVA talks out of both sides of its mouth. On one hand, TVA wants homeowners to allow the grass and trees to grow up; yet, around the dams and the power plants TVA fertilizes and mows to the water. If this buffer is so important, why does TVA not do it on its own property? Why does TVA want to saddle the homeowners with this restriction?*

**Comment by:** Theodore S. Maloney

**Response:** TVA's current maintenance practices are being revised to ensure that forested shoreline is maintained or restored, except where the removal or manipulation of such vegetation is absolutely necessary (e.g., swimming beaches, campground and day use areas, etc.).

**1917** **Comment:** *What about land that is currently in pasture or meadow, but it has been subdivided and the property owners mow to the water's edge? It will be many, many years before these areas approach a forested stage.*

**Comment by:** 1 survey comment

**Response:** TVA agrees that it requires several years for a pasture to become forested. In newly developed areas where the shoreline was previously pasture, TVA would allow planting of native tree and shrub species to accelerate forest succession. Additionally, as noted in Section 2.8 of the FEIS, owners of residential properties who are now mowing established lawns on TVA property that is open for residential shoreline use would not be forced to allow such properties to revert to a forested condition.

**1918** **Comment:** *Buffer strips will reduce the aesthetics of our rental property (park). If we lose our tenants we will lose our livelihood.*

**Comment by:** Betty Jansen (Lakeview Mobile Home and RV Park)

**Response:** SMZs are proposed for those TVA lands fronting new homesites and would not affect lands now developed for resorts or other commercial recreation developments.

**1919** **Comment:** *The buffer strip will become an unsightly and neglected mess of briars, tall weeds, and scrub trees.*

**Comment by:** R. Donathan Ivey, M.D., Frank Hopkins, James Helton, Joseph T. Frye (Frye Enterprises), John Croes (Timberlake Estates Homeowners Association), John Rast, Roy Tindula (Timberlake Estates Homeowners Association), Tim Gorman, French Caldwell, Ronald Prime, 7 survey comments

**1920** **Comment:** *The buffer zone being considered for residential shorelines is not in the best interest of TVA or the landowners. A well-manicured and landscaped lawn with plenty of trees, shrubs, and flowers is much more attractive than an area overgrown with ugly weeds, briars, and vines.*

**Comment by:** Alfred Wade, C. Edward Smith, Granville Major, Jimmy Wilkey (Rhea County Court Clerk), Carroll Johnson, Jim Carson, 1 unidentified speaker comment (Harrison, TN public meeting), 1 evaluation form comment (Harriman, TN), 22 survey comments

**1921** **Comment:** *A landscaped lot in front of a home adds to the beauty of the area. Fertilized lawns should be kept back from the shoreline, and trees, bushes, and flowers should be planted at the shoreline with mulch or pine needles.*

**Comment by:** 1 survey comment

**1922** **Comment:** *Even though no SMZ is a poor choice, I would much prefer no SMZ than the alternative of weeds and ugly trees.*

**Comment by:** 1 survey comment

**1923** **Comment:** *I have developed in what is called the SMZ, a zone of grass, trees, and shrubs. The grass is cut and the zone is like a park.*

**Comment by:** 1 survey comment

**1924** **Comment:** *If TVA does not allow the shoreline to be cleared near residential areas, it will be less attractive to people coming to our area from other places.*

**Comment by:** 1 survey comment

**1925** **Comment:** *Alternatives C1, C2, and D do not permit the landowner to mow or maintain his grounds, and TVA land can be as close as 10 feet to your home. No one in his right mind would propose this type of restriction in a subdivision in the city. Does TVA not realize that only trashy people live on unmaintained grounds? Give us more control of the SMZ so we can maintain our lots.*

**Comment by:** 2 survey comments

**Response:** The alternatives being considered by TVA would not affect how vegetation is managed on private land. Vegetation management standards included in the FEIS would be for TVA-owned properties only. Also, as noted in Section 2.8, mowing of established lawns could be continued, and an SMZ would not be required in these situations. Concerns such as those presented in these comments and the need for additional flexibility are some of the reasons why TVA formulated the Blended Alternative. As discussed in Section 2.8, this alternative allows for selective removal of some understory vegetation, while preserving the canopy and midstory layers.

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**1926** **Comment:** *Buffer strips minimize our view of the lake, and that is one of the main reasons we purchased lakefront property. We are concerned that, after making such a major invest-*

*ment, we may not be able to clear and maintain the vegetation to have a view. Lakefront property owners pay more to live on the lake and have a right to view the lake.*

**Comment by:** Bob Ingram, R. Donathan Ivey, M.D., Eddie Bradley, Jim Walmsley, John Croes (Timberlake Estates Homeowners Association), Robert Rhodes, Tim Gorman, Powell McDonald, Ruth D. McDonald, Eula May Smith Hale, Pete Barile (Morristown Area Chamber of Commerce), 1 evaluation form comment (Harriman, TN), 5 survey comments

**1927** **Comment:** *We hear many admiring comments from people who enjoy beautiful lake views from well-kept residential properties, both mowed and wooded; but we have yet to hear anyone say they would prefer to see a residence on the lakeshore with the view obstructed by "shoreline buffer zone" vegetation.*

**Comment by:** Donald M. Shepherd

**1928** **Comment:** *The proposal to restrict the cutting of brush or trees along the 750 line will quickly cut off my view of the lake, thereby rendering it just another piece of farmland in Meigs County, Tennessee.*

**Comment by:** Joseph T. Frye (Frye Enterprises)

**Response:** SMZs also minimize the public's view of development occurring on backlying private property. Under the Blended Alternative, owners of adjacent residential lots would be afforded visual and pedestrian access to the reservoir through corridors and selective removal of certain understory vegetation. As noted in Section 2.8, TVA would allow mowing of established lawns to continue on TVA land that is open for access.

**1929** **Comment:** *TVA should require that large trees be left in place but allow property owners to cut smaller trees to allow for a view of the lake. A buffer could have a lot of trees but not the underbrush and weeds.*

**Comment by:** Barbara Sonnenburg, Johnny Ledford

**Response:** If only large trees are retained, then over time, as the larger trees die out, there would be limited capability for replacement. Understory vegetation is needed to repopulate the forest canopy following natural mortality of mature trees. Selective thinning of trees under 3 inches in diameter, pruning of side limbs, and removal of some understory vegetation would be allowed under TVA's new Blended Alternative, which is described in Section 2.8 of the FEIS.

**1930** **Comment:** *Buffer strips will serve as a place for growing marijuana.*

**Comment by:** John Rast

**Response:** Marijuana, like most plants, requires soil, water, and sunlight. There are many places in the Tennessee Valley region that provide these basic ingredients for cultivation. TVA shorelines are no better, or worse, than the rest.

**1931** **Comment:** *The buffer zone proposed in Alternatives C1, C2, and D will provide a hiding place for thieves and block the line of sight to our docks. This will greatly decrease the security of our property; so, is TVA going to pay for the insurance to cover theft and vandalism?*

**Comment by:** Granville Major, 1 unidentified speaker comment (Harrison, TN public meeting), 2 evaluation form comments (Harriman, TN), 1 survey comment

**Response:** TVA believes that forested shorelines are no more likely to conceal the presence of thieves than urban or suburban development and landscaped grounds and yards.

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**1932** **Comment:** *Buffer zones are health hazards because they are overgrown with poison ivy and saw briars and provide habitat for unwanted snakes, rats, mosquitoes, ticks, and other pests.*

**Comment by:** Albert Newlin, Alfred Wade, Calvin Carpenter, Jackie Hines, Jake Beeler, James Southerland, John Croes (Timberlake Estates Homeowners Association), Judy Fletcher, Lynn Meredith (Meredith Brothers Livestock), Roy Tindula (Timberlake Estates Homeowners Association), Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Vernon Reedy, W. L. Panter, Powell McDonald, Ruth D. McDonald, John A. Ewing, Donald P. Hetzel, M.D., 1 unidentified speaker comment (Harrison, TN public meeting), 10 survey comments

**1933** **Comment:** *Natural areas are wonderful, but in my yard I would rather not have a habitat for snakes in particular, even though I encourage the nonpoisonous to reside.*

**Comment by:** 1 survey comment

**1934** **Comment:** *TVA's proposed wildlife strip will maintain a habitat for mosquitoes, snakes, snapping turtles, and especially alligators so graciously provided to us by the USF&WS.*

**Comment by:** Alan L. Compton

**1935** **Comment:** *The suggestion that the access zone should be allowed to grow naturally is a health hazard. In Tennessee, the vermin that grow in brushy areas can be deadly. We have copperheads, water moccasins, rats, and ticks in that brush. Homeowners must keep areas around their homes cleared and cultivated, to begin with, just for safety. A narrow corridor simply is not enough to convey children and adults safely to the water's edge.*

**Comment by:** Janet K. Adams

**1936** **Comment:** *I killed three copperhead snakes when I cleared the shoreline and the property I own. This shoreline property was also infested with scorpions. This makes it dangerous for children to play in their own yard. This is a high price to pay so a few people can ride around on the lake a few times a year and look at natural growth.*

**Comment by:** 1 survey comment

**1937** **Comment:** *The weeds on the property are 3 to 4 feet tall, and in the past few days we have spotted rodents and snakes. Since we have grandchildren, we are concerned that playing around the boundary of the TVA property could be dangerous for them.*

**Comment by:** C. Edward Smith

**1938** **Comment:** *I object to the 100-foot negligence strip. It would prevent my grandchildren from playing on the land adjacent to the lake because of the danger of poisonous snakes.*

**Comment by:** R. Donathan Ivey, M.D.

**1939** **Comment:** *The buffer strip could become a health hazard for the elderly people with all the mosquitoes and other pests. I am 83 years old and still enjoy the lake, and I can imagine what the grass and undergrowth will do to my health.*

**Comment by:** Eula May Smith Hale

**1940** **Comment:** *How does TVA propose to protect human beings and domestic animals from disease-carrying creatures which live in the tall grass and other objectionable habitat permitted under its Alternative C1, C2, and D? TVA should not and must not be permitted to enforce any type of vegetation management on future development other than its present practice, Alternative B1. The majority of lake property owners have enough pride in their homes and community to maintain control of undesirable and unwanted vegetation, which may contain disease-infected rats and other pests.*

**Comment by:** Edwin E. Howard, Patricia Howard

**1941** **Comment:** *I also believe the required natural vegetative buffer in Alternatives C1, C2, and D will aggravate insect pest problems, i.e., mosquitoes and black flies, in residential areas. This is likely to lead to greater residential pesticide applications.*

**Comment by:** Thomas Begley, P.E.

**1942** **Comment:** *Alternatives C1, C2, and D encourage snake populations and endanger swimming.*

**Comment by:** 1 survey comment

**1943** **Comment:** *Forcing property owners' backyards to become weed patches, briar patches, and snake pits will not get cooperation from the property owners.*

**Comment by:** 1 survey comment

**1944** **Comment:** *Design buffer strips so that they will be safe for humans.*

**Comment by:** Kenneth E. Johnson, Jr.

**Response:** Forested shorelines provide habitat for a variety of game and nongame wildlife, including small mammals and reptiles. Additionally, poison ivy is a common understory component of most vegetative communities in the Tennessee Valley region. Rather than trying to eliminate these wildlife and plant species, TVA supports the concept of Valley citizens' familiarizing themselves with the local fauna and flora and understanding what precautions are necessary to ensure personal safety. However, TVA recognizes that in some instances it may be necessary to allow for some removal of vegetation. For this reason the Blended Alternative was crafted to allow for selective removal of poison ivy and some other vegetation consistent with the standards presented in Section 2.8 of the FEIS. Historically, TVA did provide some control of nuisance and disease-carrying insects (particularly mosquitoes). However, budget reductions have resulted in elimination of such programs. As noted in the grandfathering provisions of the Blended Alternative, TVA would allow continued mowing of established lawns on TVA land.

**1945** **Comment:** *I have herons which perch on my dock. I have kingfishers, ducks, geese, many songbirds, muskrats, woodchucks, squirrels, chipmunks, deer, opossums, and skunks, which make regular appearances and are not deterred by my lack of a vegetative buffer. Deer regularly swim across our slough. We are okay. Leave us alone.*

**Comment by:** 1 survey comment

**1946** **Comment:** *If you spend any time at all on the lake, you can see there has been no adverse effect on wildlife due to property owners' mowing or landscaping their lawn. In fact, the geese have become a nuisance, and years ago herons were never seen in this area. Now they are abundant. We have many species of birds and animals, which increase every year.*

**Comment by:** Sandra Wright, Thomas C. Wright

**1947** **Comment:** *Regarding the buffer zone, wildlife has adjusted well with man moving in. This is especially true of the snail darter that TVA wasted money over—stirring up such anxiety of losing the creature. Yet, it survived and moved.*

**Comment by:** Carroll Johnson

**1948** **Comment:** *We want you to know our lawn is used by wildlife which would be eliminated if we had an uncared-for strip between us and the lake. Canada geese use our lawn for a nursery after their eggs hatch. Our mowed yard is also a hatching ground for killdeer every year. We protect these by placing an old-fashioned milk crate with openings over the nest when children are playing in the yard or mowing is being done. Our yard is also a nesting place for turtles. I dug into a flower bed around our deck this summer and into three separate turtle nests. A group of eggs had also been deposited by a tired turtle in a phlox bed without the benefit of digging a hole. This is immediately adjacent to our house, and I believe it would be an impossibility for the tiny babies to make it over 150 feet to the lake through an area clogged with thick undergrowth.*

**Comment by:** Peggy K. Scandlyn

**Response:** Section 4.4 of the FEIS describes how wildlife populations are affected by residential shoreline alterations. Some animals adapt to shoreline disturbance better than others. Minimizing disturbance reduces impacts on wildlife. As noted in FEIS Section 2.8, TVA would allow continued mowing of established lawns on TVA land.

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**1949** **Comment:** *The elimination of natural shoreline vegetation and its replacement with manicured lawns attract hundreds of Canada geese. This is frequently cited as a problem by shoreline residents.*

**Comment by:** Troy L. Ettl (The University of Tennessee)

**1950** **Comment:** *What will happen to the geese population that now eats the grass in lawns if the buffer strip proposal is enacted?*

**Comment by:** R. Cliff Roop

**Response:** The burgeoning goose population shows that there is no shortage of browse areas, or habitat components, for resident giant Canada geese. In fact, these animals are rapidly becoming a nuisance in many areas throughout the region. Concerns regarding the health and stability of resident goose populations are unwarranted.

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**1951** **Comment:** *I oppose a buffer zone, for I feel there is adequate undeveloped property to provide a sanctuary for wildlife.*

**Comment by:** Ronald Prime

**1952** **Comment:** *There is so much undeveloped land owned by TVA that the issue of "buffer zones" (whether a homeowner cuts his grass and underbrush or not) seems to be petty.*

**Comment by:** Sandra Wright, Thomas C. Wright

**Response:** TVA disagrees. As presented in *Table 3.4-3* (Section 3.4), approximately 38 percent of the total shoreline surrounding TVA reservoirs has access or other landrights necessary for TVA consideration of permit requests. To date, only one-third (1,429 miles) of this shoreline has actually

been developed. This means that access rights exist on 2,749 additional miles of shoreline. When the impacts of future residential shoreline alterations are considered, the issue of what types of vegetation management practices TVA establishes becomes extremely important (see FEIS Chapter 4).

**1953** **Comment:** *The establishment of buffer strips will take land out of hay production. People who use TVA land for agricultural purposes such as this should be given consideration when a decision is made.*

**Comment by:** Roy Tindula (Timberlake Estates Homeowners Association), 1 survey comment

**Response:** SMI addresses residential uses, not agricultural uses. Different policies apply to lands that TVA licenses for agricultural activities. TVA has for a number of years required buffers between its shoreline and agricultural activities. It is TVA's opinion that population growth, and associated industrial and urban expansion, represent much more significant threats to the continued availability of lands for hay production.

**1954** **Comment:** *TVA is trying to take pasture land and turn it into a briar thicket. This land used to be farm land.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association), John Rast, 1 unidentified speaker comment (Winchester, TN public meeting)

**Response:** TVA is trying to protect the public's investment in lands acquired around the reservoirs and conserve water quality and aesthetic attributes of the lakes. In some instances, lands acquired for reservoir development were being used for agriculture. However, much of this land is now used for other purposes. The shoreline management alternatives presented in the FEIS affect the use of TVA land that is open for access by neighboring residents. These proposals do not affect the use of privately owned farm land.

**1955** **Comment:** *Buffer strips and the restrictions on clearing the shoreline will decrease lakefront property values, make resale difficult, discourage future lakeside development, and reduce the county property tax base.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), Joseph T. Frye (Frye Enterprises), John Croes (Timberlake Estates Homeowners Association), Robert K. Maxon, 17 survey comments

**1956** **Comment:** *A shoreline buffer zone, characterized by brushy vegetation, impairs the visual quality of lakefront property, leading to declines in property values.*

**Comment by:** Donald M. Shepherd, Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), 1 survey comment

**1957** **Comment:** *I had to pay a higher price for my property because it is lakeside property and has a beautiful view of the lake. If I am forced to let it grow up to where you can barely see the lake (a 6-foot mowed path), I will lose money if I ever sell the property. That is not fair. Most of the lakeside lots in the town of Clinton are only around 100 feet wide. Many of the homeowners might agree to mowing only 50 or 60 feet to help the environment, but they will not be happy with a 6-foot strip. This restriction would reduce property values and put city and county governments in more of a financial bind.*

**Comment by:** James A. McConkey

**1958** **Comment:** *As a Cherokee Lake homeowner in Hamblen County, I am writing to strongly protest TVA's proposed initiative to restrict mowing from the 1075 to 1080 lake levels. In my case, it would mean that about 20 feet of my lawn and flower bed (about 4 feet for every 1-foot vertical rise) would be affected. I have about 150 feet of shoreline; so, overall, some 3,000 square feet would become an unsightly weed patch. This would adversely affect the value of my home and property, as well as offending just about everyone's aesthetic sensibilities. Please do not adopt this initiative.*

**Comment by:** Paul H. Boorman

**1959** **Comment:** *Aside from the humanitarian aspects of this radical plan, does TVA have absolutely no legal responsibility regarding the severe devaluation of the owners' property, due to the eyesores that would be created on the front of these lots?*

**Comment by:** Peggy K. Scandlyn

**1960** **Comment:** *If TVA continues with its plan of not allowing enough clearing for people to see and access the water, it will limit the salability and pricing of these lots.*

**Comment by:** 1 survey comment

**1961** **Comment:** *Two lots in our subdivision have already been marked down \$30,000 and still will not sell, because no one wants to buy until they understand whether there will be a buffer zone, and the value of their property is dependent on that. If TVA enforces a buffer zone, the people in our subdivision are going to demand a recalculation of our tax base because of the declining values.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**Response:** A nationwide study of 36 streamside buffer programs revealed that buffers had either a neutral or positive impact on adjacent property values (Heraty, 1993). In no instance was the presence of buffers identified as a cause of negative land values. These results are consistent with findings from other studies that confirm greenways and buffers serve to increase the values of home and adjacent private properties (Correl, et al, 1978; Seattle Office of Planning, 1987; and Mazour, 1988). TVA must balance all of these interests. For additional information on the impact of SMZs on property values, refer to Section 4.14.4 of the FEIS.

TVA-owned land located between adjacent private lots and the shoreline is managed for public benefits. Degraded water quality and lost recreational opportunities would not be in the best interest of Tennessee Valley counties, adjacent property owners, or the public not residing on the lake.

As confirmed in numerous polls and public involvement activities (see FEIS Section 3.14), the lake-using public is strongly interested in the protection of natural vegetation and other resources along TVA shorelines. In managing these public shorelands, TVA must strike a balance between its resource protection responsibilities, the needs of the public, and the needs of the adjacent private property owners. Achieving this balance is an objective of TVA's SMI. Documenting the anticipated environmental impacts associated with each of the seven alternatives under consideration is the purpose of this EIS. Several of the alternatives under consideration would better balance the need for environmental and resource protection with the needs of the public and adjacent private landowners.

As noted in FEIS Section 2.8, TVA is not proposing the removal of lawns that are now established on private land or on developed TVA land that is open for access. TVA would allow continued mowing of established lawns, and the SMZ would not be required on these properties.

**1962** **Comment:** *The shoreline use agreements section should be completely reworked. A cost/benefit analysis should be performed, using variables such as additional public use and increased biodiversity vis-à-vis the range of possible shoreline area modifications. The agreement and modification costs to the homeowner should take into account the benefits to the public and TVA. For example, if a homeowner wants Bermuda grass to the edge of the shore, a complete loss of biodiversity results. However, a nice lawn on public property is an invitation for walking, camping, fishing, and other recreational activities. That is why TVA constructs its own public-use facilities this way. If the homeowner planted honeysuckle or blackberries, nobody would want to use the area. There must be a balance between the actual buffer zone modifications and the benefits to TVA and the public when calculating use agreement charges.*

**Comment by:** Gregory E. Huber

**Response:** As further explained in the Fees section of this volume, the proposed structure registration, performance deposit, and vegetation corridor fee proposals have been withdrawn. In addition, requirements for shoreline use agreements have been dropped, but Section 26a permits would still be required. Most recreational users of TVA lakes favor undeveloped, natural shoreline settings and generally avoid use of developed lands fronting private residences.

**1963** **Comment:** *The tourist business is a very important part of Tennessee's economy. Can you just imagine what buffers will do to it? We have several boating industries located along our shorelines. They located here in part because of our beautiful shorelines.*

**Comment by:** Roy E. Hicks

**Response:** Public comments received from SMI participants and the results of public opinion polls indicate that the quality of lake-based recreation is enhanced by aesthetically pleasing surroundings, including shorelines characterized by natural vegetation. SMZs would help sustain these desirable characteristics and enhance the quality of tourism and recreation.

**1964** **Comment:** *Buffer zones will interfere with access to the water by adjacent property owners and others wishing to use the lakes.*

**Comment by:** Bruce Watkins, John Croes (Timberlake Estates Homeowners Association), John Rast, Roy Tindula (Timberlake Estates Homeowners Association), Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Pete Barile (Morristown Area Chamber of Commerce), 5 survey comments

**1965** **Comment:** *We enjoy the fishermen who routinely cross our cleared land to fish, but we have yet to see one who prefers to fight his way across a "shoreline buffer zone."*

**Comment by:** Donald M. Shepherd

**1966** **Comment:** *Most lake property owners use the land for picnicking, spreading blankets for sunning, for children to play, etc. You cannot do this through 100 feet of briars and brush.*

**Comment by:** 1 survey comment

**1967** **Comment:** *Concerning the proposed 100-foot vegetation buffer zone along the shoreline, your study refers to the beginning point as "the line where the water of TVA reservoir meets the shore when the water level is at the normal summer pool elevation." Regardless of whether the summer pool is at 1060 or 1075, let us look at both scenarios. In the 1060 scenario, the 100-foot buffer would create a nice, thick, weedy, snaky shoreline whereby the*

*only place to swim would be in the middle of the lake or with the “ramp rats” on the boat-launch ramps, already relegated there by a serious lack of swimming facilities on the lakes. If the summer pool elevation is the 1075 mark, the majority of my backyard and part of my sideyard would be a thick, weedy, snaky mess. I do not believe TVA has the right to impose restrictions on how I handle my property, regardless of the elevation.*

**Comment by:** Marc A. Carter

**Response:** In managing public shorelands, TVA must strike a balance between its resource protection responsibilities, the needs of the public, and the needs of the adjacent private property owners. Achieving this balance is an objective of TVA’s SMI. Documenting the anticipated environmental impacts associated with each of the seven alternatives under consideration is the purpose of this EIS.

In response to public comments, TVA has formulated a Blended Alternative that would allow for selective removal of some understory and midstory vegetation. A detailed description of this alternative is provided in FEIS Section 2.8. TVA would allow continued mowing of established lawns that now exist on TVA land that is open for access. The SMZ would not be required at these locations. TVA does not anticipate that the standards applied under the Blended Alternative would result in a loss of water-based recreation opportunities for adjacent property owners.

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**1968** **Comment:** *Buffer strips will collect trash, litter, and debris that will not be accessible to clean up. Clearing and mowing the buffer zone allow lakefront property owners to see and pick up trash from the shoreline.*

**Comment by:** Bruce Watkins, Calvin Carpenter, Dick Robish (Cherokee Lake Users Association), Frank Hopkins, Jim Walmsley, John Croes (Timberlake Estates Homeowners Association), John Sublett, Judy Fletcher, Patricia Carpenter, Robert Peterson, Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), James B. Baker, Roy E. Hicks, 5 survey comments

**1969** **Comment:** *Is TVA prepared to come to each lot and clean up the debris in the vegetation corridor?*

**Comment by:** 1 survey comment

**1970** **Comment:** *I believe that shoreline management needs to be applied on a case-by-case or area-by-area basis. For example, I live on a bay just around the bend from where the Piney River feeds into. When we have a lot of rain, all of the debris, trash, and large trees are washed down the Piney, and it swings around and ends up on my shore. We have picked up syringes and needles and every other form of trash, including diapers. Under the proposed SMI, we would not be able to clean this up. This does not make sense. We are committed to protecting the environment. We pick up trash on the highway, as well as the lake, and we want to protect our area. Please do not penalize us for doing this. We need to have access to our shoreline to keep it clean.*

**Comment by:** 1 survey comment

**1971** **Comment:** *According to Congressman Hilleary’s letter, TVA is now denying permits for property owners to continue to clear vegetation at the shoreline. Is TVA now going to start maintaining the shorelines? It would appear that property owners would now require, but not receive, a permit to continue to burn washed-up debris in the various coves, such as tree limbs, quantities of plastic containers, trash, etc. Is TVA now going to take care of this continuing problem and environmental “mess” under the new SMI plan? This “mess” is mostly below the 1020, as far as Norris Lake is concerned, and it is certainly not environmentally friendly to recreational land use, or the shoreline.*

**Comment by:** William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt

**Response:** SMZs are no more prone to accumulate trash and litter than other shoreline areas. Removal of undergrowth would not directly impact the problem of trash on TVA lakes and shorelines. Effective measures to combat trash accumulation will require a concerted effort by the general public, lake users, TVA, local officials, and other organizations to initiate cleanup projects, conduct public education campaigns, and enforce laws related to littering and dumping of trash. As noted in FEIS Section 2.8, TVA would allow continued mowing of established lawns on TVA land that is open for access. The SMZ would not be required at these locations or on private property.

**1972 Comment:** *Buffer strips pose a serious fire hazard which would be impossible to control. This increased fire potential would be a risk to lakefront homes.*

**Comment by:** Cora Bland, R. Donathan Ivey, M.D., Thomas Begley, P.E., 1 survey comment

**1973 Comment:** *Under Alternatives C1, C2, and D, the shoreline barrier will become a fire hazard (per National Park Service findings).*

**Comment by:** 1 survey comment

**Response:** Forested shorelines are no more prone to wildfire than forest lands elsewhere. Owners of adjacent private property could decrease this possibility by carefully managing their own use of fire and by allowing additional setback distances between buildings and other development and the forest edge.

**1974 Comment:** *If buffers are imposed, I have no further interest in being a custodian of the shoreline and working in partnership with TVA.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**1975 Comment:** *I think great care must be taken in deciding how residential shoreline is handled. If a buffer of any size is required, I am concerned that the adjacent property owner may not have the same pride of ownership and the usually resultant good maintenance of the shoreline property.*

**Comment by:** 1 survey comment

**1976 Comment:** *If your recommendation which requires a 100-foot unmaintained border between the lakes and adjacent property owners is enforced, landowners will become increasingly isolated from the lakes. This isolation would prevent many property owners from even being able to view the lake and, consequently, maintenance and appearance of the lakefront will not be as important to these landowners as it now is.*

**Comment by:** Philip Kirkham

**Response:** In response to public comments, TVA has formulated the Blended Alternative, which would provide for a 25-foot-deep SMZ. Under this alternative, TVA would allow for selective removal of some understory and midstory vegetation. A detailed description of this alternative is presented in FEIS Section 2.8.

As noted in FEIS Section 2.8, TVA would allow continued mowing of established lawns on TVA land that is open for access. The SMZ would not be required at these locations or on private property. Several of the alternatives under consideration attempt to strike a balance between the need for resource protection and the interests of adjacent private property owners.

**1977** **Comment:** *“Removal of vegetation in the shoreline and riparian zones is the major problem in protecting surface water resources.” This statement is just too simple-minded for a complex problem; it ignores the importance of NPDES discharge standards, wastewater treatment technology, urban storm water standards, and construction runoff controls. The EPA recognized the problem of defining water quality too narrowly in oxygen depletion, waterborne diseases, and siltation (BOD, coliform, and suspended solids) and only for point sources. Today we realize water quality problems may include chemical toxicity (biomonitoring), chemical bioaccumulation (PCB, Hg, etc.), and eutrophication (limiting nutrient), and that the specific solution must be tailored to the location of the water quality problem. If anything, EPA’s present focus on river watershed models will allow all significant input pollutant loading to be quantified so that an objective selection of appropriate control technologies can be performed. Then, and only then, can a realistic assessment of expected water quality improvements be made. To imply that prohibiting the removal of riparian vegetation by humans will solve the majority of our water quality problems is ludicrous.*

*“Water quality of particular embayments could experience effects from nutrients added to current nutrient sources under Alternatives A, B1, and B2. Alternatives C1, C2, and D would be much less likely to produce such effects.” I do not believe there would be any significant difference between Alternatives B1, B2, C1, C2, or D. I believe you must be assuming that the vegetative management zone is effective at removing nutrients. TVA’s wetland wastewater treatment systems have not been particularly effective at removing nutrients even when they were designed for it (i.e., much less than 40 percent removals even with the root zone in the wastewater itself). In the Chesapeake Bay documents, they state that much of the nutrient removal would occur from trees with longer roots reaching into the natural water table. Existing TVA shoreline management practices, Alternatives B1 and B2, already prohibit the cutting of trees over 3 inches in diameter. Excluding trees, the roots on most shoreline vegetation, which can be seen on eroded banks, are generally less than 12 inches deep. Therefore, these roots do not extend into the ground water level where they could filter nutrients. Any surface water runoff should be as easily absorbed by mowed grasses as “natural vegetation.”*

**Comment by:** Thomas Begley, P.E.

**Response:** SMZs on TVA lands fronting private residential properties would help maintain a healthy forest. The purpose of an SMZ is to filter physical and chemical contaminants, keep the water clean, reduce the scope and intensity of shoreline erosion, maintain scenic amenities of the forest, and provide habitat for wildlife species requiring shoreline or riparian habitats. Backlying private property owners with access rights would be allowed to use the shoreline where navigation, flood control, power generation, and sensitive resources would not be impacted. *Table 2.8-1* in the FEIS summarizes the construction and land use standards that would be applied under each of the seven alternatives.

Alternatives C1 and C2 provide for a 100-foot-deep undisturbed SMZ, except for clearing of an access/visual corridor. This depth was based on recommendations in scientific literature and the experience of other shoreline managers. For example, a nationwide survey of 36 riparian vegetation protection programs found that urban buffers range from 20 to 200 feet deep, with a median depth of 100 feet (Heraty, 1993).

Although some commenters supported the 100-foot-deep SMZ proposal, which was part of Alternatives C1 and C2, it also received considerable opposition. In order to balance these concerns, the depth of the SMZ was reduced to 25 feet in the new Blended Alternative. At 25 feet, the SMZ is at the minimum depth required to meet water quality objectives, help prevent erosion, and provide aquatic habitat. The vegetation management guidelines in the Blended Alternative are similar to recommendations by Welsch (1991). This author proposes the use of a three-tiered streamside management

zone consisting of 15 to 20 feet of undisturbed forest (Zone 1), 60 to 75 feet of managed forest (Zone 2), and a runoff control zone (Zone 3). Welsch recommends grassing or lawn establishment only within Zone 3, and he suggests that this zone be located at least 75 feet from the shoreline. A similar approach is recommended by the Natural Resources Conservation Service and by the Center for Watershed Protection (Schueler, 1995), which recommends a 25-foot-deep streamside zone.

Under the Blended Alternative, a 25-foot SMZ would be required for new homesites that develop next to forested TVA public land with outstanding access rights. TVA would work with adjacent homeowners to encourage the planting of native trees, shrubs, and plants in those areas where the TVA land is not forested. The SMZ would not be required on private land or on TVA land where permitted shoreline development and lawns now exist. As noted in Section 2.8 of the FEIS, TVA would continue to allow mowing of established lawns. In contrast to Alternative C1 (which allowed no vegetation disturbance in the SMZ other than that required for clearing the access corridor), the more flexible Blended Alternative provides for clearing of specified plants—such as poison ivy, Japanese honeysuckle, and kudzu—within the 25-foot-deep zone and elsewhere on TVA land.

The Blended Alternative adopts existing tree-cutting guidelines on the portion of TVA property that is located outside the SMZ. Permits would be required for the clearing of select trees and other vegetation under 3 inches in diameter at the base. Pruning of side limbs on trees could also be allowed in the SMZ and elsewhere on TVA land.

More information about the effects of vegetation removal can be found in Section 4.3 of the FEIS. Effects of residential shoreline alterations on water quality are discussed in FEIS Section 4.10.

**1978** **Comment:** *Grass is an acceptable method of slowing down water, reducing runoff, and controlling erosion. Mowing will not remove the lawn-type plant roots necessary to reduce erosion from surface runoff on banks. Mowed grass will resist erosion much better than weeds and briars.*

**Comment by:** Jerry Anderson, John Rast, Judy Fletcher, Kenneth E. Johnson, Jr., Thomas Begley, P.E., Tim Gorman, Clyde L. Wells, 1 unidentified speaker comment (Harrison, TN public meeting)

**1979** **Comment:** *The least expensive, most effective program for preserving the beauty of the lake is to work with the property owners very closely to control shoreline erosion, by mowing and keeping beautiful lawns, or by other suitable means.*

**Comment by:** Joseph T. Frye (Frye Enterprises)

**1980** **Comment:** *Soil erosion is mainly in the reservoir. Seed in rye as the water level falls, and this will decrease erosion and improve wildlife habitat, water quality, and aquatic habitat. Thin the pines and use the brush to provide cover for fish. Establishing grass in this area would result in a green shoreline from high water to low water throughout the year.*

**Comment by:** 1 survey comment

**Response:** The FEIS documents that alteration of shoreline vegetation can intensify shoreline erosion problems, and improving methods to control erosion is one of several important SMI objectives. More information about SMI goals can be found in Chapter 1 of the FEIS.

Depending on slope, soils, and location, grasses may provide some protection against shoreline erosion. However, the capability of naturally vegetated shorelines for resisting erosion is well documented in the scientific literature (Karr and Schlosser, 1978; Sweeney, 1993). This research shows that woody vegetation (forest with associated understory shrubs and small trees) is generally more effective in conserving shoreline and preventing erosion (see FEIS Section 4.6). At any rate, there

are other public benefits associated with maintenance of undisturbed SMZs, including maintenance of wildlife habitat and protection of aesthetic resources. Also, according to Welch (1991), the maintenance of streamside and shoreline forest is critical to the protection and enhancement of water resources. This author proposes the use of a three tiered stream side management zone consisting of undisturbed forest (Zone 1), Managed Forest (Zone 2), and a Runoff Control Zone (Zone 3). He suggests grassing or lawn establishment only within Zone 3, and recommends that this zone be located at least 75 feet from the shoreline.

TVA must consider a full range of public benefits, as well as the needs of adjacent private property owners, in its selection of an appropriate alternative to guide future permitting of residential shoreline alterations. For this reason, TVA has developed a Blended Alternative that would balance the needs of adjacent residential property owners with those of the lake-using public and TVA. This alternative would allow for selective removal of some vegetation from the understory and midstory and provide for pedestrian and visual access to the lake through the use of corridors. As noted in FEIS Section 2.8, TVA would allow continued mowing of established lawns on TVA land that is open for access. The SMZ would not be required at these locations or on private property.

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**1981** **Comment:** *Vegetative buffer strips are ineffective at controlling erosion due to fluctuating water levels, boat wakes, soil types, slope of land, etc. Water washes soil away from the roots, and eventually the bank and trees fall into the water. Riprap and seawalls are effective solutions for stopping erosion along the shoreline.*

**Comment by:** Alfred Wade, Allen N. Palmer, Brent Lay (River Oak Recreation), Charles C. Smoot (Bear Paw Subdivision), Dorothy Dove, Frank McGinley, Granville Major, Jere Moore, Jerry Anderson, Jim Walmsley, John Croes (Timberlake Estates Homeowners Association), John Rast, Ottolene Browning, Richard Spears (Timberlake Estates Homeowners Association), Rick Stanton, Roy Tindula (Timberlake Estates Homeowners Association), Tim Gorman, Vernon Reedy, James W. McCormick, Ronald Prime, 5 survey comments

**1982** **Comment:** *How are shoreline vegetation barriers superior to a breakwall or riprap with respect to erosion?*

**Comment by:** 1 survey comment

**1983** **Comment:** *I see where trees have fallen in the water along natural shoreline. I fail to see how my seawall has caused any erosion or other problems.*

**Comment by:** John McJilton

**1984** **Comment:** *The buffer zone is not going to reduce siltation, and it is not going to reduce erosion. The property owners do more in that regard than any buffer zone ever can or would.*

**Comment by:** Robert Cheetham (Pine Grove Fire Association)

**1985** **Comment:** *Since most siltation comes from the streams that enter into the lakes, a buffer zone will not serve the purpose intended.*

**Comment by:** 1 survey comment

**1986** **Comment:** *On Watts Bar Lake, the areas that have been left natural, the banks and islands, are the areas that exhibit the most soil erosion. The banks are undermined, the soil has washed away or caved in, and trees and brush have fallen into the water.*

**Comment by:** Robert K. Maxon

**1987** **Comment:** *By far the single largest environmental problem on Kentucky Lake is bank erosion due to wind-induced wave action, which is accelerated at elevated water levels. TVA's Land Between The Lakes (LBL) demonstrates much of the worst steep-bank erosion problems, and TVA's proposed do-nothing solutions, i.e., absentee owners and minimizing disturbance to existing vegetation, will not solve the real, big problems. Vegetation does not naturally grow on the vertical slope of a crumbling, steep shoreline soil bank. This important NEPA environmental impact problem has not been properly addressed by TVA, nor will TVA's proposed SMI alternatives have any significant effect on this major environmental problem.*

**Comment by:** Thomas Begley, P.E.

**1988** **Comment:** *The DEIS seems to say waterfront erosion can only be controlled by vegetation; however, riprap, beaches, and other means are also effective and will not depress property values as the vegetation strip would.*

**Comment by:** 1 survey comment

**1989** **Comment:** *Relative to shoreline stabilization, the differences in shoreline situations are most dramatically demonstrated between the two extremes of main channel location versus that of a still water inlet. For these varying situations, there cannot be one overall solution. I have enclosed pictures of our main channel shoreline. After reviewing TVA maps and charts that go back to the 1970s, I find that much of the shoreline has eroded away. My shoreline, like that of my neighbors, has not been protected by natural vegetation. Mother nature did not have a 100-foot guideline, and the soil still erodes. Its severe erosion reflects that mother nature, with its trees, brushes, and grasses could not maintain the banks. The 100-foot vegetation provision has been in effect, de facto, by mother nature since the dam was constructed, and it has not worked. That is why the approvals I recently received are appropriate and should be made available to other similar situations in the future.*

**Comment by:** Harry A. Nesteruk

**1990** **Comment:** *Control of shoreline erosion (see below) is a major concern that must be controlled differently in different settings. Erosion control must rely on location-specific solutions. Woody and brush vegetation is a controversial method promoted by TVA as a solution for shoreline erosion. This is a method that will work where there is little current or wake activity, the slope of the shore is low to moderate (less than 2:1), and water levels do not fluctuate significantly on an annual basis. This is currently the vegetation condition of my own shoreline on Norris Lake, yet I have seen approximately 3 feet of erosion by undercutting in the past five years. This is due to wake action at full pool undercutting the root masses of the trees and shrubs on a 4:1 slope. My shoreline below full pool is primarily a pebble "beach" that armors underlying sandy and silty sediments (except from waves generated by storms from the north or high-usage holiday weekends), with exposed bedrock in places. In the nearby cove, an area with the end having a shallow slope is largely protected from wakes and a muddy bottom is preserved. Effective erosion control will have to include riprap and retaining walls for shorelines exposed to waves, wakes, and currents, especially where significant fluctuations in water levels occur. I concur with many of the public comments that brushy vegetation is ineffective in controlling erosion in these cases.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge)

**1991** **Comment:** *With respect to trees and vegetation stabilizing the shoreline, a tour of any of the islands on Watts Bar illustrates that this does not work. All of the islands, unless they have a rock bluff, are constantly eroding from wave action, and their trees and vegetation have not been touched. The constant boat and jet ski wakes undercut everything. Over the years, I*

*have watched a tremendous amount of your shoreline erode adjacent to the sections of my own property—the shoreline was simply undercut by the wakes, and the trees and vegetation fell into the lake. Trees and vegetation on the shoreline may be aesthetically pleasing, but do not kid yourself that they are stopping the erosion. The only actions that are going to slow down the erosion are to reduce the boat traffic, which I do not see happening, or else riprap the problem areas. Also, I have approximately 400 feet of sea wall which was installed at considerable expense over the years, and I mow down to the seawall. I fail to see what will be accomplished by allowing weeds to grow behind the sea wall.*

**Comment by:** James B. Baker

**1992** **Comment:** *As I understand from our prior discussions and reports, TVA's basic concern is still to minimize shore erosion. Over the years, some of the TVA shore in front of our tract has indeed been undercut and washed into the lake—trees, brush, and all. It has in fact been getting to the point where there is hardly any TVA strip left in front of certain places along our tract. For all of these reasons, I would suggest that the best and probably only solution to stop the erosion would be to have individual lot and dock owners (if approved) place their own riprap along their shores and thereby stop it. As an engineer, I have listened to many independent professional discussions. Engineers from TVA and others have freely agreed that none of the other means of slowing down erosion could come even close to competing with the "rock" solutions, sea walls and/or riprap. On this rather steep land which has never become accustomed to, and never will be able to resist, man-made lake erosion, these statements appear to be particularly applicable. I am confident that your engineers will agree as well.*

**Comment by:** John Shacter, Kathleen Shacter

**1993** **Comment:** *I see nothing wrong with clearcutting a lakefront lot, as long as bank stabilization and erosion control such as seawalls, riprap, and grass, trees, and shrubs are placed there instead.*

**Comment by:** 1 survey comment

**Response:** The capability of naturally vegetated shorelines for resisting erosion is well documented (Karr and Schlosser, 1978; Sweeney, 1993) and depends on the nature of the soils, exposure to wind and wave action, etc. In some instances, shallow-rooted vegetation will suffice. In other situations, only deeply rooted trees and shrubs will provide the protection required. In some instances, nothing short of engineering solutions will accomplish the desired results. For this reason, under Alternatives C1 and C2, TVA would approve use of riprap where maintenance of undisturbed buffers is unlikely to effectively curb erosion. Under the Blended Alternative, TVA would demonstrate biostabilization techniques and would provide technical assistance, when requested, about which erosion control method is best suited for a particular site. Applicants could choose between biostabilization, riprap, and gabions, or some combination of these approaches. Refer to Section 2.8 of the FEIS for more information about bank stabilization.

It should also be noted that there are other benefits associated with maintenance of undisturbed zones of shoreline vegetation, including maintenance of wildlife habitat and protection of aesthetic resources and water quality. TVA must consider this full range of public benefits, as well as the needs of adjacent private property owners, in its selection of an appropriate alternative to guide permitting of future residential shoreline alterations.

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**1994** **Comment:** *Cutting pines on the edge of the shore and letting them lie halfway in the water helps.*

**Comment by:** 1 survey comment

**Response:** Any erosion control benefits accruing from the cutting and placement of pines along shorelines would likely be short-term and offset by the adverse impacts of increased light penetration on near-shore aquatic communities. In such situations, higher light levels tend to drive down dissolved oxygen levels by increasing water temperatures. Also, higher light levels favor growth of algae and other noxious aquatic plants, particularly in shallow water areas. Additionally, cutting trees at the shoreline would destroy healthy root systems which play an important role in controlling shoreline erosion.

**1995 Comment:** *Reduce the buffer zone to actual wetland vegetation areas.*

**Comment by:** 1 survey comment

**Response:** Requiring buffers only in shoreline areas where wetlands are present would not allow TVA to meet its multiple goals of protecting water quality and aesthetic resources, stabilizing eroding shorelines, and providing habitat for wildlife.

**1996 Comment:** *When TVA mentions planting cattails, rushes, sedges, and moist site grasses as something the landowner can do, I am afraid that you are really asking us to create wetlands. Once we create the wetlands, then TVA really has us under its thumb. We want to plant trees. We will give up our grass if you will tell us something attractive to plant as an alternative. Do not make us live in briars.*

**Comment by:** Tricia Bledsoe

**Response:** Wetlands cannot be created unless the proper hydrological conditions already exist. In other words, if the soil does not contain sufficient moisture for sufficiently long periods of time, then it is not possible to establish the plant communities which characterize a wetland. Information on native plant materials suitable for shoreline landscaping and nurseries that carry native plant species would be provided through distribution of copies of informational products such as *Banks and Buffers: A Guide to Selecting Native Plants for Streambanks and Shorelines*, and *Plant Species for Riparian Zone Restoration and Streambank/Shoreline Stabilization*.

**1997 Comment:** *I would like to see the plans for ecologically sound landscaping before TVA accepts the buffer strip proposed.*

**Comment by:** Brad Johnson

**1998 Comment:** *TVA should consider a curvilinear approach to the water, since this would prevent direct runoff more effectively than straight paths. Also, use domesticated plant material instead of poison ivy. In other words, take a more urban approach.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**Response:** Vegetation management standards included in the new Blended Alternative are intended to provide adjacent property owners visual and pedestrian access to the shoreline, while at the same time protecting public land values and environmental resources. Installed landscapes usually require maintenance through chemical or mechanical treatments. Additionally, "domesticated" plants are typically used for establishing ground covers and shrub communities, and in most instances these plant materials are nonnative species or horticultural varieties available through the nursery trade. TVA has adopted policies which require plantings of native plant materials around its buildings and facilities and restrict the use of nonnative plants on TVA lands. Consequently, in instances where

owners of adjacent residential properties wish to landscape areas of TVA land fronting their lots, only native trees, shrubs, and herbaceous species would be allowed. Removal of specified plants like poison ivy would also be allowed.

To ensure the availability of native species for landscaping purposes, owners of nurseries in areas surrounding TVA reservoirs would be encouraged to maintain adequate stocks of species suitable for shoreline landscaping. Additionally, TVA staff would give technical assistance to property owners on selections of native plants for specific site conditions and would provide information about nurseries that carry native plant species appropriate for shoreline landscaping. Copies of informational products, such as *Banks and Buffers: A Guide to Selecting Native Plants for Streambanks and Shorelines*, and *Plant Species for Riparian Zone Restoration and Streambank/Shoreline Stabilization*, would also be available. Access corridors would be sited to minimize removal of trees with high wildlife value and would in some cases follow meandering routes.

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**1999** **Comment:** *TVA needs to consult with landscape engineers and find some alternative plantings (other than weeds and briars) that will help water quality and fish habitat and satisfy the aesthetic needs of adjacent property owners. What we need are some native plants and perennial groundcovers attractively arranged.*

**Comment by:** Clifford C. Amundsen, Ph.D., 1 evaluation form comment (Clinton, TN), 4 survey comments

**2000** **Comment:** *We would also strongly encourage TVA to develop prototype urban and suburban riparian zones which allow residents to have planted areas.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**2001** **Comment:** *I have seen a lot of vegetation and wildflowers on the median of interstate highways. Maybe we could do something like that. It might also enhance wildlife.*

**Comment by:** C. Edward Smith

**2002** **Comment:** *On property that has already been totally cleared, I suggest voluntary planting of local plants, bushes, and holly trees, marsh mallow, etc. TVA should furnish these to homeowners at a minimal charge, or maybe they could be furnished in a joint effort with the local Forest Service. Have native marsh mallows growing by riprap and seawalls.*

**Comment by:** 1 survey comment

**2003** **Comment:** *We would like to stabilize our shoreline by using both native terrestrial and native aquatic plant species, as well as other environmentally friendly methods discussed in the shoreline study.*

**Comment by:** R. Kincaid Mills, James O. Mills

**2004** **Comment:** *Allow alternative vegetation plans including fruiting shrubs (raspberry, blueberry, etc.) and wildflowers.*

**Comment by:** 1 survey comment

**2005** **Comment:** *Buffer strips should consist of hardwood trees such as white and red oaks and red maples. Pine trees should be cut for fish cover.*

**Comment by:** Jake Beeler

**2006** **Comment:** *Since most of the meeting comments were critical of briars and weeds, TVA needs to develop another alternative that satisfies both environmental needs and property owners' aesthetic needs. TVA could pay college students majoring in landscape architecture to design something attractive and environmentally friendly. Then lake property owners who currently have treeless lawns could volunteer their land as a demonstration project. Use computer graphics to show how the demonstration project will mature over the years and remain attractive and enhance the environment. Put all this in a TV commercial and call it Alternative C3.*

**Comment by:** 1 survey comment

**2007** **Comment:** *Quoting page X-49, the DEIS states that "the ability to make the right choices depends a great deal on the public's reaction." Since the strongest public reaction in these meetings results from the proposed weedy vegetative buffer, are you currently working on another alternative to evaluate and recommend attractive plantings? Perhaps TVA should consult with some landscape engineers to find some alternative plantings that will satisfy the aesthetic needs of adjacent property owners and protect water quality and fish habitat as well. What we need is something attractive that will not require fertilizer or pesticides. An extra bonus that would make these plantings wildly popular would be if copperheads disliked them. We would give up grass if TVA could find something better than weeds.*

**Comment by:** Tricia Bledsoe

**2008** **Comment:** *I feel that maintaining the shorelines to support local wildlife and aquatic habitat is very important but could be accomplished without requiring the shoreline to become a jungle. To allow an individual to clearcut all shoreline growth would not support this and would generate shoreline erosion, but to allow an individual to replace the briars and poison ivy with other plants, grasses, shrubs, trees, etc., would provide a shoreline that supports wildlife and aquatic habitat, reduces shoreline erosion, provides for recreational use, and is more appealing to look at. It appears to me that TVA is looking for an easy answer and disguising it as being the environmentally right thing to do. If TVA does not allow individuals living along the shoreline to do anything, then TVA does not have to do anything.*

**Comment by:** 1 survey comment

**2009** **Comment:** *The vegetation management proposal is too restrictive and is illogical. In order to preserve aesthetic value, the homeowner, not TVA, should be the best judge. A conscientious homeowner must have the opportunity to use native plants to improve the beauty of his shoreline without major restrictions. Many parts of the natural shoreline are covered in undesirable plants and shrubs. These areas may be "natural," but such vegetation does not add to the aesthetics, protect the shoreline or aquatic resources, or add to the biodiversity of the shoreline ecosystem. The current shoreline area was not a riparian zone prior to reservoir construction. Riparian zone plants provide the stabilization and protection which TVA desires through the SMI. A recommended list of plants has already been issued by TDEC. Why not allow recommended plantings within the "buffer" area? This would enhance the beauty of the shoreline, engender pride of stewardship and greater affinity for our natural surroundings by the homeowner, widen the biodiversity of the ecosystem, and protect the shoreline and aquatic resources.*

**Comment by:** Gregory E. Huber

**2010** **Comment:** *It is hoped that the standards and guidelines will encourage landscaping with native plants, which will promote biodiversity and a land ethic in harmony with our natural and cultural heritage. TVA and the state could work together to promote this approach. Perhaps with this approach, a vegetative buffer could be provided which would enhance*

*water quality, scenic beauty, and adjacent property values. (Contact our Natural Heritage Section, the Tennessee Native Plant Society, and the National Wildflower Institute in Austin, Texas.)*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation)

**2011** **Comment:** *A buffer zone should be designed in a way that accomplishes TVA's goals and is not offensive to lakefront property owners. For example, if the grass is allowed to grow to a certain height in a 10-foot strip, then the erosion will be controlled and lakefront property owners will also be satisfied.*

**Comment by:** Kenneth E. Johnson, Jr.

**Response:** TVA shares the state of Tennessee's commitment to use only native plant materials for landscaping or shoreline restoration projects. This is documented as a part of the vegetation management standards in the Blended Alternative. Additionally, TVA has published several informational guides on the use of native vegetation in shoreline protection, including *Banks and Buffers: A Guide to Selecting Native Plants for Streambanks and Shorelines*, and *Plant Species for Riparian Zone Restoration and Streambank/Shoreline Stabilization*.

TVA would not manage SMZs to achieve any predetermined species composition. If pines were present, TVA would not remove these trees in an attempt to release oaks or maples.

None of the alternatives under consideration would allow for use of nonnative plants in shoreline landscaping activities on TVA land. Additionally, TVA is committed to keeping soil-disturbing and soil-compacting activities to an absolute minimum. Under any of the alternatives, mowing of established lawns on TVA land would be allowed to continue. As outlined in Section 2.8 of the FEIS, the Blended Alternative would allow future owners of private residential lots adjacent to TVA-owned shorelands to access the shoreline via designated visual and pedestrian access corridors that have been cooperatively sited by TVA and the property owner.

## Wildlife

During the 1996 SMI public involvement process, many citizens or groups commented on matters pertaining to wildlife. These comments covered a variety of issues, such as:

- Impacts of development on birds and wildlife
- Impacts of forest fragmentation on wildlife
- Impacts of Alternative C1 on wildlife
- Wildlife on marginal strips and other TVA-managed land
- Impacts of mowing on bird and wildlife habitats
- Increase/decrease in wildlife populations
- Importance of wildlife preservation areas and wildlife corridors
- Problems with various animals and plants
- Involvement of other agencies in the DEIS
- Enforcement of regulations to protect wildlife
- Wildlife diversity

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**2012** **Comment:** *You make a few sacrifices of wildlife and habitat now, a few more in 10 years, etc., until all riparian habitat will be lost.*

**Comment by:** 1 survey comment

- 2013** **Comment:** *There will not be a problem with wildlife if TVA does not sell any more land and leaves it the way it is.*
- Comment by:** 1 survey comment
- 2014** **Comment:** *TVA is limited, with respect to the management of wildlife habitat, by private property deeds.*
- Comment by:** Johnny L. Boyles
- 2015** **Comment:** *In the public meeting, the argument was made that since wildlife does not vote, it has no say. This statement proves that pro-developers do not care for wildlife.*
- Comment by:** Allan J. Trently
- 2016** **Comment:** *In some reservoirs (Ft. Loudoun and Wilson), development has overwhelmed the natural habitat and riparian zone to the extent that it is a biological sacrifice zone. Edge species and domestic animals are the remains of a tattered ecosystem.*
- Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)
- 2017** **Comment:** *The USF&WS opposed releasing the YMCA land in Gunterville for residential development. This is eagle and gray bat habitat and one of the most pristine stretches of the entire Tennessee River. Please do not bow to special interest lobbyists for the benefit of a developer and 14 future estate-lot buyers.*
- Comment by:** 1 survey comment
- 2018** **Comment:** *I am opposed to the development of the shoreline because of the threat to the many species of wildlife cited in Section 3.6.1 of the DEIS. It is unethical to construct artificial refuge for wildlife management areas in lieu of natural habitat, for the recreational leisure and profit of human beings, when there is no evidence of a basic human need. The decline of certain wildlife species, as reported in the DEIS, obviously is due to human occupation of the land and all the threatening disturbances that such human presence brings to a wildlife environment. Further decline and destruction would occur with increased development.*
- Comment by:** Gloria Reagon Price
- 2019** **Comment:** *In 1995 over 90 million acres were taken out of forests, farm land, and set-aside land and were used for roads, industry, and residential development. This was up from 14.5 million acres in 1982. This is a 16 percent increase in development in less than 15 years. This continues to squeeze our wildlife into more urban areas and put humans at risk with more contaminants added to earth's already deteriorating environment. The private land in the Tennessee River Valley is developing at an accelerated rate. We have to strive for not only wetland mitigation, but upland mitigation as well. We are simply running out of room for our wildlife.*
- Comment by:** Jerry Davis (Alabama Waterfowl Federation, North American Waterfowl Federation, Alabama Waterfowl Association, Inc.)
- 2020** **Comment:** *After careful reflection, I feel the only sensible option is Alternative D, based on the following reason: If something is not done quickly, the very reason people are moving to the lakes will be destroyed by their own actions. For example, they move to the lake so they can enjoy and proudly watch bald eagles and other riparian wildlife. However, little do they realize that their very actions are permanently destroying the habitat these animals need for*

*survival. This is exactly what has happened at Savannah Bay since my first visit over 30 years ago. Now the whole TVA system is threatened, and something must be done soon. Alternative D is the only option for those of us who value and are concerned about preserving biodiversity and wildlife-viewing opportunities into the next century and beyond.*

**Comment by:** Kenneth H. Dubke

**2021** **Comment:** *Most hunters want to see habitat available for many types of wildlife. This includes areas that are not open to hunting. It is surprising to see how many people do not realize that loss of habitat hurts many wildlife species more than regulated hunting. The development of East Tennessee has greatly reduced the population of rabbits and quail in many areas. A well-manicured lawn may look nice, but it does not provide a suitable home for most wildlife species. Some species, such as geese, may seem to thrive, but others do not.*

**Comment by:** R. Deron Hendren

**Response:** Potential effects of the different SMI alternatives on animals and their habitats and vegetation are described in FEIS Sections 4.3, 4.4, 4.5, and 4.9. TVA developed the Blended Alternative in part to minimize the potential for adverse impacts to wildlife.

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**2022** **Comment:** *Due to our objectives and the Lower Tennessee/Cumberland Rivers ecosystem, we are in support of Alternative D. Many of our programs are directly related to habitat conditions in the Tennessee Valley. We are concerned about the migratory birds that utilize areas on and around the rivers. This includes wintering waterfowl that spend the winter months with us resting and preparing for spring migration and breeding. Our birds of summer include many shorter-distance migrants along with the neotropical migrants, both of which depend upon the local resources during their breeding and production periods. The Tennessee and Cumberland Rivers provide important travel corridors for these global resources. Development along these rivers is just one more obstacle in their already difficult life cycle. Just as the TVA water fluctuation schedules have adversely affected shorebird use of previously available mudflats during migration and severely limit water management capabilities for waterfowl, additional development of the adjacent land areas will compromise additional habitat that could be used by land birds. Although not as fragile as the migratory birds, other resident wildlife populations will also be impacted by further development of the land base.*

**Comment by:** John T. Taylor (United States Fish and Wildlife Service)

**2023** **Comment:** *There was no mention of the importance of shoreline to the declining shorebirds.*

**Comment by:** 1 survey comment

**Response:** Comments noted. Some of the habitat identified in FEIS Sections 3.6.3 and 4.4.2 as wintering waterfowl habitat is also potentially suitable habitat for migrating shorebirds during the spring, late summer, and early fall. The suitability of this habitat is closely tied to summer reservoir levels, which have been held higher in recent years, resulting in a loss of shorebird habitat. This loss was acknowledged in the *Lake Improvement Plan* (TVA, 1990b). TVA's new Blended Alternative was designed, in part, to minimize the potential for adverse impacts to wildlife, compared to Alternative C1.

**2024** **Comment:** *From page 26 of the Executive Summary I quote, “As shorelines were developed, the recovery of some listed terrestrial species (i.e., the bald eagle) could be indirectly and cumulatively impacted by the reduction of potentially suitable, but presently unoccupied, habitat.” I cannot believe TVA experts put this next line in this book, “Exactly at what point in time this might occur is uncertain.” This statement is used over and over as far as environmental consequences. I am not an expert, but I can most certainly tell you at what time this will occur. When I look up in the sky and I see no more eagles, I will know that the impact has occurred. When I catch more fish that are deformed and have tumors on them than I do good fish, I will know we are being impacted. The USF&WS has repeatedly stated that there should be very little more development on Guntersville Reservoir. This has gone unheeded.*

**Comment by:** Barbara Price (Friends of the Tennessee River)

**Response:** Because of the lack of detailed information and reasonable assessment methodologies at the programmatic level, it is not possible to predict when certain impacts will occur. This issue would be reexamined when more detailed reservoir plans are prepared. Depending on conditions on Guntersville Reservoir, it is possible that TVA could conclude that further development of Guntersville shoreline should be restricted.

**2025** **Comment:** *We have sacrificed 90 percent of suitable habitat for wildlife on the Chickamauga Lake. We have no waterfowl habitat that is desirable to waterfowl. The only shorebird habitat has been ruined already by development of residential areas.*

**Comment by:** 1 survey comment

**Response:** As shown in *Table I-1* of the FEIS, 14 percent of the Chickamauga Lake shoreline is developed with residential shoreline alterations, and 86 percent remains undeveloped. Suitable habitat for a wide variety of wildlife, including some waterfowl and shorebirds, still occurs in undeveloped portions of Chickamauga Lake.

**2026** **Comment:** *TVA’s previous management of its shoreline has been on a case-by-case basis with very little programmatic direction or limitation. The SMI makes an attempt to bring uniformity to the process and bring direction to potential development of shoreline properties. However, Kentucky Department of Fish and Wildlife Resources believes that TVA has not sufficiently considered the value of their properties as to their impact on local fish and wildlife resources. In some areas of Kentucky Lake, development of the shoreline and dredging of the near-shore areas has resulted in the elimination of fish and wildlife habitat. As more and more development occurred, more and more acreage of habitat was lost. In some cases, this resulted in the complete loss of habitat from these areas which are publicly owned. In some of these cases, the landowner purchased property that was lakefront or lakeview when, in all reality, the property was neither. In those cases the landowners believed they had the right to modify the property (i.e., to clear trees or dig boat channels and bring the lake to them) to suit their needs, even though they did not own the shoreline property. TVA has a responsibility to prevent such impacts to the local fish and wildlife resources as the owner and manager of these public lands.*

**Comment by:** C. Tom Bennett (Kentucky Department of Fish and Wildlife Resources)

**Response:** SMI was formulated to respond to the weaknesses identified in this comment. The SMI analyses do attempt to “value” TVA lands in terms of their benefit to fish and wildlife resources. See Sections 4.3, 4.4, and 4.9.

**2027** **Comment:** *In order to comply with NEPA, consideration should be given to the comprehensive and cumulative impacts associated with the project actions. Considering the information provided, it is probable that any proposed development will increase stream crossings and affect instream, aquatic, and riparian habitat and thereby degrade significant habitat as part of proposed residential or shoreline project implementation. Should development occur, the document suggests significant short-term and secondary effects of development. The document does not, however, outline the anticipated long-term effects of habitat loss for the region. Although TVA outlines some “commitments” for protection of natural resources, these are not specific and do not address long-term protection of habitat and species. We strongly support a no-net-loss approach (similar to the wetlands protection initiative) to the management of public lands and our state resources.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**Response:** TVA has estimated comprehensive and cumulative habitat losses in Sections 4.3 and 4.4 of the FEIS. Generally, TVA expects that specific commitments for natural resource protection would result from site-specific environmental reviews.

Under the Blended Alternative, TVA would adopt a maintain-and-gain public shoreline policy that would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. The policy would also require that no-net-loss and preferably net-gain provisions be included in any proposals submitted by others for access in additional areas. These proposals would be carefully reviewed to ensure that public lands or landrights to be gained have equal or greater public and ecological value than the land over which access rights are required. In this manner, TVA-approved landrights exchanges would maintain and improve environmental integrity, maintain and enhance public benefits from reservoir lands, and keep the projected maximum buildout level from residential shoreline development at 38 percent or less Valleywide.

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**2028** **Comment:** *Nowhere did the DEIS say any wildlife would be destroyed by more development or that any plant or animal species would be threatened.*

**Comment by:** 1 survey comment

**Response:** While the DEIS did not use the term *destroyed* in relation to impacts on wildlife, Section 4.4 notes that all of the alternatives would result in wildlife population and plant community declines of varying sizes. While some of these declines under some alternatives would be locally significant, none of them, independently of actions elsewhere in the species' ranges, would likely result in the species' being endangered.

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**2029** **Comment:** *The task of developing a shoreline management program is based largely on environmental effects which result from shoreline activities. The policies and regulations which result from the SMI should be written with the flexibility to consider offsetting factors associated with development. We would like to see a more extensive study on the effects of development to use as a tool in creating strategies which minimize environmental impacts so that large-scale developments, such as Tellico Village, will be allowed in the future without the loss of the many features which make them desirable places to live. In many cases, we observe an increased presence of fish and wildlife as a result of decreases in hunting. Also, bank stabilization provides habitat for small feeder fish and reduces turbidity in the water. Federal and state regulations implemented in recent years affect construction and development practices. The benefits of these improvements may have not yet been factored into some of the studies which are the basis of many older policies.*

**Comment by:** Thomas C. Oppenheim, P.E. (Cooper Communities, Inc.)

**Response:** We agree that environmentally responsible development can reduce impacts to fish and wildlife. Sections 4.9 and 4.4 of the FEIS describe the anticipated impacts of each alternative on fish and wildlife habitat. As noted in Section 4.9, some types of docks and bank stabilization can enhance fish habitat. Section 4.4 notes that populations of some wildlife species can increase as a result of residential shoreline development, mostly due to increases in suitable habitat. Reduced hunting is also a factor, although in the absence of adequate suitable habitat, elimination of hunting would not result in population increases in game animals. Some animals, such as the Canada goose, can increase to pest levels in developed areas closed to hunting. TVA used the best available information in preparing the descriptions of anticipated impacts.

**2030 Comment:** *I am concerned about the wildlife in and around the lake. I very strongly desire that a large portion of the lakes be left undeveloped.*

**Comment by:** 1 evaluation form comment (Tims Ford, TN)

**Response:** The new Blended Alternative, as well as Alternatives B2, C2, and D, would result in the lowest amount of shoreline open to residential access, while Alternative D would result in the lowest development impacts on wildlife.

**2031 Comment:** *It is also important not to fragment TVA holdings because of their importance to wildlife which need larger blocks of habitat. The neotropical forest birds are especially sensitive to habitat fragmentation.*

*Many of these large blocks are currently used by the state as wildlife management areas, and their importance to wildlife conservation and outdoor recreation is very important to people and the economy. Therefore, it is important that TVA's public land—especially wildlife management areas and refuges—should absolutely not be developed. Alternative Zero would protect these environmental and recreational resources.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**2032 Comment:** *SMI focuses on reassuring code words, not fundamental ecological principles. For example, it discusses blandly whether the decreased forest within 25 feet of the shoreline should be in the range of 101 or 1,850 miles, while the ecological evidence mounts that we are losing our songbirds largely due to forest fragmentation.*

**Comment by:** Paul A. Yambert

**2033 Comment:** *Further development will only create large blocks of fragmented land that will prove detrimental to migratory bird habitat.*

**Comment by:** Barbara Price (Friends of the Tennessee River)

**Response:** The role of forest fragmentation in songbird population declines is discussed in Section 4.4.1 of the FEIS. The new Blended Alternative would place higher priority on the ecological importance of public land. It would also allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist.

**2034 Comment:** *We want to see our Watts Bar Lake supporting more wildlife in 25 years. Will Alternative C1 accomplish this?*

**Comment by:** 1 survey comment

**2035** **Comment:** *Alternative C1 needs to concentrate on more wildlife protection.*

**Comment by:** 5 survey comments

**2036** **Comment:** *Alternative C1 would hurt wildlife habitat and/or waterfowl.*

**Comment by:** 4 survey comments

**Response:** Alternative C1 would result in increases in populations of wildlife species using lawns and forest edge habitats and decreases in some waterfowl species, as well as populations of wildlife species dependent on extensive forested areas. Similar impacts to wildlife would result from the other alternatives; their impacts to wildlife vary with the amount of shoreline alterations and amount of vegetation management carried out.

The new Blended Alternative and Alternatives B2, C2, and D would result in more wildlife protection than Alternative C1. The effects of the alternatives on wildlife habitat and/or waterfowl are described in Section 4.4.2.

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**2037** **Comment:** *Wildlife areas are very important; however, to have wildlife in narrow strips between residential properties and the lake defeats the purpose of both the residential use—view of lake and value of property—and the utilization of wildlife habitat. Homes that are for sale are not being purchased because of the wildlife hazard between the property and the shore.*

**Comment by:** 1 survey comment

**2038** **Comment:** *When public land was opened up for cattle grazing, the bird population dropped as the tall, thick grass was destroyed. The birds do not have good, tall, thick grass to roost in at night and will not remain, as has been the case in the public lands where I have hunted for the last two years. Birds have gone to fence rows on private land, and public lands have become low grass heaps of cow dung and have no birds. Public lands and waterways are no different. Keep them in strong hands and out of private, rich profit-mongers', and enjoy the nature of things.*

**Comment by:** 1 survey comment

**Response:** TVA is trying to strike a balance between its responsibility to maintain healthy, diverse wildlife populations throughout the reservoir system, the access rights of present lakefront property owners, the future demand for lakefront residences, and the use of the lakes and shorelands by people who do not own lakefront property. TVA does not consider forest or riparian wildlife to be hazardous.

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**2039** **Comment:** *The TVA-owned land is so narrow a strip that concerns about wildlife, endangered species, and wetlands are irrelevant.*

**Comment by:** 1 survey comment

**2040** **Comment:** *Major tracts of land should be set aside for habitat, aesthetics, etc., and not the small strip of land that is adjacent to my backyard.*

**Comment by:** 1 survey comment

**Response:** The TVA land under consideration in this FEIS varies in width from a few feet to thousands of feet. Important wildlife and endangered species habitats, as well as wetlands, occur on both narrow and wide strips of TVA land.

**2041** **Comment:** *I have the misfortune of having wildlife on the 100-yard-wide strip between my property and the lake. There is little or no redeeming value to having wildlife in my mowed, clean yard.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**2042** **Comment:** *Mowing bank vegetation but maintaining trees greater than 3 inches in diameter as required under existing TVA regulations (Alternatives B1 and B2) is probably more environmentally friendly to terrestrial and aquatic wildlife. Since mowing is likely to reduce insect pests and poison oak, this will reduce the residential need for chemical pesticide applications.*

**Comment by:** Thomas Begley, P.E.

**Response:** Regular mowing, even in areas where trees greater than 3 inches in diameter are maintained, eliminates a large proportion of the native plant and animal species living in the forest understory. It also prevents the reproduction of the overstory trees.

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**2043** **Comment:** *There are no songbirds in the undeveloped woods or along the shoreline, but they can be found around mowed yards and shrubbery.*

**Comment by:** 1 survey comment

**Response:** As described in Section 3.6, songbirds occur in both undeveloped shoreline woods and landscaped yards. Both the total number of songbirds and the number of songbird species tend to increase with the number of trees and shrubs. The optimal condition for attracting a great variety of songbirds to a yard would be a small, mowed area with numerous shrubs adjoining woodland with a dense understory.

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**2044** **Comment:** *TVA needs to consider the fact that creation of the reservoirs also produced many hundreds of miles of shoreline that never existed in this region 50 or 60 years ago. So even if 40 or 50 percent of the existing shoreline is developed, there will still be more lakefront wildlife habitat than there was prior to TVA.*

**Comment by:** 1 survey comment

**Response:** Comment noted. FEIS Sections 3.6.3 and 3.9.1 describe changes in wildlife populations and habitats which resulted from impounding the reservoirs. However, the analyses in this FEIS use the current conditions as the baseline for comparing the impacts of the various alternatives, because a return to historic conditions is unlikely.

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**2045** **Comment:** *Wildlife has greatly multiplied over the years and can be seen daily on our properties. When the reservoir was first filled there was a negative impact, but we have witnessed a steady recovery and growth. Now there is a high diversity of terrestrial, aquatic, and waterfowl species that exists along with shoreline development.*

**Comment by:** Donald L. Janeway, R. Donathan Ivey, M.D., Thomas Begley, P.E., Curtis Daniels, Brenda Hughes Shaffer, 1 anonymous letter comment, 4 survey comments

**2046** **Comment:** *The DEIS states that “residential construction might disturb some wildlife,” but wildlife is more resistant than it states. The DEIS also states that some adaptable species may increase. So, nowhere is it shown how residential development would hurt the land.*

**Comment by:** Jerrie Ann Weaver

**2047** **Comment:** *Anyone who spends any time at all on the lake can see there has been no adverse effect on wildlife due to property owners’ mowing or landscaping their lawn. In fact, the geese have become a nuisance. Years ago herons were never seen in this area, but now they are abundant. We have many species of birds and animals which increase every year.*

**Comment by:** Sandra Wright, Thomas C. Wright

**2048** **Comment:** *The DEIS report says, “Indeed some wildlife has adapted to residential development and actually proliferated.” In our area, we see that for a fact. Many, many wildlife species have increased. Which wildlife species have gone up and which ones have gone down as a result of residential development are not identified in a factual way. How can we say that the small percentage of residential development has adversely impacted the wildlife community? My neighbors and I can see that the duck population is up. The deer population is up. We are overrun with wildlife as a result of residential development.*

**Comment by:** L. Mac Toth

**2049** **Comment:** *Most waterfowl has decreased in recent years. Species of brushland mammals and songbirds are decreasing.*

**Comment by:** William D. Stokes

**Response:** FEIS Sections 3.6 and 4.4 describe wildlife population trends and the probable impacts on wildlife populations of the different alternatives. As described in these sections, some species currently have increasing populations, and some species have decreasing populations. Additional residential development would benefit some species, while harming a larger number of other species, many of which are already declining. As with other resource management agencies, TVA tries to manage its lands for a wide variety of species.

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**2050** **Comment:** *TVA should protect and sustain wildlife by creating and maintaining more wildlife preservation areas. It is also important to protect wildlife habitat along the shorelines, including islands and inlets that will ensure maintenance of rookeries, nesting sites, dens, and other breeding places.*

**Comment by:** Kirk Johnson, James W. McCormick, Marvin Johnson (Tennessee Valley Sportsmen’s Club), 1 evaluation form comment (Clinton, TN), 15 survey comments

**2051** **Comment:** *Alternative D, while preferable of those mentioned, does not go far enough to protect the environment. All estuaries, bays, and sensitive wildlife and duck areas should be kept. A large number of refuges, wildlife management areas for hunting, state parks, environmental education areas, and preserves of sensitive areas with limited access, etc., should be set up and maintained.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**2052** **Comment:** *As a long-time user of outdoor recreation resources, I have become increasingly aware of the need to preserve some of the most critical habitat for certain creatures. The shoreline habitat is vital for such creatures as muskrats, mink, otter, as well as a host of wading and web-footed birds. To modify the shoreline habitat for human use means to*

*destroy the homes of these creatures. I offer these suggestions: (1) keep all overnight lodging for humans at least 1 mile away from the shoreline, (2) prohibit future docks from overnight or prolonged moorings for pleasure craft, (3) keep golf courses away from TVA land, (4) develop various types of vegetation, i.e., trees, grasslands, farm lands, that will best serve the inherent wild creatures.*

**Comment by:** Leroy S. Heston

**Response:** TVA is actively identifying and preserving areas where rare plants or animals occur. Many other significant plant and animal communities are protected on TVA lands used for natural resource management. Additional areas with significant plant and animal communities identified during development of the individual reservoir land management plans under Alternatives C1, C2, and D, and the Blended Alternative would be protected from development impacts. Existing wildlife management areas, refuges, state parks, and other preserves would be maintained under Alternatives B2, C2, and D. Under the Blended Alternative, the maintain-and-gain public shoreline policy would ensure no net loss and preferably a net gain of public shorelines. New preserves with similar management objectives could be established through the reservoir lands planning process.

**2053** **Comment:** *Shoreline vegetation is valuable, not only for protection against bank erosion and sedimentation, but for wildlife habitat. Section 1.8.2 of the DEIS states, "Some shoreline plant communities, especially upland forests and forested wetlands, support very high, diverse, and regionally important wildlife populations. Populations of many species using these habitats are declining." Alternative C2 would be preferable (other than Alternative D) in protecting these woodlands. The Partners-in-Flight consortium of government agencies and nongovernment organizations, in which TVA is a participant, advocates preservation of our bottomland hardwoods and forested wetlands, particularly for the protection of the many declining neotropical migrant birds. TVA is well positioned to make a strong commitment to the preservation of those habitats, both for the neotropical migrants and for their other qualities. Alternative C2 is next to lowest in decreasing forest tract size (Summary Table 3, page 16), and adequate tract size is a key factor for many of those species.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** TVA recognizes the importance of bottomland hardwoods and forested wetlands for neotropical migrant birds, as well as for many other values. The new Blended Alternative would provide greater protection to forest tract size than the previously preferred Alternative C1 and would provide a level of protection to bottomland hardwoods, forested wetlands, and forest tract size similar to that of Alternative C2.

**2054** **Comment:** *All TVA land needs to be kept as natural as possible to provide animal corridors from one forested wildlife refuge to another.*

**Comment by:** 1 survey comment

**2055** **Comment:** *The small tracts of TVA land serve an important purpose as corridors between larger tracts of TVA land and other wildlands. These corridors increase the habitat available to wildlife, because species are not limited to isolated islands of habitat. These small tracts should not be developed, especially if they provide important corridors. Alternative Zero would protect these corridors.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**2056** **Comment:** *The Tennessee Conservation League (TCL) is concerned that the six proposed alternatives all result in a reduction of wildlife habitat throughout the reservoir system. TCL urges TVA to consider a shoreline management alternative that will ensure adequate movement corridors for terrestrial mammals and birds.*

**Comment by:** Larry Richardson (Tennessee Conservation League)

**2057** **Comment:** *TVA land and buffer strips should be conserved because of their value as corridors for wildlife.*

**Comment by:** Barbara Price (Friends of the Tennessee River)

**Response:** The value of undeveloped lands as wildlife corridors is described in Section 4.4.1. The new Blended Alternative would provide more continuous shoreline wildlife corridors than the previously preferred alternative by not allowing wide cleared access corridors to the shoreline. The permissible removal of understory vegetation further than 25 feet from the shoreline would, however, somewhat reduce the quality of the shoreline wildlife corridors. The Blended Alternative would benefit shoreline wildlife corridors by minimizing the amount of additional TVA land made available for residential development.

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**2058** **Comment:** *SMI does not adequately address management of resident Canada geese. While migratory waterfowl populations have declined in recent years, populations of resident Canada geese have increased dramatically. Geese can cause crop damage, create unsanitary recreational and swimming areas, and pose health threats. Shoreline development creates ideal feeding areas for geese, and further development will create more problems. TVA should take a more active role in management of this species, especially since TVA and TWRA cooperated in a project in the mid-1970s to rear and release geese throughout the Tennessee Valley. Habitat management includes maintaining short, frequently mowed grass in areas directly adjacent to TVA lakes.*

**Comment by:** Keith Blanton (United States Department of Agriculture), Pat Underwood

**2059** **Comment:** *The newspaper reported there are about 5,000 geese in Wheeler National Refuge. When I was a child, there were probably 60 or 70 thousand geese here. We have a problem with our natural habitats.*

**Comment by:** Gene Marsh

**Response:** Canada geese are discussed in FEIS Sections 3.6.3 and 4.4.2, which note the positive response of geese to residential shoreline development. TVA has carried out limited shoreline management practices for goose management purposes but, because of other priorities, expansion of this program is unlikely.

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**2060** **Comment:** *Table 2.10-1 states that under Alternative A there would be at least a 50 percent decrease in area suitable for wildlife. We do not believe it. We have seen many species of birds on our property and, over the lake, many geese and great blue heron. Yesterday I counted 39 geese in a neighbor's yard, more than I have ever seen at one time. We believe in protecting all wildlife, but there are so many geese around the K-25 ponds that they create an unsanitary mess and have even attacked employees.*

**Comment by:** 1 survey comment

**Response:** FEIS Table 2.9-1 states that under Alternative A, there would be at least a 50 percent decrease in habitat with moderate or high suitability for wintering waterfowl. As stated in Sections 3.6 and 4.4, "wintering waterfowl" does not, in this context, include resident Canada geese or great blue

herons, which have different habitat requirements. Section 4.4.2 notes that some wildlife, such as resident Canada geese, would greatly increase under Alternative A. The K-25 ponds are on the Oak Ridge Reservation and are the property of the Department of Energy. They would not be subject to TVA's proposed SMI policy.

**2061** **Comment:** *Coyotes are a serious problem, but you do not include them on your wildlife list.*

**Comment by:** 1 anonymous letter comment

**Response:** The lists of wildlife in Sections 3.6 and 4.4 were not meant to include all species present. Because of their preference for open lands, coyotes would benefit from residential shoreline development.

**2062** **Comment:** *Shoreline trees and plantings are rapidly being destroyed by beavers. All efforts to find professional help or suggestions to control this problem have been unsuccessful.*

**Comment by:** Elizabeth P. Carter, 1 survey comment

**Response:** Comment noted.

**2063** **Comment:** *Riprapping the shoreline turned out to be a mixed blessing for us, as we were soon aware of a rapidly expanding population of Natrix water snakes which were using the riprap for a breeding ground. As many as nine snakes were seen in one day. One shotgun blast at a single visible snake in a brush pile killed four snakes. Several times through the years these snakes have come into our house, which at the farthest point is about 150 feet from the lake.*

**Comment by:** Peggy K. Scandlyn

**2064** **Comment:** *We also think seawalls or retaining walls should be encouraged over riprap, which attracts snakes.*

**Comment by:** Sandra Wright, Thomas C. Wright

**2065** **Comment:** *On page 217 and 412, you mention predatory cats and dogs. The reason we have those dogs and cats is because we are trying to keep the snakes away. We do like the squirrels and birds, but we need some defense against the snakes.*

**Comment by:** Tricia Bledsoe

**Response:** Riprap does provide suitable habitat for several species of snakes, including nonpoisonous water snakes of the genus *Natrix* (a.k.a. *Nerodia*). These water snakes pose no threat to humans or pets and do not bite unless provoked. Seawalls provide less desirable habitat for snakes but have other adverse impacts, such as reduced fish habitat.

**2066** **Comment:** *In the DEIS wildlife discussion, snakes and skunks were not mentioned. And it seems odd that it was implied that geese, cowbirds, cats, and dogs are somehow less worthy than other animals.*

**Comment by:** 1 survey comment

**2067** **Comment:** *Please refer to DEIS pages 2-17 and 4-12. The value judgment implied concerning the lesser worth of cats and dogs versus wildlife is totally inappropriate. Cats and dogs are no more and no less valuable (or destructive) than deer, squirrels, birds, etc.*

**Comment by:** 1 survey comment

**2068** **Comment:** *I challenge TVA to explain why the DEIS made no mention of the undesirable wildlife (skunks and copperhead snakes) that are deterred from shoreline habitation by cats and dogs.*

**Comment by:** 1 survey comment

**2069** **Comment:** *Residential development typically replaces noxious wildlife species (such as cottonmouth snakes and water moccasins) with dogs and songbirds.*

**Comment by:** 1 survey comment

**Response:** Sections 3.6 and 4.4 describe the habitat requirements, population trends, and anticipated impacts on wildlife species or groups of species. They do not make judgments on the value of any wildlife. Residential shoreline development would likely result in decline of snake populations on shorelands, due to habitat loss and increased human contact. This decline would be greatest under Alternatives A and B1. Additional residential shoreline development would result in increased food for skunks. However, any increase in this species would likely be offset by increased human contact.

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**2070** **Comment:** *I have a pair of blue herons, 12 to 20 doves, 39 turtles on the seawall, and fish in the water, lots of squirrels, rabbits, chipmunks, birds, robins, nuthatches, and chipmunks. All these were not there when we cleared the poison ivy and the snakes out. There are cardinals, thrushes, woodpeckers, bluejays, and mockingbirds. I also have a high-bush cranberry, hollies, nandinas for the birds, and riprap.*

**Comment by:** Pat Underwood

**Response:** Individual landowners, by planting certain species of shrubs and trees, can attract wildlife to their property, especially when their property has been cleared or contained vegetation of low value to wildlife. TVA encourages landowners to plant native trees and shrubs valuable to wildlife and can provide information about native plants. Poison ivy berries are a preferred food for a large number of birds and mammals. Snakes, like poison ivy, are natural components of healthy ecosystems; their presence is not detrimental to healthy wildlife populations.

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**2071** **Comment:** *Some species do better with vegetation changes. Bald eagles will not live in the poison oak on TVA property or private property anyway.*

**Comment by:** 1 survey comment

**Response:** As described in Sections 3.6 and 3.7, different species have different habitat requirements. Poison oak (or more commonly in the Tennessee Valley, poison ivy) is not an important component of bald eagle habitat. Bald eagles require shoreline forests with a low level of human disturbance. Poison ivy often naturally occurs in the understory of this habitat.

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**2072** **Comment:** *Page 4-54 in the DEIS deals with adverse environmental impacts which cannot be avoided should the proposal be implemented. One of the impacts involves loss of wildlife habitat for waterfowl and is in direct opposition to the current national theme of providing*

*more waterfowl habitat as supported by the federal government and Ducks Unlimited. Did you solicit their biologists' opinions for the study?*

**Comment by:** Marc A. Carter

**Response:** Comment noted. USF&WS biologists were involved in the development of the DEIS, and the comments of the USF&WS, state wildlife agencies, and Ducks Unlimited were considered in FEIS preparation.

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**2073 Comment:** *The TWRA has an obligation to look out for and speak for a major constituency group which uses the reservoir and cannot speak for themselves. They are the eagles, ospreys, otters, raccoons, fish, and waterfowl.*

**Comment by:** Bob Ripley

**Response:** The TWRA was involved in the preparation of the DEIS, and its comments were considered in FEIS preparation.

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**2074 Comment:** *I have found slaughtered animals from poaching.*

**Comment by:** 2 survey comments

**2075 Comment:** *We need more enforcement to protect animals.*

**Comment by:** 1 survey comment

**Response:** Hunting regulations are established and enforced by state wildlife resources agencies. Please report evidence of poaching to your local state wildlife officers and, if on TVA lands, to the TVA Police at 423-632-3631.

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**2076 Comment:** *TVA has demonstrated a cavalier attitude towards wildlife diversity in the past. Did TVA not receive an exception to the Endangered Species Act to continue the completion of Tellico Dam?*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** TVA has numerous projects and activities aimed at maintaining and improving wildlife diversity. These include management of natural areas, endangered species research and management, habitat enhancement projects on TVA lands, stream restoration projects through the Clean Water Initiative, and cooperative wildlife habitat projects with state and federal agencies, as well as private organizations. The 1978 amendments to the Endangered Species Act created an Endangered Species Committee which could exempt some federal projects from the provisions of the Endangered Species Act. In January 1979, this committee ruled that the Tellico Dam was not exempt from the Endangered Species Act. The dam was completed later that year, following passage of a congressional appropriations bill containing an amendment which exempted the project from all environmental laws, including the Endangered Species Act.

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**2077 Comment:** *What shoreline animals are there, and what is TVA doing to protect them?*

**Comment by:** Priscilla Guess

**Response:** Common shoreline animals are listed in FEIS Sections 3.6 and 3.11. TVA efforts to protect these species are described in several parts of the FEIS. Among these efforts are cooperatively managing wildlife refuges and wildlife management areas, managing habitat protection areas, building fish attractors, stabilizing reservoir water levels during fish spawning seasons, and providing information to landowners on attracting wildlife to their yards.

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**2078 Comment:** *Is the wildlife under consideration associated with species prior to reservoir flooding or species that now inhabit the area as a result of the reservoirs? It is my opinion most waterfowl fall under the latter category, and that some population control is appropriate at this time.*

**Comment by:** 1 survey comment

**2079 Comment:** *Wildlife problems began with the building of the dams.*

**Comment by:** 1 survey comment

**Response:** The analysis of impacts to wildlife uses current populations as the baseline and therefore encompasses ecosystem effects that occurred when the TVA reservoir system was built. Flooding of the reservoirs has resulted in an increase in suitable habitat for some waterfowl species, such as the populations of great blue herons and Canada geese breeding in the Tennessee Valley. As described in Section 4.4.2, these geese can cause problems. Hunting is a goose control measure, and maintenance of a brushy strip adjacent to the water can make a lakefront lawn less attractive to geese.

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**2080 Comment:** *There appear to be ample public lands maintained in a primitive state to satisfy game preserves and raw nature, including Half Moon Island, Iron Hill, and Foshee Peninsula, plus other small islands and areas.*

**Comment by:** Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law)

**Response:** Comment noted.

## Endangered and Threatened Species

Several citizens or groups commented on endangered and threatened species. These comments included the following issues:

- Endangered Species Act and the National Environmental Policy Act
- Protection of endangered and threatened species
- Occurrence of endangered and threatened species
- Available habitat for endangered and threatened species

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**2081 Comment:** *According to the Endangered Species Act of 1973, as cited in the DEIS, TVA is prohibited from jeopardizing the environment and/or existence of such wildlife. Table 3.7.2 shows a wide variety of endangered and threatened species in TVA's study area. To develop the shoreline and further threaten the environment would be illegal under this act, if I understand the requirements of the laws as TVA has stated in Section 3.7.*

**Comment by:** Gloria Reagon Price

**2082** **Comment:** *The SMI DEIS appears to be deficient in at least one critical area. On the effects of the proposal on endangered and threatened species (page 4-15), the DEIS states that “proposed residential development activities . . . would be reviewed to determine their potential impacts on endangered and threatened species.” I do not believe that this after-the-fact approach to NEPA is legal. NEPA requires that impacts must be evaluated before a preferred alternative is selected. A mere listing of endangered and threatened species in the vast area encompassed by the proposal (pages 3-18 through 3-22), followed essentially by only a promise to investigate whether a particular development would affect endangered and threatened species does not meet the requirements of NEPA. A full study, including an assessment of cumulative impacts, must be performed to determine what effects each alternative would have on endangered and threatened species. This must be done before a preferred alternative is selected. I hope this oversight is corrected in the FEIS.*

**Comment by:** Dean H. Sutton, Esq.

**2083** **Comment:** *One glaring substantive provision should not go unnoted: the acknowledged impact to federally protected endangered and threatened species (page 16 of Executive Summary and page 2-18 of DEIS). TVA admits in its own analysis that its preferred alternative will have moderate potential for indirect and cumulative impacts on habitat of endangered and threatened species. This is unacceptable under current regulations, court decisions, and statutory language of the Endangered Species Act. TVA must insure that its actions do not take endangered and threatened species. Even the taking of endangered and threatened species’ habitats is not acceptable, as the result of said action will inevitably lead to loss of certain protected species. This must be readdressed in the FEIS.*

**Comment by:** Ned Mudd, II (Biodiversity Legal Foundation)

**2084** **Comment:** *Habitat for wildlife and plant species will be adversely impacted, and in some cases these species may be federal- and state-protected species.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**Response:** Potential impacts on endangered and threatened species have been evaluated consistent with both NEPA and the Endangered Species Act. See Section 4.5 of the FEIS. As discussed, listed species could be impacted, depending on where and how shorelines are developed for residential uses. However, without a specific development proposal or a smaller, more confined geographic unit than the entire TVA reservoir system and its shorelines, evaluating the potential for such impacts at the programmatic level of this review is largely speculative. From a cumulative impact standpoint, TVA has concluded that the risk of impacting listed species increases as the amount of shoreline that is residentially developed increases. However, TVA has been unable to identify a threshold at which residential shoreline alterations on a system-wide basis would begin to affect species. TVA, therefore, intends to again examine the potential for cumulative impacts as part of the evaluation of individual reservoir plans that tier from this programmatic review and proposed policy. TVA will of course continue to address potential impacts, including cumulative impacts, on endangered and threatened species in the context of its review of specific development proposals. These efforts will be aided by the intensive surveys of shorelands that TVA is presently conducting to map locations of endangered and threatened species and their habitats. This information will be used in the reservoir plans to identify tracts unsuitable for development. As indicated by James H. Lee (see comment 2089), the USF&WS “strongly supports” this. TVA would also coordinate development of these plans with USF&WS and state conservation agencies.

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**2085** **Comment:** *Endangered and threatened species should be protected.*

**Comment by:** 1 survey comment

**Response:** TVA agrees.

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**2086** **Comment:** *The people who work in this lodge (Guntersville State Park) are allowed to work extra time in the year after the main tourist season is over because so many people come here to see the eagles. The last year for which I had statistics showed that the lodge took in \$330,000 for about a month and a half while the eagle development program was going on. People come here from all over the country to see the eagles. The cumulative impact of a little development here and a little development there is going to drive the eagles away.*

**Comment by:** Cliff Griggs (Friends of the Tennessee River)

**Response:** The potential impacts on the eagle population identified in this comment would be considered in TVA's review of any specific development proposals in the future and in the development of the Guntersville Reservoir plan.

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**2087** **Comment:** *According to an article in National Geographic several years ago, TVA spent a lot of money and time on Guntersville Reservoir in an attempt to get eagles to nest. Yet, the effort failed. Recently, the eagles have decided to pick a spot of their own for nesting. We have migrating eagles, and we finally have eagles that are nesting on their own. The property they nest on is property that we have unanimously said should not be developed; yet, TVA would allow this property to be developed. It is so contradictory to spend all this money trying to get eagles, and then when the eagles decide to nest here on their own, TVA would destroy their habitat.*

**Comment by:** Gene Price (Friends of the Tennessee River)

**Response:** TVA follows USF&WS guidelines for protection of bald eagle nests when it reviews land transactions and requests for water-use facilities. Protection of bald eagle nests will continue to be considered in the future.

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**2088** **Comment:** *This is concerning project review information for rare, threatened, or endangered species and critical or sensitive habitat. Please be advised that a review of the state of Tennessee's data bases indicates recorded threatened and/or endangered species within the TVA project boundaries and within a 1-mile radius of the proposed managed lands. Our review is for the subject project, SMI, TVA, and associated managed site(s). We suggest that these records be further evaluated in cooperation with TVA's Heritage Program in Norris, Tennessee. Our records also indicate additional species occurrence records within an approximate 4-mile radius of the proposed project site(s).*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**2089** **Comment:** *Regardless of the alternative selected, TVA will continue to evaluate the impacts of any development-related activity on federally listed endangered and threatened species. We strongly support TVA's proposal to inventory all reservoirs as soon as possible in order to identify environmentally sensitive shoreline areas and to locate any federally endangered and threatened species habitat. In North Carolina there are four major TVA reservoirs—Appalachia, Hiwassee, Chatuge, and Fontana. These reservoirs and their associated upland habitats are known to support one federally threatened bird species—the bald eagle. The bald eagle has been reported from Fontana Lake and may possibly occur at Hiwassee and Appalachia Lakes. Several federally listed aquatic species are known to occur in these reservoir systems, including (1) the federally threatened spotfin chub, which occurs in the*

main stem of the Little Tennessee River from the backwaters of Fontana Lake to the dam at Lake Emory; (2) the federally endangered Appalachian elktoe, which also occurs in the main stem of the Little Tennessee River from the backwaters of Fontana Lake to the dam at Lake Emory; (3) the federally endangered little-wing pearly mussel, which occurs in the main stem of the Little Tennessee River from the backwaters of Fontana Lake to the dam at Lake Emory; (4) the federally endangered tan riffleshell, which occurs in the main stem of the Hiwassee River above the Appalachia Powerhouse, and (5) the federally endangered Cumberland bean pearly mussel, which occurs in the main stem of the Hiwassee River from the North Carolina/Tennessee state line downstream to the Appalachia Powerhouse in Polk County, Tennessee. There is also one federally listed endangered plant species—Ruth's golden aster, known to occur in the main stem of the Hiwassee River from the North Carolina/Tennessee state line downstream to the Appalachia Powerhouse. Several federal species of concern, including the Cerulean warbler, Rafinesque's big-eared bat, and northern pine snake, are known to occur in upland habitats associated with these reservoirs. Additionally, several tributaries to these reservoirs host federal aquatic species of concern, such as the olive darter (a fish species) and the hellbender (a salamander species). Additional inventories would greatly enhance any proactive efforts to protect and manage habitat for the above-mentioned rare species. Considering that approximately 6,803 miles (62 percent) of TVA reservoir shoreline is under the complete control of TVA (shoreland owned and jointly managed by TVA and shoreland owned and managed by TVA), there appears to be considerable potential for resource management/protection opportunities.

**Comment by:** James H. Lee (United States Department of the Interior)

**2090**

**Comment:** *Natural heritage resources are defined as the habitat of rare, threatened, or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations. According to the information currently in our files, the large-leaf pondweed (Potamogeton amplifolius, G5/S1S2/NF/NS) has also been documented at South Holston Lake. According to Mitchell (1993), this state rare turtle is highly aquatic and prefers sandy to soft organic substrate, some aquatic vegetation, and basking sites near deep water. Please note that the Clinch, Powell, and Holston Rivers are significant for the diverse mussel and fish fauna that they support. At several locations in the DEIS, TVA mentions that a shoreline inventory will be conducted to identify endangered and threatened species populations, regardless of which alternative is selected (Section 2.1.3, page 2-4; Section 2.12, page 2-25; Section 4.5.1, page 4-15). This information will be used in developing a shoreline characterization system and in developing reservoir-specific management plans under the preferred Alternative C1 (Section 2.5.1, page 2-7). The DEIS also indicates that this information will be used by TVA in making permit decisions and in determining when environmental mitigation or protection measures are needed.*

*Department of Conservation and Recreation (DCR) supports TVA's proactive approach to residential development planning. DCR-Division of Natural Heritage biologists are available to conduct inventories for rare, threatened, and endangered species. If TVA would be interested in contracting with DCR for field work, please contact Leslie D. Trew, Natural Heritage Inventory Manager at (804) 786-7951. As noted in Section 4.5.1 (page 4-15) of the DEIS, all proposed residential development activities on TVA property and on flowage easement shorelands would be reviewed to determine their potential impacts on endangered and threatened species. DCR would appreciate the opportunity to review the shoreline development activities proposed on TVA-owned lands in Virginia. New and updated information is continually added to our Biological and Conservation Data system.*

**Comment by:** John R. Davy, Jr. (Virginia Department of Conservation and Recreation)

**Response:** *Tables 3.7-1 and 3.7-2 of the FEIS include federally listed endangered and threatened species occurring in the Tennessee Valley and in the vicinity of TVA reservoirs. Aquatic species restricted to Tennessee River tributaries upstream from any TVA reservoir would not be impacted by SMI-related TVA actions and were therefore omitted from the DEIS. The bald eagle, tan riffleshell, Cumberland bean pearlymussel, and Ruth's golden aster are included in Table 3.7-2 and will be considered as individual reservoir plans are developed. Potential impacts on state-listed species and federal species of concern will be further considered as the individual reservoir plans are developed. The appropriate state agencies managing listed species, as well as the USF&WS, will be consulted during the development of these reservoir plans as appropriate.*

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**2091 Comment:** *What are the endangered species referred to in the DEIS?*

**Comment by:** 1 survey comment

**Response:** Endangered and threatened species occurring in the vicinity of the reservoirs are listed in *Table 3.7-2*.

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**2092 Comment:** *TVA's preferred Alternative C1, by evidence of documentation within the DEIS, does not provide for adequate protection of natural resources and results in net losses of the state's biological and cultural resources.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**2093 Comment:** *We disagree with the statement (DEIS page 2-27) that Alternative C1 ". . . would provide a balance between environmental protection needs and anticipated future development demands." An alternative that allows the continued decline of irreplaceable resources cannot be described as balanced, particularly when considering wetland resources and threatened/endangered species habitat, both of which should be managed for no net loss.*

**Comment by:** David L. Yow, (North Carolina Wildlife Resources Commission)

**Response:** Comments noted. The Blended Alternative, the policy option that TVA staff proposes to recommend to the TVA Board, heightens the protection of sensitive species and reservoirs.

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**2094 Comment:** *The endangered and threatened species fear is exaggerated. Far more species drop out from no fault of man than those which man eliminates, and the cost, efforts, and negative constraints placed on man far outweigh the minor benefits which a certain species (e.g., scrub jays) add to the quality of life on earth.*

**Comment by:** 1 survey comment

**Response:** Numerous studies have shown that the current rate of species extinction is several times higher than the rate shown in the geological record. The great majority of recent extinctions are directly attributable to human actions.

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**2095 Comment:** *TVA should be careful about how endangered species and wetlands are handled. The memory of the snail darter episode is still irritating; it resulted from the effort of a disgruntled TVA lawyer who went to Washington. Then as soon as Tellico was closed, we found the snail darter in South Chickamauga Creek, one of the most polluted streams in the Valley.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

**2096 Comment:** *There is plenty of habitat available besides lakeshores, and some endangered and threatened species survive only in grassland. Mowing should be allowed.*

**Comment by:** 1 survey comment

**Response:** Suitable habitat for many endangered and threatened species is not restricted to lakeshores. However, many of the species listed in *Table 3.7-2* are concentrated around TVA reservoirs, and lakeshore habitats are often important for their survival. None of the species listed in *Table 3.7-2* can survive only in frequently mowed, short grasslands such as lawns.

**2097 Comment:** *How can changes in shoreland use and water quality result in endangering a species associated with a man-made reservoir?*

**Comment by:** 1 survey comment

**Response:** Changes in shoreland use could reduce habitat required by an endangered or threatened species, e.g., by clearing a mature forest. Changes in water quality of a reservoir could affect a listed species by reducing its food supply, such as the mayflies eaten by the gray bat or fish eaten by bald eagles.

**2098 Comment:** *Please use common sense when formulating policies on this issue. I fully support the protection of proven endangered and threatened species of plants and animals, etc. However, using this legislation to hinder or prevent economic development of areas because of the existence of some obscure subspecies is beyond the intent of the Endangered Species Act (ESA). There exist no clear, accepted, well-defined guidelines to identify plants and animals to subspecific status. Most subspecies are not biologically diverse enough to warrant protection under the ESA.*

**Comment by:** 1 survey comment

**Response:** To qualify for listing by the USF&WS under the Endangered Species Act, a *species* can be “any subspecies of fish or wildlife or plants, and any distinct population segment of any species or vertebrate fish or wildlife which interbreeds when mature” §3(15). A distinct population segment of a vertebrate species or subspecies can be listed if it meets the criteria of discreteness, significance, and conservation status (61FR 4722-4725). While identification of subspecies is at times controversial within the scientific community, the USF&WS relies on the accepted guidelines applicable to the class or order of plant or animal, and listing proposals are peer-reviewed. Subspecies are often defined by their distinctiveness or lack of variation, relative to other population segments of a species and thus may have relatively low diversity.

## Soils

During the 1996 public involvement process, citizens or groups expressed concern about erosion and shoreline stabilization. These comments focused on such issues as:

- Extent and location of erosion problems
- Impacts of development, reservoirs, waves, water current, and other factors on erosion

- Strategies for controlling erosion
- Biostabilization and bioengineering
- Responsibility of landowners, other lake users, and TVA for erosion control
- Landowners' options for controlling erosion
- Need for TVA assistance and partnerships to control erosion

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**2099** **Comment:** *Erosion is a critical problem on TVA's reservoirs. Wave action from boats, water level fluctuations, loss of native vegetation, and development are the major causes of erosion that threaten the shorelines and siltation of the reservoirs.*

**Comment by:** R. Kincaid Mills, James O. Mills

**2100** **Comment:** *Erosion is a serious concern that must be addressed. Public land as well as private property is being lost, and this is having economic impacts. Erosion is causing water quality problems, changes in channel navigation, and navigational hazards. Farmers are losing valuable topsoil into the lakes.*

**Comment by:** Brent Lay (River Oak Recreation), Charles C. Smoot (Bear Paw Subdivision), Clifford C. Amundsen, Ph.D., David Alverson, Douglas Sisco, C. Edward Smith, Frank McGinley, Frank Sanders, Frank Scott, Jerry Baird, John Johnson (Katuah Earth First), Keith Warren, Larry Richardson (Tennessee Conservation League), Leonard Lankford, Michael A. Butler (Tennessee Conservation League), O'Neal Terry, Riley Ramsey, Robert Mynatt, Shirley Hodges (Save Our Parks), Thomas Begley, P.E., Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), Sue Little, 1 evaluation form comment (Tims Ford, TN), 9 survey comments

**2101** **Comment:** *The most destructive force affecting the habitat in the lake is shoreline erosion.*

**Comment by:** John Coyle

**2102** **Comment:** *TVA's preferred alternative, by evidence of documentation within the DEIS, does not provide for adequate protection of natural resources and results in net losses of the state's biological and cultural resources, as well as increases in shoreline erosion. The increase in shoreline erosion can directly contribute to an increase in water pollution. Managed shorelines, with increased efforts toward restoring habitat (particularly for erosion control), are paramount to long-term water quality improvements across the state.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**2103** **Comment:** *With the erosion problem we have, we lose a foot or so of bluff each year in the winter due to expansion and contraction of the soil. This, by the way, is something I could use some help and advice with from an engineering standpoint or other knowledgeable source of data. My particular problem is not at the water's edge, but at top-bluff edge and mid-bluff level. The same is true for some of my neighbors.*

**Comment by:** Keith Dicken

**2104** **Comment:** *We see the effects of soil erosion and degradation of natural landscapes. The plant and animal life that inhabit those areas are greatly affected and sometimes destroyed by the deteriorating environment. We have no certain solutions, but we do have certain interests. Shoreline stabilization and erosion prevention are very important. There must be an assurance of clean water and fertile soil that are so vital in providing an adequate food supply and habitat for all life.*

**Comment by:** Larry P. A. Maney (Organization of Native Americans of TVA)

**2105** **Comment:** *I have lived near Cherokee Lake for over 10 years and used the lake regularly for kayaking, swimming, and natural history observation. My experiences lead to the following conclusions. There is a terrible problem with shoreline erosion. Every year I mark certain trees at the lake edge, and every year or so the tree line recedes another foot. The loss over time, with the attendant erosion and siltation, is ferocious. This erosion is a function of probably two factors: the constant lowering and raising of water levels and the wave action created by boats. I understand that storms and natural causes also contribute to this, but these two factors must be primary. Any management plan should address ways to reduce this erosion. Increased silt loads can only reduce the time span for effective power generation, and land loss and effect on aquatic biota are of course significant and severe.*

**Comment by:** Letitia C. Langord

**2106** **Comment:** *The residents of Riverbend Estates in Charleston, Tennessee, request that TVA control the erosion along the banks of the Hiwassee River.*

**Comment by:** Petition with 23 signatures (Riverbend Estates)

**2107** **Comment:** *Implement the alternative that has the lowest potential for erosion.*

**Comment by:** 2 survey comments

**2108** **Comment:** *With the exception of nonpoint-source implications (Section 3.19), the SMI does not directly involve programs and services of the Department of Agriculture. The Department agrees with efforts that would promote improved bank and shoreline stabilization, remedial measures for failing or poorly planned subsurface sewage systems, and responsible planning for future systems. In fact, measures to reduce sediment and associated pollution originating within headwaters and tributaries of the Tennessee River's watersheds are probably of greater consequence to the Department than management regimes for TVA shoreline property per se.*

**Comment by:** Louis Buck (Tennessee Department of Agriculture)

**Response:** Soil erosion is addressed as a major resource issue in the FEIS. Removal of vegetative cover, wind- and boat-generated waves, fluctuating lake levels, and freezing and thawing of exposed soil all contribute to this problem. Over the past few years TVA has initiated intensive efforts to both analyze and address the erosion issue. A comprehensive classification of erosion has now been conducted on 22 reservoirs. In addition to this, TVA has treated 39 sites in the past two years. TVA is also working with landowners to provide technical assistance in addressing erosion problems on private land. The appropriate Land Management Office is available to respond to requests of this nature.

**2109** **Comment:** *The islands are eroding away because TVA will not allow anyone to prevent the erosion. TVA has completely turned their back on this problem for years. Citizens have offered to save the islands, but TVA has denied their requests to help.*

**Comment by:** Curtis Daniels, Gene Price (Friends of the Tennessee River), Art Hamman, 1 survey comment

**2110** **Comment:** *Main lake islands (especially Kentucky Lake in key sites) should be armored with riprap to reduce erosive forces of navigation traffic (barges and large houseboats), wind action, and water flow. These islands are vital to aquatic life, migratory waterfowl, songbirds, wildlife, and aesthetic value. If islands are allowed to erode away, all that remains will be shallow water mudflats, which are underwater hazards to navigation and sportsmen.*

**Comment by:** 1 survey comment

**2111 Comment:** *TVA should accept assistance that landowners may offer to combat erosion and help with cleanup. A good example of this involves an island known as Graveyard in the Piney River. This island has almost disappeared, but there is still at least one grave left, although the headstone is almost ready to fall into the water. Why would TVA be so concerned about homeowners not taking care of their own property and then ignore this situation?*

**Comment by:** 1 survey comment

**Response:** TVA shares the public's concerns about the rate at which critical island habitats are being lost to erosion. The benefits of these islands to wildlife and aquatic resources are well documented and widely accepted. The systemwide erosion problem must be addressed systematically, and we must prioritize areas to be stabilized because, obviously, the problem far outweighs any possibility of a short-term solution. TVA's shoreline erosion classification system was designed to prioritize shoreline, including islands, so that as opportunities arise for stabilization, the most critical sites can be treated first. A number of islands have received stabilization treatment in the past few years. This will continue into the future, subject to available funding and partnership possibilities.

A cooperative effort to stabilize Leuty Island or Cemetery Island in the Piney embayment has been discussed with leadership of the Watts Bar Lake Association. TVA has offered to provide technical assistance, a limited amount of materials, and possibly equipment support. Contact has been made by the Melton Hill Land Management Office and the Lake Association with TWRA to seek their support and possible use of the state's work barge. TVA land reclamation specialists have inspected the island, and a combination of riprap and bioengineering will likely be required. Lake Association members are continuing to seek out sources of support for this project. TVA does not have the funding to provide the equipment and all the materials that would be necessary, but it is hopeful a cooperative effort can be put together to address the erosion problem.

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**2112 Comment:** *There is very little shoreline erosion in Guntersville, according to your own study.*

**Comment by:** 2 survey comments

**Response:** The DEIS was released and the public meetings were held in the summer of 1996. The shoreline investigation was not conducted on Guntersville Reservoir until the summer of 1997. Although the field assessment data have not been finalized, preliminary results indicate that there are 112 sites or 17.5 miles of shoreline in need of treatment on Guntersville Reservoir.

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**2113 Comment:** *Tims Ford is a new lake, and it will take some time for the new contours to stabilize. It would be a waste of money to try to control erosion here on a large-scale basis.*

**Comment by:** Robert Rhodes

**Response:** TVA has no immediate plans to treat any areas on Tims Ford Reservoir. However, regardless of the age of the lake, TVA would consider working on a site if it was determined to be critical in nature and of high priority.

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**2114 Comment:** *Stabilization is ridiculous in coves; concentrate on problem areas.*

**Comment by:** 1 survey comment

**2115 Comment:** *Almost all shoreline erosion is on the main channel.*

**Comment by:** 1 survey comment

**Response:** Much of the critical erosion does occur on the main channel; however, there are opportunities to stabilize cove settings that would benefit water quality, recreation, aquatic habitat, and recreation.

**2116 Comment:** *I question the reliability of the data on page 3-25 of the DEIS which states that Kentucky Reservoir has only 1.2 miles of critical erosion. I have compared maps that show that stream channels are as much as 100 feet wider because the stream banks have eroded. I would like to know what TVA's definition of critical erosion is. I question your statement on page 3-26 of the DEIS that says that shoreline bank stability from both mainstream channels and embayments is affected by adjacent land uses. In Hardin County most of our land drains away from the banks, so that does not apply to Hardin County.*

**Comment by:** Charlie Meek (United States Department of Agriculture)

**2117 Comment:** *I think there are quite a few more miles of severely eroded shoreline in Hardin County than the DEIS indicates.*

**Comment by:** Frank McGinley

**2118 Comment:** *Table 3.8-2 on page 3-25 lists miles per erosion class. We feel the data for critical and severe streambank erosion on Kentucky Reservoir shoreline are grossly inadequate. A review of aerial photos from 1955 to 1992 revealed that Tennessee River channel widths have drastically increased. In extreme cases the channel is almost 200 feet wider in 1992 compared to 1955. Also, our office has received numerous requests for assistance dealing with streambank erosion. In some cases whole farms have vertical banks that have lost 5 to 10 feet of streambank in one year. Our staff has contacted TVA staff and hope to meet with them and view several critically eroding sites in Hardin County.*

**Comment by:** Edwin Thompson (Hardin County Soil Conservation District)

**Response:** The table in FEIS Appendix K summarizes the shoreline investigation data and explains the various erosion classes. As indicated, only a portion of Kentucky Reservoir has been investigated, and the reservoir stretches located in Hardin County, Tennessee, were not among those examined. However, TVA acknowledges the many miles of critical erosion along the stretch of river in question.

Adjacent land use does influence the degree to which shoreline is eroded. For example, a stretch of shoreline that is being farmed to the water's edge is more susceptible to erosion than a similar stretch with dense vegetative cover.

**2119 Comment:** *Not all development causes erosion.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** Comment noted.

**2120 Comment:** *Land erosion has become one of the worst problems, because of new developments and improvements. The erosion that occurs during residential and commercial development needs to be addressed. Grade developers on past and current practices to set guidelines.*

**Comment by:** 3 survey comments

**2121** **Comment:** *The developer on Norris Point will smooth out a lot with the red Georgia clay dirt and not put down enough of the seed or straw to prevent the soil from eroding into the lake. Also, the clay will not absorb rain as easily as the natural terrain would. This practice creates unnecessary sediment runoff into the lake.*

**Comment by:** 1 survey comment

**2122** **Comment:** *In our neighborhood on Cherokee Lake, the land these homes were built on was filled in, and this causes erosion problems.*

**Comment by:** Glenda Coffey

**Response:** Development can be a major cause of erosion and sedimentation if appropriate construction best management practices (BMPs) are not implemented and enforced. TVA currently works with developers to encourage BMPs for residential shoreline alterations occurring adjacent to TVA property. On TVA tracts that are designated for development, BMPs are required.

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**2123** **Comment:** *The presence of the lake in itself promotes erosion, and the type of bank vegetation has little impact on this.*

**Comment by:** Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge)

**2124** **Comment:** *One thing we need to keep in mind is that dams are not natural. Artificial measures may be needed in some areas because we have an artificial environment. It seems that TVA should use riprap or some other measures to prevent erosion.*

**Comment by:** Barbara Walton (Citizens Advisory Panel)

**2125** **Comment:** *Buffer zones sound like a natural solution to erosion, but we need to bear in mind that their benefits are limited, because we are dealing with unnatural lakes. So, if we want to preserve the existing shorelines that were arbitrarily created back in the 1940s and before, then perhaps we need to use man-made solutions such as riprap and other kinds of management where appropriate.*

**Comment by:** Wess Harris (Appalachian Community Services)

**2126** **Comment:** *TVA has not acknowledged its own role with respect to erosion. Shoreline erosion is occurring because TVA created artificial impoundments (i.e., reservoirs) and not because people are mowing their lawns. In these artificial environments, artificial measures such as riprap are sometimes needed to control erosion.*

**Comment by:** 4 survey comments

**Response:** Erosion is a natural process that is inevitably accelerated when unnatural conditions such as man-made lakes are created. TVA recognizes that this natural process of erosion cannot be totally eliminated. We have in the last few years, however, initiated activities to address the problem. A shoreline erosion classification system was recently developed to gather comprehensive data on the extent of erosion on a reservoir. This information can be utilized in prioritizing sites for treatment. In 1996 TVA also initiated a widespread, intensive program to treat critical erosion sites. Because of the extent of the erosion problem, the stabilization techniques and projects are intended to demonstrate the various methods that can be used for stabilization. Treatment techniques are focused on natural methods or bioengineering where appropriate, because of the increased benefit to aquatic habitat, water quality, and aesthetics. However, site characteristics often dictate the use of more intensive treatment techniques such as a combination of bioengineering and riprap or straight riprap

application. Still more intensive techniques, such as gabion walls or live crib walls, may also be utilized when warranted. It is hoped that landowners will look at these sites and perhaps incorporate some of these techniques when applying for erosion control permits.

**2127** **Comment:** *The wind creates waves and water currents that flood the shoreline and cause serious erosion.*

**Comment by:** Joseph T. Frye (Frye Enterprises), Mickey Irwin (Outdoor Adventure Club), Jewel W. Revels

**2128** **Comment:** *Melton Hill Lake is not really a lake. It is a river where you have currents, and the currents are causing erosion.*

**Comment by:** Barbara Walton (Citizens Advisory Panel)

**2129** **Comment:** *Along our section of river, we have a high erosion rate that is caused by water currents. It is not caused by boats, because there are very few boats that go up there, and it is not caused by surface runoff, because there is good grass in the pasture that acts as a filter.*

**Comment by:** John Rast

**Response:** Wind-driven waves and water currents are leading contributors to shoreline erosion. These factors, along with boat-generated waves and erosion accelerated by vegetation removal along the shoreline, are important causes of erosion.

**2130** **Comment:** *Frost cycles, rain flowing into the lake, the type of soil and/or slope, farming to the water's edge, and improper crop rotation are causing erosion.*

**Comment by:** Dana Baker, David Alverson, Mickey Irwin (Outdoor Adventure Club), Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Wade McCamey, Leroy S. Heston, 1 survey comment

**Response:** Erosion and the subsequent loss of sediment are affected by many factors. Topographical features such as slope can affect erosion rates either positively or negatively, but the erosion potential is obviously higher on steeper slopes. Different soil types and textures also vary in their potential to erode. Frost cycles and the natural freezing and thawing of the earth tend to loosen the soil, all of which increase soil loss during the winter months. The FEIS also explains in detail how removal of vegetation, as in farming down to the water's edge, increases the potential for erosion.

**2131** **Comment:** *In the interest of beautification and ecological stewardship, we riprapped part of the shoreline, because the prevailing winds washed the lake onto the bank with such force that we were very concerned about erosion. The erosion on the next door lot with no riprap shows dramatically how much damage has been done by the wind and the waves during the 35 years we have been here.*

**Comment by:** Peggy K. Scandlyn

**2132** **Comment:** *The properties on Watts Bar that have seawalls and/or riprap and have grass lawns abutting these structures have few or no erosion problems. The seawall/riprap structures eliminate the undercutting of the shoreline by wave and currents and the grass locks in the soil, preventing surface erosion even during periods of flooding. TVA should encourage property owners to put in seawalls and riprap, as it is an erosion prevention system installed and maintained at no cost to TVA.*

**Comment by:** Robert K. Maxon

**2133** **Comment:** *Riprap, seawalls, and dock structures do control erosion and also keep out snakes and muskrats (below water).*

**Comment by:** Barbara Walton (Citizens Advisory Panel), Curtis Daniels, John Croes (Timberlake Estates Homeowners Association), Johnny Ledford, Mickey Irwin (Outdoor Adventure Club), Michael A. Butler (Tennessee Conservation League), Richard Spears (Timberlake Estates Homeowners Association), Vernon Reedy, 8 survey comments

**2134** **Comment:** *We protect the land from soil erosion by building seawalls. Take a look at the river in Clifton, Tennessee. There are not many seawalls, and the erosion is vast. So much of Wilson Lake is rock shoreline that it will never be changed anyway.*

**Comment by:** Brenda Hughes Shaffer

**2135** **Comment:** *Some of the seawalls appear to be disasters waiting to happen anyway, and their use should be discouraged.*

**Comment by:** Kirk Johnson

**2136** **Comment:** *Stop approving all the seawalls. On shorelines, riprap is much better. Poorly maintained seawalls do not protect the shoreline. How many deteriorating seawalls have you seen? Riprap should be used because it requires very little maintenance and blends with the natural shoreline more than a seawall.*

**Comment by:** 2 survey comments

**2137** **Comment:** *As was accurately described by one speaker, most erosion does not occur from above but is a result of wave action undercutting at the water's edge. Several speakers commented that their retaining walls were constantly being undercut at their footings and requiring continual maintenance. At present, it appears that riprap is the most successful control, in that as wave action occurs, the rock diffuses, diverts, settles, and holds.*

**Comment by:** Donald L. Janeway

**2138** **Comment:** *Brick-paved stone seawalls are better than riprap.*

**Comment by:** 1 survey comment

**2139** **Comment:** *TVA should encourage property owners to build seawalls. Riprap attracts snakes, but riprap is better than nothing. I do not understand why TVA prefers riprap over seawalls.*

**Comment by:** Sandra Wright

**2140** **Comment:** *I prefer riprap and/or retaining walls to biostabilization.*

**Comment by:** 5 survey comments

**2141** **Comment:** *Encourage biostabilization, but also allow riprap.*

**Comment by:** 1 survey comment

**2142** **Comment:** *TVA should encourage its preferred bank stabilization methods but not dictate methods to property owners. Most existing seawalls were built without the information that seawalls are detrimental to the environment.*

**Comment by:** 1 survey comment

**2143** **Comment:** *We should be able to put out riprap if we choose. After all, it does help stop erosion, and who is paying for it anyway?*

**Comment by:** 1 survey comment

**2144** **Comment:** *TVA uses riprap and seawalls around the dams and shoreline they own. Why will they not allow lakefront property owners to do the same?*

**Comment by:** Bill Cochran, Richard Spears (Timberlake Estates Homeowners Association), Carroll Johnson, 3 survey comments

**Response:** TVA encourages the use of living systems for erosion control because of the beneficial effects these systems have on aquatic and wildlife habitat, water quality, and the natural character of the shoreline. However, TVA does not dispute the fact that “hard” solutions, such as riprap and seawalls, can be effective and appropriate strategies for controlling shoreline erosion when dictated by certain site conditions.

Under the Blended Alternative, applicants for shoreline stabilization permits could choose between riprap, gabions, biostabilization, or some combination of these approaches, as long as TVA requirements for the selected technique were met. Retaining walls typically require extensive site disturbance, generally reduce aquatic habitat, often are not designed properly, and result in further site disturbance if they fail. For these reasons, a retaining wall would be permitted only where it would connect to an existing wall or where erosion is so severe that TVA determines a wall would be the most effective erosion control option. For more information, please refer to Section 2.8 of the FEIS.

**2145** **Comment:** *Does any agency require silt fences in a shoreline environment, like they do in commercial or residential development? Does ARAP come into play in this?*

**Comment by:** Barbara Tigrett

**Response:** Development that could result in the deposition of sediment into a water body typically requires the construction and maintenance of a silt fence. This program is administered in the state of Tennessee by the Tennessee Department of Environment and Conservation. This department is also responsible for administering the Aquatic Resources Alteration Permit (ARAP) program.

**2146** **Comment:** *As recognized in the DEIS, potential adverse impact to water quality resulting from development activities and surface runoff must be minimized. This can be achieved by using best management practices. The implementation and maintenance of proper erosion and sediment control measures, as proposed, should minimize the impacts further.*

*All erosion control devices must be installed and maintained in accordance with the Virginia Erosion and Sediment Control Handbook. The project should comply with current erosion and sediment control regulations which are reflected in the 1995 revised Virginia Erosion and Sediment Control Handbook. Please contact the Department of Conservation and Recreation's Division of Soil and Water Conservation at (804) 371-7483 to obtain a copy of the current handbook.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**Response:** Best management practices (BMPs) can certainly minimize the impacts from development. TVA has for years included BMPs in all permits and has recently moved beyond this to integrate them into development standards.

**2147** **Comment:** *Stabilization techniques should not be prescribed.*

**Comment by:** 3 survey comments

**2148** **Comment:** *TVA should not prescribe biostabilization techniques, since they might be too slow to be effective.*

**Comment by:** 1 survey comment

**2149** **Comment:** *Biostabilization does not work well where there are steep banks and a lot of boat traffic.*

**Comment by:** 1 survey comment

**2150** **Comment:** *Shoreline stabilization needs more work and research. Biostabilization is not always best.*

**Comment by:** 1 survey comment

**2151** **Comment:** *More study may be needed on methods of stabilizing shoreline vegetation in the presence of fluctuating water levels; this is much different from tidal areas where the changes are daily.*

**Comment by:** 1 survey comment

**2152** **Comment:** *I encourage TVA to continue planting willows and cypress trees to permanently control erosion caused by wind and wave action.*

**Comment by:** Kirk Johnson, 1 survey comment

**2153** **Comment:** *Using the fiber filter fabric with vegetation instead of riprap to control erosion is a good idea.*

**Comment by:** Jerrie Ann Weaver, 1 survey comment

**2154** **Comment:** *Where appropriate, TVA should strongly encourage bioengineering or biostabilization approaches to shoreline stabilization. This is an area where TVA could be a national demonstration of this emerging technology.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation), 6 survey comments

**2155** **Comment:** *It is desirable for purposes of protection against bank erosion, water quality, and other resource values that as much wooded shoreline be preserved as possible along the banks of the reservoirs. In fact, in its June 1996 bulletin on lakeshore erosion, TVA encouraged property owners to use soil bioengineering (using native plants and shrubs, instead of riprap and retaining walls) to protect banks from erosion and filter out pollutants. This innovative and cost-effective approach has been used successfully in Europe for years, although it is relatively new in the United States.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** Under Alternatives C1, C2, and D, the use of bioengineering or biostabilization techniques would be the preferred method of preventing shoreline erosion. Under the Blended Alternative, TVA would promote the use of biostabilization through demonstration and partnership projects. However, applicants could choose riprap, gabions, biostabilization or a combination of these approaches. For more information, please refer to Section 2.8 of the FEIS.

**2156** **Comment:** *TVA is not concerned with erosion. If TVA were concerned, it would be doing something about the thousands of acres of undeveloped TVA property that are eroding every year. TVA should do more to prevent and correct erosion problems on land they are entrusted with.*

**Comment by:** Dana Baker, Frank Sanders, Joe Cashion, John McJilton, Luci Bell, Mickey Irwin (Outdoor Adventure Club), Paul Keller, Ruth Davis, 7 survey comments

**2157** **Comment:** *I would like restoration of eroded shorelines and maximum planting of woodlands in all nonresidential areas.*

**Comment by:** 5 survey comments

**2158** **Comment:** *Residential construction is not the cause of most shoreline erosion and bank instability. To the contrary, lakefront property owners have a vested interest in stabilizing the shoreline and do much more to prevent and control erosion than TVA. Property owners have spent a great deal of time and money on retaining walls, riprap, sod, and other stabilization measures to protect the adjacent TVA land. Most of the damage from erosion is occurring on undeveloped land that TVA controls (including islands).*

**Comment by:** Clifford C. Amundsen, Ph.D., Donald L. Janeway, Janet K. Adams, Luci Bell, Rick Stanton, Theodore S. Maloney, Thomas Begley, P.E., Philip Kirkham, James M. Talley, Mrs. James M. Talley, Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law), John A. Ewing, Frances B. Ewing, 1 anonymous letter comment, 20 survey comments

**2159** **Comment:** *Statements made in the proposal tend to indicate that the primary cause of shoreline soil erosion is residential property. I am routinely out on Fort Loudoun Lake two or three times a week, all year round, and in my observations, just the opposite is true, in that most of the uncontrolled erosion is taking place along undeveloped land. This is because on Fort Loudoun the vast majority of homeowners have installed some type of material for bank stability in the form of riprap or retaining walls. The only erosion that takes place is during the construction phase when proper silt screen is not used. In all cases when vegetation is removed from the site it is replaced with some other type, i.e., grass, or some type of landscaping. Thus, it is difficult to see where residential property contributes very much to erosion problems along the shoreline.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**2160** **Comment:** *In your discussion on shoreland bank stability you completely ignore the fact that most private owners in residential subdivisions install riprap or retaining walls on their shoreline bank to control erosion. TVA does not do this on the shoreland that they manage. Therefore, TVA's undeveloped shoreline is the most significant contributor with respect to soil/bank erosion and water quality.*

**Comment by:** 17 survey comments

**2161** **Comment:** *Erosion is occurring on TVA land and not in front of residential property. When TVA starts taking care of their own erosion, then the lakefront property owners will do likewise.*

**Comment by:** Hunter Hicks

**2162** **Comment:** *While spending time on Watts Bar Lake over the past 40 years, I have noticed significant erosion along the shorelines of TVA lands because you have nothing in place to stabilize the shorelines against erosion. It is ironic that erosion is so severe on your*

*unmaintained properties (i.e., a 100-foot unmaintained buffer), yet erosion is almost nil along so much lake frontage maintained by adjacent landowners. I think you should take care of your own house before setting out to promote the SMI program.*

**Comment by:** Philip Kirkham

**2163** **Comment:** *I have found that the primary source of bank stabilization measures are owners of property adjacent to the TVA shoreline. This includes residential property owners. I do not believe that bank stability is typically threatened by residential construction activities. Residential property owners have instead helped stabilize the banks with vegetation, riprap, and other measures. They have in effect provided individual stewardship for an area of the shoreline. Other areas of the shoreline, without bank protection, have continued to erode through natural means.*

**Comment by:** Mike Huston

**2164** **Comment:** *The DEIS does not address erosion that is present on undeveloped areas. TVA needs to address the total erosion problem. For example, where is the plan to reduce soil erosion in areas adjacent to farm property where there is significant runoff and pollution?*

**Comment by:** Charlie Meek (United States Department of Agriculture), Richard H. Shuford, Jr., 1 survey comment

**2165** **Comment:** *In 1989 TVA installed concrete erosion markers along the river. After the flood of 1990, only one of these markers remained in our area. When I called TVA about this, I was told that TVA was not concerned about these but about the others up and down the river. Apparently, TVA is not worried about property owners' soil erosion problems.*

**Comment by:** 1 survey comment

**2166** **Comment:** *No matter how much money TVA is given, they are going to spend half of it on administration and salaries. If TVA controls 62 percent of the waterfront property and they are worried about shoreline erosion, then why does TVA not riprap or build seawalls around their property? It is hard for me to believe that TVA will use the money from fees to improve the shoreline.*

**Comment by:** Allen Gezelman

**2167** **Comment:** *Will TVA be required to protect its shoreline with riprap and/or mats if it requires private landowners to do so, since it owns more shoreline than private owners and is therefore responsible for more shoreline erosion than anyone else?*

**Comment by:** 1 survey comment

**2168** **Comment:** *Shoreline erosion is TVA's responsibility, and federal funds and/or the TVA power budget should be used to correct the problems.*

**Comment by:** 1 evaluation form comment (Murray, KY), 6 survey comments

**2169** **Comment:** *TVA is the cause of the erosion problems; therefore, TVA should be responsible for correcting them.*

**Comment by:** Bill Riehl, Charles C. Smoot (Bear Paw Subdivision), Jack Stewart, Joe Cashion, Paul Keller, Robert Mynatt

**2170** **Comment:** *If erosion is caused by construction or vegetation clearing, the property owner should be required to pay to correct the problem.*

**Comment by:** 1 evaluation form comment (Murray, KY), 5 survey comments

**2171** **Comment:** *Landowners should be required to pay for erosion control on their lakefront property.*

**Comment by:** 5 survey comments

**2172** **Comment:** *Property owners should be required to use riprap in front of their property.*

**Comment by:** 4 survey comments

**2173** **Comment:** *It should be mandatory for all privately owned shoreline to be riprapped by the owners. All TVA property should be riprapped by TVA.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**2174** **Comment:** *A solution to the erosion problem would be to require all property owners to build a retaining wall to TVA specifications along the entire water frontage of their property.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**2175** **Comment:** *The cost of erosion control should be shared by the property owner.*

**Comment by:** 2 survey comments

**2176** **Comment:** *Make the property owner (including farmers) pay for erosion control when it is on their property. Use federal TVA funds or lake usage fees for control on TVA-owned land.*

**Comment by:** 7 survey comments

**2177** **Comment:** *Shoreline cleanup and erosion control should be the responsibility of all users of TVA lakes and lands, particularly in the case of boaters.*

**Comment by:** 2 survey comments

**2178** **Comment:** *Bank stabilization is important but not at a cost to the person who has spent his life savings to live on the lake.*

**Comment by:** 1 survey comment

**Response:** Erosion and the resultant loss of property and degradation of water quality are of great concern to TVA. TVA appreciates the past and continuing efforts of landowners to minimize erosion on private and public land. In this respect, TVA is pursuing the best ways to partner with property owners to accomplish the mutual objective of erosion control.

TVA recognizes that the natural process of erosion cannot be totally eliminated. However, in the last few years, TVA has initiated intensive efforts to both analyze and address the erosion issue. For example, a shoreline erosion classification system was developed and has been used to determine the extent of erosion on 22 reservoirs. This information has also been used to prioritize sites for stabilization, and in the last two years, TVA has treated 39 critically eroding sites. Because of the extent of the erosion problem, the stabilization techniques and projects are intended to demonstrate the various methods that can be used for stabilization. Treatment techniques are focused on natural methods or bioengineering where appropriate, because of the benefit to aquatic habitat, water quality, and aesthetics. However, site characteristics often dictate the use of more intensive treatment techniques, such as a combination of bioengineering and riprap or straight riprap application. Still more intensive techniques, such as gabion walls or live crib walls, may also be utilized when warranted. It is hoped that landowners will look at the sites TVA has treated and incorporate some of these techniques when applying for erosion control permits.

**2179** **Comment:** *If the property owner is willing to pay to stabilize the shoreline, then they should be able to choose between seawalls, riprap, or biostabilization.*

**Comment by:** 1 survey comment

**2180** **Comment:** *Not every erosion problem requires the same solution. Methods for controlling erosion need to be geared toward specific problems. Vegetation controls should not always be preferred over riprap and seawalls. Landowners should have options.*

**Comment by:** 1 evaluation form comment (Blountville, TN), 3 survey comments

**Response:** Evaluating site characteristics helps determine the appropriate stabilization treatment. A vegetative or combination treatment is not always preferred or recommended over riprap or other approaches. Under the Blended Alternative, applicants for shoreline stabilization permits could choose between riprap, gabions, biostabilization, or some combination of these approaches, as long as TVA requirements for the selected technique were met. Retaining walls typically require extensive site disturbance, generally reduce aquatic habitat, often are not designed properly, and result in further site disturbance if they fail. For these reasons a retaining wall would be permitted only where it would connect to an existing wall, or where erosion is so severe that TVA determines a wall would be the most effective erosion control option. For more information, please refer to Section 2.8 of the FEIS.

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**2181** **Comment:** *TVA should partner with lakefront property owners to repair erosion damage by sharing costs and providing assistance, incentives, and on-site instruction. For example, TVA could furnish the material for riprap and/or seawalls. TVA should establish some national demonstration sites for shoreline erosion control and encourage an adopt-a-shoreline program. Incentive programs could include offering tax breaks or interest-free loans to control erosion adjacent to residences. TVA could purchase large amounts of riprap and locate contractors and then allow lakefront property owners to purchase the riprap from TVA at negotiated rates. TVA could help by delivering riprap material to lakefront property owners by barge.*

**Comment by:** Charlie Meek (United States Department of Agriculture), Frank Scott, John Croes (Timberlake Estates Homeowners Association), Paul Keller, Mickey Irwin (Outdoor Adventure Club), Ronald Hall, C. Stuart Conover, Virginia Eslinger, Marvin Johnson (Tennessee Valley Sportsmen's Club), John A. Ewing, Frances B. Ewing, 1 evaluation form comment (Harrison, TN), 20 survey comments

**2182** **Comment:** *Homeowners should be reimbursed for placement of riprap and other stabilization expenses. Is that not fair?*

**Comment by:** 3 survey comments

**2183** **Comment:** *Bank stabilization is of great concern in many parts of the Valley. The USACE has been actively involved in stabilization research for many years and could provide meaningful support to TVA and property owners who have erosion problems. A partnership with the USACE would be an efficient use of resources for the dissemination of information and engineering solutions to stabilization problems.*

**Comment by:** Gregory E. Huber

**2184** **Comment:** *The shoreline is in terrible disrepair. There is not enough rock in certain areas. There are plenty of people who could work on the shoreline.*

**Comment by:** 1 evaluation form comment (Guntersville, AL)

**2185** **Comment:** *My experience with shoreline stabilization using riprap has been that one can tear up about as much shoreline as one finally protects in the process of getting the riprap to the site. In addition, there is a vast amount of shoreline that is virtually impossible to riprap because of the inability to get the rock to the site over land. Here is where TVA could have a positive effect for everyone. The landowner is very willing to pay for the riprap, but the problem is getting it there. If TVA could initiate, coordinate, or provide a transportation procedure (i.e., a barge) to get the riprap material to the site, a huge problem would be solved. At winter water levels the landowner could place the rock with small tractors, bobcats, and/or by hand, so that it was effective. One might strike a deal where the shoreline landowner was required to riprap a stretch of TVA shoreline equivalent to his residential shoreline. Landowners would be more than willing to take care of adjoining TVA shoreline.*

**Comment by:** Charles G. Mead

**2186** **Comment:** *TVA's FEIS implementation plan should not require the 100-foot vegetation provision. It should encourage sound erosion prevention to suit the unique situations, including retaining walls and/or riprap, coupled with prudent vegetation plantings. TVA should encourage such expenditures with cost-sharing, reductions in fees, and/or access to a TVA-sponsored outlet for plantings and other bioengineered solutions. TVA-sponsored small businesses with discount costs for shoreline management resources would encourage private investment in reaching the common goal of erosion protection and wildlife habitat preservation.*

**Comment by:** Harry A. Nesteruk

**Response:** Under the Blended Alternative, TVA would use incentives to encourage sound stewardship along the shoreline. TVA would look at ways to partner with landowners and user groups—bass clubs, wildlife agencies, parks, homeowners associations, and others—to control severely eroded shorelines. TVA's contribution would range from providing technical advice to providing some materials and/or labor or providing incentives to conduct shoreline stabilization. Also, TVA waives the applicable fee requirements for shoreline stabilization activities. TVA would also encourage nurseries to provide plants to lakefront homeowners at wholesale prices. Similar incentives would be offered under Alternatives C1, C2, and D. For more information, refer to Chapter 2 of the FEIS.

TVA does not require shoreline residents to stabilize shorelines. It would be cost-prohibitive for TVA to fund stabilization of all shorelines.

**2187** **Comment:** *For years, private citizens have offered their time and effort to try to keep TVA land, including islands, from eroding. This does not cost the taxpayer any money. If private citizens are willing to take their time and their money to help stabilize public land, then TVA should offer them that opportunity.*

**Comment by:** Bob Inklebarger, Curtis Daniels, Jere Moore

**2188** **Comment:** *TVA should give landowners a chance to control the erosion from their homes to the shoreline. If they would not, then TVA would have the right to act.*

**Comment by:** Frank Sanders

**2189** **Comment:** *Homeowners keep their property up and put in riprap. The trees are falling in the water at the back of my property because it is owned by TVA, and I do not have the rights in my deed to have access to it. The whole shore is being washed away; yet, TVA told me I could not put in riprap. You do not give the homeowners credit for having any sense at all.*

**Comment by:** Jerrie Ann Weaver

**2190** **Comment:** *To learn how to manage shoreline, TVA should go to property owners that have been maintaining the shoreline. My family has maintained shoreline for 45 years, and the only erosion we have had occurred when TVA would not let us protect the shoreline.*

**Comment by:** Sid Nelson

**Response:** TVA is willing to work with neighboring landowners to reexamine situations such as the ones described here and determine what action may be needed. Even though the neighboring landowner may not have deeded access across the TVA public land, TVA is willing to evaluate such situations and determine if bank stabilization is needed.

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**2191** **Comment:** *There are several state laws and programs which may be applicable to implementation of some components of the SMI plan. If TVA wishes review of applicable standards and specifications or technical review of either erosion and sediment control plans or stormwater management plans, contact the Department of Conservation and Recreation's Division of Soil and Water Conservation at (804) 371-7483.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**Response:** Comment noted. Chapter 1 of the FEIS mentions the roles and responsibilities of other agencies.

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**2192** **Comment:** *TVA and the USACE should combine forces to (1) identify severe erosion and develop abatement plans in partnership with the landowners when applicable; (2) cost-share shoreline erosion control with landowners; (3) consider erosion-control action on the main channel using riprap, etc.; and (4) investigate the effects of wind-wave-water level changes on the main channel shore.*

**Comment by:** 1 survey comment

**Response:** TVA continues to maintain close working relationships with the USACE. We have partnered with the USACE on many past projects, and a number of other cooperative projects are planned for the near future. TVA will continue to explore ways to expand the cooperative activities of the two agencies as we strive to become more efficient in dealing with erosion issues.

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**2193** **Comment:** *Change the shoreline management employees into shoreline erosion control employees and rate them each year on how much they accomplish in the field.*

**Comment by:** 1 survey comment

**2194** **Comment:** *I think TVA should give the study team a real job, like how to control shoreline erosion on undeveloped land.*

**Comment by:** 1 survey comment

**Response:** There are many important roles fulfilled by TVA's land and shoreline management staff, including shoreline development permitting, stewardship of natural and cultural resources, erosion control, cleanup of litter and trash, development and maintenance of recreation areas, and other functions. Although TVA is placing increased emphasis on stabilizing severely eroded shorelines, focusing solely on erosion would be very detrimental to these other activities.

## Wetlands

Comments on wetlands included a variety of issues, such as:

- Definition of wetlands/value of wetland losses
- Creation/destruction of wetlands by establishing reservoirs
- Various impacts to wetlands
- Protection of wetlands
- Proposals to enhance, reclaim, and increase wetlands

**2195** **Comment:** *The term wetlands has been poorly defined and interpreted. Not all designated wetlands are real wetlands.*

**Comment by:** 2 survey comments

**2196** **Comment:** *We should quit using the term wetlands and instead return to the use of swamp. Allowing soil erosion over a period of years to fill up sloughs and streams and destroy waterfront property and turn once beautiful shoreline into swamp is not acceptable. Start thinking swamp and perhaps TVA will change its allegiance.*

**Comment by:** 1 survey comment

**2197** **Comment:** *Look at some of the things the USACE has done in the name of wetlands. There are some spots in fields close to me that are wetland. It is all wet if you inspect it after a rainstorm. The intent of these laws in most cases is sound. It is the administration that is not.*

**Comment by:** Walter R. Dahnke

**2198** **Comment:** *TVA already possesses the laws and power to protect our shoreline. However, as stated in the SMI DEIS, its desire is to update and change these rules, even to the extent of preserving the wetlands across the 690-foot contour on TVA property. This move could be called "Creeping Across the 690." TVA's new regime on shoreline property seems to forget why people want to purchase shoreline property in the first place. With this "Wetlands and Endangered Species Bandwagon," there are at least five government agencies now wanting to tell landowners just what they can and cannot do with their own property. If wetlands or an endangered species are suspected on a piece of land, the USACE claims their department oversees and dominates over all other agencies, with their version of what constitutes a "wetland." The Forest Service, the Department of the Interior, the Agriculture Department, the EPA, TVA, and the state each has its own set of specifications as to what constitutes a wetland, and even a mud hole could be considered a wetland.*

**Comment by:** Troy Atkins

**2199** **Comment:** *What are the exact values of losses to wetlands?*

**Comment by:** 1 survey comment

**Response:** Sections 3.9.1 and 3.9.4 define wetlands and address the most commonly accepted functions of wetlands along TVA reservoir shorelines, including flood storage and conveyance; erosion, sediment, and pollution control; and habitat for waterfowl, other wildlife, and threatened and endangered plant and animal species. Primary values associated with these functions include recreation (hunting, fishing, wildlife observation), water quality, and open space and aesthetics.

Although efforts have been made to better define and quantify wetlands boundaries and functions and values, best professional judgment is still a part of the formula in identifying wetlands. Currently, most federal agencies use the 1987 *USACE Wetlands Delineation Manual* for the identification and delineation of vegetated wetlands. Several agencies, both state and federal, are involved in wetlands protection and enhancement. This multiagency involvement is in response to federal laws and executive orders.

Loss estimates are based on potential impacts to existing functions and values of wetlands. As stated in Section 2.10.5 of the FEIS, TVA takes precautions under Executive Order 11990 (Protection of Wetlands) to minimize the destruction, loss, or degradation of wetlands and to ensure that the natural and beneficial functions and values of wetlands are preserved and enhanced. The application of a shoreline categorization system to identify wetlands under any of the alternatives is intended to protect wetland areas that are providing the highest level of functions and values. Wetlands providing a lower level of functions and values would still be protected by standards and/or site specific mitigation requirements designed to minimize impacts to these areas.

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**2200** **Comment:** *Was the generation of wetlands a factor in the justification or establishment of the reservoirs? Wetlands in conjunction with variable level reservoirs is perplexing.*

**Comment by:** 1 survey comment

**2201** **Comment:** *TVA destroyed the wetlands when the lakes were made.*

**Comment by:** 1 survey comment

**Response:** The generation of wetlands was not a factor in the justification or establishment of TVA's reservoirs. As discussed in Section 3.9.1, many thousands of acres of wetlands were lost as a result of reservoir creation, while subsequent management of the reservoirs has resulted in the creation of many new and different wetland types.

TVA agrees that wetlands associated with variable water level reservoirs are sometimes difficult to identify and delineate. Many of these wetlands have seasonal or temporal functions and associated values.

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**2202** **Comment:** *Large boats and barges prevent aquatic growth in wetlands.*

**Comment by:** 1 survey comment

**Response:** While the wave action from barges and large boats may impact wetlands in small, localized areas, numerous studies have shown that the primary impact to wetlands is habitat alteration.

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**2203** **Comment:** *Alternative C1 would not "provide a balance between environmental protection needs and anticipated future development demands," as stated in the DEIS, page 2-27. It would result in a loss of wetlands.*

**Comment by:** Ross A. Malone (Ducks Unlimited), David L. Yow ( North Carolina Wildlife Resources Commission), 5 survey comments

**2204** **Comment:** *TVA's preferred alternative does not provide for adequate protection of natural resources and results in net losses of the state's biological and cultural resources. Additionally, the loss of wetlands is contrary to the Tennessee Wetlands Conservation Strategy and might require significant and costly mitigation.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**Response:** Alternative C1 (FEIS Section 4.7.2) addresses wetlands protection and improvement through the use of a shoreline categorization system to identify valuable wetlands. TVA's new Blended Alternative provides greater protection to wetlands than Alternative C1, because there would be less residential shoreline development.

**2205** **Comment:** *Alternative D is moving in the right direction, but not strongly enough. Nowhere is there any discussion of preserving existing wetlands and restoring those that have been disturbed.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**2206** **Comment:** *Our preferred Alternative is D of those mentioned, but it does not go far enough to protect the environment. Some subsidiary points that are included in our overall position are: (1) no wetlands on tributaries and rivers should be drained or destroyed, (2) all remaining estuaries, bays, and tributary entrances or confluences where a tributary meets the Tennessee River should be set aside as a wetland or woodland protected area (much like the Swan Creek State Wildlife Management Area in Limestone County, Alabama, presently serves to protect the outlet of that management area), (3) docks should be built according to strict wetland policies, and (4) vegetation growing in water should generally be left alone if the growth is out of navigation channels and discretionary areas, such as swimming and boating places.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society)

**Response:** Application of a shoreline categorization system under Alternatives C1, C2, D, and the Blended Alternative would identify significant areas of shoreline wetlands to be protected from future residential shoreline development. Wetlands will be identified by shoreline inventory following the Cowardin et al. classification system, as discussed in Section 3.9.2 of the FEIS.

**2207** **Comment:** *From a wetlands protection perspective, Alternative D is noteworthy. The significant difference between Alternatives D and C2 is that, although the same amount of shoreline will be available for increased development opportunities, the standards placed on these activities in Alternative D would result in fewer cumulative and secondary adverse impacts. Additionally, encouraging shoreline protection legislation and the donation of conservation easements (highlighted in Alternative D) cannot be overlooked as an excellent opportunity for resource protection. These types of efforts represent the most effective resource management tools and are encouraged by EPA in 404 and much larger-scale planning efforts such as the National Estuary Program.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**2208** **Comment:** *Wetlands perform many vital functions for a watershed, such as protection against downstream flooding and sedimentation, assimilation of pollutants, and recharging of groundwater. On the other hand, the nation (including the Southeast) has been losing wetlands at an alarming rate, so that we now have only around 50 percent of those that were here when the country was first settled. Yet today we have greater need for those protective*

*features because of greater population density and need for better water quality. Consequently, it is most important for all users of the watershed, but especially the municipal and industrial users, to protect as much wetlands as possible, and this would be done best (except for Alternative D), by Alternative C2, thereby being a plus factor for selecting Alternative C2.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**2209** **Comment:** *The Tennessee shoreline is a sensitive ecological system, especially the wetlands. The DEIS recognizes the dictates of Executive Order 11990 to preserve and enhance the natural and beneficial values of wetlands. Again, Alternative D is the only alternative which is consistent with established environmental policy.*

**Comment by:** Michael A. McMahan

**2210** **Comment:** *The Department of Agriculture does not object to the TVA-preferred Alternative C1 but would suggest that Alternative D is probably more consistent with goals and objectives of the Tennessee Wetlands Conservation Strategy, Second Edition, as adopted by Governor Sundquist on January 18, 1996.*

**Comment by:** Louis Buck (Tennessee Department of Agriculture)

**Response:** As stated in the FEIS, Section 4.7.2, Alternatives D, C2, and the Blended Alternative would provide the highest level of protection for beneficial wetlands functions and values. The Blended Alternative, like Alternative D, includes provisions that would enable TVA to actively partner with lake user organizations, property owner associations, land trusts, individual property owners, conservation organizations, state agencies, and others in seeking donations of conservation easements to protect valuable wetlands located along privately owned shoreline. However, under any selected alternative, TVA will meet the requirements of Executive Order 11990 (Protection of Wetlands) to address and minimize potential wetland impacts.

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**2211** **Comment:** *Wetlands should be protected.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin Group), 1 survey comment

**2212** **Comment:** *Unrealistic protection of wetlands is a waste. Be moderate.*

**Comment by:** 1 survey comment

**2213** **Comment:** *I would like Guntersville, Wheeler, Wilson, and Pickwick Lakes to be a wetlands restoration project.*

**Comment by:** 1 survey comment

**2214** **Comment:** *Several areas that TVA owns are ideal for habitat development. We should create some wetlands. We are losing enough. We have already lost 50 percent of our wetlands in this country.*

**Comment by:** Kenneth E. Johnson, Jr.

**Response:** TVA recognizes that wetlands are highly productive and biologically diverse ecosystems that provide many public benefits, such as flood control, reservoir shoreline stabilization, improved water quality, and habitat for fish and wildlife resources. This is described in more detail in Sections 3.9.1 and 3.9.4 of the FEIS. Alternatives C1, C2, D, and the Blended Alternative (FEIS Section 4.7.2) address wetlands protection and improvement through the use of a shoreline categorization system.

Alternative D and the Blended Alternative would also provide for conservation easements to protect privately owned wetlands of high value. TVA is currently planting native wetland species in the drawdown zone of several Valley reservoirs to improve wetland functions and values.

**2215** **Comment:** *Wetlands can be preserved under the existing permit system.*

**Comment by:** 1 survey comment

**2216** **Comment:** *In the DEIS a loss of wetlands is listed as a potential result of residential development. USACE regulates wetlands; this is not an issue under TVA's control.*

**Comment by:** 1 survey comment

**Response:** TVA complies with USACE Clean Water Act regulations when it undertakes projects but is also obligated to protect wetlands under Executive Order 11990 (Protection of Wetlands). This is more fully explained in Section 4.7.1 of the FEIS.

**2217** **Comment:** *Increasing wetland mitigation will help control soil erosion if completed correctly.*

**Comment by:** 1 survey comment

**Response:** TVA recognizes that control of soil erosion is a primary function of high quality wetlands, which is addressed in Sections 3.9.1 and 3.9.4 of the FEIS. Wetland mitigation typically refers to required actions resulting from unavoidable impacts to wetlands. TVA's approach under Alternatives C1, C2, D, and the Blended Alternative (FEIS Section 4.7.2) is to proactively address wetlands protection and improvement through the use of a shoreline categorization system. This approach will identify and protect high quality wetlands, thereby minimizing the need for impact mitigation actions.

**2218** **Comment:** *I encourage TVA to maximize wetland potentials in shallow water areas along the shoreline. Consideration should be given to installing low-level levees (equipped with water control structures) to allow management of these areas for waterfowl and other migrants that use such shallow-water vegetated sites. At least two sections of the DEIS discussed shoreline wetlands and recognized the value of such areas in improving water quality, etc., in the lake. I would also encourage TVA to maximize management of the watersheds above these sites to minimize movement of soil and other contaminants.*

**Comment by:** David E. Wesley, Ph.D. (Ducks Unlimited, Inc.), 1 survey comment

**Response:** TVA has historically been involved in the development of low-levee wetland enhancement projects on several reservoirs, typically in cooperation with state wildlife agencies and Ducks Unlimited. These activities are not directly related to residential shoreline development. TVA's future involvement in such projects will depend on the availability of funds and future management priorities. Also, TVA is currently mandated to manage for flood control storage, boating and fishing access, and public recreation opportunities, which must be considered in developing such shallow-water wetland areas. TVA's River Action Teams are actively addressing watershed management issues.

**2219** **Comment:** *As avid hunters and fishermen, we would appreciate TVA's feedback on the feasibility of the following proposal to reclaim or increase wetlands and waterfowl habitat in the Chickamauga Lake area, on both the Tennessee and Hiwassee Rivers. This proposal is designed to enhance existing lake areas and would result in a series of ponds that could*

*maintain stable water levels necessary to support spring waterfowl breeding and winter resting and feeding habitat. These proposed ponds would replace mudflats generally found during the winter drawdown of the lake. The design of the dams would ensure pond elevations or maximum flooded areas would not be any higher than normal summer pool level and therefore no additional land would be flooded or impounded. An additional benefit of these ponds could be realized from fish-stocking programs and environmental ecosystem study areas. These ponds could be developed under a program concept similar to the adopt-a-road program where private and public organizations would provide volunteers or dollars to cover labor, material, and sign placement costs. These ponds could also be used to further Tennessee Wildlife Resources Agency (TWRA)/TVA programs designed to improve habitat for wildlife, such as the cypress tree planting initiatives, fish attractor program, and wood duck nest projects. The impact of water fluctuations on breeding waterfowl and hatchlings would be minimized by providing steady pond levels, and fish stock programs could be seen as another benefit of the adopt-a-pond program. Volunteers from school ecology classes, Boy and Girl Scout troops, conservation organizations, and hunting and fishing organizations such as Ducks Unlimited and Bass Associations could be tapped for planting and damming these sites. The areas chosen to pilot this proposal are all located on Chickamauga Lake and are selected for their adjacency to wildlife refuges, management areas, and TVA property that are not inhabited or are on navigable waterways. These areas could be designated as no-motor zones or paddle and trolling-motor-only wild areas. The most cost-effective and expedient method to impound these areas would be sandbag dams that would be placed in existing concrete bridge abutments or box culverts. Very little material would be required to construct and flood these areas. The ponds selected are generally 5 to 25 acres in size. Construction could begin when the fall lake drawdown had been completed. The bridges and culverts would be available for inspection and sandbagging at this time. Please advise us of any environmental, political, or legal concerns associated with this project, as these issues are not apparent in light of similar projects at Raccoon Creek area in Jackson County, Alabama, and Blythes Ferry area in Meigs County, Tennessee.*

**Comment by:** Ross A. Malone (Ducks Unlimited)

**2220** **Comment:** *TVA's no-net-loss program appears to be absent from the DEIS. While the DEIS addressed the fact that wetlands would be lost due to shoreline development options, it did not take into account the impact of the no-net-loss program and that program's effects on wetland development or restoration. The DEIS also excluded any options available to the taxpayer for wetland replacement or restoration resulting from development or flood risk profiles. TVA may not be aware that the North Hamilton County Ducks Unlimited Chapter has proposed to TVA and TWRA a series of wetland development projects in Hamilton, Rhea, Meigs, and Bradley Counties that would increase wetland acreage. These "Adopt-a-Wetland" projects continue the initiative that was recently dedicated on the Hiwassee Refuge at the confluence of the Tennessee and Hiwassee Rivers. After eight years of work on this project, 300 acres of Big Slough no longer experience winter drawdown, and the result is a year-round waterfowl refuge and breeding area unaffected by river fluctuation. The major obstacle in completing this project has been TVA's no-net-loss program and the prohibitive compensation requirements for the loss of water storage for flood protection. This program and the shoreline development options have in effect planned and prevented any increase in wetlands and all but ensure a continued degradation of the resource that TVA is supposed to be steward of, i.e., wetlands. The waiver of compensation granted for only the Big Slough Project and the subsequent impact on flood analysis potential for similar projects on Lake Chickamauga need to be reevaluated. This reevaluation is especially critical, given the SMI's apparent disregard for wetland replacement. A couple of options need to be proposed as an integral part of the aforementioned evaluations. TVA does not appear to include in the no-net-loss profile any lakes, ponds, or backwaters that are developed on private land,*

*unless the landowner requests that they are considered as compensation. This approach appears to disregard the thousands of acre-feet of water storage developed in the watershed over the last 10 years. TVA should, through their interface with state, county, and federal agencies, be altering their flood risk profile with every acre-foot of new storage capacity developed statewide. In the event that these profiles are not being updated accordingly, the calculations and subsequent compensation of acre-for-acre replacement may be unnecessarily conservative—conservative at the expense of wetland development projects and waterfowl conservation. Another option concerning funding should be considered. Charges levied on developers should be spent in wetland development projects and in restoration of lost habitat. Appropriations from Congress for structure inspections and structure controls could be channeled to waterfowl projects, and necessary inspections could be carried out under county building codes or under state guidelines. Development fees could be matched by federal funds available through TWRA, which has upward of \$10 million to \$15 million annually from various Pittman-Roberts-type program funds. Ducks Unlimited, Hamilton County Chapter, requests that any shoreline development initiative adopted by TVA include a no-net-loss provision for wetlands and include a reevaluation of the flood risk profile to ensure credit is given to water storage impoundments in order that wetland development projects can economically be developed on TVA waterways.*

**Comment by:** Grant Yelliott (Ducks Unlimited)

**Response:** Executive Order 11990 (Protection of Wetlands) does not specifically require no net loss of wetlands; however, TVA is attempting to achieve no net loss of significant wetlands through the implementation of a shoreline categorization system proposed for SMI Alternatives C1, C2, D, and the Blended Alternative. Additionally, the Blended Alternative, like Alternative D, would include provisions that would enable TVA to actively partner with lake user organizations, property owner associations, land trusts, individual property owners, conservation organizations, state agencies, and others in seeking donations of conservation easements for protection and management of wetlands along privately owned shorelines. The Blended Alternative also includes a maintain-and-gain public shoreline policy which embodies no-net-loss principles. For more information, refer to Section 2.8 of the FEIS.

TVA's multiple-use mandate for management of its reservoirs and adjoining properties must be considered in the development of shallow-water wetland habitats. While development of these habitats benefits migratory and resident waterfowl and wetlands wildlife, other management requirements such as flood control storage, boating and fishing access, and other public recreation opportunities must be considered. Historically, TVA has been involved in the development of low-levee wetland enhancement projects on several reservoirs, typically in cooperation with state wildlife agencies and Ducks Unlimited. However, these activities are not directly related to residential shoreline development as addressed in the FEIS; therefore, development of such projects as some form of mitigation credit for residential development is not considered appropriate. TVA's future involvement in such habitat development projects will depend on management priorities and the availability of funds.

As stated in Section 2.9.6 of the DEIS, TVA would continue to apply criteria contained in Executive Order 11988. Executive Order 11988 states that adverse floodplain impacts would be minimized. One of the methods to help accomplish this is through compliance with applicable laws, executive orders, regulations, and TVA policies and guidelines. Proposals outlined in the letter would have to be reviewed for compliance with TVA policies related to displaced flood control storage. If the proposals are submitted to TVA for review, they will be handled through TVA's normal permitting process and would not be affected by this FEIS.

**2221** **Comment:** *Charge developers high costs to deforest or drain wetlands, as this is a permanent alteration.*

**Comment by:** 1 survey comment

**Response:** TVA's approach under Alternatives C1, C2, D, and the Blended Alternative (FEIS Section 4.7.2) is to proactively address wetlands protection through the use of a shoreline categorization system to identify high quality wetlands. Residential shoreline development will not be permitted along shoreline areas where high quality wetlands exist. Therefore, developers will not be clearing or draining high quality wetlands, thus eliminating the need to charge for wetland impacts mitigation.

## Floodplains/Flood Control

Comments on matters relating to floodplains and flood control covered such issues as:

- Priority of flood control
- Funding for flood control
- Value of floodplain losses
- Benefits of mudflats
- Effects of landscaping on floodplains
- Floodplain value indicators
- Flood-related building requirements
- Flooding of private property
- Impact of development on floodplains

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**2222** **Comment:** *Flood control and power generation are the most important considerations in lake level determination, with everything else a distant third.*

**Comment by:** David Burns

**Response:** The TVA Act directs TVA to manage the reservoir system primarily for navigation and flood control and (consistent with those purposes) for power generation.

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**2223** **Comment:** *If TVA initially acquired this land in the 1930s for flood control, what has happened to make this no longer necessary? It sounds like TVA is getting greedy.*

**Comment by:** 1 survey comment

**Response:** When the reservoir system was built, TVA acquired land for a variety of purposes, including land to promote economic development. Flood control remains a top priority for TVA and, as covered in Section 4.8 of the FEIS, potential impacts on flood control have been identified as part of the SMI review process.

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**2224** **Comment:** *TVA should ask for funds for flood control for downstream cities. The 1973 flood cost \$35 million in damages to Memphis alone.*

**Comment by:** 1 survey comment

**Response:** TVA has sought and continues to seek funds from Congress for flood control. TVA coordinates its flood control efforts with the USACE to help in the flood control efforts on the Ohio and Mississippi Rivers. TVA is mainly concerned with the prevention of flood damages within the Tennessee Valley.

**2225 Comment:** *What are the exact values of losses to floodplains/flood control?*

**Comment by:** 1 survey comment

**Response:** Because of the site-specific nature of floodplain reviews, the exact losses cannot be determined until specific actions are proposed and evaluated. As outlined in Section 4.8 of the FEIS, TVA would make every effort to minimize adverse floodplain impacts under any of the alternatives.

**2226 Comment:** *Are mudflats considered to have beneficial floodplain values?*

**Comment by:** 1 survey comment

**Response:** Yes, mudflats do have beneficial floodplain values. In addition to providing important fish spawning and nursery habitat (i.e., when there is shallow water covering them), mudflats also provide valuable habitat for wading birds (herons and egrets), shore birds, and migratory waterfowl. Also, mudflats frequently support aquatic vegetation, which further enhances their habitat value for fish and wildlife.

**2227 Comment:** *Mowing and landscaping enhance floodplain beauty and effectiveness.*

**Comment by:** 1 survey comment

**Response:** In most of the floodplain areas surrounding the reservoirs, the storage of flood water would not be significantly impacted by the existence of trees, shrubs, and other ground cover. Activities like mowing can affect floodplain values, as described in FEIS Section 4.8.2.

**2228 Comment:** *It is especially striking that, although one of the three major components of TVA's mission is supposed to be flood control, the options regarding floodplains/flood control vary only from "greatest" to "lowest" potential loss of natural and beneficial floodplain values.*

**Comment by:** Paul A. Yambert

**Response:** The reason that the change in natural and beneficial values was chosen as the indicator was because the more development that occurs, the greater the impact will be on these values. As stated in Section 2.9.6 of the FEIS, TVA would continue, under any of the alternatives, to apply criteria contained in Executive Order 11988 to reduce potential flood damage and ensure that the reservoir system can be operated for flood control benefits.

**2229 Comment:** *A review of the DEIS, noting in particular the requirement for compliance with Executive Order 11988, shows that floodplain issues have been addressed. TVA either owns or has flooding easements on the majority of floodplain lands surrounding its projects. Damageable structures should be located above the 100-year flood level wherever possible, and local communities should be consulted for compliance with appropriate building code requirements and flood ordinances, if applicable.*

**Comment by:** C. E. Shuford, Jr., P.E. (United States Army Corps of Engineers)

**Response:** On reservoirs where TVA either owns the property or has purchased flowage easement rights, TVA uses the 500-year flood as the basis for development. As a result, TVA's flood-related building requirements are more stringent than most community ordinances.

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**2230 Comment:** *We have been run off our property numerous times because TVA decided to use our acre as a floodplain. The water was over the roads and our property, and we were unable to go home for up to four weeks at a time. We feel that TVA is unconcerned about our problem.*

**Comment by:** 1 survey comment

**Response:** Without knowing the area in question, it is difficult to say exactly what has occurred. During a flood control operation, TVA makes every effort to minimize the flood damages throughout the impacted area. However, TVA's flood control measures are designed to reduce potential flooding, but not to eliminate the problem entirely.

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**2231 Comment:** *Before 1989 the area we live in was not a designated floodplain. Property owners could get flood insurance at a reasonable rate. That is not true today. Why did TVA take that away from the private landowner?*

**Comment by:** 1 survey comment

**Response:** Without knowing the area in question it is difficult to say exactly what happened. The use of the term *designated floodplain* normally relates to areas on flood insurance maps published by the Federal Emergency Management Agency (FEMA). TVA probably developed the flood information for this area under contract to FEMA, but FEMA is the agency responsible for the designation of flood areas and implementation of the flood insurance program.

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**2232 Comment:** *Any development within a floodplain deserves to be flooded once every 20 years, but I disagree that shoreline development affects floodplains or flood control.*

**Comment by:** 1 survey comment

**Response:** Residential shoreline development could affect flood control operations by limiting the amount of flood storage capacity available. For this reason, TVA controls where shoreline alterations take place along our reservoirs. In addition, development of floodplain areas can have an adverse impact on natural and beneficial floodplain values.

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**2233 Comment:** *The river belongs to the people, and I would ask TVA to exercise control of urban development so that downtown floodplains would not be diverted from parks, recreational areas, cultural activities, and cultural buildings to build condominiums on the lake.*

**Comment by:** Lester J. Vohs

**Response:** In those urban areas where TVA either owns the property or has purchased flowage easement rights, TVA reviews all residential shoreline development proposals to ensure that the proposed activities would not adversely impact recreation, cultural resources, wetlands, floodplains, and many other environmental concerns.

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**2234** **Comment:** *Protect existing natural and beneficial floodplains under Alternative C1.*

**Comment by:** 1 survey comment

**Response:** As stated in Section 4.8 of the FEIS, the effects of Alternative C1 on potential flood control impacts would be the same as under any of the alternatives, because TVA would continue to implement Executive Order 11988. The direct and cumulative impacts to natural and beneficial floodplain values would be less under Alternative C1 than under Alternatives A, B1, and B2 because of the use of residential shoreline development standards.

**2235** **Comment:** *The Tennessee Department of Transportation prefers Alternative D. This alternative, while much stricter than current policies, would provide additional protection to transportation facilities. These benefits include (1) An increase in shoreline bank stability over existing conditions. Increased sedimentation due to bank erosion reduces storage capacity and results in increased flooding of Department facilities. Bank erosion subjects highway appurtenances to damage or failure. (2) The lowest potential loss of natural and beneficial floodplain values. Flood storage capacity greatly benefits the Department by reducing flood damages to infrastructure components. While TVA approval would be required for the method of bank stabilization, the Department is confident that a mutually acceptable stabilization concept would be agreed upon.*

**Comment by:** J. Bruce Saltsman, Sr. (Tennessee Department of Transportation)

**Response:** TVA makes every effort to minimize the loss of flood control storage in its reservoirs in an effort to prevent increases in flood elevations. TVA will be glad to work with the Department of Transportation to develop appropriate shoreline stabilization methods.

## Aquatic Habitat

Citizens commented on aquatic habitat issues such as:

- Importance of aquatic habitat
- Various impacts on water quality
- Shoreline Aquatic Habitat Index (SAHI)
- Fishing quality and conditions

**2236** **Comment:** *We are concerned about the decrease in aquatic habitat and fishing quality. It can only become worse as the habitat for nursery areas is depleted. There are also no structures for the fish to spawn in. We need to be discussing ways in which we can improve aquatic habitat quality.*

**Comment by:** Paul A. Yambert, James W. McCormick, 1 evaluation form comment (Tims Ford, TN), 3 survey comments

**2237** **Comment:** *Compared with the other alternatives, Alternative C2 has almost the lowest adverse impact on aquatic habitat. Many of the attendees at your hearings have identified protection of aquatic habitat as important, especially regarding impacts on sport fisheries; and as you have noted, the reservoirs are extremely important as spawning and nursery areas for many sport, commercial, and other fish species, as well as their food sources.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**2238** **Comment:** *Aquatic habitat should not be overlooked when deciding shoreline development. Landowners adjacent to TVA reservoirs should not be allowed to clear shoreline just to have a view of the lake. Boat docks should be constructed so as to minimize degradation to shoreline habitat.*

**Comment by:** 1 survey comment

**2239** **Comment:** *Developers should be required to mitigate for lost habitat on development sites, possibly by installing habitat structures on or near project sites.*

**Comment by:** David L. Yow (North Carolina Wildlife Resources Commission)

**Response:** TVA's concern about impacts of residential shoreline development on aquatic habitat is evident by its inclusion as a major issue in the SMI FEIS (Section 4.9). Aquatic habitat conditions that are most suitable for resident sport fish include shade from overhanging trees and other vegetation, and aquatic structures such as stumps, brush piles, native vegetation, and rock outcrops. The Blended Alternative, along with Alternatives C1, C2, and D, would limit the amount of shoreline vegetation removed, as described in Section 4.3.2. Results of the SAHI analysis conducted on four representative reservoirs indicate that, in general, residential shoreline development has had detrimental impacts to the aquatic habitat. Major contributors include dredging, reduction of existing aquatic habitat diversity, and siltation due to increased soil erosion. However, it is possible to improve aquatic habitat through managed residential alterations, such as installation of fish spawning structures and nursery habitat in the form of brush or rock shelters, minimization of dredging activities, and use of bank stabilization technologies. In addition, TVA recommends that shoreline developers and adjacent property owners improve aquatic habitat as described in Section 4.9.3 of the FEIS. Dredging standards have taken into account mitigation for destruction of aquatic habitat. Site-specific reviews will incorporate mitigation as appropriate.

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**2240** **Comment:** *Water-use facilities and riprap are excellent fish habitat. As water temperatures increase in the summer, the water has less capacity for maintaining dissolved oxygen, and low dissolved oxygen causes stress on aquatic life. Boat docks decrease the stress by providing shade and have been shown to act as artificial reefs in combination with other structures. This increases the density and diversity of aquatic life.*

**Comment by:** Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law), R. Cliff Roop, Steve Lewis, Thomas Begley, P.E., Sayra Thacker (Tennessee Marine Construction), Leonard Lankford

**Response:** As noted in Section 4.9.1 of the FEIS, placement of riprap to stabilize shorelines can have either positive or negative impacts on fish habitat, depending upon site characteristics. Riprap can protect sensitive spawning areas from siltation caused by erosion of the shoreline. It also provides cover for sport fish and their prey and spawning habitat for catfish. However, indiscriminate placement of riprap can cover valuable gravel substrate or brush and stumps which are important spawning and nursery habitats for many aquatic species. Docks can also provide excellent fish habitat if properly installed (refer to Sections 4.9.1 and 4.9.3 of the FEIS). But all too often, dock construction is accompanied by clearing adjacent riparian vegetation (i.e., brush, willow trees, button bush, stumps) which provides considerable natural habitat. TVA recommends that shoreline developers and adjacent property owners improve aquatic habitat as described in Section 4.9.3 of the FEIS. The shade resulting from the construction of docks is not expected to influence water temperatures on a reservoir-wide basis, and subsequently, dissolved oxygen levels would not be affected.

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**2241** **Comment:** *This DEIS does not address improving the drawdown zone with aquatic plant life. The only way to improve the lakes is with aquatic plants. Trees planted there will die when the water comes up, and that will cause other problems.*

**Comment by:** Dave Cooper

**2242** **Comment:** *Water foliage for fish coverage is needed to improve fishing quality.*

**Comment by:** 1 survey comment

**Response:** The planting of native vegetation (willows, button bush, pondweed, etc.) would have beneficial impacts on the aquatic habitat of the drawdown zone (see FEIS Section 4.9). There are trees with varying tolerance to flooding. Some species, such as willows and bald cypress, can have the lower portions of their trunks flooded year-round without damage. Button bush can be covered with water for part of the year. Native aquatic plants such as pondweed and lotus, in appropriate densities, can also provide very beneficial habitat for aquatic organisms. TVA River Action and Land Management Teams, along with several cooperating agencies and groups, are currently planting native trees, bushes, and aquatic vegetation in several TVA reservoirs, to provide fish habitat and to control erosion along reservoir shorelines.

**2243** **Comment:** *TVA used to cut the buck bushes out of the backs of coves. Why do they not do this anymore?*

**Comment by:** 1 survey comment

**Response:** Buck or button bushes provide mosquito habitat, and TVA used to mow areas on some reservoirs with relatively dense mosquito populations. However, buck bushes also provide excellent habitat for fish and help to prevent shoreline erosion. Because of these positive influences, TVA no longer removes this valuable habitat and in some circumstances plants this species to improve fish habitat.

**2244** **Comment:** *Aquatic habitat is unaffected by mowing and landscaping of the lakeshore.*

**Comment by:** 1 survey comment

**Response:** Appropriate landscaping, including a combination of trees and bushes, can provide riparian zone protection similar to native vegetation. However, establishment of a grass lawn near the shoreline requires maintenance activities such as application of chemical fertilizers and weed control, which can cause adverse impacts to the adjacent aquatic environment.

**2245** **Comment:** *Uncontrolled industrial pollution and municipal waste is degrading the lakes and killing fish. Fish habitat has deteriorated in our lakes as a result of the chemical assault on their habitat.*

**Comment by:** Jake Beeler, John Johnson (Katuah Earth First), 1 unidentified speaker comment (Harrison, TN public meeting), Mary Lee Crews

**Response:** Both point (open pipe) and nonpoint (runoff) pollution sources are adversely impacting environmental quality, including fisheries habitat and fish health. Residential development of reservoir and riverine shorelines results in nonpoint sources of pollution. Industrial and municipal discharges are generally considered point sources because they typically come from an identifiable source. Section 4.10 of the SMI FEIS addresses potential water quality impacts resulting from residential

shoreline development. Major sources of degradation relating to residential development include turbidity and siltation resulting from shoreline erosion and construction activities; runoff of fertilizers, pesticides, and herbicides; and septic system failure resulting in increases in nutrients and fecal coliform bacteria. Impacts can be minimized through managed residential shoreline alterations, as suggested in Section 4.9 of the FEIS. In general, it is not true that fish habitat has deteriorated mainly as a result of chemical pollution, as point-source pollution is regulated under the Clean Water Act. The *Lake Improvement Plan* notes that nonpoint pollution is the major source of water quality degradation.

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**2246** **Comment:** *Section 1.8.7 exaggerates the effect of residential development on aquatic habitat. The largest negative impact on fish spawning is the lack of proper bottom conditions. Poor bottom conditions are mostly caused by the thick layer of dead/decaying aquatic vegetation, mostly in bays, sloughs, and other areas where there is not a swift current.*

**Comment by:** 2 survey comments

**2247** **Comment:** *The fish have lost their habitat due to the channels filling up with mud.*

**Comment by:** Leonard Lankford

**Response:** Section 4.9.1 of the FEIS describes the impact potential of residential shoreline development on aquatic habitat. Managed development can eliminate adverse impacts or even make improvements to existing aquatic habitat, as outlined in Section 4.9.3. Where aquatic vegetation annually grows in dense concentrations, usually in backwater areas such as coves and sloughs, the bottom is often characterized by “mucky” conditions due to decaying plant matter and/or siltation. Nest-building fish such as largemouth bass and bluegill will often still use these areas by “fanning” the nest, which removes silt and muck and exposes the underlying gravel substrate they prefer. However, areas with extensive buildup of silt and muck would deter nest spawners.

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**2248** **Comment:** *Further development from Norris Dam to the Highway 61 bridge will hurt one of the best trout fisheries in the eastern United States.*

**Comment by:** Kenneth E. Johnson, Jr.

**Response:** The Norris Dam tailwater is riverine in nature. Proposals affecting shorelines along riverine portions of the Tennessee River and any tributaries will be addressed on a case-by-case basis. In doing so, TVA’s primary objective would be to limit adverse impacts to these shoreline environments and adjacent aquatic habitats consistent with any SMI adopted policies.

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**2249** **Comment:** *The demise of the spoonbill catfish and mussel in TVA lakes is significant but not related to shoreline development.*

**Comment by:** 1 survey comment

**Response:** The decline in the spoonbill catfish (paddle fish) is largely due to overfishing by commercial fishermen and loss of native habitat when TVA dams were constructed, as this species primarily lives in large free-flowing rivers. See Section 3.11.2 of the FEIS for discussion on mussel communities. Also see response to comments 2251, 2252, and 2253.

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**2250** **Comment:** *The most destructive forces affecting the habitat in the lake are the brailers operating five days per week, dragging their chains over the same area again and again.*

**Comment by:** John Coyle

**Response:** The impact of repeated dragging of freshwater mussel brails on fish habitat has been noted. The state of Kentucky has recognized the potential for adverse impact to fish spawning areas and currently prohibits use of brail equipment in embayments of lower Kentucky Reservoir. Brailing is allowed in main channel areas. No other states have these regulations; however, virtually all brailing activities occur in the main river channel areas, as that is where most commercially valuable mussels are located.

**2251** **Comment:** *There used to be more than 132 species of mussels in the Tennessee River. Since the establishment of TVA, 40 mussels have become endangered. As far as enhancing wildlife, TVA has a long way to go.*

**Comment by:** Pete Wyatt

**2252** **Comment:** *The mussels that filter our drinking water are disappearing. All the mud collecting in the bottom of the rivers is killing them, and soon they will be gone.*

**Comment by:** Leonard Lankford, John Johnson (Katuah Earth First)

**2253** **Comment:** *Some of our indigenous aquatic life is disappearing due to introduced species, some of which TVA has brought in. For instance, the zebra mussel is consuming our native mussels.*

**Comment by:** Curtis Daniels

**Response:** As noted, freshwater mussel populations in the Tennessee River Valley have declined substantially over the past 60 years. A major cause has been habitat deterioration due to the construction of dams impounding much of the original river valley. However, there were numerous other causes of habitat decline, including mining operations, sedimentation, pollution problems (both point source and nonpoint source), sand and gravel dredging, road construction, and logging.

TVA's aggressive Reservoir Releases Improvement Program has significantly enhanced aquatic habitat below TVA dams over the past 10 years. This program has resulted in (1) minimum dissolved oxygen levels of 4 parts per million in water released through the dams, and (2) sufficient levels of water flow to support aquatic life.

The zebra mussel invaded the Tennessee Valley on commercial barges and recreational boats traveling to TVA reservoirs from northern waters. It is anticipated that Tennessee River mussel populations will also suffer negative impacts if the zebra mussel becomes as numerous in TVA reservoirs as in the Great Lakes, where they first became established in the United States.

The only nonnative species TVA helped introduce into the Valley were grass carp (into Gunter'sville Reservoir in the late 1980s to control dense growths of nonnative aquatic vegetation) and northern pike (into Melton Hill Reservoir during the early 1980s to establish a cool-water sport fish in the reservoir). Neither of these introductions had lasting impacts on native species.

**2254** **Comment:** *Alternative C1 would decrease water quality and/or quality of aquatic habitat.*

**Comment by:** 4 survey comments

**Response:** As noted in Section 4.9.3, Alternative C1, which would open additional shoreline for residential access, is anticipated to cause a reduction in aquatic habitat quality. The SAHI score is projected to decline 10 percent from an existing condition average of 24.3 to an average score of 21.8 under Alternative C1. Under the new Blended Alternative the index score is projected to decline 7.5 percent (to 22.4), similar to conditions anticipated under Alternative C2.

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**2255 Comment:** *While I applaud the effort to quantify impacts wherever possible, I am concerned about the lack of rigor in the statistical analyses. For example, there seems to be no rationalization for how good, fair, and poor were determined for the SAHI. Why are each of the categories divided into (almost) equal thirds? Why not use a bell-shaped distribution? Failure to detail how average SAHI scores and average bank stability scores were calculated leaves DEIS readers with little confidence in the reported scores.*

**Comment by:** Mary S. Johnson

**Response:** As stated in Appendix G of the FEIS, the range of potential SAHI values was divided into thirds to provide some description of habitat quality. Actual scores may in fact be normally distributed; however, use of a binomial distribution to assign categories based on the range of potential values would not apply. Appendix G has been modified in the FEIS to clarify how average SAHI values were calculated.

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**2256 Comment:** *While our shoreline under existing TVA regulations is a classic Alternative B1 or B2, I do not believe that the SAHI adequately reflects our actual shoreline aquatic organism diversity. While the SAHI is designed to justify the selection of Alternatives C1, C2, or D, it is a subjective parameter and does not actually measure aquatic organism diversity. A shoreline area with a high SAHI might actually have a low aquatic organism diversity, like TVA's Ocoee Lake. The SAHI value does not take into account aquatic habitat enhancements, such as submerged vegetation, that may be applied by individual residents under Alternatives B1 or B2.*

**Comment by:** Thomas Begley, P.E.

**Response:** As explained in Appendix G of the FEIS, the SAHI was designed to measure aquatic habitat quality with reference to "important" resident sport fish, not overall aquatic organism diversity. The SAHI was derived from widely established habitat suitability indexes along with other sources of information concerning the biology and habitat requirements of designated sport fish and their prey. The SAHI is based on measurements of seven different physical habitat parameters necessary to assure reproductive success, juvenile development, and/or adult feeding for these species. Impacts on other shoreline species are believed to be covered since habitat requirements are similar. Individual parameters were scored or rated by comparing observed conditions along the shoreline adjacent to various land uses with ideal conditions for the species of concern. Measurements were recorded along the shoreline of four representative reservoirs. These results were then used to project shoreline development impacts on the aquatic environment for each of the SMI alternatives.

Information on the aquatic habitat available in association with each adjacent land use, including any enhancements by adjacent landowners, was recorded while traveling parallel to the shoreline during the winter drawdown period. Both onshore land uses and vegetation types were also noted, and scores were assigned for each of the seven aquatic habitat parameters according to a set of scoring criteria.

**2257** **Comment:** *On page 4-25, the existing conditions chart shows good 33 percent, fair (according to your standards) 60 percent, and only 7 percent poor. Usually when something is not broken I do not fix it. Besides all that, the 7 percent might be owned by TVA.*

**Comment by:** Ruth Davis

**Response:** TVA characterized existing conditions to show the way things are today. However, residential shoreline alterations will continue, and the potential for adverse impact is addressed under a range of development alternatives. See Sections 3.11 and 4.9 of the FEIS.

**2258** **Comment:** *For easier public reference, we suggest that the SAHI index be explained on the figure (e.g., 4.9-1) legend, as opposed to only in the text.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** *Figure 4.9-1* has been retitled to include a general description of SAHI.

**2259** **Comment:** *Fishing has deteriorated in our lakes. There needs to be more stocking of bass and other game fish. Do not stock any more hybrids, forage, or rough fish. There are too many nongame fish already.*

**Comment by:** Joseph T. Frye (Frye Enterprises), 2 survey comments

**2260** **Comment:** *I feel more attention should be directed to the lack of fish, especially crappie populations in Cherokee Lake.*

**Comment by:** 1 survey comment

**2261** **Comment:** *Professional guides who purchase nonresident licenses to remove fish from these waters should be classified as commercial fishermen, because they are making money here and taking most of it back to their states. Supposedly, they improve our economy. However, most of them bring their own food, beverages, camping trailers, bait, and gas. They buy a three-day license and leave here with large quantities of fish. Compared to the cost for hatcheries to raise enough stripers, bass, and crappie to replenish the fish they carry away, we do not get much in return.*

**Comment by:** 2 survey comments

**Response:** State fish and wildlife resource agencies are responsible for fisheries management, including stocking and oversight of commercial fishing and professional guides, in all TVA reservoirs. TVA does assist state fish and wildlife resource agencies with sport fisheries by stabilizing reservoir water levels during the peak fish spawning period. Crappie populations on all TVA reservoirs declined during an extended drought period during the mid-1980s. Since that period, crappie populations have improved.

Fishing quality is driven by a number of factors, including fertility of the lake, aquatic habitat quality, prey densities, fishermen-use patterns, established regulations, and numerous other reservoir-specific concerns. Residential shoreline development has the potential to impact shoreline aquatic habitat quality, and therefore, the SAHI was developed to measure the anticipated impacts of development under the various SMI alternatives (see Appendix G).

**2262** **Comment:** *The fish we now catch have sores on them, and the fish are soft even in the wintertime.*

**Comment by:** Leonard Lankford

**Response:** Some TVA reservoirs, over time, have experienced outbreaks of infections causing sores on the skin of fish. This generally occurs when stress on the fish populations combines with favorable conditions for certain types of bacteria and fungus. Reasons for the stress are varied but can include hard winters, low prey densities, pollution, and unusually warm early-spring water temperatures. The warm water provides excellent growing conditions for bacteria and fungus organisms as the fish are trying to maintain increased metabolic rates prior to reproduction with a limited food source.

Residential shoreline alterations could increase the occurrence of skin lesions in fish if the alterations resulted in additional stress to fish (i.e., higher pollutant levels through runoff of herbicides and/or pesticides, increased erosion degrading existing substrate, etc.). Impacts can be minimized through managed development.

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**2263** **Comment:** *The use of gill nets for catching fish is hurting game fish populations. Does TVA have any control over this practice?*

**Comment by:** 1 evaluation form comment (Memphis, TN), 3 survey comments

**Response:** The state wildlife resource agencies regulate commercial fishermen and use of illegal fishing gear. Commercial gill net fishermen are restricted to large mesh size which limits the catch of most sport fish, except for large individual striped bass and walleye. While there is some incidental catch of sport fish such as crappie, bluegill, largemouth, smallmouth, spotted bass, white bass, walleye, sauger, catfish, and the introduced striped bass, the occurrences are not sufficient to adversely impact these populations.

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**2264** **Comment:** *We suggest that fish-spawning structures (page 2-10) be defined in the FEIS.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** The glossary has been amended to include a definition of *fish-spawning structures*.

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**2265** **Comment:** *We need a ladder at John Sevier Dam. Virginia has offered to cost-share.*

**Comment by:** 1 survey comment

**Response:** During the 1970s and 1980s, TVA researched the possibility of installing fish ladders to bypass the retention dam at John Sevier Steam Plant as part of Clean Water Act compliance. Existing fish passage technology was found to be insufficient, so it was jointly determined by Tennessee Wildlife Resources Agency (TWRA) and TVA to annually stock fingerling walleye/sauger and paddlefish to maintain these populations in Cherokee Reservoir. TWRA later agreed to maintain these species populations. This agreement was accepted, and TVA no longer participates in supplemental stocking or monitoring of fish populations in Cherokee Reservoir or the Holston River above the reservoir.

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**2266** **Comment:** *Get out of fish management and leave it to Tennessee Wildlife Resources Agency. That is what they get paid for.*

**Comment by:** 1 survey comment

**Response:** State wildlife resource agencies have primary responsibility for fisheries management. However, TVA does participate in habitat management, such as the installation of fish attractors, shoreline erosion control, and pollution abatement, to improve the environmental quality of the reservoirs. If requested, TVA also works very closely with TWRA and other agencies on fish management programs.

## Water Quality

During the 1996 public scoping process, some citizens or groups expressed concern about water quality. Their concerns included issues such as:

- Importance of water quality
- Water quality indicators
- Impacts of development on water quality
- Impacts of the alternatives on water quality
- TVA's responsibility for water quality
- Lawn and house chemical runoff
- Nonpoint source pollution
- Siltation
- Septic tank and houseboat sewage
- Wastewater discharges and dumping
- Point source pollution

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**2267** **Comment:** *It is possible that, in the future, the lakes will be needed to supply water for residential and/or commercial use.*

**Comment by:** 1 survey comment

**Response:** It is a certainty that, in the future, TVA lakes will be used to supply water for commercial and residential use; therefore, it is imperative that water quality be maintained.

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**2268** **Comment:** *I am concerned about the degradation of the water that is coming downstream. It obviously has a very low oxygen level. We have had discussions with TVA over many years, so TVA is aware of this problem; yet, nothing has been accomplished.*

**Comment by:** Joe Cashion

**Response:** Beginning in 1991, TVA began a \$50 million program to improve dissolved oxygen downstream of numerous TVA dams. Since then, dissolved oxygen concentrations have been improved in nearly 300 miles of Valley waters. At the same time, minimum flows have also been increased.

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**2269** **Comment:** *In the Executive Summary, water quality is described as "generally considered good." Recent (non-TVA) reports have indicated that the Tennessee River is one of the most polluted in the country. Has TVA used inadequate "indicators" in its determinations?*

**Comment by:** 1 survey comment

**2270** **Comment:** *I do not know why phosphorus was chosen for the indicator nutrient, but there are many other pollutants. Nitrogen, for example, is a major pollutant that comes from farming and fertilizing activities along the lake.*

**Comment by:** Luci Bell

**Response:** Waters of the Tennessee River system typically meet state water-use classifications for fishable, swimmable, and drinkable and are therefore generally considered “good.” The water quality factors potentially affected by residential shoreline development are levels of added nutrient, increased sedimentation to reservoirs, and the inflow of fecal coliform and disease-causing organisms. Indicators for these concerns are included in this FEIS which assesses the environmental impacts of residential shoreline development under seven alternative policies. For nutrient inflow, phosphorus was chosen as a water quality indicator, because it is primarily the limiting nutrient for algal growth in the Tennessee river system. Increased algal growth in turn leads to associated water quality problems.

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**2271** **Comment:** *Further development, both residential and commercial, would adversely impact water quality. Siltation from development, nonpoint-source pollution from farms, houses, and shopping centers, and point-source pollution from factories and industries all add up to major problems. They affect cities which are providing water supplies for their citizens, recreational and tourism interests that make a living based on clean water for fishing, boating, and hiking.*

**Comment by:** Barbara Price (Friends of the Tennessee River), Glenda Coffey, Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), Gloria Reagon Price, J. C. Kennedy, John L. Whisler, Jr. (United States Army Corps of Engineers), William C. Reed, Sr.

**2272** **Comment:** *The DEIS states Alternative C would protect against nutrient enrichment. Population density plays a much bigger role.*

**Comment by:** Thomas Begley, P.E.

**Response:** Increased shoreline development in the Tennessee Valley watershed will certainly have an environmental price. That cost can be mitigated by applying best management practices, such as establishing SMZs and by managing the quality and amount of development along TVA shoreline property.

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**2273** **Comment:** *TVA concludes that additional development will be detrimental to water quality. However, with public education and enforcement of current EPA regulations, there is no reason to believe water quality would decrease.*

**Comment by:** 1 survey comment

**Response:** Public education and enforcement of current federal, state, and local regulations do play a role in constraining impacts to water quality from development. The cumulative impacts of numerous individual actions are not typically well addressed.

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**2274** **Comment:** *This DEIS cost a great deal of money but does not solve the main problems of water quality. The main problems are factories dumping chemicals, cities dumping untreated sewage, and collection of dead water weeds and scum on the water.*

**Comment by:** 1 survey comment

**2275** **Comment:** *Why do we allow the bureaucracy and big business to pollute and then ask the citizens to pay for their mistakes?*

**Comment by:** 1 survey comment

**2276** **Comment:** *The proposal states that the water quality in the Tennessee River is generally considered good. At the same time, Tennessee Wildlife Resources Agency (TWRA) has issued warnings regarding the consumption of fish from Fort Loudoun Lake, and there are a few areas where swimming is not permitted. Also stated is that input from public meetings has suggested that possible causes are residential communities because of runoff from lawn fertilizers and other chemicals, as well as that from failed septic systems. Any follow-up investigation might have shown otherwise. Most lakefront property owners depend on private wells for their water supply, and very few have sprinkler systems to maintain a lawn. Because of this, a lack of consistent rainfall, and UV rays reflecting off the surface of the water, our lawns are the result of weeds, crabgrass, and a sharp lawnmower blade, none of which require much encouragement from chemicals. Similarly, there appears to have been no investigation into the extent of failed septic systems alleged to contribute to the problem. It is unlikely that any significant number of lakefront residents would put up with raw sewage in their backyards without taking some corrective action.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**2277** **Comment:** *No distinction has been made between single-family development and multi-family development. Single-family development (SFD) has minimal impact on the criteria in question, while multi-family development (MFD) has a tremendous impact. This is not a well-known fact that is rigorously addressed in any city or county development manual. The effects of MFD are compounded around TVA lakes because of the rocky soils, rugged terrain, and lack of proper utilities. A septic field in poor soils may suffice for a SFD; however, there are very few areas that can support a septic field for an MFD on Norris Lake. During the nine years I have lived on Norris Lake the most serious threats have come from industrial development (Powell Valley Foods), mining (Caryville), MFD (failed septic fields), pig and cattle farming (fecal coliform, nutrients), marinas and houseboats (sewage), and campers (trash). I have not yet seen a serious problem from single-family development.*

**Comment by:** 1 survey comment

**2278** **Comment:** *I disagree that residential development along shorelines is the main contributing factor affecting water quality. To contend that nonresidential pollution sources are outside the scope of the proposal when water quality is within the scope seems incongruent.*

**Comment by:** 2 survey comments

**2279** **Comment:** *Now that the government is going to regulate residential development on our lakes, why do they not control what businesses dump into our waters? Far more harm is done here than with residential development. We cannot eat more than one pound of fish taken from our waters because of pollution. Are your efforts aimed in the right direction? You need to work harder to clean up our lakes.*

**Comment by:** 2 survey comments

**2280** **Comment:** *The extremely detrimental effect of "industrial/commercial processes" (page 22, Executive Summary) is almost totally ignored in the SMI DEIS. More damage has already occurred to this water system by industrial/commercial processes than will ever be caused by all of the imaginable residential development; yet, so far industrial development is only 0.5*

*percent of the shoreline. If this SMI for residential development diverts resources and attention from eliminating industrial pollution, it will do a great disservice to the public and cause more damage to the water system.*

**Comment by:** 1 survey comment

**Response:** The purpose of SMI and this EIS is to decide on a Valleywide policy that will minimize adverse impacts to water quality and other resources, while allowing adjacent residents reasonable access to the water. Although SMI will not solve all of the existing water quality problems in the Tennessee River, TVA is concerned about them. TVA works with other federal, state, and local agencies to address several water quality problems outside the scope of this assessment. In addition, nonresidential sources of pollution were considered when assessing the cumulative impacts of residential shoreline development on water quality. Also, permitting decisions about developments on individual reservoirs and the effects of pollution on water quality and other shoreline resources will again be assessed in site-specific environmental reviews, as appropriate.

Analysis of data from TVA's water quality monitoring network indicates that water quality in the Tennessee River is generally good. However, there are specific locations where fish consumption and recreation advisories exist due to localized contamination. Failing septic systems have been documented on TVA reservoirs. However, both failing and properly operating systems contribute nutrients throughout the TVA reservoir system. Sources of factory chemicals and untreated sewage have been reduced since passage of the Clean Water Act. Implementation of TVA's *Lake Improvement Plan* (TVA, 1990b) has led to additional improvements in water quality and aquatic habitat in about 300 miles of the Tennessee River system. The effects of other contributing sources are factored into the analysis of baseline and buildout conditions for water quality in the Tennessee River Valley (FEIS Sections 3.12 and 4.10).

As the number of individual, minor residential shoreline development activities continues to expand, the cumulative effects on water quality and other resources increases. Multi-family developments do have a higher potential for pollution from failed septic systems and wastewater than single-family dwellings. However, since properly working septic systems can also add nutrients, both single- and multiple-family dwellings may make substantial contributions to the overall problem. The way to reduce these potential impacts is to decrease the amount and density of residential shoreline alterations and to establish SMZs.

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**2281** **Comment:** *The writers of this document have started with good water quality statements and facts, then state half-truths which do not explain the total picture, and then go on to practice bad science by coming to alternative conclusions which are not warranted or correct.*

*I totally agree with the EPA's finding that siltation and nutrients are the pollutants most responsible for nonpoint-source impacts to the nation's surface waters. Municipal-point sources are also a major source of nutrients into our nation's surface waters, even when cities utilize effective and successful secondary wastewater treatment. Secondary wastewater treatment does not effectively remove nitrogen or phosphate nutrients to any significant degree. Properly treated domestic sewage will add a significant nutrient load to receiving waters, and that load is directly related to population of the city.*

*The DEIS makes the statement that "residential development along the shoreline and backlying properties generates both sediment and nutrients which, without proper land use practices, are ultimately carried into the reservoir." Any residential development in the entire watershed, including towns and cities, will add nutrients to the reservoir. Likely, the nutrient loads from the cities of Chattanooga and Knoxville are larger than the nutrient loading from*

*all residential shoreline development on the Tennessee River System (TRS). Natural erosion from wind and wave action and urban storm water runoff are much larger sources of sediments in the TRS than residential shoreline development. If water quality regulations are to be put into effect, they should take into account pollutant loading sources throughout the watershed of the TRS. I seriously doubt TVA's report contention that "proper land use practices" will have any significant impact on water quality when compared to existing standards and practices.*

*I find the following statement under Municipal Sewage (DEIS Section 3.12.2) to be extremely misleading. "Reservoir water quality impacts from residential shoreline development currently come from failing septic systems or inadequate sewage systems, which contribute nutrients and potentially disease-causing bacteria and viruses." While that statement may be true in regard to potentially disease-causing bacteria and viruses, it gives the misleading impression that a properly designed and operated septic system or sewage treatment system has the capacity to remove nitrogen and phosphorous nutrients. Our secondary municipal treatment systems do not remove nitrogen nutrients, nor are they designed to, since phosphorous nutrients are generally the limiting nutrient in most eutrophication problems. In addition, secondary biological treatment is not effective to any significant degree in removing phosphorous nutrients.*

*The statement that a study conducted by Swanson Environmental found that septic systems were failing and contributing to elevated nutrient levels to embayments on Gunterville Reservoir is also ambiguous. It gives the dubious impression that this eutrophication problem could be solved by using properly operating septic systems. The statement that "Accelerated lake eutrophication in other areas of North America has been linked to malfunctioning domestic sewage systems" again gives the errant impression that a properly operated domestic wastewater system is effective at removing nitrogen and phosphorous nutrients from domestic sewage. Even the best designed and operated domestic wastewater treatment systems contribute significant amounts of phosphorous nutrients in their treated wastewater discharge. While it is true that intensive shoreline and back area development may increase local embayment nutrient enrichment, this is more related to the total number of septic systems and the surrounding domestic population. To imply that properly designed and operated domestic secondary treatment systems and septic systems would significantly reduce lake phosphorous concentrations is ridiculous.*

**Comment by:** Thomas Begley, P.E.

**Response:** The purpose of SMI is to decide on a Valleywide policy that will minimize the effect of residential shoreline alterations on water quality and other resources, while allowing adjacent residents reasonable access to the water. TVA has other programs, such as the Clean Water Initiative, working in cooperation with state and federal agencies, interest groups, and individuals to address other potential pollutant sources in the Tennessee River watershed.

TVA agrees that secondary treatment and septic systems remove little nitrogen and only a portion of the phosphorus nutrients. In FEIS Section 4.10.2, TVA states that some incremental increase in nutrients will occur with any level of increased residential shoreline development. TVA's *Lake Improvement Plan* (TVA, 1990b) recognizes and acknowledges the importance of additional nonpoint sources contributing to nutrient and water quality problems. The description of current conditions for nutrients in the Tennessee River system (FEIS Section 3.12) takes into account existing sources and levels of nutrient. We have appropriately amended sections of Chapters 3 and 4 to clarify these points.

**2282** **Comment:** *The importance of good water quality is grossly underestimated. It is not only important to wildlife but to humans also, as an essential element for consumption and a luxury for recreational users. Increased development along our lakeshores inevitably means increased pollution in our lakes. This will occur to some extent despite any precautions. It is easy for an individual to rationalize that a few things that he or she does, such as fertilizing the lawn or staining the house or deck, will not significantly affect the environment, and they are probably correct. What that person does not realize is that there are hundreds of people like them, creating similar environmental hazards. The intentions of these folks are seemingly good, but the long-term consequences will be felt by all of us.*

**Comment by:** Randy Wetzel

**Response:** Comment noted.

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**2283** **Comment:** *Development influences on water quality will be more cumulative in tributary lakes, where turnover rates are much less, than in mainstream projects.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**2284** **Comment:** *Please consider different management strategies for mainstream and tributary lakes so that eutrophication problems on tributary lakes can be avoided. Perhaps TVA should provide planning and arrange financing for rural wastewater treatment systems serving residences along tributary shores.*

**Comment by:** 1 survey comment

**Response:** Reservoir management plans which provide opportunities to address local issues and adopt differing strategies for individual reservoirs are developed under TVA's reservoir land management planning process. As discussed in the Water Quality section of the FEIS, the potential for cumulative impacts from residential shoreline development is more likely in the tributary reservoirs. Responsibility for wastewater treatment is a coordinated function of the states and the EPA and is not part of TVA's mandate.

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**2285** **Comment:** *Alternative C1 would increase nutrient levels in embayments and result in a moderate increase in sites not meeting water quality criteria for recreation. In this era when EPA is promoting ecological restoration, sustainable development, and watershed management, the preferred alternative is weak in comparison.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation), 5 survey comments

**2286** **Comment:** *TVA's failure to offer any proposed remedial efforts to correct the problem of nutrient additions causing likely water quality degradation to embayments on tributary reservoirs under Alternatives A, B1, B2, and C1 is very short-sighted.*

**Comment by:** 1 survey comment

**2287** **Comment:** *Alternative C2 appears to be the better compromise, because it limits residential shoreline alterations to shoreline currently in the open category, which is crucial to maintaining and/or improving current water quality in the reservoirs.*

**Comment by:** Joe W. McCaleb

**2288** **Comment:** *As shown by the public meetings, there is great concern in the Tennessee Valley over water quality, particularly for municipal and industrial use. Water quality could be protected by control of bank erosion, protection of wetlands, and reduction of fertilizer and chemical runoff. These factors would be the lowest, with some others, under Alternative C2. Alternative C2 would also be among the lowest—and lower than Alternative C1—for potential violations of state water quality criteria due to bacterial contamination.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** The goal of SMI is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources, while continuing to allow residential access. TVA estimates that Alternatives B2, C2, D, and the Blended Alternative would result in less residential shoreline development at buildout (about 38 percent of the shoreline) than Alternatives A, B1, and C1 (63, 63, and 48 percent, respectively). Considering the standards proposed for the Blended Alternative, its impact on water quality would be very similar to that of Alternative C2.

**2289** **Comment:** *According to Table 2.9-1 in the DEIS, under every alternative there is an increase in the number of areas violating the Tennessee water quality laws. In other words, the bacteria levels would be so high that people could not have contact with the water. Lakes like Gunterville have four million lake users a year. We are concerned that such an alternative can even be proposed when it violates state law.*

**Comment by:** Michael A. Butler (Tennessee Conservation League)

**Response:** TVA agrees that development along the lakeshore inevitably causes impacts to water quality—either from nutrient additions, chemical use, and/or bacterial contamination from septic tanks (which are not allowed on TVA property). However, on a systemwide basis, the potential for large increases in the number of sites not meeting state water use criteria is very small. Local issues that may have a greater potential risk would be evaluated in reservoir- or site-specific environmental reviews and addressed by working with local and state officials, as appropriate.

The assessment acknowledges relative levels of risk among the alternatives. However, it does not propose that implementation of any particular alternative would lead to violations of state law. Alternatives B2, C2, D, and the Blended Alternative would result in the least risk.

**2290** **Comment:** *TVA needs to concentrate on cleaning up the water and monitoring water quality.*

**Comment by:** Barbara Alexander, William S. Stewart, Brooke Bradley (Tanasi Girl Scout Camp), Catherine Murray (Sierra Club, State of Franklin Group), Glenn James, Jackie Tipper (League of Women Voters of Shoals), Jim Blasingame, Jim Richardson, John Sapper, Judy Fletcher, Kenneth E. Johnson, Jr., Mark Shulman, Rex Dove, Scott Koenig, Warren Earle, 1 evaluation form comment (Florence, AL), 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Harrison, TN), 3 survey comments

**2291** **Comment:** *Stop pollution of our air and water. Let us work together as a team.*

**Comment by:** 1 evaluation form comment (Florence, AL)

**2292** **Comment:** *Continue rules to prevent erosion and pollution. I have quit swimming in Woods Lake because it gives me a cold, but Tims Ford is still clean.*

**Comment by:** W. Paul Dixon

**2293** **Comment:** *We believe our proposals are not completely covered in TVA's six alternatives. The main goal that should be achieved in the SMI is improving water quality on the entire TVA system to the extent that body contact with the water and eating fish in the reservoirs would not be detrimental. Another important issue is reducing incoming pollutants, liquid and solid, and controlling erosion, all to the point that the entire system would no longer need signs warning against polluted waters. Presently there is no control on most tributaries to prevent the dumping of raw sewage and solid wastes into the system.*

**Comment by:** Marvin Johnson (Tennessee Valley Sportsmen's Club)

**2294** **Comment:** *About half the time we want to swim at the bottom of our lot, we do not because the water looks too dirty. We are afraid of the water quality.*

**Comment by:** 1 survey comment

**2295** **Comment:** *It is a true disgrace that 50 years after construction, TVA lakes are polluted to the point that the water is unsafe for drinking and, in many areas, for swimming; and that many species of fish have been rendered unfit for human consumption.*

**Comment by:** 1 survey comment

**2296** **Comment:** *The Tennessee River has recently been rated the fourth most polluted river in the U.S. and the most polluted in Alabama.*

**Comment by:** William D. Stokes, 1 survey comment

**2297** **Comment:** *In 1995 there were 11 public "no water contact" advisories because of fecal coliform bacterial contaminations. In 1993 and 1994 there were 14 areas in Tennessee alone that did not meet the criteria. In 1994 there were 10 advisories against eating local fish. There were two precautionary advisories. In 1994 aquatic life quality for four lakes decreased to "poor." Five lakes had higher algae content since recording began in 1991; all nine lakes reported lower bottom-life ratings. Lake Guntersville ranked the highest in eutrophication of any of the nine mainstream lakes. This plays a large role in our aquatic plant population, which is also the highest. Lake Guntersville ranked last of 14 TVA lakes for daily average number of fish caught in bass tournaments. I submit to TVA the request that the zero development policy be instituted until the present critical stress level on our water quality is addressed and corrected to the extent we can safely swim, drink, and fish in our waters. With the watershed in its present condition, any further developments are unthinkable and subject to litigation.*

**Comment by:** William D. Stokes

**2298** **Comment:** *Water quality is pathetic. The fish in our area are smaller than normal and have spleens and hearts that are not right. We have DDT and PCBs and chemicals that cause brain cancer in our water. A person cannot eat the fish. There is raw sewage in the water. No one has even tested the water for salmonella.*

**Comment by:** James W. Northington, M.D., Shirley Hodges (Save Our Parks)

**Response:** TVA is aware of the water quality problems in the Valley and is actively working to correct those that it can. Many water quality problem areas fall under the jurisdiction of state water pollution agencies, since TVA does not regulate or enforce water pollution laws. The Clean Water Act currently has provisions for state and federal programs to eliminate or reduce the inflow of raw sewage.

As part of TVA's Clean Water Initiative, TVA has developed the most comprehensive monitoring program in the country. TVA checks conditions at key locations on lakes and major streams in the

Tennessee River system to see if the water supports the demands that are placed on it. This information, combined with other data, is used to draw attention to pollution problems, set cleanup goals, and measure the effectiveness of water quality improvement over time. TVA has multidisciplinary teams of water resource specialists who work in the watersheds of the Tennessee River. Their job is to look at all sources of pollution. They pinpoint problems, identify effective solutions, and bring together the people and organizations necessary to improve the health of the water resources in each location. As TVA's River Action Teams identify specific water quality problems, TVA scientists look for more efficient and effective methods to control pollution. For example, TVA is working with Valley farmers to control contamination from animal waste. In some situations, TVA cost-shares with area farmers, enabling them to develop alternative water supplies for their animals and thus keep them out of streams and rivers.

**2299** **Comment:** *TVA is doing a super job keeping water quality as good as it is; and we thank you for that, since we have a lot of barge traffic and heavy usage.*

**Comment by:** 4 survey comments

**Response:** Comment noted.

**2300** **Comment:** *Many citizens attending scoping meetings expressed the desire for TVA to take a more active role in controlling pollution sources. TVA is also considering a stronger role in regulating shoreline activities. The DEIS should, at a minimum, briefly summarize existing state or federal regulatory programs such as the Division of Water Pollution Control's Aquatic Resource Alteration permits, so that the public will have a better sense of existing pollution control programs and will be able to better judge the extent of additional authority needed by TVA to meet the desired management objectives.*

**Comment by:** Gregory M. Denton (Tennessee Department of Environment and Conservation)

**Response:** Several state and federal regulatory programs address water quality issues in the seven-state region of the Tennessee River Valley. Applicable state and federal laws are identified in the FEIS. TVA is not seeking additional authority under any of the shoreline management alternatives.

**2301** **Comment:** *EPA is familiar with specific areas of water quality concern within the TVA reservoir system, including Boone Lake near Bristol (Tennessee) and Lake Normandy near Tullahoma and Manchester (Tennessee). Boone Lake has marginal water quality due to sewage treatment plant discharges and shoreline development, and Lake Normandy has marginal water quality due to development. Lake Normandy is the sole source of drinking water for Tullahoma and Manchester, which have had to introduce charcoal filtration to improve drinking water. Under the TVA reservoir management strategy, such existing water quality problems should require special TVA attention, so that additional development at such sites should be disallowed, reduced, or at a minimum controlled until water quality is substantially improved. Management plans should allow for such control over eutrophic or otherwise overdeveloped reservoirs. The FEIS should document reservoirs with existing water quality problems.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** The SMI FEIS addresses cumulative impacts as a policy or programmatic level review. Under Alternatives C1, C2, D, and the Blended Alternative, proposed residential shoreline development standards are intended for protection of the environment (see FEIS Chapter 2). These standards would be implemented on a TVA systemwide basis.

Reservoir land management plans developed for individual reservoirs, such as Boone or Normandy, will address localized issues. Residential shoreline development on Normandy Reservoir is negligible. The referenced water quality issues are related to reservoir drawdown levels and naturally occurring reservoir processes, as well as development elsewhere in the watershed. Boone Reservoir does have a high percentage of residentially developed shoreline. Marginal water quality has resulted from factors such as sewage treatment plant discharges and the high level of residential shoreline alterations. Site-specific reviews of individual permit actions will result in further examination of these effects on water quality, as appropriate.

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**2302** **Comment:** *According to Section 3.12.2 on page 3-35, agricultural and industrial pollutants (including PCBs, DDT, chlordane, dioxin, and mercury) may be found in river and reservoir bottom sediments. We recommend that the FEIS include a brief discussion of the effects of dredging and water-use facility construction on resuspension of these pollutants into the water column.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Chapter 4 of the FEIS has been modified to include a brief discussion of the effects of dredging and water-use facility construction on resuspension of these pollutants. Only a very small percentage of sediment in the TVA river/reservoir system has PCB, DDT, chlordane, dioxin, or mercury levels of concern. It is probable that dredging or other sediment-disturbing activities in contaminated areas could suspend contaminated sediments. This could result in a redistribution of sediment, possibly diluting contaminant concentrations, or it could make contaminants available for transport into aquatic life or to human exposure, depending on the contaminant involved and ambient water quality conditions. However, when TVA 26a permits and/or USACE 404 permits are required, assessments would be performed to ensure pollutant resuspension does not occur or is mitigated to acceptable levels.

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**2303** **Comment:** *Page 3-35, paragraph 1, reads "Chemical-laden lawn runoff from insect- and weed-killers has not been associated with any fish-consumption advisories." A citation is not provided as authority for this statement. Chlordane, widely used historically for residential termite control, has been associated with fishing advisories in Tennessee.*

**Comment by:** Gregory M. Denton (Tennessee Department of Environment and Conservation)

**2304** **Comment:** *Lawn fertilizer and chemical runoff should be banned or strictly controlled.*

**Comment by:** 2 survey comments

**2305** **Comment:** *Use of poisons and pesticides, especially herbicides and insecticides, should be banned on all natural preserves and public areas of TVA lands, unless done in special circumstances by TVA biologists with proper controls.*

**Comment by:** Thomas A. Brindley, Ph.D. (Tennessee Valley Birdwatchers Society), 2 survey comments

**2306** **Comment:** *The use of herbicides or pesticides for landscape maintenance should be in accordance with the principles of integrated pest management. The least toxic pesticides that are effective in controlling the target species should be used.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**2307** **Comment:** *No stains or paints that are harmful to fish or aquatic life should be used on homes and buildings along the shoreline (I stain homes and pressure wash them professionally). The stains and preservatives that I have seen have warnings that these chemicals are hazardous to fish and aquatic life.*

**Comment by:** 1 survey comment

**2308** **Comment:** *Commercial and residential development are causing water quality problems. For example, the stain used on houses carries a warning that it is dangerous to fish habitat. The spraying and washing of 100,000 houses and boat docks will eliminate the fish population.*

**Comment by:** John Young

**Response:** Chlordane has been associated with fish consumption advisories in Tennessee, as suggested. It is not known whether the source is lawn runoff or improper chemical use and disposal. Chapter 3 of the FEIS has been amended to reflect this information.

TVA does not have the authority to regulate the use of chemicals on private homes located on private property. However, the SMZ proposed under Alternatives C1, C2, D, and the new Blended Alternative would help to prevent lawn and house chemical runoff from reaching the lake. Under these alternatives, TVA would also produce and distribute informational materials to raise the homeowners' awareness about issues such as the ones mentioned in these comments.

**2309** **Comment:** *Page 3-37, paragraph 3, reads "The state of Tennessee has issued public advisories against water contact at 10 sites in TVA reservoir embayments or at the mouths of streams entering TVA reservoirs. All of the sites were due to runoff from urbanized areas." A reference is not provided for this statement. While this is a small point, I could not confirm the number cited. I counted: Stringers Branch, Chattanooga Creek, First, Second, Third, Goose, Beaver, Cash Hollow, Sinking (Washington County), Turkey, Leadvale, Sinking Creek embayment (Knox), and the Little Pigeon River. In addition, the division issued (June 25, 1996) an advisory on an unnamed tributary to the Big Sandy embayment on Kentucky Reservoir. It is not accurate that all these advisories were caused by urban runoff.*

**Comment by:** Gregory M. Denton (Tennessee Department of Environment and Conservation)

**2310** **Comment:** *The most serious problems with regard to water quality are caused by highway/interstate runoff; urban, industrial, commercial development; chemical runoff from farms and residential property; and community water treatment and storm water runoff. It is difficult to believe these are much affected by residential development itself. Banning chemical fertilizers could solve that problem easily enough.*

**Comment by:** 2 survey comments

**Response:** TVA agrees that urban runoff is not the sole source for the water-contact advisories. Inefficient wastewater systems and combined sewer overflows are primary causes. The Leadville site has been removed, and the area of the Little Pigeon River indicated does not enter a reservoir. The advisory for the tributary to the Big Sandy embayment has been added. The number of sites cited in the FEIS has been amended to reflect these changes.

TVA agrees that all of the mentioned factors, in concert or sometimes individually, can and do adversely impact water quality. Banning the use of fertilizers on private property is probably not going to occur in the near future. However, through its Clean Water Initiative, TVA is working with farmers and citizens in the Valley to reduce impacts to water quality from agricultural and urban runoff.

**2311** **Comment:** *Now that the river is dammed and controlled, it is in a state of eutrophication.*

**Comment by:** John Johnson (Katuah Earth First)

**Response:** Refer to Section 3.12.2. Some reservoirs have higher nutrient loads due to a combination of circumstances, such as watersheds with more agriculture, urban areas, or particular point sources, or water retained for longer periods of time within the reservoir.

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**2312** **Comment:** *Cherokee Lake has a very high pH reading.*

**Comment by:** Jerry Baird

**Response:** Because of the growth of algae during the summer, it is not uncommon for a lake to experience elevated pH levels (e.g., 9.0).

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**2313** **Comment:** *Pollution and runoff from residential shoreline must certainly be considered, but it is very small compared to other factors. Consider the recent multiple, massive fish kills in Lake Wilson due to crop spraying and sloughs formerly 30 feet deep that are now only 4 feet deep, due to silt in runoff from cotton fields. The problems extend back farther than the shoreline property.*

**Comment by:** 1 survey comment

**2314** **Comment:** *A major problem where I live is agricultural runoff. The water turns bright coffee brown for 50-100 feet along the bank during bad rains. The people in the slough at Paradise Shores really suffer when this happens. Silting of the river causes numerous problems. Runoff carries chemicals farmers use, and many of them degrade the quality of our water and harm plants and aquatic life. This should be remedied.*

**Comment by:** Keith Dicken

**2315** **Comment:** *If TVA is really interested in protecting our shorelines, it should ban all farm animals from the shoreline. They keep it muddy and break down the banks of the lakes which, in turn, fall into the water, thus damaging the shorelines and polluting the water quality.*

**Comment by:** Roy E. Hicks

**2316** **Comment:** *Although I have built two ponds, I have cattle on a portion of my property that do occasionally drink from the river. Cattle have had this right long before TVA was created and also since. In view of the fact few cattle do this now, they should be allowed to continue this practice.*

**Comment by:** 1 survey comment

**2317** **Comment:** *Cattle and other livestock are causing more waste problems than septic tanks.*

**Comment by:** George J. Jeram, 1 survey comment

**2318** **Comment:** *Agricultural pollution (e.g., livestock waste and chemical runoff) are important issues facing our lakes and shores and should be controlled.*

**Comment by:** 2 survey comments

**Response:** TVA does not own all of the lake shoreline in the Tennessee Valley. Also, some landowners have legal watering rights for their livestock. TVA is working with livestock owners through its Clean Water Initiative to find alternative water sources and to reduce the impacts caused by livestock watering in the reservoirs. TVA is aware of the other water quality problems caused by general agricultural runoff, but this issue is not in the scope of this FEIS, except as it might relate to cumulative impacts assessment.

Both failing septic systems and runoff from cattle operations can have adverse impacts to water quality. The magnitude of the difference is determined by the size or number of sources within particular watersheds. It is true that a few cattle using a stream could have only a limited impact on water quality, depending upon the size of the stream and the number of cattle or other livestock using the stream. However, if several farms along the stream have livestock with direct or indirect access to the water, the cumulative impacts can be devastating to the water quality of that stream.

**2319** **Comment:** *I used to be able to look into the water and see crappie spawning. Now the mud is 3 to 4 feet deep and full of worms and parasites.*

**Comment by:** Leonard Lankford

**2320** **Comment:** *Certain reservoirs were understandably considered outside the DEIS scope since they are outside the Tennessee Valley (Section 1.3). The Nolichucky Reservoir, although within the Tennessee Valley, was also considered out of scope. Shoreline development is now of minimal interest there, due to heavy siltation's making it nonnavigable. Has the cause of such siltation been resolved? Is it an unresolved issue in any other TVA reservoir?*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**Response:** Runoff from various nonpoint sources has caused extensive siltation in some reservoirs. One purpose of the SMI is to prevent additional occurrences.

The sources of silt going into Nolichucky Reservoir were abandoned mica and feldspar mines. These were reclaimed approximately 10 years ago, and silt inflows are now controlled. Erosion in the Copper Basin, which historically caused heavy siltation in Ocoee Reservoirs 1, 2, and 3, has also been greatly reduced by intensive reclamation.

**2321** **Comment:** *Although the DEIS generally does an adequate job in describing the environmental perturbations and stresses placed upon the shoreline by increasing urbanization, we are concerned about the impacts of increased numbers of potential septic tanks and drainage fields that would be situated near surface waters as a consequence of shoreline development. EPA's recent experience in dealing with water quality in Sand Mountain, Alabama, indicated 19 percent septic tank failures. As a consequence, substantial amounts of sewage effluent were in direct contact with the ground water, which added nutrients to local surface waters, notably Lake Guntersville. The drain fields failed when soils became hydrated, either from excessive amounts of effluent being applied to the drain field soils or from being situated in unsuitable soils or geology such as porous, sandy soils or rock which drained too fast, allowing contact with the ground water. Drainage fields that become inundated will result in the conversion of soil bacteria from aerobic to anaerobic forms, and the latter cannot adequately metabolize and treat tank effluent. Unless infrastructures are implemented for existing and future residences along reservoir shorelines, one of the cumulative impacts of shoreland development will be the proliferation of septic tanks and subsequent nonpoint source impacts on ground or surface water quality. Although there are concerns for*

*fecal coliform bacteria and nitrogen, the nutrient of concern in the TVA system is phosphorus which has been identified as being the limiting nutrient for algal growth. We recommend that TVA more thoroughly examine by alternative nutrient loading to TVA reservoir surface waters in the FEIS.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**2322** **Comment:** *We assume TVA is aware that some states, including Tennessee, require a 25-foot setback for a septic tank, which is the most common wastewater system in many rural and urban communities along the river. The bottom of the septic tank must be above the mean high pool control. These requirements may have impacts on siting specific residences.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**2323** **Comment:** *None of your proposals will significantly improve Watts Bar. TVA has not addressed the real problem with the lake, which is that it is terribly abused. The cove that I live in receives storm drainage that is full of septic water. For years a lakefront residence here has drained sewage into the lake. The creek that feeds the cove receives oil and grease runoff from a junk car lot that borders the creek and livestock runoff from several farms.*

**Comment by:** James B. Baker

**2324** **Comment:** *I am very concerned about the future of water quality in Tims Ford Lake and the loss of the aesthetics of an undeveloped shoreline if development continues. When existing subdivisions are fully developed, there will be a doubling of the houses on the lake using septic tanks as their means of waste disposal. The development of any further subdivisions will only exacerbate the risk of water pollution; they will most certainly degrade the aesthetics of the lake environment. Living on a lake is an attractive way of life. It is not TVA's responsibility, however, to provide this opportunity without compensating the public for the loss of aesthetics and environmental quality. Without a mechanism to achieve this compensation, there is no longer a public benefit from additional development. The public's interests are now best served by continued expansion of the state park, and by the retention of a quality lake environment. If TVA does allow continued development, then they must make as a requirement of such development the provision of adequate waste disposal through properly engineered waste treatment facilities.*

**Comment by:** Michael E. McGuire

**2325** **Comment:** *Sewer systems are generally not available for a residential shoreline development. We are concerned about the rate of shoreline development and potential contamination of the reservoir waters from septic tank failures. Some septic systems are being installed that do not meet state requirements.*

**Comment by:** Billy Culp, Brent Lay (River Oak Recreation), Glenda Coffey, James Thompson, Michael A. Butler (Tennessee Conservation League), Virginia Eslinger, Graham Christie, Cheri Christie, Keith Dicken, Kristina S. Roth, Thomas W. Simrell, 1 evaluation form comment (Memphis, TN), 1 evaluation form comment (Tims Ford, TN), 3 survey comments

**Response:** TVA shares the commenters' concerns about cumulative impacts from the increased numbers of residential sewage systems located in proximity to surface waters. Among nutrient loading factors from septic fields, phosphorus would be the biologically limiting and nuisance triggering nutrient in the Tennessee Valley. For this reason, TVA chose phosphorus as an adequate indicator of nutrient-related impacts resulting from the seven alternatives.

State and local governments have specific requirements for facilities like septic tanks. Homeowners and developers are encouraged to contact these other agencies for information about setbacks, other

requirements, and correcting existing problems. At one time TVA allowed the installation of septic tanks and disposal fields on TVA-owned residential access shoreland. TVA stopped this practice a few years ago in response to growing concerns about water quality impacts from failing septic systems located near shore. TVA's policy of prohibiting the placement of these facilities on TVA-owned lands would not be affected by any of the alternatives under consideration. Septic systems are still placed on privately owned flowage easement land where local approvals have been granted. The construction of these systems is the responsibility of local and state government. Additionally, several of the SMI alternatives under consideration, including the Blended Alternative, provide for the establishment of SMZs which increase the amount of nutrient-absorbing vegetated area between sewage fields and reservoirs.

Specific to Tims Ford Reservoir, the Tennessee Department of Environment and Conservation and TVA have been collaboratively fulfilling the role previously held by Tennessee Elk River Development Agency. Policy-level guidance for Valleywide residential shoreline development allowable on TVA lands is the purpose of the SMI FEIS evaluation. Reservoir land management plans will be developed for specific reservoirs, such as Tims Ford. These plans will also undergo environmental reviews.

**2326** **Comment:** *This DEIS does not mention the water quality degradation from houseboats that empty their so-called sanitary systems into hidden coves. But the DEIS clearly mentions water problems due to leaking septic systems or fertilizer pesticide use by residential owners. Exactly how did TVA determine that the houseboat sanitary systems do not contribute to the water quality problems?*

**Comment by:** Tricia Bledsoe

**Response:** TVA did not determine that houseboat sanitary systems do not contribute to water quality problems. Other than its contribution to the cumulative impacts, the issue of sanitary houseboat waste is outside the scope of this FEIS. TVA is aware that the discharge of wastewater from watercraft adds pollutants to TVA lakes. However, the only study of this pollutant source on TVA lakes (Fontana) did not find any measurable impact.

**2327** **Comment:** *So far TVA has not tried to stop the releases in Morristown from the wastewater treatment plant. Currently Kingsport is under fine. They continue to dump raw sewage into our river and lake, and it does not appear that TVA is doing anything about this. How can we take TVA seriously environmentally when we can see for ourselves that nothing is being done?*

**Comment by:** Dave Cooper

**2328** **Comment:** *Many industries, especially in Chattanooga, cause an impact to the river. For a year, some of them were dumping raw sewage, not even treated at first stage, into the river. They were caught. Other industries there are also polluting the waters. We should put more emphasis on controlling this type of pollution.*

**Comment by:** C. Demetriou (Citizens for Less Government)

**2329** **Comment:** *The effects of water treatment facilities in Bristol and Bluff City, which empty into Boone Lake, were not addressed. TVA has permitted five waste treatment plants on Boone Lake. The Bristol plant alone can discharge 32 million gallons a day.*

**Comment by:** Joseph Whilden (Boone Lake Association), 1 survey comment

**2330** **Comment:** *The city of Florence has dumped raw sewage into the river for years with no penalty. TVA should take the lead in coordinating federal and state agencies to stop this destruction of the lakes.*

**Comment by:** 1 survey comment

**2331** **Comment:** *Controls are needed on the outflow from the various cities (local municipalities, waste management plants, etc.) that pump into the lakes. At times raw sewage is being dumped into the lakes. TVA needs to get tougher because as the towns grow, the water quality will continue to decline.*

**Comment by:** Billy Thomas (Tims Ford Council Member), Cliff Griggs (Friends of the Tennessee River), David Blazer, John Sublett, Luci Bell, Scott Koenig, Kristina S. Roth, 1 survey comment

**2332** **Comment:** *Permits by USACE are still being issued—permits that allow water treatment facilities to empty into the lake in the same cove as residential development. Where is TVA? Surely this cannot be what is considered “desirable” development.*

**Comment by:** 1 evaluation form comment (Memphis, TN)

**Response:** These discharges are regulated primarily by the state water pollution control agencies. When TVA permitting approval is also needed, the impacts on water quality that would result from that approval are considered. TVA has also worked with and assisted local authorities addressing municipal outflow problems.

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**2333** **Comment:** *No wastewater or direct storm water discharges into the lakes or tributaries should be allowed.*

**Comment by:** 1 survey comment

**2334** **Comment:** *Homeowners should not dump used laundry water directly into the lake.*

**Comment by:** 3 survey comments

**Response:** Wastewater discharges are not allowed and must, by law, go to an approved wastewater treatment system.

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**2335** **Comment:** *Water quality in the Tennessee River system is being ruined by industrial, commercial, and public pollution. TVA should leave property owners alone, and do more to stop industries and commercial businesses from dumping waste products and other pollutants into the water.*

**Comment by:** Donald M. Shepherd, 1 evaluation form comment (Harrison, TN), 14 survey comments

**2336** **Comment:** *TVA has demonstrated its inability to maintain the river’s pristine quality by allowing industrial wastes and raw sewage to be dumped into the river. Individual property owners have done a better job in caring for the river than TVA. TVA needs to get off the backs of the working man and look to the big polluters of the river.*

**Comment by:** Petition with 843 signatures

**2337** **Comment:** *I attended an Association of Southeastern Biologists meeting. One group reported on a stream draining from Oak Ridge. The stream was contaminated and killing organisms. Only TVA has the ability and power to stop more toxins from entering the*

system. TVA allowed the fish to become poisoned in Watts Bar Reservoir. It appears that TVA wants to control individual property owners but is sympathetic to industry at the expense of the public.

**Comment by:** 1 survey comment

**2338** **Comment:** *I have witnessed fishermen take huge stringers of fish away from our river; not so anymore. I would be afraid to eat a fish that comes out of the Holston River today. Eastman and the other industries located along the Holston River have to be aware that they are dumping harmful toxic wastes into the waterways. These industries should be the ones responsible for cleaning up and maintaining a healthy environment. What are we leaving for our future generations?*

**Comment by:** Loretta S. Overbey

**2339** **Comment:** *I am concerned about the hog farm and poultry processing plant on Norris Lake that dump waste into the lakes. I am also concerned about Champion Paper Company polluting the Little Pigeon River.*

**Comment by:** James Harter (Scenic Tennessee)

**2340** **Comment:** *Clear the waterways and improve the water quality. Remove dioxin-containing transformers from beside Wilson Dam.*

**Comment by:** James W. Northington, M.D.

**2341** **Comment:** *When they back up water on Watts Bar Dam, it has a film of oil and gas. This would not be difficult to correct at refueling stations and would not cause public outcry.*

**Comment by:** 1 survey comment

**Response:** The National Pollutant Discharge Elimination System of the Clean Water Act gives EPA and the states the responsibility for regulating the dumping of effluents. TVA approval is required under Section 26a of the TVA Act for the siting of industrial facilities along the river. TVA is concerned with the degradation caused by illegal dumping and is working, through the Clean Water Initiative program, to develop partnerships with regulatory agencies, the general public, local officials, industries, and others to enhance water quality in the Tennessee Valley.

## Recreational Use of Shoreline

During the 1996 SMI public involvement process, comments relating to recreational use of the shoreline included such issues as:

- Importance of recreational quality
- Impacts of Alternatives C1, C2, and D on recreation
- Impacts of development on recreation
- Problems caused by boats and personal watercraft
- Unnecessary restrictions on boats and personal watercraft
- Problems with marinas, trailers, recreational vehicles, and houseboats
- Problems at public ramps, public use areas, campgrounds, and informal use areas
- Problems with off-road vehicles
- Impacts of hunting and fishing
- Public access for hunters and fishermen
- Revenue from commercial docks and marinas
- Availability of adequate public recreation areas and commercial facilities

- Number of lake users denied access by property owners
- Recreational access in urban areas

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**2342** **Comment:** *Recreational quality is an important issue. TVA areas provide outstanding opportunities for fishing, hunting, camping, bird-watching, hiking, skiing, and numerous other recreational activities. So, when we recreate on TVA reservoirs, we do not want to be in someone's backyard and see houses, boat docks, and mooring facilities as part of our recreational experience.*

**Comment by:** Cassi M. Yost, Kenneth E. Johnson, Jr., William G. Minser, 1 evaluation form comment (Clinton, TN), 4 survey comments

**2343** **Comment:** *I have been using TVA land for hunting for about 40 years. I do not own any land around the Tennessee River. The area I hunt is in Perry County. I strongly urge TVA not to allow the forest tracts along the river to be developed. There are a lot of hunters that use these areas. My family also uses the river for fishing and water sports. As shoreline is developed, the number of beaches we can use drops.*

**Comment by:** George Casey

**2344** **Comment:** *I know boat docks add great fish habitat, but it is also an area that can no longer be used by the public.*

**Comment by:** Paul Rister (Kentucky Department of Fish and Wildlife Resources)

**2345** **Comment:** *We cannot walk on the shoreland areas because of the increasing amount of residential development. Access to the lakes is reduced to a few launch ramps. Residential development greatly reduces the amount of land available for recreational pursuits and diminishes the quality of the experience.*

**Comment by:** Kirk Johnson, David Alverson, Billy Culp, Michael A. Butler (Tennessee Conservation League), Glenda Coffey

**2346** **Comment:** *Shoreline that is mowed all the way to the lake has the appearance of a private yard upon which most people would not feel comfortable walking or coming near. (There are numerous examples of this all around the Watts Bar embayments in my area.) Being new to the area and unfamiliar with TVA shorelines, I assumed (before I read the SMI DEIS) that lakefront property owners did own all the way to the shore. Walking on those lawns now could almost be seen as a statement or act of defiance, rather than just a casual walk along the lake. Additionally, clean water, undeveloped forested shorelines, birds and wildlife, and litter-free shorelines and waterways are all important to attracting and keeping tourists, as is accessibility. Tourism would not be served well by having over 60 percent of the shoreline built out and, in some cases, appearing privately owned.*

**Comment by:** 1 survey comment

**2347** **Comment:** *Our K-T Forestry Company lands will eventually be sold for recreation lots. There is no doubt that restrictions will reduce land values, but quality of recreation management should be retained.*

**Comment by:** 1 survey comment

**2348** **Comment:** *TVA has done a commendable job of managing its land, and my family is grateful for the opportunity to escape to the lake nearly every weekend.*

**Comment by:** Walter Kaye

**2349** **Comment:** *TVA should keep existing recreational areas open and maintained for the public. As the population increases and places more demand on these areas, TVA should provide more recreation and public use areas (including better access roads) and find ways to give the public more access to the water.*

**Comment by:** Ben Kron, Bill Potts (Jefferson County Commission), Bob Ripley, Charles C. Smoot (Bear Paw Subdivision), Dave Cooper, David Bolding, Glenn James, J. B. Patton, James Thagard, Judy Edwards (United States Representative Charles H. Taylor's Office), Mark Dickey, Nancy Helms, Rodney Campbell, 1 evaluation form comment (Dandridge, TN), 1 evaluation form comment (Harrison, TN), 6 survey comments

**2350** **Comment:** *More shoreline could be opened for recreation purposes. In our area, there are several out-of-state owners who spend a lot of time and money in this state each year.*

**Comment by:** 1 survey comment

**2351** **Comment:** *Develop some more of the shoreline for recreation for low- and middle-income people. The recent sale of lands resulted in astronomical prices out of reach for the average person. Having a clean, well-maintained area for people both young and old to visit for a day, weekend, or week would help to relieve tensions, reduce crime, and allow appreciation for our wonderful Tennessee Valley. A small charge for the facilities could be used for maintenance and future improvements. Reduced rates for some or a waiver would ensure that spending a day in the country would not cause a financial burden on anyone.*

**Comment by:** Marie Osmer

**2352** **Comment:** *Many people cannot afford to travel to expensive resorts on a regular basis to enjoy the hunting, fishing, hiking, horseback riding, etc., allowed on these lands; therefore, a decision to sell these public lands would deprive people of these public land recreational activities.*

**Comment by:** Doris Edmonds

**2353** **Comment:** *None of the alternatives addresses TVA's trying to keep the cost of recreating on TVA land and water affordable. For example, the commercial ramps are getting too expensive.*

**Comment by:** Dave Cooper

**2354** **Comment:** *Land to hunt on is becoming increasingly hard to find and terribly expensive. It seems that soon the only people who will be able to afford Kentucky Lake will be the rich.*

**Comment by:** Larry S. Taylor

**2355** **Comment:** *There are miles of otherwise accessible shoreline fenced off or posted, with no way for people to leave the roadway to fish, hunt, or swim, because the property between the roadway and the water is privately owned. This can be rectified by placing 10-foot-wide access lanes to the water every one-fourth mile.*

**Comment by:** 1 survey comment

**2356** **Comment:** *TVA asked whether it should use a management development approach. I say consider a managed open space and recreational approach. Stop thinking so much about development and start looking at ways that we can maintain what we have, instead of continuing to develop.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**2357** **Comment:** *I want Chickamauga Lake where I live to be cleaner and more natural. I enjoy seeing more birds now, especially the eagles.*

**Comment by:** 1 survey comment

**2358** **Comment:** *There has to be a limit to how much battering the earth and environment will take for the selfishness and greed of humanity. The land should be available for natural recreation or informal uses in its present state, appreciated for its own natural beauty and natural resources, and accessible to the public for camping, hiking, hunting, fishing, etc. One of my main objections to SMI is the expansion of formal recreational usage.*

**Comment by:** Gloria Reagon Price

**Response:** Most recreation users enjoy a natural shoreline setting, and much of the informal recreation use of shorelines occurs on undeveloped public lands around the reservoirs. To enhance opportunities for public use, TVA has improved public access to some undeveloped land and is also exploring the acquisition of rights-of-way to provide access to some additional tracts. In contrast, the public generally avoids lands fronting private residences, especially if private water-access facilities are present.

Although undeveloped public land will continue to be available in the future, some loss of informal recreation opportunities will occur as residential shoreline development increases. The value of informal recreation has been considered in the development and analysis of SMI alternatives as outlined in Section 4.11. Alternatives B2, C2, D, and the Blended Alternative would result in the lowest impacts to informal recreation.

TVA has consistently tried to foster a wide range of recreation opportunities to meet a broad spectrum of public needs and income levels. Also, through TVA's reservoir lands planning process, undeveloped and uncommitted public lands are allocated to a variety of uses, including commercial recreation, public recreation, lake access, and open space. As recreation demands increase, some of these properties may be developed by TVA, other public agencies, or, as appropriate, by the private sector, to meet recreation needs.

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**2359** **Comment:** *We pay the price for the beauty of Chickamauga; we pay for the Ocoee; and we pay the price for a \$400,000 library in Nashville. We are paying the price for the luxury given to other states. The people in the Murphy area appreciate beauty, and they want access to use the lakes. If TVA takes from our waters, they should give us something back; and last year TVA took \$33 million in electric bills out of Clay and Cherokee Counties. What we want is accessibility for recreation activities.*

**Comment by:** Judy Edwards (United States Representative Charles H. Taylor's Office)

**Response:** A number of public and commercial recreation facilities help meet public recreation needs on Hiwassee and Chatuge Lakes, and TVA has been involved in some efforts to improve recreation opportunities in the region. For example, the Fontana Dam reservation visitor facilities were renovated a few years ago, and TVA has recently developed a new picnic pavilion at Hiwassee Dam reservation. TVA also worked with the Forest Service to improve boat access to the upper end of Hiwassee Lake.

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**2360** **Comment:** *TVA should maintain natural and small wild areas and should manage some shoreline areas for wildlife habitat, biodiversity of native species, and low-impact recreational activities (such as walking, hiking, bird-watching, canoeing, sailing, etc.). TVA's plan should include means to provide natural history experiences for area residents and visitors.*

**Comment by:** Barbara Walton (Citizens Advisory Panel), Liane B. Russell (Tennessee Citizens for Wilderness Planning), Letitia C. Langord, 2 survey comments

**2361** **Comment:** *The importance of maintaining large, unfragmented blocks also applies to recreation. The quality of recreational activities such as hunting and hiking depend on maintaining fairly large blocks of land so as to give recreationists space and solitude. Many of these large blocks are currently used by the state as Wildlife Management Areas, and their importance to wildlife conservation and outdoor recreation is very important to both people and the economy. Therefore, it is important that TVA's public land, especially those in Wildlife Management Areas and Refuges, absolutely not be developed. Alternative Zero would protect these environmental and recreational resources. The small tracts of TVA land serve an important purpose as corridors between larger tracts of TVA land and other wild-lands. These corridors increase the habitat available to wildlife, because species are not limited to isolated islands of habitat. They also provide better recreational access between larger tracts of TVA land. These small tracts should not be developed, especially if they provide important corridors.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**2362** **Comment:** *Preservation of natural areas may require restrictions on inappropriate activities, such as large houseboats mooring in natural areas, personal watercraft use, and high-speed boat travel in the natural areas.*

**Comment by:** Mike Everett (East Tennessee State University)

**Response:** TVA agrees that large blocks of undeveloped public lands around the reservoir system provide valuable opportunities for dispersed recreational activities, such as hiking, hunting, and wildlife observation and that some adjacent smaller parcels can play a key role linking and providing access to these larger areas. TVA also agrees that sensitive or fragile areas may require some regulations or use restrictions to ensure they are adequately protected. TVA currently manages 11,000 acres of land that have unique or sensitive natural features, and public-use restrictions are applied as necessary to protect these resources.

**2363** **Comment:** *TWRA also shares the responsibility to provide boating, fishing, and hunting opportunities, as well as public access areas.*

**Comment by:** Bob Ripley

**2364** **Comment:** *The lake shorelines should be kept as pristine as possible. The general public could be well served by federal, state, or TVA-owned-and-operated parks/public usage areas with boat ramps, restrooms, and picnic areas.*

**Comment by:** 1 survey comment

**Response:** TVA will continue its efforts to provide basic lake-oriented recreational facilities at key locations and also will work with other public agencies and the private sector to ensure that a wide range of recreation services and facilities are available to the public.

**2365** **Comment:** *Where are the people who do not own a house or property on the lake supposed to fish?*

**Comment by:** 1 evaluation form comment (Dandridge, TN)

**2366** **Comment:** *Some of my favorite fishing coves are now occupied with boat-mooring facilities that have spoiled the aesthetics and eliminated the fishing opportunities.*

**Comment by:** 1 survey comment

**2367** **Comment:** *TVA identifies the major users of the lake/reservoir system as fishermen with 33 percent usage but outlines no steps to increase fishing potential.*

**Comment by:** 1 survey comment

**2368** **Comment:** *With all the bright lights around lake lots, a person can hardly see anything when night fishing.*

**Comment by:** 1 survey comment

**Response:** Most developed public parks on TVA reservoirs offer land or facilities for bank fishing, and public launching ramps help serve the needs of those who fish from boats. Undeveloped TVA lands also provide informal bank fishing opportunities. Continued development of lake shorelines will likely have an adverse impact on some areas that are currently heavily used for boat fishing and other water-based activities. The SMI is an effort to balance residential shoreline development needs and rights with the need to preserve an appropriate amount of shoreline in its natural condition.

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**2369** **Comment:** *We feed the ducks, geese, and deer, only to have hunters come in and set up duck blinds. This happened on the island not 200 feet from our shoreline, and when they leave, the blind is not removed.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**2370** **Comment:** *Melton Hill Lake is apparently becoming a higher draw in the South Clinton area for rowing competition. As a result, we will get more out-of-state and some international visitors. I think it is important to Tennessee, TVA, and to us as landowners that we put our best face forward for that.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**Response:** Comment noted.

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**2371** **Comment:** *Alternative C1 will create a loss of recreational areas.*

**Comment by:** 4 survey comments

**2372** **Comment:** *There are now approximately 280,000 registered boats in Tennessee; so we are going to be forcing more and more boaters and more and more recreational users, onto this same finite amount of land and water. I am concerned about Alternative C1, because it would involve transferring more public land into private use and decreasing what is available for public recreation.*

**Comment by:** Bob Ripley

**2373** **Comment:** *We disagree with the statement (DEIS page 2-27) that this Alternative C1 “. . . would provide a balance between environmental protection needs and anticipated future development demands.” An alternative that allows the continued decline of irreplaceable resources cannot be described as balanced. It is also difficult to reconcile the permanent loss of public use of lands against the luxury of vacation home development. Because residential housing is not a water-dependent activity, housing needs can be met in other areas without impacting lake shoreline. Management of access to recreational activities and viewing opportunities on TVA lakes should focus on public facilities, allowing all Tennessee Valley residents to benefit equally from the resources available.*

**Comment by:** David L. Yow (North Carolina Wildlife Resources Commission)

**2374** **Comment:** *Alternative C1 would sacrifice safety.*

**Comment by:** 2 survey comments

**2375** **Comment:** *As representatives of three conservation organizations, we strongly urge the adoption of Alternative C2 (managed development only along presently open shoreline) and, if not Alternative C2, then Alternative D (minimum management only), particularly for the following reasons: Greater public recreational use—the loss of public recreational resources is considerably less in Alternative C2 than in Alternative C1 (Summary Table 3, page 17). Alternative C2 is also among the alternatives with the least adverse impact on recreational use of the shoreline. This factor was noted by many in TVA’s hearings as one of the most important considerations because, to the extent that private users are permitted to develop the shoreline, its use is dedicated to those select members of the public that are able to own that property. On the other hand, the greatest number of persons in the area (and also tourists) must depend on public recreational resources. Consequently, in order to serve the most people, it is desirable to preserve the greatest amount of shoreline available for public recreation. As a commenter at one of the public meetings stated, “The lifeblood of the Tennessee Valley is tourism and recreation. People come here to see our natural shoreline, not subdivisions and ‘for sale’ signs.”*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**2376** **Comment:** *Tennessee Department of Environment and Conservation, Recreation Services Division (RSD), strongly encourages TVA to take into account the potential impact on recreation resources that opening additional lands for development will have throughout the Tennessee River Valley. Even the current 38 percent buildout formula will result in a decrease in recreational opportunities by approximately 20 percent. TVA should focus on developing ways to mitigate this potential impact where possible.*

*RSD comments on the alternatives: Given the magnitude of potential impact from extensive shoreline development on informal recreation opportunities, the current choices—Alternatives C2 and D—are supported by RSD to best maintain passive recreation opportunities. While the loss of some recreation opportunities through future development is inevitable, opportunities exist to limit the extent of that loss through proper management and the dedication of other TVA properties that would be suitable for recreation use. The development of shoreline management plans by reservoir could increase the potential for recreation opportunities. If TVA continues at its present state of management (or lack thereof), the impact on informal recreation opportunities would be greatest, resulting in an up to 54 percent loss in informal recreation opportunities on TVA shorelines. Alternative C1 is not supported by RSD, due to the lack of limitations in the open category for development. In*

*addition, this alternative would allow a 33 percent loss in informal recreation opportunities. TVA should limit development to 38 percent of its reservoir shoreline as already allowed and designated.*

**Comment by:** Alison Brayton (Tennessee Department of Environment and Conservation)

**Response:** Under several of the SMI alternatives, including Alternatives B2, C2, D, and the Blended Alternative, the level of residential shoreline development at buildout could be up to 38 percent of the shoreline Valleywide. On the other hand, some SMI alternatives, including Alternative C1, would provide opportunities for actively opening additional public land to private water-access uses, and, as indicated in the FEIS, this would result in additional loss of informal recreation opportunities.

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**2377** **Comment:** *I disagree with the entire concept of the informal-recreational-opportunities-lost parameter. My experience shows recreational opportunities substantially increase with residential development, i.e., recreational lake usage from families and friends. This artificial parameter would be better replaced by the percentage of residential shoreline development to illustrate the point.*

**Comment by:** Thomas Begley, P.E.

**2378** **Comment:** *Water-edge recreational areas are incorporated into the homeowner's landscaping scheme. The areas are being used for picnic facilities, slides, swings, shuffleboard, horseshoe pitching, swimming, and many other relaxing and fun activities. These private recreational areas decrease the burden on the already crowded public areas that TVA seems to be closing one by one. The concrete shuffleboard constructed on my property would no longer be accessible under Alternatives C1, C2, and D. Many other lake property owners would be deprived of using their recreational areas as well.*

**Comment by:** Edwin E. Howard, Patricia Howard

**Response:** The use of shoreline by adjacent landowners can substantially increase their recreational enjoyment and may also decrease their use of nearby public parks or other facilities. The presence of private shoreline alterations also displaces potential public use of these lands. Consequently, as residential shoreline development increases, more members of the public will be putting increased recreational use pressures on remaining undeveloped public lands and public parks. Use of existing facilities that are permitted or permissible under TVA's existing guidelines could continue under any alternative. Please refer to the Grandfathering section of this volume and FEIS Section 2.8 for more information.

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**2379** **Comment:** *We are concerned that the large number of homes being built on the shoreline reduces the beach area and creates more boating traffic on the lake.*

**Comment by:** Graham Christie, Cheri Christie

**2380** **Comment:** *Because of loss of access, recreational opportunities by the general public will be decreased if development increases.*

**Comment by:** 1 survey comment

**2381** **Comment:** *I am very concerned about the impact that such a project as SMI may have on residents and other communities that may be uprooted or disturbed for the sake of recreation. This issue should be addressed.*

**Comment by:** 1 survey comment

**2382** **Comment:** *As stated in the DEIS, any impact upon shoreline vegetation may have an adverse effect on everything from wildlife to water quality. Increased residential development will cause a decline in the overall quality of the resource, thereby affecting the frequency and quality of recreational visits.*

**Comment by:** 4 survey comments

**2383** **Comment:** *Page X-16 claims that the participants stated that TVA should provide more hunting opportunities; yet all alternatives show a decline in hunting opportunities as a result of public land being lost to residential development.*

**Comment by:** Marc A. Carter

**2384** **Comment:** *The analysis showed that only 18 percent, 14 percent, and 17 percent of the total land available for day-use, camping, and hunting, respectively, is actually suitable for those uses. I suspect that those suitable lands are also the lands most suitable for residential and other development. Thus, even a small increase in residential development may have a large impact on public recreation.*

**Comment by:** 1 survey comment

**2385** **Comment:** *Where, when, and how would recreational use of the shoreline affect residential use by an owner when anchoring his boat at a dock on privately owned land?*

**Comment by:** 1 survey comment

**2386** **Comment:** *On page 4-32, TVA tells us that if residential development is not stopped, there will be 1,280,000 day-use and camping opportunities lost. On page 3-37, TVA says that people can picnic on a 30 percent slope and camp on a 40 percent slope, a slope steeper than the roof of my house. But, even worse, TVA forgets to tell us that to camp on areas without restroom facilities is against TVA and health department regulations. The true figure for recreational opportunities lost is probably closer to 0 than over 1 million.*

**Comment by:** Joe Wiley

**2387** **Comment:** *Regarding the loss of informal recreational opportunities due to increased residential shoreline development, the complete picture cannot be viewed on a graph or chart. I have swum, fished, and camped on Watts Bar for over 30 years. Even today I have no problem finding places to enjoy the lake and shoreline. There are miles and miles of places to enjoy, if a person will put forth a little effort. Folks can request a map from TVA that shows public access areas most people are unaware of. TVA, for the most part, does not have signs on these areas. Tennessee Wildlife Resources Agency allows camping on some areas, Thief Neck Island being one example. A person has to be willing on occasion to take a short hike through the woods, to use a weed trimmer to knock down a few small weeds, and to do some investigating ahead of time. Someone cannot just load the boat or truck on the Fourth of July or Memorial Day and expect to have the water to themselves or to find a Disneyland campsite around every bend.*

**Comment by:** 1 survey comment

**Response:** Continued residential alterations of lake shorelines will likely have adverse impacts on some areas that are currently heavily used for boat fishing and other boating activities. As residential shoreline development increases along publicly owned areas, it is likely that some boating activity and other informal recreation activities will be displaced to other undeveloped shoreline areas or to developed recreation areas. Increased crowding of these areas will occur.

The informal recreation use levels developed for SMI are estimates of the average levels of use that occur across a range of physical conditions. While the amount of informal use occurring on steeper lands may be less than average, other lands with gentler slopes and ease of access are likely to receive higher than average use. In addition, although such activities as informal camping and picnicking are less likely to occur on slopes in the 30 to 40 percent range, these slopes would be suitable for other informal activities such as bank fishing, hunting, and walking.

Watts Bar and many other TVA lakes offer a large amount of undeveloped public shoreline for recreation enjoyment. However, increasing residential shoreline development pressures, coupled with more demand for recreational use of the lake and shoreline, may lead to increasingly heavy shoreline use in the future, and unoccupied sites for informal recreation activities may become more difficult to locate, especially on weekends.

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**2388** **Comment:** *The SMI is not anticipated to have any adverse impacts on existing or planned recreational facilities, nor will it impact any streams on the National Park Service Nationwide Inventory, Final List of Rivers, potential scenic rivers, or existing or potential state scenic byways.*

**Comment by:** John R. Davy, Jr. (Virginia Department of Conservation and Recreation)

**Response:** Comment noted.

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**2389** **Comment:** *Parallel versus perpendicular public land use ultimately results in greater recreation and land value benefit. This suggestion would also take advantage of the fact that TVA purchased a wider lake edge than comparable agencies to create a higher-value public asset. Under the current primary land use model, TVA offers an adjoining landowner the right (for a fee) to have perpendicular access across TVA property to the water's edge. I support the use of a parallel land use model as the primary public lands model for selected TVA lands, while retaining perpendicular use on other TVA lands. Parallel land use makes linear public use the primary use mode. The TVA lake edge is sufficient in many areas to accommodate public use that runs parallel to the lake edge. The parallel (linear) land use model would allow perpendicular use with clustered docks located on the public linear lake edge with a lake edge trail or other linear public use features. I suggest that the SMI identify TVA areas that would be classified as perpendicular land use areas and other areas identified as parallel/linear land use areas with separate management policies and guidelines.*

*One of the benefits of a parallel/linear use is that a public lake edge allows land values to penetrate much more deeply into the lake area. In addition, a public lake edge always makes the real estate more valuable. More docks could be accommodated in dock clusters to allow nonedge residents the benefit of personal dock access. It would seem politically prudent that the linear land use model would be utilized on TVA properties where the TVA holding is wide enough to allow linear use and where sites are closer to metropolitan areas. Metropolitan populations might be more willing to support this model where land value penetration is a major development issue and pressure is greater for lake access. Current perpendicular use could be accommodated on TVA lands that do not have sufficient width or are in more rural locations where linear use would not be supported.*

**Comment by:** Tom Christensen

**Response:** TVA has applied concepts similar to these in some situations to better protect the aesthetic and public recreation values of public shorelands.

**2390** **Comment:** *The number and size of boats and their careless operation (i.e., high speed, coming too close to the shoreline) are causing safety and environmental problems along the waterways, in coves, and in narrow sections of our rivers and lakes. For example, we have seen an increase in the number of sometimes tragic boating accidents; our docks and shoreline are being repeatedly damaged by excessive wakes; noise pollution is disrupting our neighborhoods and recreational experience; and some of our natural resources, such as wildlife, are being harmed.*

*There are many things TVA and other agencies should be doing to control and eliminate these problems. No-wake zones and speed limits should be established and posted using appropriate signs, buoys, and markers. Limits on the size and horsepower of boats should be imposed. Overcrowding could be controlled by limiting the number of marinas and boat slips. Noise pollution could be reduced by banning some watercraft, such as airboats, cigar boats, and jet-propelled boats. More boater safety education is needed, and operators of boats and other watercraft should be licensed. Existing regulations should be enforced and violators fined. The same laws that exist on roadways (e.g., against alcohol consumption, reckless driving, and careless operation) should apply to boaters.*

**Comment by:** Barbara Walton (Citizens Advisory Panel), Bobby Wood, Brooke Bradley (Tanasi Girl Scout Camp), Charles Morton, Dorothy Dove, Gary Pack, Jim Richardson, Leo Potts, Lester J. Vohs, Ottolene Browning, Richard Bell, William Russell, G. K. Weese, Sue Little, William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt, 1 evaluation form comment (Memphis, TN), 1 evaluation form comment (Parsons, TN), 1 evaluation form comment (Tims Ford, TN), 60 survey comments

**2391** **Comment:** *Are there speed limits on the lakes?*

**Comment by:** Glenn James

**2392** **Comment:** *The lake should be patrolled for speed in areas with docks and children in the water.*

**Comment by:** 4 survey comments

**2393** **Comment:** *There should be more patrol boats giving out tickets to people that insist on going fast near docks and shorelines. This is something that needs to be enforced on the summer weekends.*

**Comment by:** Kristina S. Roth

**2394** **Comment:** *If enforcing speed laws on the water is the state's responsibility, TVA should require that high-speed traffic be maintained so many feet from all TVA shoreline, instead of requiring lakefront property owners to fix it after boaters tear it up. I was putting a bumper on my dock when someone sped by. The toddler with me was almost thrown off the dock, and water spray hit me in the face. When I called the law enforcement agency, they said they could not enforce that which does not exist. They said that the state of Tennessee does not have any laws whatsoever governing jet skis or boat traffic speeds; that all they could enforce were Coast Guard rules such as the life jacket requirement. In the street at the front of my house there is a 30-mph speed limit; at the back of my house—on the water—there is no speed limit. TVA could have experts determine what distance it takes to dissipate a wave before it hits the bank and then put no-wake signs out that far and enforce them.*

**Comment by:** Ronald Hortter

**2395** **Comment:** *The back of the official TVA map for the Tims Ford Lake area states, "Boats must proceed at a slow, no-wake speed when within 500 feet of a boat dock." I have never seen it enforced; I have never even seen an enforcement officer on the lake. I have been*

*told by TVA that it is not their responsibility; that it is the responsibility of the state of Tennessee. No doubt TVA could pay a number of people their salaries on the fines collected.*

**Comment by:** Loren Erickson

**2396** **Comment:** *The state says that they do not have any control over the wake or where the no-wake areas are. Who does?*

**Comment by:** Bailey Williams (Bailey Williams Realty)

**2397** **Comment:** *Boaters are causing wakes and disruptions. How can lakefront property owners obtain a permit for "no-wake zone" signs to be installed?*

**Comment by:** William Diehl

**2398** **Comment:** *I own a waterfront house located on Yellow Creek in Tishomingo County, Mississippi. In my opinion the most important issue impacting the environment and shoreline bank stability on Pickwick Lake are the massive waves and wakes caused by the large pleasure boats moving in and out of Yellow Creek. While standing in my boathouse or on my swim dock, I have been practically knocked down on many occasions by the extreme wakes and waves caused by the large pleasure boats. These boats operate at full throttle after leaving the Aqua Yacht Marina.*

**Comment by:** Louis F. Allen

**2399** **Comment:** *Presumably, studies have been made to assess the amount of damage to the shoreline (and subsequent erosion) that is caused by recreational boating. We realize that regulations about distances from shore and the speed at which boats may operate are not under TVA's jurisdiction. We would therefore encourage TVA to work with Tennessee Wildlife Resources Agency and other agencies to address the possibility of regulating these practices for the common good, as well as exploring whether a slight increase in boat registration fees could be earmarked for repairing shoreline impacts or providing public education about shoreline protection.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning)

**2400** **Comment:** *This problem is in every lake and in cove after cove. But if we ask the Virginia people to make a no-wake zone, they are just hearing from individuals. So we need some pressure brought by an agency like TVA.*

**Comment by:** Virginia Eslinger

**2401** **Comment:** *I asked TWRA to consider a no-wake zone in a particular cove along Pickwick Lake, but they do not wish to establish a precedent of making coves no-wake zones. Since TVA owns the shoreline, TVA should have authority to implement no-wake zones in the coves. Would TVA have the authority to enforce no-wake zones once they have been established by another body?*

**Comment by:** Ronald Poe

**2402** **Comment:** *No-wake zones and incompatible recreational uses should not be out of scope. TVA should take the initiative, rather than avoiding the issue by declaring them traditional state responsibility.*

**Comment by:** 1 survey comment

**2403** **Comment:** *Post reminders at all boat ramps that boat owners are responsible for damage done by their wake.*

**Comment by:** 1 survey comment

**2404** **Comment:** *I understand there is supposed to be a noise limit on boats. But who enforces these regulations? Who should? TWRA? TVA?*

**Comment by:** James Harter (Scenic Tennessee)

**2405** **Comment:** *Boat operations safety should be funded by boat licenses and federal appropriations.*

**Comment by:** 2 survey comments

**2406** **Comment:** *There is need for improvement in the control of watercraft and in safety considerations. TVA is not well equipped to deal with this, and state and local governments and agencies somehow must do better.*

**Comment by:** William C. Reynolds

**2407** **Comment:** *Alcohol on the lake makes it unsafe for all boaters and should be addressed as a major problem. Large fines should be imposed on those who boat and drink.*

**Comment by:** Don Richardson, Pat Richardson

**2408** **Comment:** *We are very concerned about the increasing number and hazardous operation of personal watercraft (i.e., jet skis and wave runners) along the waterways, especially in small coves. Personal watercraft cause tremendous damage to lakefront property owners' docks and shoreline; produce wakes and noise; are a menace to waterfowl; cause erosion; and create conflicts with fishermen, swimmers, and other recreational users.*

*TVA should control these problems by designating or zoning specific areas where personal watercraft can and cannot be operated, posting speed limits and signs, setting minimum age restrictions, requiring licenses, establishing no-wake zones, imposing bans, offering education, and providing more consistent enforcement of existing regulations.*

**Comment by:** Charles Morton, Leo Potts, Ottolene Browning, Ronald Hall, William Burrow (Pickwick Boaters Association), William Diehl, William Russell, Monte B. Miller, M.D., James B. Baker, Kristina S. Roth, 1 evaluation form comment (Memphis, TN), 35 survey comments

**2409** **Comment:** *A major problem on TVA lakes that has not been addressed in the SMI are jet boats. Not only are jet boats a menace to life and limb, they stir up the lake bottom, cause shoreline erosion, disrupt marine life, and cause unbearable noise pollution. TVA should ban jet-powered watercraft from its lakes before the waterways are ruined. Please write and tell me that TVA is cognizant of this problem. Please take a moment to look through the enclosed brief on jet skis. Most of the complaints hold true for TVA lakes, as well as the waters around San Juan County up in Washington State. These watercraft should be banned from TVA lakes, or at the very least, special areas with unpopulated shorelines should be designated for their use. Please let me know what TVA plans to do about this misuse of TVA's waters.*

**Comment by:** Walter Mitchell, Jr.

**2410** **Comment:** *We do not appreciate thoughtless jet ski operators who do virtual wheelies around our pontoon boat and disrupt our fishing and peace. Perhaps they are not aware of the havoc they cause, though many appear to take pleasure in that very process. Perhaps*

*they should be required to have licenses (and hence, operating education). An alternative is restriction to specific areas or specific hours. As it is, they look like accidents waiting to happen, with their disregard of others on the lake. At the present time, jet skis seriously compromise safety on Chatuge, and I hope it will not require accidents before sensible regulations are enforced.*

**Comment by:** Judy K. Campbell, Ph.D.

**2411** **Comment:** *Jet boats should not be allowed to operate except 100-200 yards or more from the shoreline. I have seen cars being driven along the shoreline and also driven on land below the 375 contour line in front of residences. It is my understanding no vehicles other than those used to mow grass should be in such areas. I have seen jet boats launched from grassy slopes—in front of residences below the 375 contour, where they should have used approved ramps.*

**Comment by:** 1 survey comment

**2412** **Comment:** *Nottely seems to fare worse than other TVA lakes. It is only a matter of time until two jet skis traveling at 60 mph collide, run over a swimmer, or smash into a fishing skiff. What is TVA's liability for loss of life?*

**Comment by:** 1 survey comment

**2413** **Comment:** *No-wake issues are consigned to Section 2.8, Alternatives Eliminated From Detailed Discussion, because "no-wake or no-boating zones have traditionally been viewed as a state responsibility." It is utter irresponsibility to consign a major cause of environmental degradation of the shoreline to "no consideration" because of tradition. And there is no basis for such a consignment. Nonpoint-source pollution could also be considered "traditionally viewed as state responsibility." Yet TVA has developed an exceptional program of working with agricultural landowners in addressing this problem. As the SMI DEIS points out, state governments are more concerned with safety than the environment. TVA needs to go back to its drawing board and develop alternatives to deal with this problem. The problem is particularly severe in coves on South Holston Lake, such as Sharpes Creek Inlet, on which we reside. Three trees have been felled on our property this season alone by wave action of jet-boat riders. As we are drafting this, jet boaters are making endless figure 8s in the inlet, generating tremendous shore-slapping waves and causing the waters to muddy 20 feet from the shore, in addition to disturbing fish attractors. Tennessee Wildlife Resources Agency has been called but can do nothing.*

**Comment by:** 1 survey comment

**2414** **Comment:** *While I know that it may not be within TVA's power, TVA should use this forum for providing Tennessee Wildlife Resources Agency input regarding stricter regulations for jet skis. These personal watercraft have become the nuisance of the lake.*

**Comment by:** 1 survey comment

**Response:** Valley states are responsible for the establishment and enforcement of regulations related to recreational boating and fishing on TVA lakes, including establishment of speed limits, boat size restrictions, the type of crafts permitted on public waters, rules related to reckless boating, regulation of personal watercraft, and establishment of no-wake or no-boating zones. Although state regulations and boating programs vary somewhat, most are aimed at promoting safe, responsible boating practices which reduce the potential for accidents. Citizens interested in exploring potential designation of specific no-wake areas to alleviate safety or other concerns should contact their appropriate state agency.

TVA works with state and federal agencies and other organizations to assist them in dealing with boating issues. For example, TVA has solicited state support in designating waters in the vicinity of heavily used boating ramps and swimming areas as no-wake and no-boating zones, respectively. As signs are redesigned and replaced, TVA considers appropriate revisions to emphasize boat safety and etiquette. In addition, summaries of public comments related to boating and jet ski issues received from the SMI public involvement process have been forwarded to state boating agencies for their information and consideration. TVA has also provided some support to the states by developing and distributing water safety brochures and by initiating lake patrols by TVA Police to help promote safe boating practices. TVA also realizes that alcohol abuse is one of the leading causes of boating and other water-related accidents and has, in the past, attempted to raise public awareness of this problem through water safety education efforts.

With the increasing popularity of boating, states are undertaking initiatives to promote safer boating practices. Six of the Valley states offer voluntary boater education courses, and Alabama has implemented a mandatory boater education/licensing program. The Georgia Department of Natural Resources is implementing a boating law and safety awareness campaign to promote more responsible operation of personal watercraft.

Personal watercraft are classified as motorized vessels by state boating authorities, and operating requirements are similar to those that apply to other motorized boats. In general, speed limits have not been established on TVA lakes by the states, except for waters around heavily congested areas, such as commercial marinas, public boat ramps, or other areas where high-speed boating could be especially hazardous.

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**2415** **Comment:** *Boat/jet ski wakes were not addressed in this DEIS. Wave action from watercraft (i.e., large boats, ski boats, barges, and jet skis) is a major contributor to shoreline erosion. Boat and jet ski wakes undercut the banks, wash out the trees and other vegetation, and reduce the amount of shoreline in front of residential residences. This has an economic impact and is expensive to correct. TVA should post lake rules at ramp areas concerning wakes and establish no-wake zones or 10 mph areas in coves off the main channels. TVA should consider designating specific areas for personal watercraft usage. Size restrictions should be placed on boats, especially on tributaries.*

**Comment by:** Bill Riehl, Bob Orrell, Bobby Wood, Brent Lay (River Oak Recreation), Charles C. Smoot (Bear Paw Subdivision), Charlie Meek (United States Department of Agriculture), Donald M. Shepherd, Gary Pack, George K. Clayton, Jere Moore, Jim Richardson, Leo Potts, Lynn Meredith (Meredith Brothers Livestock), L. Mac Toth, Ottolene Browning, Norm Strotheide, Richard Caldwell, Ronald Hall, Ronald Hortter, Ronald Poe, Thomas Begley, P.E., Monte B. Miller, M.D., Jewel W. Revels, French Caldwell, Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law), Kristina S. Roth, Ronald Prime, R. Kincaid Mills, James O. Mills, William C. Reed, Sr., Elisabeth Maxwell, 1 evaluation form comment (Clinton, TN), 1 evaluation form comment (Harriman, TN), 26 survey comments

**2416** **Comment:** *For Tellico Lake the really important matters are considered out of scope. Shoreline erosion is named by the DEIS as being of great concern. Wave action induced by watercraft causes more shoreline erosion damage than any other human activity. This is only partly related to residential development. It is more related to the type, size, speed, and number of watercraft and to the behavior of their operators, most of whom are not residents of the immediate area.*

**Comment by:** William C. Reynolds

**2417** **Comment:** *The red clay banks of Cherokee Lake are unmercifully stirred up by the wake of motor boats. TVA should design methods (pontoons, soil mixes, special grasses) that could be recommended to property owners to solve this kind of problem and let the owners take care of it.*

**Comment by:** 1 survey comment

**2418** **Comment:** *Most people who put in docks are an asset to the lake because they do everything possible on their frontage to cut down on erosion. Where people do not live and have docks and are doing nothing to keep up this property, much land is being washed away, causing large trees to fall into the water. Every time large boats go by, there is tremendous washing. Most of us dock owners are putting in riprap and/or planting things to cut down on this erosion, even doing what we can to save the trees that are being washed away at the roots. People without docks probably do not even notice this is happening to the shoreline.*

**Comment by:** Don Richardson, Pat Richardson

**2419** **Comment:** *The causes of erosion are weather and lake users, with the latter being the most destructive. Surprisingly, the commercial traffic tow boats and barges make less wake than the large cruisers and houseboats. Fishing boats are not bad, once they pull into a cove to fish for a while. But when they crank up those big engines and take off, they can create havoc with both heavy wake and noise. Some areas of no wake would be appropriate. Surprisingly, the smallest craft, the jet skis, are also creators of wake and add to the erosion problem, not so much while running in open water, but in the out-of-the-way places, such as small coves. Water-skiing and tubing are not as bad as the jet skis, primarily because these activities are done in open water. In reality, all lake users add to this problem of erosion, some to greater degree than others. The big boats, cruisers, and houseboats definitely create the most surface disturbance.*

**Comment by:** James M. Talley, Mrs. James M. Talley

**2420** **Comment:** *TVA has not addressed one of the major causes of erosion, large boats. Out-of-state boats (from Ohio) have increased in size and numbers significantly over the past few years. These contributors to erosion must be addressed if erosion control is truly TVA's objective.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**2421** **Comment:** *The biggest problem is high-powered speed boats with inconsiderate operators. There should be age limits and speed laws in coves and other areas that are in serious danger of erosion.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**2422** **Comment:** *The opening sentence of Section 3.8-10, page 3-26, of the DEIS reads, "Along both mainstream channels and embayments, shoreline bank stability is affected by adjacent land uses." We would like TVA to consider other factors affecting bank stability. In Hardin County a large percentage of land next to the streambank is higher than adjoining land. Major land uses drain to field drains and or small streams, not directly into the Tennessee River. Non-ag uses affecting bank stability, such as boat traffic or boat speed on the river and height and rate of stream flow, are not mentioned in this section. It appears that wave action, especially during high water levels, is very detrimental to bank stability. Please contact our District for further clarifications on these two items.*

**Comment by:** Edwin Thompson (Hardin County Soil Conservation District)

**Response:** TVA acknowledges that the wakes associated with recreational and commercial boating activity are a leading contributor to the erosion problem. Historically, the role of establishing and enforcing regulations that might reduce the impact that boating has on erosion has been the responsibility of the respective states. TVA provides support to the states, particularly in the boating safety arena. TVA would also be a willing participant in cooperative efforts to introduce changes that would

have a positive impact on shoreline erosion, such as testing the effectiveness of establishing no-wake zones in helping to combat isolated, severe erosion problems.

**2423** **Comment:** *An important issue not adequately addressed in the DEIS is shoreline erosion and bank undercutting and sloughing in forested areas, which are extensive in some areas. Examples are the shoreline just above Melton Hill Dam, as well as some areas below the dam. I suspect the primary cause is excessive wave action from motorboats. (I am not in favor of riprap as a solution.) I know TVA has conducted a study of the extent of shoreline erosion, and I have seen some of the data, but I think the study is inadequate. Please contact me for clarification of my statements or with questions about the areas I mention that are extensively eroded. I am studying a rare plant species (Aureolaria patula) that grows in these areas, and I am concerned about the impact of bank sloughing on this species.*

**Comment by:** Maureen Cunningham

**Response:** TVA is aware of the presence of *Aureolaria patula*, and its protection will be considered in development of shoreline erosion control plans.

**2424** **Comment:** *Please do not regulate lake usage to certain types of watercraft or water surface usage. Let all enjoy the lakes in their own way.*

**Comment by:** 1 survey comment

**2425** **Comment:** *Restrictions on any particular type of watercraft are unfair. There is plenty of room for everyone, i.e., fishing, sailing, personal watercraft, performance boats, cruisers, ski boats, etc. There definitely should not be any water-surface zoning.*

**Comment by:** 1 survey comment

**Response:** TVA agrees the public should be free to enjoy a wide variety of boating and other water-based activities but believes these activities should be conducted in a safe and responsible manner.

**2426** **Comment:** *I have the right to drive a boat as fast as I want around the lakes. The coves are in public ownership, and no one should be able to create no-wake zones.*

**Comment by:** Glenn James

**Response:** In general, there are no speed limits for boats on TVA lakes. However, the various states within the Tennessee Valley have responsibility for designating speed limit zones where high-speed boating could be hazardous. Coves are not typically designated no-wake zones, unless a commercial marina or developed recreation area is located within the cove. Fast operation of boats can endanger other boaters, and the states can cite boaters who operate their vessels in a way that endangers the lives or property of others. For example, jet skiers operating at high speeds in the immediate proximity of slow-moving large boats could be considered reckless. When patrolling the lakes, TVA Police assist the states in promoting safe boating practices, and TVA also develops and distributes water safety brochures to help promote safe water-based recreation.

**2427** **Comment:** *Many marinas look like slums, because some of the houseboats are deteriorating, and the shoreline stays cluttered with recreational vehicles and trailers. There should be standards to prevent them from becoming so unsightly. We need more incentives for marina owners.*

**Comment by:** 3 survey comments

**2428** **Comment:** *Mill Creek Marina on Bear Creek has been sorry-looking for years. I do not understand how TVA could have permitted it. Somehow TVA could put in controls for this type of situation. What is to keep other marinas from decaying in the same way, if their profits fall off?*

**Comment by:** David Hines

**2429** **Comment:** *TVA should limit the type of commercial establishments on the residential shoreline and restrict the size of commercial docks, so they do not extend too far into the lake. They should also require all boats to be docked at marinas.*

**Comment by:** 4 survey comments

**2430** **Comment:** *Who determines what constitutes a boat—TWRA or TVA? Does TVA regulate whether floating cabins can be motor-powered?*

**Comment by:** Glenn James

**2431** **Comment:** *On Fontana Lake, we have very little privately owned shoreline, but both the shoreline owners and the houseboats which tie up to use the shoreline should comply with regulations.*

**Comment by:** 1 survey comment

**2432** **Comment:** *We should get rid of the unkempt houseboats on the lake. Some are in bad condition, are never used, have no license, and should be fined or moved off. They are also polluting the water and are eyesores.*

**Comment by:** 1 survey comment

**2433** **Comment:** *Marinas and houseboats that are dumping their sewage into the water are causing water quality problems. Marinas should be required to have waste-pumping facilities, and heavy fines should be levied if they do not comply. All houseboats and large boats should be inspected annually to ensure they are equipped to properly treat and dispose of sewage.*

**Comment by:** Jeff Hill, Bruce Watkins, 1 evaluation form comment (Florence, AL), 14 survey comments

**2434** **Comment:** *Marinas are dumping raw sewage into the lakes. Even though there are grants for pumping stations, they are not being used. The marina owners do not want to do it even if it is free. Every commercial boat dock is equivalent to one property owner.*

**Comment by:** James Thagard, Glenn James, Charles F. Holloway, John McJilton

**2435** **Comment:** *We wonder why there is so much concern about docks and dock owners and how they affect the lake. Why in the world is there not more concern about all of the houseboats that are dumping raw sewage into the lake? What about all of the people that are living on their very old houseboats, such as at Caney Creek Dock? We have heard they may be dumping directly into the lake, since there are no pump-out facilities, and even if there were, some of the old boats we have seen there and heard about at other places appear as if they cannot be moved to a dump station. It is our understanding that a lot of the boat docks do not have pump facilities; so, even weekend boaters have no choice but to dump into the lake. It seems to us that the water quality of Watts Bar Lake should be more of a concern than the shoreline and the docks along the edges that in no way hurt anything. The quality of the water affects so many things. We have seen things floating by that we are sure is raw sewage from boats, and this should be a major concern of TVA and the USACE. Why*

*not impose very large fines for this dumping by boats and require all docks to have dump-out facilities and all boats to be updated for proper sewage dump-out into these dump stations?*

**Comment by:** Don Richardson, Pat Richardson

**2436** **Comment:** *Large boat docks should be better regulated and not allowed to build at will, such as Pine Harbor Boat Dock. The owner is making thousands of dollars annually at no cost to himself for the use of the lake. He is also growing at such a pace that he is devaluing the property around him. A man that makes so much money from the lake should have to pay for the privilege. The boats spill gas and oil into the water. The large, massive boats in his slips dump their waste into the lake and it floats over on the shoreline across from him. I would not recommend swimming in the water. We have to clean the shoreline weekly from their waste. I called TVA in early spring for a water check but have not heard if they have done one yet.*

**Comment by:** 1 survey comment

**2437** **Comment:** *The DEIS failed to address fecal contamination caused by houseboat owners who seek little-used coves as sites to empty their sanitary facilities. If TVA cannot stop this practice, please at least educate houseboat owners about the different sensitivities of mainstream water and embayed water.*

**Comment by:** 1 survey comment

**2438** **Comment:** *All impacts to the shoreline were not taken into full consideration. People owning property near the shoreline were singled out for having a potential impact due to possible septic tank leaks into the water; yet houseboats and other boats can dump sewage directly into the navigable waters, and this was not even considered. Also, others can use the shorelines to dispose of human wastes. Most property owners (not to mention the county health departments) will not allow a septic tank to leak without repairing it.*

**Comment by:** Robert L. Johnson

**2439** **Comment:** *TVA should take charge of human waste disposal on its impoundments. All public boat docks should be required to have both (a) public restrooms (approved disposal) and (b) pump units to remove sewage from houseboats/boats. All houseboats and other boats above a certain size should be inspected to ensure approved toilet facilities. At Fontana, more than 90 percent of TVA-registered houseboats and so-called North Carolina-registered houseboats straight-pipe directly into the lake, and it only gets worse as their numbers (North Carolina-registered) increase.*

**Comment by:** 1 survey comment

**2440** **Comment:** *An issue that should be addressed is the discharge of sewage from boats. Currently, there are procedures being put in place to require boats with holding tanks to empty them at an approved station. There are not, however, any requirements for a boat to have a holding tank to begin with. The DEIS proposes nothing to correct existing conditions, nor any clear course of action to prevent additional problems in the future.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**2441** **Comment:** *TVA and the USACE should combine forces to compel all commercial docks and state parks on the lake to provide boat sewage pump-out stations.*

**Comment by:** 1 survey comment

**2442** **Comment:** *The commercial shipping industry cleans out its barges and dumps the sewage overboard. There is a lack of sewer pump-out stations along the major waterways for commercial and private users to pump out their holding tanks. Most do not even have holding tanks because they use marine heads instead.*

**Comment by:** 1 survey comment

**2443** **Comment:** *Who is responsible for patrolling the lakes and enforcement of the regulations about raw sewage? I have called both TVA and Tennessee Wildlife Resources Agency, because it was supposedly a water hazard.*

**Comment by:** Pam Ahlberg

**Response:** Existing marinas could not accommodate all of the boats owned by private homeowners. TVA establishes harbor limits for all commercial marinas, which require that they operate within a limited water surface area.

Nonnavigable floating houseboats or cabins are not considered to be vessels by the states and are therefore not regulated under state boating laws. In 1978, TVA banned the construction and placement of additional structures of this kind on TVA lakes and initiated a program of registering all existing units. TVA regulations allow repairs and upkeep of existing structures but prohibit major modifications and expansions. As a result of this policy, the number of these type structures on TVA lakes has significantly declined over the past several years. All vessels placed on TVA waters since 1978 must meet applicable state requirements and be registered with the state.

TVA agrees that water quality is an important concern. There are wastewater pump-out stations available on most major TVA lakes, and the number of marinas offering the service is increasing. Owners of boats with sewage holding tanks should utilize these stations. Although individual state water quality offices have primary responsibility for this issue, TVA does cooperate with state efforts to curtail illegal or improper dumping of holding-tank waste by building awareness of state sewage discharge regulations and encouraging commercial marinas to establish sewage pump-out facilities. However, state boating authorities are primarily responsible for regulating marine sanitation devices and pump-out facilities at commercial marinas.

A wide range of commercial recreation areas which meet the needs of various customers has been developed around TVA lakes. TVA has also provided technical planning assistance to many operations to encourage establishment of quality facilities and services. In addition, the permits TVA issues for marinas, docks, and other water-use facilities require that structures be well maintained, and TVA tries to work with owners to ensure this requirement is met. In some instances, TVA has taken direct action to remove severely dilapidated or hazardous structures from the lakes.

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**2444** **Comment:** *TVA should allow people with houseboats to use them as a dwelling, even though they may own a shoreside home. This should also apply to cabin cruisers over 25 feet long with full equipment (toilet, stove, refrigerator, beds).*

**Comment by:** 2 survey comments

**Response:** TVA has navigability requirements for houseboats (e.g., the boat must be capable of being moved under its own power), but the agency does not restrict use of houseboats for living space.

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**2445** **Comment:** *I would like to see many of the small ramps closed to the public, because some campers and day-users come down on the ramps to spend the day, leave all their trash*

*behind, and make it impossible for those that would like to launch their boats. After a weekend of campers, there is trash floating all over the lake. More campgrounds may be the solution for this problem. I also think that a ramp fee should be charged on the weekends during the summer months, on all the big boat ramps. This would earn more revenue to help patrol the lake and keep it cleaned up.*

**Comment by:** Kristina S. Roth

**2446** **Comment:** *I am concerned about overnight camping at public launch areas because of sanitation problems. These areas are posted for no camping, but this is not enforced.*

**Comment by:** 1 survey comment

**2447** **Comment:** *In some areas, thieves and vandals make it dangerous for local residents to leave a vehicle or boat parked at the public access ramps.*

**Comment by:** Thomas W. Simrell, Granville Major

**2448** **Comment:** *Boat ramps need to be safe, and they need to be patrolled. Provide launch sites with guards to keep the thieves and vandals out of the parking and launching areas.*

**Comment by:** Glenn James, 1 evaluation form comment (Harriman, TN), 1 survey comment

**2449** **Comment:** *The two public boat ramps at Boone Lake need to be better maintained. There is only one light at Boone Dam, and it does not light up the ramp. There are constant break-ins there.*

**Comment by:** Jim Richardson

**2450** **Comment:** *Better maintenance of existing access is needed at Lake Hiwassee.*

**Comment by:** 1 survey comment

**2451** **Comment:** *Sullivan's Landing's garbage cans were taken up about a year ago. What do people do with their garbage when they go to the boat ramp?*

**Comment by:** Sue Vaughn

**2452** **Comment:** *When my neighbor called to ask TVA to clean up the Eldridge Road boat ramp where people camp and leave their trash, we were told that TVA had so much property that they did not have enough personnel to do this.*

**Comment by:** Sandra Wright

**2453** **Comment:** *TVA took the six light poles down at the Killen boat ramps saying they could not afford them. Rather than just cutting the power off, TVA took the light poles down—transformers, lights, and all. The city of Killen got mad, so the next week TVA put them back up.*

**Comment by:** Allen Gezelman

**2454** **Comment:** *Commercial fishermen and others leave their trailers in the water at privately owned and TVA-controlled launch sites. They should be heavily fined or their trailers confiscated so the general public can use these sites. This occurs at the old T.E. Bookers site at Eastport.*

**Comment by:** 1 survey comment

**2455** **Comment:** *Boat ramps being used as swimming areas are a safety hazard. TVA has said that it cannot develop public swimming areas because of the liability. The FEIS should address these types of recreational conflicts and needs.*

**Comment by:** J. B. Patton

**Response:** TVA and other public agencies maintain public boat ramps and other recreational areas to help provide a means for the public to enjoy the reservoir system. While most members of the public use these areas in a responsible manner, some do leave trash and litter, and some vandalism does occur. In the future, TVA may consider establishment of launching fees at some of its ramps to help offset maintenance costs. Most agencies that manage public launching areas prohibit overnight camping at these facilities. Agencies enforce these regulations to the extent their resources permit.

There are numerous public boat ramps on Boone Lake that are maintained by TVA, the Tennessee Wildlife Resources Agency, or other public agencies. However, funding constraints can often limit the level of maintenance performed at these areas. The major ramp managed by TVA is upstream from Boone Dam and is one of the most heavily used ramps on the lake. In recent years, TVA has added a courtesy pier, security lights, and additional parking at this facility to provide quality launching opportunities. Individuals with concerns about maintenance of specific ramps on Boone Lake are encouraged to contact TVA's Kingsport Land Management Office at (423) 239-2000.

Hiwassee Lake access facilities are managed by several agencies, including TVA, the Forest Service, and the state. TVA is responsible for maintaining the Micken Branch public boat ramp located on the left bank of the lake at Hiwassee River mile 83.5. This ramp was not regularly maintained in 1996, due to a funding shortfall. However, maintenance of this area, including mowing of road shoulders, routine removal of litter and debris from the ramp and parking area, and upkeep of the ramp courtesy pier, has been resumed. Citizens concerned about conditions at specific areas should contact the appropriate managing agency or TVA's Murphy Land Management Office at (704) 837-7395.

At Sullivan's Landing and Eldridge Creek, garbage cans at the boat ramp were temporarily removed in 1996, due to lack of maintenance funding. However, the cans have been replaced, and TVA is currently maintaining both areas.

Funding restrictions also prevented TVA from maintaining the public boat ramp near Killen during 1996, and the local utility district elected to remove security lights and poles. After a discussion of a potential ramp management partnership with Killen officials, security lights were reinstalled, and the area has been licensed to Killen.

TVA agrees that swimming from boat ramps is a safety hazard, and TVA boat-launching ramps include signs indicating that swimming from ramps and courtesy piers is prohibited. TVA, as well as other agencies, has developed improved swimming areas at some day-use areas and campgrounds to help accommodate public demand for lake swimming. TVA and other agencies also prohibit the parking of vehicles and trailers on boat ramps, and these regulations are enforced to the extent possible.

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**2456** **Comment:** *Stop the filling in of launch ramps as the USACE did in Alabama in the 1980s.*

**Comment by:** 1 survey comment

**Response:** TVA has not been filling any existing public boat ramps and is not familiar with any USACE efforts of this nature on projects they manage.

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**2457** **Comment:** *I have lived on Watts Bar Lake in Kingston, Tennessee, since 1987. Public access areas on Watts Bar have eroded shorelines, are overgrown with underbrush, are collectors of trash and debris, and are generally unusable by the general public.*

**Comment by:** Robert K. Maxon

**Response:** TVA has initiated an effort to inventory eroded shorelines and has begun to stabilize some of the most severely eroded sites along the reservoir system. TVA also removes trash from public lands that receive heavy informal public use and works with citizen groups to help organize and conduct shoreline cleanups.

**2458** **Comment:** *I do not understand why TVA allows boat ramp and picnic areas to be used as flea markets. I live in the Lake Chatuge area. At the north end of this lake, bordered by U.S. 64, there are a boat ramp, two picnic areas, and a wildlife sanctuary. For the past two years, the picnic areas have been used by vendors selling everything from vegetables to towels (strung up for display). This area even hosts "garage" sales. The boat ramp area now includes used trucks with "for sale" signs. If TVA is serious about land management, then they should not permit these flea markets in areas designated for recreational purposes.*

**Comment by:** 1 survey comment

**Response:** For-profit events such as flea markets or vehicle sales are not permitted on recreation areas managed by TVA. When TVA learns of such events on its property, actions are taken to stop these unauthorized uses.

**2459** **Comment:** *Does TVA still control Sand Island? Restroom facilities were removed, and nothing is being mowed. What about the other TVA access areas? Are they being kept up? Where is TVA spending all the money?*

**Comment by:** 1 survey comment

**Response:** TVA is responsible for the Sand Island area, and restroom facilities are still available at this location. However, due to funding reductions, TVA has initiated efforts to enter into partnerships with other public agencies and the private sector to help maintain some recreation areas on Watts Bar and other TVA lakes.

**2460** **Comment:** *A lot of the things that have happened around the Pickwick State Park area, especially on the Savannah side of the dam, are deplorable. The shoreline there has drastically changed for the worse. It has gone from a natural, beautiful state to one where the forests have been cleared and the foliage has been poisoned. There is erosion, the waters are muddied, and the natural coves where the boaters could anchor and spend nights have been blocked off by large piers that are part of the construction that has gone on for the past several years.*

**Comment by:** William Burrow (Pickwick Boaters Association)

**Response:** Much of the land in this area of Pickwick Lake is privately owned and is being developed for residential use. TVA has worked with the developers of this property to control erosion and other potential negative impacts on the waters of the lake. Piers and other water-use facilities have been permitted by TVA at this location. The issue of size of piers is addressed in the SMI alternatives (refer to Chapter 2 of the FEIS).

**2461** **Comment:** *There are no dumping stations or public restrooms on Wilson Lake.*

**Comment by:** 1 evaluation form comment (Florence, AL)

**Response:** Public land and facilities are limited on Wilson Lake. However, TVA does provide recreation facilities, including restrooms, on Wilson Dam reservation and on the upper end of Wilson Lake just below Wheeler Dam.

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**2462** **Comment:** *Public access is important on areas that are not sensitive to endangered or threatened species of flora and fauna, or to special land forms, or to special areas of natural vegetation. However, measures must be taken to ensure that access does not lead to misuse or destruction.*

**Comment by:** Thomas A. Brindley, Ph. D. (Tennessee Valley Birdwatchers Society)

**Response:** Where necessary to protect the resources, TVA restricts public access to sensitive natural resources, such as endangered or threatened species populations. Methods used in restricting access include designating the sites as habitat protection areas, construction of fences or gates at cave mouths, and rerouting or closing trails. These measures are often carried out in cooperation with other natural resource management agencies.

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**2463** **Comment:** *TVA needs to provide more public boat ramps and landings, as well as improving and maintaining existing launching facilities. For example, TVA should design ramps to accommodate larger boats and sailboats, provide year-round access to these facilities, furnish trash containers and empty them regularly, and revise and post "no littering" signs.*

**Comment by:** Chris Hinson, Glenn James, Bill Potts (Jefferson County Commission), Lester J. Vohs, 1 evaluation form comment (Memphis, TN), 2 evaluation form comments (Dandridge, TN), 12 survey comments

**2464** **Comment:** *Public access to TVA lakes by nonproperty owners must be protected. As more private development occurs, there is less and less land available for access. I favor the construction of more access sites, especially at lakes that have wide lake level fluctuations such as Norris. I realize this costs money, but it is needed.*

**Comment by:** 1 survey comment

**2465** **Comment:** *Lake access by nonproperty owners could be improved by enhancing existing facilities (e.g., install docks beside boat-launching ramps on downstream lakes besides Fort Loudoun and Tellico) and allowing more commercial marinas. TVA could pay for this by reducing the number of new regulations and the additional police needed for enforcement of these regulations. This would keep operating costs within appropriated limits.*

**Comment by:** 1 survey comment

**2466** **Comment:** *We support development of better launching facilities for all to use for trailering of boats, rather than commercial, community, or private docks being built. Without development, this valuable resource will remain for future generations to enjoy.*

**Comment by:** J. Mark Wisham

**2467** **Comment:** *I agree with some of the things in Alternative C1. One of the things that bothers me is the restriction on boat ramps. There need to be more boat access areas.*

**Comment by:** Ralph Fielder

**2468** **Comment:** *There should be more handicap ramps on the lakes.*

**Comment by:** 1 survey comment

**2469** **Comment:** *I would like to offer some criticisms based on written material in the Executive Summary. These are as follows: page 7, left column, third paragraph. Omission of the word ramps in the clause "Construction of buildings, piers, docks, boathouses, and roads." The word ramps should have been included on the basis of merit.*

*Page 14, item Boat Launching Ramps. Unlike most of the other items in this listing of proposed standards and characteristics, this item receives only a cursory treatment. The wording of this item, as it now stands, cannot lead to statements of specifications and standards which would provide adequate launching of trailered 20-foot to 24-foot marine vehicles in TVA waters. What is needed by planners is a set of policy statements and standards, somewhat as follows: (1) classes of ramp systems, and distribution of these systems to meet the needs of boaters, (2) which are functional throughout the year, (3) and supported by service docks and other shore facilities, (4) with ownership and maintenance established by contract between TVA and local political entities. After these sorts of policy decisions are stated, it is then appropriate to state some of the engineering details such as inclination angle, load-bearing capacity, methods of construction, etc.*

*Page 17, item Recreational Use of Shoreline. I believe the numbers of recreational opportunities lost are understated. These numbers do not reflect the lost opportunities of the ghost fleet of larger trailered marine vehicles, which do not exist because lack of adequate ramps discourages prospective operators. What I have seen in the six years that I have lived in Knoxville, or rather, what I have not seen, is a lot of trailered marine vehicles in the 20-foot to 24-foot length category on the highways or waterways. What I have seen is the large number of boats in this category operating all along the East and Gulf Coasts. Why? Because that size is a natural preference for family-size water recreational excursions, and numerous launch and recovery facilities are available.*

*As I continue to participate in SMI, what I need from TVA is the following: (1) A socioeconomic model of pleasure boat operations in TVA waters; (2) technical descriptions of marine access systems, such as marinas, ramps, docks, and the like, to provide adequate support for the forecasted marine operations described in the model above; (3) a congressional mandate requiring TVA to implement programs to accomplish such marine access systems as are described in item 2 above; (4) dissemination of DEIS information throughout the SMI area so that the public and business interests can become more involved and be more influential in the TVA decision-making process. Boating interests need to be asked to participate, not just to whine and complain; (5) an endorsement from TVA so that I am speaking for many others, not just myself, when I ask for improved launch and recovery systems in TVA waters for trailered 20-foot to 24-foot marine vehicles.*

**Comment by:** Lester J. Vohs

**Response:** Contingent on the availability of funding, TVA will continue to maintain public boat-launching facilities on the reservoir system and cooperate with other agencies in their efforts to meet current and future boat access needs. Under any of the alternatives, the proposed standards would apply to construction of ramps in residential areas but would not affect the development of additional public boat-launching ramps.

TVA provides and regularly services garbage cans at virtually all TVA-maintained boat ramps and other developed recreation areas. As signs are redesigned and replaced, TVA considers revisions to encourage more responsible handling of trash. At many of the popular boat ramps, TVA restroom facilities are located nearby to accommodate the needs of ramp users. However, funds are not

available to provide portable toilet facilities at the more remote launching ramps. Where feasible and as funds permit, TVA's recreation facilities are being modified to meet handicapped standards.

TVA's philosophy concerning development of boat access areas has been to provide or facilitate the provision of basic public boat access facilities which serve the majority of the boating public throughout the Tennessee River system. We typically seek to provide 40-foot-long parking spaces to accommodate a vehicle and boat trailer; concrete launching ramps with 13-15 percent slope; and where feasible, launching depths that are 3 feet below normal winter pool levels at the bottom of our ramps. Courtesy piers are provided where demand is high and funding has been made available. Unfortunately, we are not able to provide launching facilities which serve the entire spectrum of the boating public and recognize that typical TVA boat ramps may not accommodate the launching of some sailboats or larger motorized crafts. We view these as specialized facilities which we do not have the resources to accommodate. For economic reasons, we must rely on the private sector to meet these facility needs through yacht clubs and commercial marinas.

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**2470** **Comment:** *TVA campgrounds and public use areas should be better regulated, and informal camping on islands and points should be controlled or banned. TVA should ensure that campers and recreational users do not litter, leave trash at campsites, cut trees, mow vegetation, or conduct activities that erode the shoreline. The shoreline and islands should be regularly checked, and those caught littering or degrading public land should be fined. Campgrounds should remain open longer into the year. All campers should be required to obtain a permit, and camping should be allowed only in designated areas. Each campground should have a full-time manager, possibly a retiree. Fines should be charged for unauthorized camping.*

**Comment by:** R. Cliff Roop, Donald M. Shepherd, George J. Jeram, Jerrie Ann Weaver, Martin Gilliam, William Stephenson, Lee Miller, Graham Christie, James B. Baker, Howard L. Jones, Letitia C. Langord, Cheri Christie, 1 evaluation form comment (Harriman, TN), 12 survey comments

**2471** **Comment:** *The increased use of the lake by jet skiers, fishing clubs, and other recreational users has resulted in a tremendous amount of increased crime. For 18 years, I did not have any vandalism at my house; in the past two years, I have had valuable items stolen from my house and a costly attempted break-in. I firmly believe that the theft and attempted break-in were done by campers using TVA's property across from my house.*

**Comment by:** James B. Baker

**2472** **Comment:** *Many people drive onto a large island in front of my home and fire weapons. When the lake was constructed some 50 years ago and very few people lived on the lake this did not happen, but there has been much development along the lake in recent years. TVA should review its policy regarding the firing of weapons and hunting on TVA property.*

**Comment by:** Howard L. Jones

**2473** **Comment:** *In cases where residential property owners have access across TVA-managed land to their boathouses, some day-use and informal camping areas could be used by both the general public and residential property owners with no net loss of use.*

**Comment by:** 1 survey comment

**2474** **Comment:** *My family and I very much enjoy walking the shores in fall and winter, looking for unusual rocks, etc. I hope TVA will keep plenty of public land and will continue to allow camping on islands and their lands which are not state parks. The camping areas are very popular, and it is hard to get a camping spot.*

**Comment by:** Douglas Snelson

**2475** **Comment:** *TVA should have a policy on camping around lakes. People set up tents and use places around Tims Ford not designated for camping. TVA should have an aggressive enforcement plan.*

**Comment by:** 1 survey comment

**2476** **Comment:** *I wish that TVA and the EPA and zoning authorities could collaborate on true restrictive zoning (without loopholes) that states a person cannot camp in a campground for 12 months a year.*

**Comment by:** Virginia Eslinger

**2477** **Comment:** *Many of the camping areas on the lake are filled with litter and trash left by campers. This is a real health hazard. These areas have no trash receptacles on Lake Nottely and no maintenance.*

**Comment by:** 1 survey comment

**2478** **Comment:** *From the amount of trash floating on the lakes and deposited along the shore, it is clear that it is not the property owners who are hurting the lakes. There are bottles, cans, Styrofoam coolers, fast food containers, oil bottles, and all other sorts of trash floating in the lake. The trash left at the informal day-use sites is equally depressing. At one site on Melton Hill, there are piles of beer cans, liquor bottles, discarded clothes, wrappers from fast-food restaurants, and sundry trash. No one ever cleans this up. Unfortunately, this site is not unique; it is repeated at nearly every informal public use site.*

**Comment by:** Melody Kirby, Brendan Kirby

**2479** **Comment:** *When TVA patrols the lake, why do they not check boat numbers of people camped on the shoreline and islands, and then check back to see if they have left trash or cleaned it up?*

**Comment by:** Judy Fletcher

**2480** **Comment:** *On recreational use of shoreline, the DEIS stated that Alternative A or B1 would have the greatest impact on public parks and campgrounds, causing crowding and conflicts when undeveloped area campers swamp developed area campsites. The DEIS did not address the issue of the pollution left behind by these undeveloped area campers (i.e., trash, human feces, discarded furniture, pets, etc.).*

**Comment by:** 1 survey comment

**2481** **Comment:** *Educate and persuade campers, fishermen, and picnickers to clean up their trash.*

**Comment by:** 1 survey comment

**2482** **Comment:** *After listening to the environmentalists that spoke at the meeting, I began to wonder if any of them ever walked the shores of Kentucky Lake and noticed the tons of trash covering the shoreline. Most campers along the shore leave their trash where they camp, since no containers are available. I think Kentucky Lake needs a little more development and more managed camping areas to help keep the shorelines cleaner.*

**Comment by:** 1 survey comment

**2483** **Comment:** *In the past TVA has not maintained its campgrounds well. I reported the cutting of trees at Loyston Point, and TVA has never acknowledged it. All they said was the slash-and-cut destruction had been approved. Loyston Point's pine-balsam areas in Anderson County are prime examples of neglect by TVA. What good are campgrounds when they are primitive, muddy, short-term, and usually too small? I have also reported dredging by private individuals on Big Creek past the county park at Lafollette, with no response from TVA.*

**Comment by:** 1 survey comment

**2484** **Comment:** *Areas close to my mother's house have septic tank field lines buried below the high water mark, and they are discharging. There are hundreds of trailers in that area, and they are on wells and field lines. If the land percolates, the Health Department says field lines can be put in. They can be put in year after year, highway to highway, and I fear the shoreline (especially privately owned) is going to be developed in that manner. We discovered over the last two years that the local zoning authority can forbid putting in 700 trailers.*

**Comment by:** Virginia Eslinger

**Response:** While most campers and recreationists use developed recreational areas and undeveloped public land in a responsible manner, it is regrettable that some individuals do abuse public lands and waters. In cooperation with regulatory and enforcement agencies, citizen groups, and others, TVA will continue its efforts to help curb vandalism and safety concerns, dumping of trash and litter, encroachments, and other land and water abuses to the extent resources permit. For example, TVA removes trash from some heavily used areas and has also restricted informal use at some chronic problem areas.

While hunting and use of firearms is generally permitted on TVA lands, the irresponsible operation of firearms in proximity to developed residential or recreational areas can be hazardous. Concerns related to potential dangers associated with the firearms in specific areas should be discussed with the appropriate TVA Land Management Office.

TVA has extended the operating season at some of its campgrounds to help meet camping needs during the fall and winter months. At TVA-managed campgrounds, there is a 21-day limit on most sites. Normally, only the resident manager of the campground can occupy a site on a year-round basis.

Unless it is otherwise posted, informal camping on TVA public lands is permitted. Individuals may camp at one location for up to 14 consecutive days, but this policy is difficult to enforce because TVA does not have the staff and resources to inspect all shorelines daily. Citizens often make TVA aware of problems associated with campers, and TVA follows up on these reports. Once discovered, violations of camping policies are dealt with accordingly.

TVA does encourage informal recreation users of islands and other undeveloped TVA lands to take their trash with them when they leave an area, and TVA Police help enforce laws related to littering as resources permit. However, the accumulation of trash is especially heavy at some of these areas as a result of household trash dumping by area residents or from informal recreation users. To better address this problem, TVA has recently initiated cleanups of heavily impacted areas as part of an effort to improve the quality of public lands around the reservoir system. In conjunction with this effort, measures such as signs and barricades are erected at some heavily abused areas.

TVA attempts to control campground development where we have the necessary landrights. These developments are reviewed to ensure that water quality impacts will be negligible. There are existing campgrounds adjacent to the reservoirs where TVA has no rights to prevent the development. In these cases, we can only provide our comments and concerns. On large tracts of land such as

Loyston Point on Norris Lake, TVA does occasionally harvest timber to diversify habitat and help create young, vigorous forests. TVA's Norris Land Management Office should be contacted if additional information is needed about tree cutting, dredging, or other activities on Norris Lake.

For a discussion of septic tank issues, please refer to the response following comment number 2325 in the Water Quality section of this volume.

**2485** **Comment:** *TVA will smooth-talk us and get us to agree on something; yet after we agree, TVA then passes laws on it. They will tell us that an agreement was reached during meetings like these. But TVA has not done anything about the riprap and grass cutting that they agreed upon in 1978 at Mallard Creek, in order to keep us from protesting that park going in.*

**Comment by:** O'Neal Terry

**Response:** While TVA has mowed a few informal undeveloped areas in the past, this practice has been discontinued. However, TVA has recently initiated efforts to clean up trash at selected locations and conduct shoreline erosion control demonstration projects and other stewardship activities to improve the quality of undeveloped TVA land. Citizens can contact TVA's local Land Management Office to get more information on this initiative or to suggest areas in need of attention.

**2486** **Comment:** *In the locality of any proposed lake area project, there are usually zoning rules. Most of these primarily rural areas have zoning regulations too loosely structured and poorly worded to protect the lake. Further, if a certain project is prohibited by the zoning rules, the developer obtains from the appropriate boards a variance or special use permit. Often eager to enhance the tax base, the members of the board or commission ignore the cumulative harmful effects of permitting this development. One member of the Washington County, Virginia, zoning commission stated during a meeting, "Everyone knows the lake was built for recreation." As a result of that meeting, there are nearly 70 permanent camper trailers, with their septic systems, on the edge of South Holston Lake. It was interesting to us that there appeared to be no one from a zoning board, planning commission, county commission, or county board of supervisors at either of the two SMI meetings we attended.*

**Comment by:** Ottolene Browning, Virginia Browning Eslinger

**Response:** Counties and other local entities are responsible for zoning, not TVA. On TVA property, year-round camping is not allowed.

**2487** **Comment:** *I am concerned about the once-beautiful shoreline in the Mansard Island (Paris, Tennessee) area. I have been camping at Mansard since before there was a boat dock there. We have enjoyed seeing the deer, geese, and ducks up until a couple of years ago, but the area has not been kept up or mowed. By the end of the season, we will not be able to see the lake. Campers should be allowed to mow this area or else TVA should mow it. Someone from TVA left a message which said not to even play horseshoes on their property. Please tell me why not. I have lived on the lake (weekends) since 1960 and enjoyed it very much. Yet, the way things are going, few people will continue to enjoy it, and that is not right. With more and more miles of blacktop and concrete, we should be able to enjoy our public lands.*

**Comment by:** Linda Adams Davis

**Response:** The lands referred to are controlled and managed by the Tennessee National Wildlife Refuge, not TVA. Any questions regarding the management of refuge lands should be directed to John Taylor, Tennessee National Wildlife Refuge at 901-642-2091.

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**2488 Comment:** *The DEIS says, on page 4-34, “. . . fees for informal camping may have to be implemented to reduce demand.” What that says to me is charge higher fees and cut down on the number of people trying to get permits, or TVA can make it so people cannot afford it. TVA is going to increase the fees on campers to the point where they would not want to camp.*

**Comment by:** John Scott

**Response:** As indicated in Section 4.11.4, increases in the informal recreational use of undeveloped shorelands in some areas could lead to undesirable conditions. Implementation of use restrictions, closure of selected areas, increased maintenance efforts, and/or establishment of user fees may be considered as potential approaches to managing these resources in a way that balances public recreation needs with sound resource stewardship.

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**2489 Comment:** *Campgrounds should remain open. TVA should also regain operation of some of the campgrounds and recreational facilities that were closed and then leased to the private sector, because some of these current private operations are unsatisfactory.*

**Comment by:** Charles C. Smoot (Bear Paw Subdivision), Dave Cooper, David Bolding, Floyd Atkins, J. B. Patton, Joseph T. Frye (Frye Enterprises), Judy Edwards (United States Representative Charles H. Taylor's Office), Rodney Campbell

**2490 Comment:** *TVA should not close or lease any more campgrounds or public-use facilities, because even under Alternative D, the public could lose up to 269,000 more informal recreation opportunities.*

**Comment by:** Lynn Leach (Alabama Environmental Council)

**2491 Comment:** *Better cleanup efforts and management by police or TWRA could solve the problems that closed the recreational areas and allow them to be reopened for public use, including vehicles.*

**Comment by:** 1 survey comment

**2492 Comment:** *I have been pleased with the way TVA has handled public use areas in the past, but I see a trend toward what makes the most money, even though it may not be what is best or the right thing to do. Fall Creek on Cherokee is an example.*

**Comment by:** Tim Meyer

**2493 Comment:** *We had a good campground at Fall Creek in Russellville. TVA closed it down, letting it grow up. Why does TVA not do something with what they have, instead of trying to take on new things?*

**Comment by:** Judy Fletcher

**2494 Comment:** *My suggestion and hope is to keep the shoreline in its natural state and available to everyone along the shore. We have owned property close to Paris Landing State Park for over 20 years. We thoroughly enjoyed the shoreline where there was (free) access to boating, fishing, walking, and swimming. This year gates are locked to all except campers.*

*No one else has access to the swimming and walking areas. Maybe landowners and TVA could meet to see if something can be worked out to everyone's enjoyment of the shoreline.*

**Comment by:** Rhovean M. Rinella

**2495** **Comment:** *TVA needs to provide a campground, beach, and picnic area on Hiwassee Lake. This would help to control illegal camping and littering around the lake. We have no year-round camping on Lake Hiwassee.*

**Comment by:** 1 survey comment

**2496** **Comment:** *Local governments and businesses now lease and operate some of the 20 recreational areas closed by TVA. TVA should continue privatizing its campgrounds, launching ramps, and other recreational operations to reduce operating expenses and deter vandalism and drug abuse on the premises.*

**Comment by:** Harry A. Nesteruk, 2 survey comments

**2497** **Comment:** *The Knoxville News-Sentinel reported that TVA had closed 20 recreational areas last spring to save \$1 million dollars per year. Local governments and private businesses have reopened 14 areas and are operating them at little or no additional cost to the public. So \$1 million dollars per year has been saved, and the people still have their recreational areas. TVA land management is to be commended for working with the local governments and private businesses to reopen the 14 recreational areas. Getting more money was not the issue.*

**Comment by:** Dale Hedges

**2498** **Comment:** *The area that makes up the Hanging Dog Campground on Hiwassee Lake could be sold or leased for commercial development only, with restrictions. It is ideal for a lodge, motel/cabins, beach, and a year-round marina.*

**Comment by:** James E. Sherrill

**Response:** TVA recognizes the value of providing public recreation opportunities on the reservoir and has worked to foster establishment of recreation facilities and services by the private sector and other public agencies throughout the reservoir system. Toward this objective, some 230,000 acres of TVA land have been conveyed to others for recreation and recreation-related purposes. In addition, TVA directly maintains day-use areas, boat ramps, and campgrounds to help meet public needs.

Due to budget constraints, TVA has been seeking partnerships with other public agencies or the private sector to take over the operation and further development of selected TVA recreation areas. As funds permit, TVA will continue to operate and improve some recreation facilities, especially those associated with TVA dam reservations. The Forest Service is responsible for Hanging Dog Campground.

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**2499** **Comment:** *The informal camping opportunities which would be lost because of shoreline development are probably in violation of county health regulations because of the absence of bathroom facilities and trash containers. The raw sewage and trash washes out into the river. Check Eldridge Creek and the east bank at river mile marker 488.7. Both areas are shown on the TVA map as being TVA public lands.*

**Comment by:** 1 survey comment

**Response:** Although restroom facilities are not available to informal users of undeveloped lands, the dispersed nature of this use in most areas does not result in significant sanitary problems. In locations where concentrated uses result in significant unsanitary conditions or other problems, TVA tries to take corrective actions, including cleanup, maintenance, or implementation of use restrictions.

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**2500 Comment:** *Off-road vehicles are negatively impacting TVA lands and should be banned from sensitive areas. This ban should be strictly enforced.*

**Comment by:** Scotty Long, 4 survey comments

**2501 Comment:** *Four-wheel drive trucks can tear up the lake bottom, but a dirt bike has only two wheels and cannot tear up as much ground. Let us have limited places to ride dirt bikes. When the lake goes down in some places all that is there is dirt. How can a biker tear up any vegetation on dirt? This policy needs to be looked at again.*

**Comment by:** 1 survey comment

**2502 Comment:** *I know where the most significant improvement in erosion can be accomplished with the least effort. The exposed banks of Island F on Norris are chewed up every weekend when the level drops below about 995 feet. The dirt bikes and four-wheelers fill the air with noise and the water with silt. It is known in the bike shops of Knoxville as "Four-Wheel Drive Island."*

**Comment by:** David Burns

**Response:** TVA reservoir land holdings consist primarily of relatively small, narrow parcels of land that are not well suited to off-highway-vehicle (OHV) use. In addition, these lands, including those within reservoir drawdown zones, often contain natural or cultural resources that TVA is required to protect. For these reasons, OHV use is generally prohibited on TVA land, and this policy is enforced to the extent available resources permit.

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**2503 Comment:** *TVA's contributions to hunting and fishing in this economic area have not been properly realized. The January/February 1996 Ducks Unlimited magazine states that, "Economic impact of hunting and fishing across the U.S. receives \$100 billion a year. Nationwide, money spent by all hunters and anglers accounted for roughly 1.3 million jobs in 1991. Historically, hunters have led our support in most of the major conservation efforts in America."*

**Comment by:** Ross A. Malone (Ducks Unlimited)

**Response:** TVA agrees the value of TVA lands and waters for hunting, fishing, and other forms of recreation is substantial. Accordingly, TVA strives to take these values into account in reservoir system planning and management initiatives.

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**2504 Comment:** *Fishers and hunters should be allowed unrestricted access along the shoreline, from the 100-foot SMZ boundary to the water.*

**Comment by:** 2 survey comments

**Response:** Under any of the alternatives, fishers would be allowed to use public land between homes and the water. Valley states regulate hunting within residential areas and the requirements vary from state to state.

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**2505** **Comment:** *There is a need for more marinas. TVA could realize some income from the lease of this property.*

**Comment by:** 1 survey comment

**2506** **Comment:** *None of the alternatives address the commercial docks adjacent to the owner's privately owned land. These should be TVA's main source of income as each boat slip represents an individual property owner, and boathouses are the worst sewage polluters on the lake.*

**Comment by:** Charles F. Holloway

**Response:** TVA works with the private sector and others to foster establishment of new marina services or expansion of existing areas to meet needs. TVA charges fees for commercial recreation use of TVA land. These fees vary, depending on the characteristics of the land, the specific use proposed, and other factors. As a general condition included in written approvals of water-based facilities reviewed by TVA under Section 26a of the TVA Act, TVA requires that any discharge into the lake of sewage or other refuse must be in compliance with all applicable laws relating to pollution control.

**2507** **Comment:** *TVA should increase the rates to commercial dock owners who are getting paid well by lake users for camping, mooring, and launching fees. This is money from properties owned by the taxpayers of Tennessee. It would be very interesting to know just how well TVA is managing the oversight of these docks and the revenues that come from them. Norris Reservoir has five commercial docks that have at least 350 boats moored at each of them. The average fees would be approximately \$60 per month per boat. That is \$252,000 per dock and a total of \$1,250,000 a year. These are very conservative figures. TVA might also look into having managed campsites and charge users fees so that out-of-state campers can help pay for upkeep instead of just Tennesseans. With 30 reservoirs in seven states, TVA could realize a \$1,875,000 profit if it charged a 5 percent user fee ( $\$1,250,000/\text{reservoir} \times 30 \text{ reservoirs} \times .05 = \$1,875,000$ ).*

**Comment by:** 1 anonymous letter comment

**Response:** TVA does charge for commercial recreation use of its land and recognizes the need to periodically review and adjust fee rates to ensure that TVA and the public receive a fair return on the use of these properties. TVA also charges for use of its developed campgrounds. These fees apply to users from within as well as from outside the region.

**2508** **Comment:** *Eighty-three percent of the land in Guntersville is undeveloped. If that is not enough land for people in Alabama to camp out free and to use the land in its natural state, how much more do we need?*

**Comment by:** Jerrie Ann Weaver

**Response:** There is a wide variation in the amount of public land surrounding individual TVA reservoirs, and recreation use levels also vary considerably. Although Guntersville has substantial public lands available, it also receives more recreation use than most other lakes in the system.

**2509** **Comment:** *At Douglas Lake there are at least six commercial camping and/or boat docks where boaters must pay to launch their boats. There are also free launch areas nearby. I understand that the city of Dandridge is going to allow another development to be built in the same area. We do not need more facilities to be built so close to each other. I am totally against any future commercial development on Douglas Lake.*

**Comment by:** James R. Jackson

**Response:** Commercial recreation areas on Douglas Lake provide a variety of facilities and services for a fee, and these areas play an important role in meeting recreation demands on this lake. At the same time, public launching and other basic recreation opportunities are provided by public agencies free of charge. Both the private sector and public agencies will help meet additional recreation needs in the future.

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**2510** **Comment:** *TVA stated in the DEIS (Section 4.18) that dock owners use more gas than others. This is not true. Maybe 5 to 10 percent do. I see firsthand that dock owners have docks for easier and cleaner access and use their boats little. Most docks are used for swimming and just relaxing.*

**Comment by:** 1 survey comment

**Response:** TVA believes that shoreline residents are likely to use more boat gasoline compared to the average Tennessee Valley resident. However, it is conceivable that some dock owners do not use much boat gasoline compared to frequent nonresident lake users. It is also possible that docks enable the shoreline resident to have larger boats, which would use more gasoline per unit of operating time compared to trailered boats. In response to this comment, the statement has been modified in the FEIS.

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**2511** **Comment:** *The DEIS mentions that residential development in effect privatizes a shoreline. Exactly how many lake users were denied use of the shoreline by an adjacent property owner?*

**Comment by:** Tricia Bledsoe

**Response:** While many backing property owners do not object to or overtly discourage use of public land fronting their residences, the presence of private water-access facilities such as steps, docks, or other modifications gives the impression that the shoreline is privately owned. As a result, most members of the general public will not attempt to use these lands for informal recreation. Actual denials of access are not monitored or recorded by TVA.

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**2512** **Comment:** *TVA should look at recreational access around urban areas in a different manner. The FEIS needs to address this need. Portions of some lakes are part of a city and should be managed as such.*

**Comment by:** Steve Mouzon (Leonard and Mouzon Architects)

**Response:** TVA has conveyed several tracts to counties and municipalities to foster the establishment of recreation areas to meet recreation demands in heavily populated areas. For example, TVA recently developed a trail and other facilities on a portion of the Chickamauga Dam Reservation and then conveyed the area to Hamilton County, Tennessee, to help initiate the North Chickamauga Creek Greenway.

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**2513** **Comment:** *Condemnation procedures should be initiated against the existing summer dock and ramps at the Concord Yacht Club. The summer dock is available for use only when the water level of Fort Loudoun Lake is around 813 feet MSL, from about April 1 to November 1. It is not necessary to put up with docks that are operational only during the high-water season. My estimate is that approximately 40 percent of the owners belonging to the Concord Yacht Club are deprived of the enjoyment and use of their boats because of inadequate dockage and ramps. Considering the initial cost and upkeep expenses of a boat, owners are suffering substantial financial damages because they cannot use their boats as much as they would wish. Removal of these structures is believed to be consistent with the SMI. Therefore, it would not be necessary for Knox County to have to stand alone in requiring its shoreline installations to be first-class in appearance and quality; TVA has already made its position known in this regard. In addition to condemning the existing summer dock structure and ramps, the Concord Yacht Club should be required to replace the condemned structure with adequate all-season docks and ramps.*

**Comment by:** Lester J. Vohs

**Response:** Comment noted. TVA addressed concerns related to facilities at Concord Yacht Club in 1995.

**2514** **Comment:** *I note that Ocoee Lake is part of the shoreline area, or I assume it is. Is this the same Ocoee that was used by the Olympics of 1996? And is this the same Ocoee that I read in the newspaper is being considered for use as an Olympic training area? If so, I have serious objections to this kind of activity from an environmental standpoint. It sounds abusive and profit-wise and is not a good idea if the story is true.*

**Comment by:** Gloria Reagon Price

**Response:** TVA cooperated with the Forest Service on two EISs on the Ocoee River. In these reviews, all relevant environmental impact concerns were addressed. A Record of Decision for the Ocoee Olympic Whitewater Slalom Venue was issued in May 1994, and a ROD for the Ocoee Recreational Corridor was issued in April 1997.

## Aesthetic Resources

Comments regarding aesthetics included topics such as:

- Beauty of Tennessee Valley shoreline
- Impacts of development, industry, and tree-cutting on aesthetics
- Methods used (polls, questionnaires, surveys, etc.) for evaluating aesthetics
- Importance of lake view to property owners

**2515** **Comment:** *If the undergrowth were cleared out, certain trees saved, grass planted, and all of this well managed and maintained, it would greatly enhance the beauty of our lake.*

**Comment by:** 1 survey comment

**2516** **Comment:** *The beauty of our area is unsurpassed in all the world. It is imperative that it be maintained for residents and visitors alike.*

**Comment by:** 1 survey comment

**2517** **Comment:** *The natural beauty of the shore must be protected. Once destroyed, it will be gone forever.*

**Comment by:** 1 survey comment

**2518** **Comment:** *I find the lands along TVA reservoirs quite nice and appealing. There is a good mix of residential and undeveloped lands that has occurred over a 50-year period without a lot of restrictions.*

**Comment by:** 1 survey comment

**2519** **Comment:** *A mixture of natural and developed (cleared) shoreline is the most aesthetically pleasing approach.*

**Comment by:** 1 survey comment

**Response:** Comments noted. All the diverse aesthetic preferences reflected in these comments were represented in the results of *Viewing Tennessee Valley Shoreline* (see Section 4.12.2 of the FEIS).

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**2520** **Comment:** *The DEIS, as well as public comments, reveals that 96 percent indicated that it was important to leave the natural beauty of the shoreline undisturbed. This is evidence that the public opposes further development by SMI. Maintaining the aesthetic resources of the shoreline would maintain all other elements of the shoreline, as they are dependent upon the natural state of the forest and shoreline.*

**Comment by:** Gloria Reagon Price

**2521** **Comment:** *The aesthetic quality of the shoreline is a major issue with sportsmen. I enjoyed the synopsis of the "preferred shoreline" picture. Although the majority of people did not appreciate the "unkempt" look of Alternative D, I can appreciate those individuals' opinions and concede that there is a conflict here with current landowners. However, in order to provide protection of the overall aesthetics of the reservoirs, the only alternative to limit further development of the lakeshore is Alternative D. From an angler's point of view, a day on Norris Lake or the upper reaches of Tellico Reservoir is more aesthetically satisfying, because of the limited development, than a day on Fort Loudoun.*

**Comment by:** Eric T. Newberry, Jr., P.E. (Tennessee Bass Federation)

**2522** **Comment:** *The aesthetic value of the reservoirs must be top priority. Without adequate regard to aesthetics, all is lost, especially property values. Private docks and clearings, along with their clutter, are unattractive and vista-destroying. Why destroy the beauty of the remaining undeveloped shoreline which thousands enjoy for the benefit of a few who happen to own property on the reservoir?*

**Comment by:** 1 survey comment

**Response:** TVA agrees that aesthetics is an important component when considering the overall value of the shoreline. That is why aesthetics is one of the 13 resources evaluated in this FEIS. Respondents to the *Viewing Tennessee Valley Shoreline* questionnaire preferred that residential development not exceed an average of 29 percent. (See Section 4.12 and *Figure 4.12-4*.) Currently, 13 percent of the shoreline has been developed for residential purposes; outstanding access rights exist on an additional 25 percent of the shoreline for a total of 38 percent. Under Alternatives B2, C2, D, and the Blended Alternative, TVA estimates that residential shoreline development could be up to 38 percent.

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**2523** **Comment:** *What we enjoy seeing most along the shoreline are beautiful homes and well-maintained lawns. However, a buffer strip as proposed in Alternative C1 would block the view of these homes and lawns. A wild shoreline with trees falling into the water and debris caught along the bank is less appealing than a beautiful house and well-landscaped property.*

**Comment by:** Curtis Daniels, W. L. Panter, 8 survey comments

**Response:** Residential shoreline development can contribute to the attractiveness of the shoreline. In addition, lakefront property owners have often made substantial efforts to control shoreline erosion. All permitted, existing residential shoreline alterations would be grandfathered, which means exempt from the new standards.

Maintaining a lawn and landscaping on shoreland have disadvantages, which include water quality degradation and decreases in aquatic and terrestrial habitat. (See Chapter 4 of the FEIS for more detailed information. Section 4.3 specifically addresses the impact of lawns.)

According to the results of the *Viewing Tennessee Valley Shoreline* survey, the majority (70 percent) of respondents preferred to see a vegetative buffer along public shoreline. The Blended Alternative would provide lakefront property owners the flexibility to maintain a view of the water.

**2524** **Comment:** *The only real impact of residential development is on aesthetics. In order to maintain a pleasing look, docks should be reasonably sized, access ramps should be minimized, and tree-cutting should be restricted. However, when a landowner uses a weed-trimmer on trees less than 3-5 inches in diameter, it does not look natural, and it does not look as pleasing as a well-manicured lawn. If people are allowed to cut underbrush, then they should be required to plant grass and keep it mowed. Well-maintained lawns may not be natural, but they are very pleasing to the eye.*

**Comment by:** 1 survey comment

**Response:** Residential shoreline development can impact more than aesthetics. The FEIS discusses potential impacts to wildlife, endangered and threatened species, soils, wetlands, floodplains, aquatic habitat, water quality, recreational use, economics, and navigation. (See Chapter 4 of the FEIS for more detailed information. Section 4.3 specifically addresses the impact of lawns.) Developing standards that help maintain the visual qualities of the lake and shoreline environment and give lakefront property owners flexibility is important to TVA.

**2525** **Comment:** *There should not be a straight-line perpendicular easement through the property. It should be curved or angled, so that a view from the lake actually gives the appearance that it is wooded and covered. A straight-line perpendicular path to the shore gives the appearance that there is a swath of no vegetation. A curved path would be more aesthetically pleasing.*

**Comment by:** George J. Jeram

**Response:** TVA agrees that the curved path would be more aesthetically pleasing. Access corridors would be sited to minimize removal of trees with high wildlife value and would in some cases follow meandering routes.

**2526** **Comment:** *There is more to this than just clearing land. It is beautiful to see boathouses and piers, because you know people are using their property.*

**Comment by:** Jerrie Ann Weaver

**Response:** For the purposes of this study, *aesthetic resources* includes vegetation management, amount of shoreline development, water-use facility design, and density of water-use structures. All of these factors were considered in determining a more complete picture of what constitutes aesthetic quality in a residential setting.

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**2527** **Comment:** *Lake view is more important than dock size. Before you know it, someone will need a 7,000-square-foot dock to out-do his neighbor. We need a nice landscape that is mowed and trimmed, with trees between us and the lake.*

**Comment by:** 1 survey comment

**2528** **Comment:** *I support TVA's efforts, as I want to see the natural beauty of the lake preserved. Pier permitting has to be contained. Piers are being built too large and becoming eyesores to neighboring lots.*

**Comment by:** 1 survey comment

**Response:** Dock size, as well as the type, proximity to other water-use facilities, and construction materials, all affect aesthetic qualities. For more information, see the results of the *Viewing Tennessee Valley Shoreline* questionnaire (Section 4.12). A detailed description of the Blended Alternative's standards are found in Section 2.8.6.

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**2529** **Comment:** *Residential development on 29 percent of the shoreline may, for all practical purposes, be suitable. Large areas of shoreline are unsuitable for docks because of factors such as shallow water, exposure to wind and currents, and steep bluffs. Considering these limitations and other land use allocations, 29 percent may be high. The aesthetic resources of shoreline areas visible from public recreation areas, adjacent to roadway crossings, and similar highly occupied areas should be protected from residential development and associated shoreline disturbances.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** Several criteria such as those noted may preclude some residential shoreline development around several reservoirs. Other criteria would include protection of threatened and endangered species, wetlands, and cultural resources. Under Alternatives C1, C2, D, and the Blended Alternative, implementation of a shoreline categorization system would enable TVA to better determine areas not suitable for residential shoreline development.

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**2530** **Comment:** *Page 4-40 states Alternative C1 would result in a potential buildout of 48 percent, a figure much higher than the visual survey respondents' choice of 29 percent. Is there a deeper agenda here regarding shoreline development for residential use? Rumor has it that TVA plans to open up several areas for residential development, including some prime lake frontage. That certainly would be contrary to protecting the aesthetics of the shoreline.*

**Comment by:** Marc A. Carter

**Response:** Alternative C1 was identified in the DEIS as the preferred alternative, because it offered a balance between environmental protection and economic growth issues. In response to public comments, TVA has developed a new Blended Alternative. Under this alternative, no additional new areas would be available for residential access unless the no-net-loss objectives of the Blended Alternative could be achieved. For more information about the Blended Alternative, please refer to Section 2.8 of the FEIS.

**2531 Comment:** *Uncontrolled, unplanned development is not only a potential ecological threat, it also visually impacts the surrounding areas and thus impairs the public's enjoyment of the reservoirs. Private property rights must be balanced with the public's rights to enjoy these lands.*

**Comment by:** R. Kincaid Mills, James O. Mills

**Response:** TVA agrees that the amount of development has visual impacts. The amount of residential shoreline development most desired from a visual standpoint was determined through the *Viewing Tennessee Valley Shoreline* survey (see Section 4.12.2).

**2532 Comment:** *With cement plants and sewage treatment facilities already on the water, how could a nice home be a detriment to aesthetics?*

**Comment by:** 1 survey comment

**Response:** The purpose of SMI is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources, while allowing adjacent residential landowners reasonable access to the water. Reservoir land use plans consider the potential impacts to aesthetic and other resources in the process of identifying TVA lands suitable for industrial development. Any proposals to develop these sites are subject to separate environmental reviews, which would also take aesthetics into account.

Activities associated with residential shoreline development, such as alterations to vegetation and water-use facility construction and maintenance, do have aesthetic impacts (see Section 4.12 for more details). However, SMI is not involved with the visual aspects of a homeowner's private property. The scope of SMI is the public shoreline which TVA manages, not the aesthetic quality of private residential property or houses.

**2533 Comment:** *You cannot put a value on beautiful, natural resources. Keep it this way by not allowing any more tree-cutting.*

**Comment by:** John Young

**Response:** TVA recognizes that cutting down trees can be a major detractor from aesthetic beauty. Each of the alternatives has standards for vegetation removal along public shoreline (see *Table 2.8-1* for a comparison of the standards).

**2534 Comment:** *The DEIS relies too heavily on surveys in which people stated they preferred some kinds of shoreline views over others, open docks to covered boat slips, etc. Using these "beauty contests" as a basis for policy formation is highly dubious, as it ignores direct and indirect costs of drawing up, implementing, and enforcing the proposed regulations; and it disregards property rights and minority opinions by treating majority opinion as a legitimate basis for government coercion.*

**Comment by:** 1 survey comment

**Response:** TVA determined that for SMI it is important to understand aesthetic preferences and not to rely solely on expert opinion. Aesthetics was not the only determining factor in creating the alternatives; there were 13 resource issues that were considered. Alternatives were developed using public input, resource data, and TVA resource specialists. TVA values all citizen comments, regardless of the number of times an opinion or concern is expressed. The rights of lakefront property owners were factored into each of the alternatives. Cost was one of the factors considered in formulating the alternatives and determining their feasibility.

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**2535** **Comment:** *The purpose of a study is to obtain public input and include that information in the results. Page X-49 reads: "Aesthetic resources are not easily measured, sampled, or evaluated as many other environmental resources. One approach is to rely 'upon "expert" opinion, but the values of the expert may differ from those of the public' (Nasar, 1987). Brush and Shafer (1975) argue that the ability to make the right choices 'depend(s) a great deal on the public's reaction.'" Apparently the "expert opinion" theory must apply, considering that page 1-15 reveals a Gallup poll which states the following results:*

*The environment should be TVA's first priority (61 percent).  
TVA should retain ownership of lakefront land (84 percent).  
TVA should preserve undeveloped land (69 percent).*

*The alternatives offered from A to D appear to contradict all three desires of the public.*

**Comment by:** Marc A. Carter

**Response:** Aesthetic impacts were measured utilizing public preferences, in contrast to relying solely on expert opinion (see Section 4.12 for results and Appendix H for details about the methodology). The Gallup poll was one of the major reasons SMI was initiated (see Section 1.1). However, access rights are currently held by adjoining property owners on 38 percent of the shoreline. These access rights give the holder the right to cross TVA property to get to the water and apply for a permit to make shoreline alterations (i.e., build a water-use facility, make vegetation changes, stabilize shoreline, etc.). The primary objective of SMI is to manage *future* residential shoreline development, not to change current or past agreements.

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**2536** **Comment:** *The SMI does not recognize the importance of the American taxpayer's role in TVA's appropriated budget. Since the Viewing Tennessee Valley Shoreline survey focused only on "citizens with a known interest in TVA-managed reservoirs and lands," it seems probable that lakeshore landowners made up a large portion of the respondents. The taxpayer should be recognized as the owner of TVA reservoirs, not some elite group of lake homeowners and developers. At the meetings not dominated by lakeshore landowners, citizens expressed far more support for controls on vegetation management and much less support for further privatization of public lands.*

*I am, however, much more concerned about the sampling design used in the Methodology for Analysis of Aesthetic Resources (page X-49). Purposive sampling was first discussed in detail in the 1950s when there was a serious effort to census human populations at a national level. It has since been used as an alternative to probability sampling. Possible appropriate conditions for use include application to a small but heterogeneous population where the sampler inspects the whole of the population and selects a small sample of typical units. The only way to be comfortable with this method is to find a situation in which the results are known, either for the whole population or for a probability sample, and make comparisons. But it has been cautioned that if this method appears to do well in one comparison, there is not a likelihood that it will do well in another.*

**Comment by:** Mary S. Johnson

**Response:** TVA understands the vital role the taxpayer plays in formulating public policy and attempted to give citizens ample opportunity to participate in the SMI decision-making process. There was much effort and forethought put into advertising public meetings and providing ways for citizens to comment.

The 1993 survey conducted for TVA by the Gallup Organization used a random sampling method (Larsen, 1993b). Results from random sampling surveys can be treated more rigorously. The purposive sampling method was chosen because the survey was considered to be an extension of the SMI scoping process. During the 13 public scoping sessions and in accompanying phone calls and letters, many people cited the importance of natural or scenic beauty. This survey was designed to better determine what constituted scenic beauty in terms of the SMI objectives for those involved in the scoping process. Refer to Appendix H of the FEIS for a discussion of purposive sampling, including references to other aesthetics researchers who support this sampling method.

**2537 Comment:** *It is not clear how aesthetic resources were evaluated, but it appears that the criteria used in this process may have been too rigid. For example, it appears that only one water-use facility design was considered with each alternative, rather than considering a range of designs for each alternative. It appears that if Alternative D were selected, an uncovered boat slip would be the only option permitted. This seems unnecessarily restrictive and likely to alienate many lakeshore residents against an otherwise attractive alternative.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**Response:** Aesthetic resources were evaluated according to the percentage of shoreline that could potentially be developed under each alternative, the vegetation alteration requirements, and the proposed water-use facility design requirements. Alternative D was designed to minimize shoreline disturbance and does not allow covered boat slips. The Blended Alternative does provide lakefront property owners with greater flexibility in water-use facility design. See Section 2.8 for more details.

**2538 Comment:** *The questionnaires sent to property owners and lake users were supposedly an unbiased Gallup poll of what the users and lakeshore owners considered to be the desired look of our shoreline in the future. However, the questionnaire was slanted purposely to obtain the desired result. It contained touched-up photos of expensive covered docks, beautiful shorelines, and expensive-looking homes. Naturally, when asked which look was preferred, the choices were the best-looking photos.*

**Comment by:** Troy Atkins

**Response:** TVA did not use the Gallup Organization to conduct the survey *Viewing Tennessee Valley Shoreline*. Appendix H of the FEIS explains in detail the methodology TVA used for this study. The pictures were computer-enhanced to highlight the water-use facilities and shoreline vegetation alterations under each alternative. The variable in the F1 through F5 pictures was the water-use facility. The landscape and other physical features in each picture were held constant to avoid biasing the respondent's choice of facility. Preferences for vegetation alterations (pictures R1 through R5) were measured in the same way.

**2539 Comment:** *My interest in this project began with the public meetings in 1994, and I attended the meeting in Dandridge. I regret that I was not chosen, as one of the 663 respondents who returned their questionnaires, to be included in the final survey which included another questionnaire, as well as photos depicting the various alternatives under consideration.*

**Comment by:** Marc A. Carter

**2540** **Comment:** *Not enough people were allowed to participate in the survey. Compared to the total number of residential owners, 476 residential property owners is not a large number.*

**Comment by:** 1 survey comment

**Response:** Only one visual survey study was associated with SMI. TVA tried to send all participants of the 1994 scoping meetings a postcard inviting them to become involved in this survey. Some participants chose not to complete the questionnaire. TVA feels that the 663 returned questionnaires did provide adequate information about aesthetic preferences.

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**2541** **Comment:** *Some of the numbers do not add up. It says 70 percent preferred buffers. But actually, 79 percent preferred no buffer or buffers less than the recommended 100-foot buffers. How did TVA reach their conclusion?*

**Comment by:** Dave Cooper

**Response:** This comment is referring to question 2 from Section III of the visual survey. The question asks, "What depth of buffer would you prefer to see maintained around TVA lakes?" Respondents were also given the option to choose "no buffers." Seventy percent of the people who answered this question would like to see a buffer (shoreline management zone, or SMZ), and 30 percent would not. Of the 70 percent, 34 percent would prefer an SMZ that is 50 feet deep or less (see *Figure 4.12-6*). It would be misleading to add the number of people who do not want to see an SMZ to those who preferred one of some depth. The Blended Alternative provides lakefront property owners with greater flexibility for managing vegetation on public shoreline. A more flexible 25-foot-wide SMZ would be designated on TVA land along the shoreline fronting future residential shoreline development. The Blended Alternative does not require a 100-foot SMZ (see Section 2.8 for more details).

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**2542** **Comment:** *I came to a different conclusion from the data than TVA did. Page 4-39 of the DEIS shows that 79 percent of the respondents endorsed buffers less than the 100-foot minimum recommended by TVA. Forty-four percent of the respondents recommended buffers less than 25 feet. The 100-foot buffer recommended by TVA is clearly not representative of photo R2, which was preferred by 77 percent of the respondents. This photo clearly represents a buffer less than 25 feet with liberal tree-cutting.*

**Comment by:** Jim del Toro

**2543** **Comment:** *I am appalled at the proposed vegetative buffer zone TVA prefers under Alternative C1, as illustrated in photo R5 of the survey of shoreline aesthetics. Please stop ignoring the preference scores obtained in this survey. Review photos R2 and R4 of the survey (preference scores of 77 percent and 60 percent, respectively) to understand that these two photos illustrate the preferred buffers, and the survey question regarding depth of buffers can only be correctly interpreted in light of the preferred buffers. TVA should not require a buffer zone.*

**Comment by:** 1 survey comment

**Response:** In response to question 2 about buffer preferences, SMZs were preferred by 70 percent of all respondents. Fourteen percent of those preferring SMZs favored a depth of less than 25 feet, and 20 percent advocated an SMZ between 25 and 50 feet (see *Figure 4.12-6*). Photos R2 and R4 do reflect a shoreline where no SMZs are present. However, photo R3, which depicts the most densely vegetated shoreline, was the next most preferred scene of vegetation alternatives. In addition, the visual survey results are only part of the resource analysis used in formulating a new shoreline management policy. The Blended Alternative would provide the lakefront property owner with

more flexible standards for vegetation management. For example, under the Blended Alternative, a more flexible 25-foot SMZ is proposed, instead of the 100-foot SMZ required under Alternative C1. See Section 2.8 for a description of the Blended Alternative.

**2544** **Comment:** *Why did TVA choose Alternative C1/C2, when the majority of people chose Alternative B1? Had TVA polled the same amount of property owners as nonproperty owners, I am sure Alternative B1 or B2 would have been even more supported.*

**Comment by:** 4 survey comments

**2545** **Comment:** *TVA did a survey and sent out pictures of different shorelines and different docks. The data presented in the DEIS indicate that Alternative C1 was not the one that the people selected and was not the most highly desired, as far as the grass being mowed and trees on the shoreline. Alternatives B1 and A were the most highly desired.*

**Comment by:** Earl Shirley

**2546** **Comment:** *TVA, by its own study on page 4-42 in the DEIS, pointed out that 44 percent of the people preferred what they are operating under now, Alternative B1, which is grass mowed down to the water, shrubs and trees, and more or less a manicured lawn. Only 9 percent of the people surveyed preferred TVA's choice—Alternative C1.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk)

**2547** **Comment:** *Change the shoreline vegetation alterations permitted under Alternative C1 to match the greatly preferred practices illustrated in survey photos R2 and R4, and develop recreational sites to compensate the displaced 174,000 lake users (difference between the 443,000 lost recreation opportunities of Alternative C1 and the 269,000 lost recreation opportunities of Alternative B2). These two changes alone would cause me to strongly support Alternative C1 instead of Alternative B2, even though the DEIS failed to reassure property owners whose land was classified "shoreline protection category" that they would be amply compensated for their loss.*

**Comment by:** 1 survey comment

**2548** **Comment:** *The alternatives for water-use facilities are unrelated to the alternatives for shoreline vegetation and should not be tied together. For example, TVA should be able to implement water-use facility Alternative C1/C2 with shoreline vegetation Alternative B1/B2, etc. The statement at the bottom of page 4-41 (that Alternative C2 would result in the most acceptable aesthetics impacts) is wrong. Based on respondent preferences, Alternative B2 would result in the most acceptable aesthetic impact.*

**Comment by:** 1 survey comment

**2549** **Comment:** *TVA did a fantastic job collecting and presenting the data; yet, some of the results were ignored. The public likes photo R2, but TVA has chosen photo R5.*

**Comment by:** 1 survey comment

**2550** **Comment:** *Some of the survey questions force me to take a position that I am not totally comfortable with. For example, I like photo F4, as does the public, but I do not like Alternatives C1/C2, because it involves more money.*

**Comment by:** 1 survey comment

**2551** **Comment:** *The DEIS on page 4-43, photo R5, shows the weedy growth proposed for Alternative C1 was preferred by 45 percent, while page 4-42, photos R2 and R4, which had preference scores of 77 percent and 60 percent, respectively, are associated with Alternatives B1 and B2. Why does TVA prefer Alternative C1, when most of the respondents preferred the shoreline vegetation depicted in Alternatives B1/B2?*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), Steve Lewis, Tricia Bledsoe, 4 survey comments

**2552** **Comment:** *I am glad TVA published the pictures on pages 4-42 and 4-43, so I could see what all the people at the meeting were mad about.*

**Comment by:** 1 survey comment

**2553** **Comment:** *Alternative C1 seems to be against property owners, since it would restrict access and result in an overgrown, unmanaged look. On a sloping yard, Alternative C1 might look all right, but it would be unattractive and restrict the view on a level lot.*

**Comment by:** 6 survey comments

**Response:** The two pictures depicting allowable shoreline vegetation alterations under Alternatives B1 and B2 were preferred by a majority (77 percent for picture R2). However, the survey consisted of more than that one question. In response to Question 2 about buffer preferences, SMZs were preferred by 70 percent of all respondents. In addition, the majority (73 percent) preferred the photograph of the facility that represented Alternatives C1 and C2. So, questions 1, 2, 3, and 4 from Section I; questions 1 and 2 from Section II; and questions 1, 2, 3, 4, and 5 from Section III were all considered in recommending Alternative C2 as the alternative with the least visual impact. However, Alternative C2 was not TVA's preferred alternative, because the impacts to aesthetic resources was only one of a number of factors considered in making this decision. The results were not changed to reflect TVA's earlier preferred alternative. The results of the survey track well with what TVA heard in the SMI public scoping and other aesthetic studies conducted nationwide.

The FEIS now identifies a Blended Alternative as the policy option that TVA staff proposes to recommend to the TVA Board. The Blended Alternative better accommodates public preferences. For example, the Blended Alternative would permit enclosed boat docks and provide the lakefront property owner greater flexibility in managing shoreline vegetation. Refer to Section 2.8 for a description of this alternative.

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**2554** **Comment:** *Photo R2 enjoyed the highest preference of all alternatives. Why were the results of the S series of photographs not included in the SMI?*

**Comment by:** 1 survey comment

**2555** **Comment:** *Failing to reprint the shoreline appearance scenes S1 through S5 associated with the shoreline aesthetics survey leaves readers of the DEIS to wonder if data associated with photos S1 through S5 are being withheld or manipulated.*

**Comment by:** 1 survey comment

**Response:** Photos in the S series were basically the same as those in the R series; the only difference was that the S series did not have a house. The results obtained from the S series of photos revealed the same preferences as the R series. See Chapter 4 of the FEIS for more information.

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**2556** **Comment:** *None of the pictures in the public meeting displays or in the questionnaire TVA sent out had a single boat on the water anywhere. There were no pictures looking from the shoreline out at the water where there were a few boats or no boats or several jet skis.*

**Comment by:** 1 survey comment

**2557** **Comment:** *None of the photos presented in the Viewing Tennessee Valley Shoreline questionnaire depicts the aesthetic conditions of fluctuating water levels. How can people make a preference decision without being shown docks at different water levels, including the very low levels?*

**Comment by:** Dave Cooper

**Response:** The pictures were not designed to look more like one lake than another, and the focus was not on boats and personal watercraft or mainstream versus tributary reservoirs. The purpose of the pictures was to seek answers about the desired characteristics of water-use facilities and vegetation alteration preferences.

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**2558** **Comment:** *In 10 of the 12 environmental categories, Alternative C1 would have more negative impact than Alternative C2; in the other two, they are even. One of those that was even was aesthetics; it has to do with the boathouse with no sides. It appears that homeowners' preferences were not considered. TVA used a horizontal slice through the data, and it does not compare that boathouse with other boathouses.*

**Comment by:** Henry Everitt

**2559** **Comment:** *The results of the aesthetic water-use facility design survey (F series photos) do not clearly mandate against sided boathouses. All sided photos indicated a higher preference score. Photo F4 without sides should have been encumbered with a boat in residence for a meaningful comparison.*

**Comment by:** 1 survey comment

**Response:** TVA realizes that an open boathouse could create other potential problems. Under the Blended Alternative enclosed boathouses would be permitted.

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**2560** **Comment:** *Beginning on page 4-28, the photos depicting Alternatives A through C2 all display a wonderfully strong and useful dock. However, TVA's choice of Alternative C1 indicates a dock with a roof supported by posts, not walls. This seems to contradict TVA's choice of a shoreline buffer zone as far as visual aesthetics are concerned.*

**Comment by:** Marc A. Carter

**Response:** The aesthetic indicators considered both water-use facilities and vegetative management. Both contribute to aesthetics.

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**2561** **Comment:** *Lakefront property owners want to be able to see the lake.*

**Comment by:** Curtis Daniels

**2562** **Comment:** *Aesthetic value is important to me. The DEIS says aesthetics is a natural wonder, but the TVA reservoirs are man-made to start with. Aesthetics are both natural and*

*man-made wonders. Aesthetic value means being able to see the land and having a corridor for viewing the lake. Most of us on the lake would like as much of a window as possible (more than 20 percent), so we can enjoy this view.*

**Comment by:** L. Mac Toth

**2563** **Comment:** *A 6-foot path is ridiculous. We live on the lake because we enjoy the view of the lake as well as the use of it.*

**Comment by:** 1 survey comment

**2564** **Comment:** *Make all the initiatives positive for the lakefront property owners, boat owners, campers, and fishermen. Make it easy for owners to repair shorelines and manage the land. Reward them with a view of the lake.*

**Comment by:** 1 survey comment

**Response:** TVA agrees that man-made features and alterations are part of the shoreline appearance. Aesthetics includes vistas from the water to the shoreline and from the homesite to the water. The goal is to strike a balance. The Blended Alternative was designed to provide lakefront property owners with flexibility in accessing and viewing the lake. For example, the Blended Alternative would allow a pathway to the water up to 20 feet wide. Refer to Section 2.8 for a description of the Blended Alternative.

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**2565** **Comment:** *I do not support control over design, but some aesthetic guidelines are a good idea.*

**Comment by:** Marilyn Livesay

**Response:** A diversity of water-use facilities is important to aesthetic quality. Having standards that guide the construction and maintenance of water-use facilities is intended to limit the number of poorly constructed facilities that detract from visual quality, not to force a standardized dock design that would result in all shoreline structures looking exactly the same. Under the Blended Alternative, sample drawings would be available for a homeowner's use in applying for permits. If none of the sample drawings were acceptable to the homeowner, then the homeowner could submit plans for a design that better met their needs. For more information on standardized dock designs, refer to the Standards section of this volume.

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**2566** **Comment:** *Most of the perceived need to improve aesthetic qualities does not meet NEPA criteria in terms of the need for federal action, nor the requirements of the Administrative Procedures Act. It would be difficult, if not impossible, to imagine a scenario that would justify TVA's involvement in the landscaping of residential property and whether a boathouse should have a side or a roof. Although TVA's limited feedback may have indicated that most of the people surveyed prefer to have TVA involvement in this area, a more extensive study would surely prove otherwise. The Cooper Communities at Tellico Reservoir are a prime example of incomplete staff work. The restrictions on boat docks, as well as many others, imposed by the Cooper developers were designed through marketing analysis to attract a certain category of potential buyers and to perpetuate their artificially high land prices. Property owners enclose boathouses to protect their property from the elements and theft, not from the public at large. In addition, an inspection of recently constructed docks and boathouses along Fort Loudoun Lake would show that these structures are well built and not at all unsightly.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**Response:** When a federal agency proposes changes in policy, this can be a federal action that requires a NEPA review. TVA has been told by the public numerous times and in a variety of settings that aesthetic values are important. However, neither SMI nor any other TVA activity would be involved with the visual aspects of a homeowner's private property. The scope of SMI is the public shoreline which TVA manages, not the aesthetic quality of private residential property or houses. Concerns about open-sided boat docks are shared by TVA. Under the Blended Alternative, enclosed boat docks would be permitted.

**2567 Comment:** *The section on aesthetic resources was very poorly defined.*

**Comment by:** Richard Bell

**2568 Comment:** *Aesthetic resources (Section 1.8.10) probably should have been listed first as an issue because, even though it is difficult to define, visual aesthetics is of extreme importance. Note the interrelationship between this issue and the design standards issue(Section 1.9.4).*

**Comment by:** 1 survey comment

**2569 Comment:** *In Hilton Head, South Carolina, development is required to be aesthetically low-impact. Even the sign for Walmart is unobtrusive among the trees in the parking lot. Low-impact development is possible, and TVA can do it too.*

**Comment by:** 1 survey comment

**2570 Comment:** *Attempting to control the aesthetics of structures or vegetation is very difficult. Attempting to agree on what constitutes attractive appearance with a legally enforceable regulation is very difficult, if not impossible.*

**Comment by:** Allen N. Palmer

**Response:** Comments noted. *Aesthetic resources* refers to how natural (or undeveloped) and developed areas together create either a positive or negative visual impression. In that context, it is understood that human features and alterations are part of the shoreline composition. Aesthetic resources are an important consideration to TVA, lakefront property owners, and recreational users alike. Managing for a certain aesthetic effect is difficult (as mentioned in Appendix H), because it involves understanding human preferences. Also, shoreline aesthetics are, in part, conditional upon factors that are beyond TVA's control. For example, the condition of a house, the features around a particular house, and the amount and type of boating traffic have an aesthetic impact (either positive or negative). However, such things are typically beyond TVA's control.

The 13 resources in the FEIS are not listed in order of importance, and TVA does realize that all of these resources are related. Specific standards have been included in the Blended Alternative to minimize visual impacts.

**2571 Comment:** *The property I live on was once (in the 1930s) landscaped and managed by the original residents. It was neglected by subsequent residents and now has about 30 years' overgrowth significantly degrading the original visual quality. I would like to restore the aesthetic quality for ourselves and those who view the property and at the same time remain within the parameters of the resource issues identified in Section 1.8. TVA's expertise would be greatly appreciated.*

**Comment by:** 1 survey comment

**2572** **Comment:** *I would appreciate advice on improving my lot for aesthetics, while maintaining all standards.*

**Comment by:** 1 survey comment

**Response:** Working together to enhance the beauty and enjoyment of the shoreline is one of TVA's goals for SMI. As part of TVA's continuing effort to inform the public about the benefits of shoreline management, educational materials and suggestions for improving aesthetics would be made available and distributed to all interested parties. TVA also has 11 Land Management Offices (LMOs) that can offer assistance (see General section of this volume for LMO locations and phone numbers).

## Cultural Resources

The public offered a variety of comments on cultural resource issues, such as:

- Definition of cultural resources
- Coordination of activities affecting cultural resources
- Accuracy of DEIS cultural resource data
- Native American Graves and Repatriation Act and protection of Native American grave sites
- Archaeological Resource Protection Act and collection of artifacts and relics from public land
- Various impacts on cultural resources

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**2573** **Comment:** *I learned that cultural resources did not mean opera houses or museums. Why not say archaeological in the first place?*

**Comment by:** J. A. Collinson

**2574** **Comment:** *I do not know what you mean by cultural resources. I read the DEIS and I still do not know exactly what you mean.*

**Comment by:** 1 survey comment

**2575** **Comment:** *Considering available information, we concur with TVA's finding that several alternatives contained within this document as currently proposed may adversely affect properties that are eligible for listing in the National Register of Historic Places. Furthermore, we find that any further draft of this document should acknowledge that several of the alternatives may affect architectural resources eligible for National Register listing, as well as archaeological ones. TVA should begin immediate consultation with our office to carry out Section 106 review of this undertaking. Please direct questions and comments to Joe Garrison (615) 532-1559. We appreciate your cooperation.*

**Comment by:** Herbert L. Harper (Tennessee Department of Environment and Conservation)

**2576** **Comment:** *TVA must coordinate development activities with the potential to affect historical structures and archaeological resources in Virginia with the Department of Historic Resources. Please contact David Dutton at (804) 786-3143 for more information.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**2577** **Comment:** *We have reviewed the Shoreline Management Initiative Draft Environmental Impact Statement, the Executive Summary, and the DEIS Public Involvement Questionnaire*

and have no comments to offer at this time. The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation Regulations for Compliance with Section 106 codified at 36 CFR Part 800.

**Comment by:** David Brock (North Carolina Department of Cultural Resources)

**2578 Comment:** *Chapter 3 would benefit from a project-specific definition of the cultural resources Area of Potential Effect (APE—see the regulations of the National Historic Preservation Act). The APE should be made explicit at this point in the NEPA process.*

**Comment by:** 1 survey comment

**Response:** *Cultural resources* can be defined as any historic structure, historic site, or archaeological site that is protected by the National Historic Preservation Act (NHPA) or other preservation legislation. For example, an opera house that is at least 50 years old and is either in, or considered eligible for listing in, the National Register of Historic Places would be considered a cultural resource. The same would be true for archaeological sites and historic sites such as battlefields. A definition of *cultural resources* has been added to the FEIS Glossary.

The NHPA requires federal agencies such as TVA to coordinate actions that may affect cultural resources on TVA lands, as well as on adjacent property, with the State Historic Preservation Officers (SHPOs). TVA complies with this requirement and will contact each Valley SHPO as appropriate. It should be noted that the FEIS is a Valleywide policy-determining document. Under several of the alternatives, specific land management plans would be completed for the TVA reservoirs. TVA would apply Section 106 coordination to these specific plans.

NHPA also requires that the APE of a project be determined. Under 36 CFR Part 800.2(c), the APE is defined as the “geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist.” The study area boundaries, which were used to define the APE, are described in Section 3.2 and illustrated in *Figure 3.2-1* in the FEIS. In addition, the APE includes any areas from which residential shoreline alterations within this zone are visible where visual effects may cause changes in the character or use of historic properties. A discussion of architectural resources (historic structures) can be found in Section 3.15.3 of the FEIS.

**2579 Comment:** *Of minor concern were the conclusions drawn from the cultural resources section. If a measurement of archaeological sites per mile of developed or undeveloped shoreline is calculated, then the assumptions outlined on page 3-43 are incorrect. In fact, such a calculation indicates that archaeological site location is unpredictable, given development status as the only independent variable.*

**Comment by:** Mary S. Johnson

**2580 Comment:** *Does the estimate for 5,500 archaeological sites (Chapter 3, Section 3.15.2, page 3-43) reflect the number of sites expected for the areas of direct effects and indirect effects defined in Section 3.2?*

**Comment by:** 1 survey comment

**Response:** In Section 3.15.2 of the FEIS, a table outlines the number of archaeological sites located on five TVA Reservoirs: Chickamauga, Guntersville, Nickajack, Pickwick, and Wheeler. These reservoirs were surveyed, and the numbers in the table represent the actual number of sites situated on undeveloped shoreline, as opposed to residentially developed shoreline. There are 1,722 archaeological sites distributed over 3,370 miles of shoreline (total miles of shoreline on the five reservoirs listed above). Therefore, a conservative estimate is that there are 5,500 sites distributed over

11,000 miles of shoreline. These 5,500 sites reflect the number of sites expected for the areas of direct effects as defined in Section 3.2. Section 4.13 states that “Archaeological sites are not distributed equally along the shoreline (Solis and Futato, 1987).” From the information available, we believe the assumptions in this section to be correct.

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**2581** **Comment:** *The graves of Native American ancestors that lie along the shoreline and adjacent areas should be given priority protection from development, erosion, pillaging, and desecration. In some areas, graves have been dug up and bones have been strewn over the land or washed away. Sacred burial sites must be protected. Every Native American tribe in America values these sites.*

**Comment by:** Bob Dodd (Native American Interests), John Anderson, Larry P. A. Maney (Organization of Native Americans of TVA)

**2582** **Comment:** *TVA is concerned about my property when the land next to me is historical Indian burial ground. Because of this Indian burial ground I cannot build a dock or do anything to change the land, but the burial mound washes off into the river. I am concerned about the land eroding.*

**Comment by:** Joseph E. Davis

**2583** **Comment:** *It would appear to matter very little how well TVA presents information, options, and preferences. Having attended a public meeting in Chattanooga, I heard homeowners and a congressional “wanna-be” railing against things that had been explained in simple, understandable detail during the opening presentation. Not one homeowner’s mind appeared to have changed upon hearing options and facts. At the other end of the scale, the extreme environmentalist, with good intentions, made demands deemed unrealistic. Neither did his viewpoint bend when presented with options and fact. I commend TVA management and workers for their concern and desire to protect the shoreline. It takes a strong Warrior to stand against a foe so many, moneyed, and strong. As has been the history of the Aborigine, we respect those who respect the Earth. Be cautious of giving way to and making concessions to those of greed and self-pleasure. Learn from us: we gave away a rock (Plymouth) and lost a continent. I offer prayers that the Creator will guide you. Help us protect and preserve artifacts, remains, sites, and dignity of our heritage. Do not let our graves be opened for a boat dock or washed away in the wake of a pleasure craft. Be a steward of the Earth.*

**Comment by:** 1 survey comment

**Response:** TVA attempts to protect Native American grave sites and other archaeological resources on TVA land according to the provisions of Archaeological Resources Protection Act (ARPA) and the Native American Grave Protection and Repatriation Act (NAGPRA). TVA has a budget for site stabilization and protection of cultural resources; however, because the budget is small and the number of sites is large, TVA must determine each year which sites will receive stabilization efforts. TVA educated members of the TVA Police about ARPA specifically in order to encourage the arrest of looters of archaeological sites.

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**2584** **Comment:** *The NAGPRA could be identified in Chapter 1, Section 1.8.11 and Chapter 2, Section 2.9.11.*

**Comment by:** 1 survey comment

**Response:** The NAGPRA specifically protects human remains and funerary objects. Certainly if funerary objects or human remains were discovered at a site, the NAGPRA regulations would be enforced. However, in Section 1.8.11 and Section 2.10.11, TVA is addressing all cultural resources. Therefore, we highlighted the pieces of federal legislation that protect cultural resources in the broadest terms.

**2585** **Comment:** *The TVA Police presently regard the picking up of surface artifacts or relics along TVA shorelines as a violation of Archaeological Resources Protection Act (ARPA). Also, the use of metal detectors on TVA land is prohibited. However, neither action is illegal under present ARPA guidelines, unless an area is specifically designated as archaeologically significant. TVA's policy should be modified to allow such actions.*

**Comment by:** 1 survey comment

**2586** **Comment:** *ARPA is poorly worded and misinterpreted by most federal agencies, including TVA, that apply these laws. The ARPA law offers protection only to designated archaeologically significant sites. TVA should identify these sites, post them as such, and allow all types of use for any (or most) remaining land under its control. Hunting coins, jewelry, etc., in TVA-controlled parks is not a violation of the ARPA law. Neither is using metal detectors along shorelines or picking up surface artifacts.*

**Comment by:** 1 survey comment

**Response:** The goal of ARPA is to prevent the unauthorized excavation of archaeological resources on federal lands. Its application does not depend on designating sites or resources as archaeologically significant. Neither ARPA nor the Federal Regulations (18 CFR Part 1312) which govern ARPA exclude arrowheads and other surface artifacts from the definition of archaeological resources. Arrowheads or other items over 100 years of age and of archaeological interest are archaeological resources under Section 3(1) of ARPA. The removal of arrowheads from public lands without a permit issued by TVA's Senior Archaeologist is prohibited under ARPA. Contrary to opinions frequently expressed, ARPA does not legalize the collection of arrowheads or other material from public lands.

The use of metal detectors is neither authorized nor prohibited by ARPA. However, unauthorized excavation of archaeological resources discovered while using metal detectors is prohibited on public lands. TVA has recently instituted a policy for use of metal detectors on certain TVA property. Each user must obtain a free Metal Detecting Permit from the TVA Police before using a metal detector on TVA lands. Metal detectors may be used on TVA property only in the following designated areas: within formal swimming areas, within the designated boundaries of TVA campgrounds (campsite must be unoccupied), within 100 feet of public launching ramps, and parking areas associated with any of the above. For more information regarding the use of metal detectors on TVA lands, please contact the TVA Police at 423-632-4762.

**2587** **Comment:** *The ARPA was never intended to provide blanket protection to all federal land. It mandated organizations controlling federal property to identify particular archaeologically significant sites and provide protection for these sites only. TVA continues to interpret the ARPA law far more broadly than its intended purpose. As your survey states, the entire Tennessee River Valley is one giant archaeological site. However, only identified archaeologically significant sites warrant protection under ARPA guidelines. Unless a particular area/site is designated as archaeologically significant, the ARPA law should not interfere with any proposed development, recreational use, etc.*

**Comment by:** 1 survey comment

**Response:** The regulations implementing ARPA outline two fundamental purposes of the Act: (1) To protect irreplaceable archaeological resources on public lands and Native American lands from unauthorized excavation, removal, damage, alteration, or defacement; and (2) To increase communication and exchange of information among governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data which were obtained prior to enactment of ARPA. There are requirements for a permit to be issued by the appropriate federal land manager to any qualified person who would make use of archaeological resources for the purpose of furthering archaeological knowledge in the public interest. For any person who would make unauthorized use of archaeological resources, criminal and civil penalty and forfeiture of provisions are prescribed in ARPA. Under NHPA, unless a particular area is identified as an eligible site, cultural resources are not protected by that Act.

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**2588** **Comment:** *It is difficult to understand the significance of the impact on cultural resources, when considering the impact of flooding the reservoirs in the first place.*

**Comment by:** 1 survey comment

**2589** **Comment:** *The damage done in the process of building and maintaining the lakes was not a consideration at the time. What is done is done. Identify and excavate any remaining valuable artifacts, and let progress move on without delay.*

**Comment by:** 1 survey comment

**Response:** From its beginning in 1933, TVA has been committed to identifying archaeological resources which exist on its property and might be destroyed by its projects. For example, it was TVA's policy to conduct archaeological surveys before the reservoirs were impounded and to gather information from significant resources. This work was done long before there were federal laws requiring this consideration of archaeological resources. Artifacts from these surveys are housed at Valley universities to be studied today and in the future by students and professional anthropologists. The NHPA now mandates protection of cultural resources on federal lands and mitigation of adverse impacts from any federal undertaking, including permitting private water-use facilities.

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**2590** **Comment:** *What is the known and estimated inventory of submerged cultural resources for the project area? Are there numerous submerged historic and prehistoric archaeological sites and historic shipwreck deposits at or near the project area? Would dredging, in particular, adversely affect historic shipwreck sites or historic landing features (it is recognized this is later mentioned in text as Section 4.13.2)?*

**Comment by:** 1 survey comment

**Response:** There are a large number of submerged or seasonally inundated sites within the study area (see Section 3.2 of FEIS). These can be affected by work in the water, such as launching ramp and dock construction. Shipwrecks would be expected within the original river channels. Dredging, in particular, can totally destroy sites, unless actions are taken beforehand to avoid or mitigate these effects.

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**2591** **Comment:** *Cultural sites will be lost under Alternative C1.*

**Comment by:** 2 survey comments

**2592** **Comment:** *Alternatives C1, C2, and D contain provisions for shoreline inventories that would identify environmentally sensitive segments that are unsuitable for residential develop-*

ment. This provision is desirable, as it would result in the identification and evaluation of archaeological and historic structural resources, which is the critical first step in managing cultural resources. Section 4.13.2 states, "The less soil disturbance that takes place, the better for the preservation of cultural resources." With regard only to cultural resources, Alternative D is preferable to the other alternatives, as it is more restrictive in terms of the amount of shoreline that could be developed. Alternative D would also result in lower adverse effects to natural resources and environmental quality. Section 4.13.2 also implies that the more restrictive vegetative screening requirements of Alternative D would reduce the likelihood of new construction resulting in adverse visual impacts to standing structures that might be listed in or eligible for listing in the National Register of Historic Places. While Alternative C1, the TVA-preferred alternative, attempts to balance environmental and economic considerations, it has great potential to result in adverse effects to cultural resources.

**Comment by:** Jeffrey L. Durbin (Georgia Department of Natural Resources)

**2593** **Comment:** *The probability is slight that cultural resources will be impacted by residential development.*

**Comment by:** 1 survey comment

**Response:** Under all alternatives, cultural resources would be protected under the requirements of the NHPA. However, some alternatives provide more protection to these sites than others. For example, Alternative D, which is the minimum disturbance alternative, would offer the most protection to cultural sites by having the most restrictions. However, the new Blended Alternative, as well as Alternatives C1 and C2, would also offer some protection to cultural sites in the form of the shoreline categorization system. Alternatives C1, C2, D, and the Blended Alternative would allow significant cultural resources to be identified as part of the categorization system. By knowing where these resources occur, it would be much easier to avoid them when planning new residential shoreline development. Of course, according to Section 106 of the NHPA, if residential shoreline alterations did occur, the sites would be mitigated.

Besides the categorization system, there are other protection measures built into some of the alternatives. For example, in the Blended Alternative there would be limitations on dredging. While Alternatives C1, C2, D, and the Blended Alternative all have the potential to result in adverse effects to cultural resources, the protection measures found in these specific alternatives make it doubtful that many, if any, cultural sites would be adversely impacted.

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**2594** **Comment:** *Cultural resources can be protected and better preserved along developed shoreline.*

**Comment by:** 1 survey comment

**Response:** TVA agrees to some extent with this statement. More development means more eyes to protect against vandalism and theft of the resources. Also, some residential shoreline development, such as bank stabilization, could provide protection to the resources. On the other hand, more development means more pressure on the resources from construction impacts such as docks, launching ramps, and channel excavations, in addition to backlying residential construction.

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**2595** **Comment:** *More of these cultural resources have been flooded by these lakes than may yet exist. Just ban development in and around those few sites remaining.*

**Comment by:** 1 survey comment

**Response:** The shoreline categorization system, which would be used under Alternatives C1, C2, D, and the Blended Alternative, would allow for protection of cultural resources in sensitive areas. This categorization system is discussed in Section 2.8 of the FEIS. A flooded cultural resource site is, in fact, a well-preserved site, unless it is in the drawdown zone or subject to propeller wash.

## Socioeconomics

Comments from citizens relating to socioeconomics covered such issues as:

- Importance of economic development
- Impacts of SMI alternatives on property values and the local tax base
- Use of socioeconomic data in evaluating alternatives
- Impacts of SMI and various alternatives on the economy
- Cost of implementing SMI
- Importance of demographics/environmental justice

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**2596** **Comment:** *TVA allowed development of its shoreline to bring economic improvement and jobs to the area. It has worked. We are bringing much wealth to the area, creating jobs and prosperity, with little or no demand for government services.*

**Comment by:** 1 survey comment

**2597** **Comment:** *The economic development around TVA lakes should be viewed as a positive effect in the Tennessee Valley.*

**Comment by:** Nick Hamilton

**2598** **Comment:** *This document seemingly reflects a growth-versus-development paradigm that is being slowly replaced by sustainable development or neotraditional approaches being discussed by EPA and HUD. Often called new regional thought, these ideas are actually grounded in the early town and country, city beautiful, progressive, and conservation movements. It is no accident that a cousin of Theodore Roosevelt's created a federal agency which mentions the words conservation and development an equal number of times. In the recent past, TVA has been working with the East Tennessee Community Design Center in Knoxville to develop a FutureScapes process to forecast and discuss alternative land development futures and to promote sustainable economic development. Looking back even further in TVA's early history, Norris, Tennessee, is an early model for how new residential development can be planned with energy efficiency, open space preservation, community building, and ecology in mind. The issue is not "growth versus development," but how new development can be better patterned upon the regional, cultural, and natural landscape. The state of Tennessee, like other states in the TVA region, is experiencing rapid suburban growth around its outlying urban centers. Often this growth is coming at the expense of existing property owners. A number of these rapidly developing areas are seeing the need for infrastructure and services growing faster than governmental revenue. TVA could assist in containing public costs by targeting development opportunities for areas where infrastructure and services are either existing or more easily available. TVA could coordinate with sister federal agencies (EPA, HUD, USDA) to further this objective.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation)

**2599** **Comment:** *The Tennessee Valley was once a poverty-stricken area, and we still need much economic development. Help the economies of the depressed areas around the lakes.*

**Comment by:** 1 survey comment

**2600** **Comment:** *The more shoreline we open, the more money and jobs will be created. But what will happen when the lakes can no longer support us? Then all the companies that came to the lake areas will locate elsewhere. We need to keep the amount of shoreline that is to be developed at a minimum and preserve as much of the wildlife and vegetation as possible to keep the lakes looking good, not only to the eye, but also to companies looking for new places to build and expand.*

**Comment by:** 1 survey comment

**Response:** TVA has always been and still is concerned about the economies in all of the Tennessee Valley and is interested in assisting economic development in all areas of the Valley. We support sustainable development and would like to see quality developments around the reservoirs. However, we have no control over the planning and design of developments on private property, except when some aspects require TVA approval.

We also agree that planning and targeting could help contain public costs and direct development toward more suitable locations. TVA prepares detailed reservoir land use management plans, with extensive public input to determine the best use of TVA-owned lands. We are willing to talk with and to offer suggestions to others with similar interests and concerns.

The purpose of SMI is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources, while allowing for residential access to the water. In order to do this, a wide range of alternatives regarding the extent of residential shoreline alterations must be considered.

**2601** **Comment:** *The DEIS suggests that local economic development is important to various regions. We encourage technically evaluated and environmentally sound development throughout the state. The DEIS does not address any alternatives of economical development adjacent to or ancillary to the TVA tracts. Alternatives to shoreline development could be developed using commercially available and private lands near the TVA land. Properly protected shoreline zones are perhaps more economically valuable in the long term than those allowed to erode by further residential or commercial development. Perhaps by utilizing the current recreational uses and diverse habitat within some of the 38 percent of open lands that TVA currently manages, economic ventures that do not deplete the natural resources (and the current land use) could be explored.*

*We also have concerns about the management of shoreline tracts that are currently being used for industrial and residential uses. Perhaps TVA should explore tracts of land owned by TVA but not adjacent to shorelines for the purpose of economic development. Future alternatives should consider industrial development for these tracts.*

**Comment by:** Reginald G. Reeves (Tennessee Department of Environment and Conservation)

**Response:** TVA agrees with the approach of locating industrial and commercial development away from the reservoirs, except when a reservoir location is needed. Determining how to best address the increasing demand for residential shoreline development is the focus of this FEIS. We agree that an

appropriate balance among uses and between development and protection would lead to greater long-term value. Reservoir land management plans will address these issues on a reservoir-by-reservoir basis.

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**2602** **Comment:** *Pier construction is an important economic force in the region, largely because of its strong reliance on locally produced goods such as treated lumber, roof metal, and bolts.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** It is true that pier construction can be important to the local economy of some counties along the reservoirs. However, as discussed in Section 4.14.3 of the FEIS, it is only a negligible share of the total Valley economy. The largest impact (Alternative A) would be less than .1 percent of regional income and employment.

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**2603** **Comment:** *Economics should not be a major consideration in TVA's shoreline management policy. It suggests that there is an underlying factor of profit involved. Property values, income, and the number of jobs should not be deciding factors in land and water issues.*

**Comment by:** Gloria Reagon Price, 3 survey comments

**2604** **Comment:** *Economics is important to me because of its negative impact.*

**Comment by:** 1 survey comment

**Response:** TVA was established by Congress to improve the social welfare of the citizens of the Tennessee Valley. This includes fostering economic development, while conserving the region's natural resources. The regulations of the Council on Environmental Quality require analysis of the socioeconomic impacts as part of the overall evaluation of impacts on the human environment and the natural environment. Evaluation of socioeconomic impacts allows them to be balanced with environmental impacts.

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**2605** **Comment:** *TVA's own economic analyses state that there would be no important regional income and employment impacts directly attributable to shoreline development (page 4-49, final paragraph). What is the benefit of expanded shoreline development for the everyday taxpayer who bought this land to start with?*

**Comment by:** Eric T. Newberry, Jr., P.E. (Tennessee Bass Federation)

**Response:** As discussed in Section 4.14, the population, income, and employment impacts are not important systemwide. However, they sometimes are locally important. In these cases, local residents benefit from increased revenues to local governments and from higher incomes due to increased levels of business activity in the local area. Such localized impacts will be addressed, as appropriate, in the development of individual reservoir land management plans.

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**2606** **Comment:** *Property prices will increase if restrictions are imposed on residential development. The potential for property values to increase is also greater if the homeowner is given more options.*

**Comment by:** Hunt Archer, 1 evaluation form comment (Decatur, AL)

- 2607** **Comment:** *If sales of land are restricted to a percentage of shoreline, values will only increase. People will be more interested in keeping their area in good shape.*
- Comment by:** 1 survey comment
- 2608** **Comment:** *The backlying private property owners have the right to request access to the water across TVA-managed public land. In limiting the amount of development, we ensure that property values for these folks in the future will more than offset any inconvenience the necessary restrictions will cause.*
- Comment by:** Dolores Howard
- 2609** **Comment:** *As ours is a market economy, the allocation of scarce resources is accomplished by supply and demand. The supply of TVA lands is fixed, while the swelling population increases the demands on those resources. A market economy will ration those resources by increasing the price for those willing to use the lands.*
- Comment by:** Edmund C. Smith, Jr.
- 2610** **Comment:** *TVA's analysis is that Alternative C2 provides the greatest increase in property values.*
- Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society
- 2611** **Comment:** *Alternative B1 will not stifle development, lower lake property values, or create hardships on family recreation areas. Real estate agents claim that Alternatives C1, C2, and D will be devastating to all lake property, whether improved or undeveloped. My home was built on an unpaved street; however, I was not prevented from developing the property because of an undesirable condition. Progress and property values have continued to increase ever since.*
- Comment by:** Edwin E. Howard, Patricia Howard
- 2612** **Comment:** *The idea that under Alternative D the property will devalue by 25 percent is ludicrous. If there were less supply and more demand, the property value would go up. So, present lakefront property owners' property value will greatly increase.*
- Comment by:** Pete Wyatt
- 2613** **Comment:** *As property owners along Pickwick Lake, we are most concerned about the preservation of property values. We feel that any development of TVA shoreline would surely impact our investment. The question remains whether this would be positive or negative. Everyone can recognize good quality development of real estate when one sees it. We are hopeful that, should TVA decide to develop or open for development any parcels, it would be done in a gradual manner and with such restrictions that would ensure a positive impact on all existing property owners.*
- Comment by:** 1 survey comment
- 2614** **Comment:** *Regulations that foster the conservation and preservation of riparian and natural areas can enhance adjoining property values.*
- Comment by:** Mike Everett (East Tennessee State University), Bob Allen (Tennessee Department of Environment and Conservation)

**2615** **Comment:** *The county tax assessor will start adding docks to the value of property. That will take care of the problem of excessively large docks.*

**Comment by:** Robert Rhodes

**2616** **Comment:** *Economically, providing limited private residential development in existing open areas will cause those lots to become more valuable to the homeowner and consequently increase the tax revenues to the affected county and municipality. A recent study done by the University of Maine at Orono showed a direct correlation between lake shoreline property values and water quality and clarity. The conclusion from this study suggests that the common belief among many land and lake managers that a local economy is dependent on more development and more recreational opportunity is false; that in fact, lakeshore communities often suffer severe revenue loss when the water quality and water clarity declines due to increased development and increased recreational opportunities.*

**Comment by:** Joe W. McCaleb

**2617** **Comment:** *In theory, if more land is opened for development, the value of our property will be diminished, but this is of no concern to us. We did not purchase this land for speculation. We want someday to have a home on it.*

**Comment by:** Bill Evans

**2618** **Comment:** *I saved for many years to buy my dream house on the lake. I keep my house and dock in excellent repair and my lawn manicured, for I have much money invested in it. If and when I sell my property, I expect to recoup my investment plus a nice profit. Any restrictions TVA applies will only become a liability to me when selling time comes.*

**Comment by:** 1 survey comment

**2619** **Comment:** *If I were a property owner, I would be absolutely appalled at TVA's considering dumping thousands of acres in lakefront property onto the market and what that would do to my property value.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham)

**2620** **Comment:** *TVA's proposed rules and regulations would harm prospects for selling my farm to developers in future years. My land value would be decreased also.*

**Comment by:** Ruth Yeskley Combs

**2621** **Comment:** *The rules and regulations proposed by SMI will reduce access to the lake (i.e., the 6-foot path), result in additional fees, block our view of the lake, and generally give us fewer options for managing the shoreline. As a result, the desirability of our property, its economic value, and the local tax base will decrease.*

**Comment by:** Donald L. Janeway, Edwin E. Howard, Patricia Howard, James A. McConkey, John Croes (Timberlake Estates Homeowners Association), John W. Musser, John Shacter, Kathleen Shacter, Russell S. Wilson, Theodore S. Maloney, Winfred Shoopman (Anderson County Commission), Jack C. Bryden, W. Paul Dixon, Powell McDonald, Ruth D. McDonald, Eula May Smith Hale, James W. McCormick, Marc A. Carter, Fred Thompson (United States Senate), 1 evaluation form comment (Tims Ford, TN), 20 survey comments

**2622** **Comment:** *Lakefront property owners pay higher taxes but do not receive benefits commensurate with their tax burden. For instance, some docks become unusable part of the year when TVA lowers the lake level. Yet, higher property taxes apply all year.*

**Comment by:** Charley Crosslin, Jack Stewart, Allen Gezelman, George M. Brown, Virginia C. Brown, 2 survey comments

**2623** **Comment:** *I have a lot of TVA property that I am paying taxes on at the rate of \$3.47 per linear foot. My taxes run about \$3,200 a year. Since I am paying taxes on TVA land, would TVA help me cut my footage down so I do not have as much tax to pay?*

**Comment by:** Dorothy Dove

**2624** **Comment:** *I do not believe the impact on the value of present development was correctly evaluated.*

**Comment by:** 1 survey comment

**2625** **Comment:** *The summary comparison of property values provides no meaningful way to compare the various alternatives. The summary table is misleading because it indicates a 25 percent reduction in property values, with Alternative D compared to one alternative but no way to compare it with existing management or the preferred alternative. It would seem more appropriate for the summary table to say there is insufficient data to compare Alternative D with other alternatives, as pointed out in the DEIS.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**2626** **Comment:** *How will Alternative C1 affect property values (with existing dwellings)? Did TVA do a study on this?*

**Comment by:** 1 survey comment

**Response:** Both research and experience on TVA reservoirs indicate that none of the alternatives would decrease property values, as discussed in Section 4.14.4 of the FEIS. Continued demand for a limited supply of shorelands will continue to push prices up, even if new areas are opened to residential shoreline development. The relevant question for the FEIS, however, is how the increases would compare among the various alternatives. As discussed in Section 4.14.4 of the FEIS, property values increase with quality of residential shoreline alterations, such as in Alternatives C1, C2, and the Blended Alternative. Appropriate restrictions and standards can increase property values. These values are affected by actual or potential uses and by the appearance of properties nearby or in view. The maintenance of an environment suitable for recreational activities is important. We also recognize that water quality is important for the human environment, as well as the natural environment, and that it enhances property values and, thus, local tax revenues. There are other factors which also may influence property values but which are not included in this analysis because they do not vary across the alternatives considered in the FEIS.

The fact that conservation and preservation efforts can enhance adjoining property values is consistent with our discussion of property values in Section 4.14.4 of the FEIS. However, our experience is that view is also very important, resulting in a relatively lower property value if conservation and preservation cause loss of view over the lake. This explains why property values for Alternative D would be lower than under Alternatives C1 and C2, even though the supply situation is the same for Alternatives C2 and D. Unfortunately, as discussed in Section 4.14.4 of the FEIS, we do not have enough information to make direct comparisons of Alternative D with the other alternatives, since this comparison is based on a study which compared only these two types of residential shoreline alterations. After studying this, TVA found that there were not enough existing sites that were representative of the alternatives where factors were sufficiently common to allow valid comparisons. See Chapter 3, Section 3.16.4 for a discussion of these factors.

Under any of the alternatives, property taxes would likely increase, since they are directly related to property values and to the number of developed lots. Any changes in availability or use of TVA-owned property would occur over the 25-year time period analyzed in the FEIS, not at one time, and would be in response to market demands. Both property values, as discussed in Section 4.14.4 of the FEIS, and the amount and location of new development would impact property taxes.

TVA has no plans to rescind or alter any existing lake access rights or existing agreements, including existing agreements to maintain property, such as by mowing. Any standards that TVA has or would propose would be for TVA-owned lands or where TVA has flowage easement rights and permitting responsibility in order to manage the waterway.

None of TVA's proposals would charge any sort of tax or fee on private property. TVA cannot and does not wish to levy taxes. As further explained in the Fees section of this volume, the structure registration, performance deposit, and vegetation corridor fee proposals have been withdrawn.

Property taxes are levied by local and/or state governments and should reflect the actual market value of the property. Estimation of actual property value is determined by applicable state and local laws and procedures. They do not include any payment for use of TVA lands or TVA reservoirs. No local taxes are used to support TVA activities.

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**2627** **Comment:** *TVA points out on page 22 of the Executive Summary that an estimated 113 million visits were made to TVA reservoirs in 1995 and that about 1.34 million annual, informal recreational opportunities currently exist on undeveloped, public reservoir shoreline. It is interesting that those figures are denominated as "visits and opportunities" and not as people. This leads one to believe that the actual population of people that visit the lake, which those figures represent, greatly exceeds the population of people who actually live in the counties bordering TVA reservoirs, not to mention the estimated 137,000 people who live on lakefront properties or in the backlots. That would seem to say that the per capita income is growing in those counties because of visits to and recreational opportunities on the lakes, not because of the local economy. Allowing more residential shoreline development would diminish the environmental values which draw people to the lakes in the first place. This would decrease the flow of dollars to Valley reservoir communities and consequently reduce property values.*

**Comment by:** Joe W. McCaleb

**Response:** The estimates of annual recreation visits included in the FEIS do not represent the total number of people who use the lakes, but rather the number of times individuals use the lake system for recreation purposes over a one-year period. For example, one individual who uses the lakes 10 times over the course of a year represents 10 visits. While many lake users reside within counties bordering the lakes, available data indicate that a substantial number of users reside outside these counties.

The lakes and the scenery along them are certainly important factors in promoting Valley tourism, which is a major contributor to the income of the Valley's residents. TVA does not want permitted residential shoreline alterations to diminish this attraction, and we believe that most residents agree. This is an important consideration in factoring quality residential shoreline alterations, limited only to those areas suitable for development. Our analysis, however, shows that property values would continue to increase under any of the alternatives, but that poorly planned and designed residential shoreline alterations would result in lower rates of increase as compared to quality alterations (FEIS Section 4.14.4).

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**2628** **Comment:** *Rhea County benefits considerably from lakefront development tax revenues. Under Alternative C1, population and, therefore, tax dollars would be limited. The Rhea County Commission has passed a resolution unanimously opposing Alternative C1.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), 1 survey comment

**2629** **Comment:** *Opening additional shoreline property for residential development will increase county tax revenue and will contribute to the economic well-being in the affected counties.*

**Comment by:** James E. Jones, Jr. (Anderson County Farm Bureau), James Dale Franklin (Jefferson County Farm Bureau), Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law), 1 survey comment

**2630** **Comment:** *There are now four proposed developments in Humphreys County, of which we are not a part. These developments will bring many needed tax dollars to our county.*

**Comment by:** 1 survey comment

**2631** **Comment:** *Anderson County government has passed a 14-cent property tax increase to meet its projected budget. If TVA wants to help the local economy, then it should help the local counties cope with lost revenues caused by TVA actions and the subsequent outcries for reduced taxes by the homeowners.*

**Comment by:** Winfred Shoopman (Anderson County Commission)

**2632** **Comment:** *TVA lakes see widespread use by the general public. Therefore, these efforts appear to justify support from the tax base as this occurs in all other parts of the country.*

**Comment by:** 1 survey comment

**2633** **Comment:** *I propose TVA add Tax Base as a resource issue in the FEIS. Then there would be an argument for financial support from local and state taxing authorities. Funds from the state should be requested, since the economic benefits directly affect sales tax and general welfare. Based on employment, jobs, etc., each state should be asked for support. Each permit issued for a Tennessean should be partly the burden of the state of Tennessee. TVA should consider that shoreline improvements are a resource. This is logical, since any time shoreline alterations are improvements, the local and state agencies are positively affected. The result these groups see is an improved tax base. I do not believe the issue Economics is strong enough, with indicators like population, income and employment, and property value. The tax base can be directly measured in every assessor's office.*

**Comment by:** 1 survey comment

**2634** **Comment:** *Local governments look to shoreline property as a tax base. That needs to change. There will come a time when everything will be developed, and they are still going to need additional taxes. Rather than looking at shorelines as a tax source, TVA needs to look at undeveloped (or open) areas as incentives for people to visit.*

**Comment by:** 1 survey comment

**Response:** Local government revenues are impacted by TVA-held land and water in at least three different ways. First, the availability of these resources increases the value of adjacent land, thereby increasing the property tax base. Second, the amount of TVA's tax-equivalent payments to each state is partly determined by the amount of TVA shoreland allocated to power activities; also, in some states the distribution of these payments to local governments is partly determined by the total amount of TVA-owned shorelands. Total tax-equivalent payments are 5 percent of TVA's nonfederal power sales and are allocated to states based on the book value of TVA power property in that state and on sales within that state. For fiscal year 1997, these payments to Valley states and counties totaled \$271.3 million. Of this total, Tennessee received \$169.9 million; Alabama, \$66.5 million; Kentucky, \$15.8 million; Mississippi, \$13.8 million; Georgia, \$3.8 million; North Carolina, \$.9 million; and Virginia, \$.6 million. Third, use of these lands for recreation and as attractions for tourists increases spending in the local area and therefore increases local tax revenues, especially sales taxes.

As discussed in Section 4.14.4 of the FEIS, property values and, therefore, property taxes are expected to continue to increase under any of the alternatives. Residential and commercial growth would continue under all alternatives, providing an increasing tax base until the development limits are reached (and thereafter as property values continue to rise). The way property is used and maintained may also impact its value, as well as the value of nearby property, and therefore impact the tax base. Another result may be increased demand for government services.

In Section 4.14, we have noted that population, income, and employment impacts may be locally significant in some areas (even though they are not regionally significant). It then follows that there would be significant impacts to the tax base in some areas. However, TVA could not analyze these for the FEIS, which is a systemwide policy assessment, because it would require county-by-county analysis. Local issues like this are properly addressed, and will be addressed as needed, in the environmental reviews for individual reservoir land management plans.

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**2635** **Comment:** *People who build a houseboat on Styrofoam pads can live on the lake all summer long without paying taxes to the county.*

**Comment by:** John Young

**Response:** Comment noted.

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**2636** **Comment:** *Many counties and cities are trying to find new ways to tax us. Deeding dock ownership to TVA would place the docks beyond the reach of the local tax collector. It would also give TVA something real to rent to lakefront owners and thus reduce the verbal/legal fallout. Property owners cannot be classified when it comes to the question of whether to charge landowners. The price paid for privately developed land and agency-developed land was the same. The current tax rolls even show privately developed land is assessed at a higher value than agency-developed lands.*

**Comment by:** 1 survey comment

**Response:** Comment noted. This is an interesting concept, but TVA is not interested in pursuing it.

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**2637** **Comment:** *The price of lots and homes is way beyond the economic reach of most Tennesseans.*

**Comment by:** Alan D. Jones (Tennessee Environmental Council)

**2638** **Comment:** *Table 3.16-7 states that the price of a typical one-third-acre lakefront lot on Watts Bar Lake in Roane County is \$30,000 to \$75,000, and in Table N-1 the 1992 per capita income for Roane County is \$16,016. How much lakefront development is there going to be with that income? It will only come from well-to-do outsiders.*

**Comment by:** 1 survey comment

**Response:** Under any of the alternatives, property values are expected to continue to increase. Currently, however, people of all income levels live along the waterfront, and we expect this to continue.

**2639 Comment:** *It is not clear how economic data were used to evaluate the merits of the various alternatives. Only gross figures are used to evaluate income and employment, and both of these are a direct result of population changes. There is no attempt to relate population levels to any standard, such as an optimum or preferred density. By selecting Alternative C1 as its preference, TVA appears to be favoring the greatest potential increase in population without any documentation of associated net benefits.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**Response:** As discussed in Section 4.14.2 of the FEIS, there would be no regionally important population effects due to additional residential development. However, there would be some locally important impacts. As a result, there would be no important regional income and employment impacts directly attributable to residential shoreline development (FEIS Section 4.14.3). The locally important economic impacts would result largely from use of part-time residential units, construction of water-based facilities, and loss of informal recreation opportunities. These are analyzed in Section 4.14.3 of the FEIS. There would also be some impacts on property values, as analyzed in Section 4.14.4 of the FEIS, which would have systemwide implications. These results are part of the information on impacts used in decision-making.

Since this FEIS is a regional policy-level assessment that looks at a range of residential alterations along the shoreline, the emphasis is on regionally important impacts. A large number of key indicators were used in this study, as discussed in Section 2.10 of the FEIS, to measure the impacts of additional residential shoreline development on the various resource areas. The purpose of the population analysis, as well as the analysis for other resource areas, is to provide comparisons of the likely impacts under various alternatives, not to compare against some optimum or preferred level. Optimum level of population is a subjective concept for which there are no accepted measures.

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**2640 Comment:** *All of the impacts discussed in the various alternatives are based on the assumption that there is a relationship between the number of people who want to own a home or land and whether that land can be used to build boathouses or be cleared of vegetation and whether the boathouses have sides on them. I do not agree that can be accurately predicted in terms of population growth. For example, the land is worth more if it can have a boathouse. But if it is worth more, maybe it will be subdivided into smaller lots, and then there could be two dwellings on the same space instead of one—hence, more population, not less.*

**Comment by:** Bill Evans

**Response:** There was no assumed relationship between the population growth and the other components of the alternatives. These are simply features included in order to analyze a range of alternatives. It is true that average lot sizes may vary somewhat among the alternatives, due to differences in scarcity of lakefront property, as noted in Section 4.14.2. Although data are not available for rigorous analysis, it is the judgment of TVA staff that the extent of these differences would not result in major variations from the assumptions used.

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**2641 Comment:** *It is ironic that TVA was established for economic development of the Valley, which would be consistent with Alternative A; yet this is consistently deemed the worst choice in TVA's opinion. Has TVA revised the TVA Act and become an environmental authority?*

**Comment by:** 1 survey comment

**Response:** TVA has a broad mission that encompasses natural resource stewardship, as well as economic development. The TVA Act places numerous environmental responsibilities on the agency, including conservation of natural resources, integrated resource management, reforestation, erosion control, and shoreline permitting that ensures unified development of the river system. Moreover, from strictly an economic development standpoint, Alternative A is not the best alternative, largely because it does not have residential shoreline alteration standards that would protect property values.

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**2642 Comment:** *Alternative C1 would hurt the local economy.*

**Comment by:** 1 survey comment

**2643 Comment:** *If TVA implemented Alternative C1, there would be an increase of 4,900 jobs over the next 25 years. If we continue at the current rate, Alternative B1 will increase jobs by 7,200. That means a lot more income.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk)

**2644 Comment:** *The table I have created shows \$5 billion in economic development between Alternative A, which is limiting TVA's role to its current environmental compliance standards, and Alternative C1. Five billion dollars. That is 3,000 jobs in the region annually. That is a major economic impact that was marginalized in TVA's study.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** According to our estimates, differences in jobs among the alternatives could be a few thousand. For example, we estimate a difference of about 3,600 jobs annually between Alternatives A and C1. The Blended Alternative would create about 1,000 fewer jobs than Alternative C1, or about 4,600 fewer than Alternative A. These estimates are based on impacts from facilities used as part-time residential units and on the construction of water-based facilities, adjusted for decreases due to informal recreation losses. These impacts are discussed in Section 4.14.3 of the FEIS.

There was no intent to marginalize the socioeconomic impacts, which are an important part of the overall analysis. While there has been a lot of population and income growth in counties around the lake, much of this, as noted in Sections 4.14.2 and 4.14.3 of the FEIS, is not a result of the lakes themselves. The FEIS deals only with the likely differences among the alternatives.

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**2645 Comment:** *Alternative D is a retreat to history. We need jobs, recreation areas, and the environment salvaged in a civilized world.*

**Comment by:** 1 survey comment

**Response:** Decisions of this nature should be made in a way that balances the need for jobs, recreation, and other human needs with the need to maintain a healthy, natural environment. The FEIS is a tool to help determine the most appropriate way to achieve such a balance.

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**2646 Comment:** *The evaluation seems to be preoccupied with the short-term economics of land and property values. Long-term economic values of other influences (e.g., recreation, water quality, aesthetics, fish, and wildlife) seem to be ignored. Adverse impacts of the alternatives on these aspects will eventually be borne by the general public as lost benefits or expenses to mitigate them. There are many demographic and economic tables in the report that are not particularly associated with the lakes. The assessment needs to relate or speculate on*

*the relationship of the data to the project(s). For example, many of the small businesses in the immediate areas (e.g., gasoline, bait, supplies, lodging, restaurants) and similar businesses that cater to and prosper from tourists are a result of the attractions of these lakes. Are population changes influenced by or related to the lakes? If so, how? Such large projects may attract industry or large retirement community developments that are lake-oriented.*

**Comment by:** John L. Whisler, Jr. (United States Army Corps of Engineers)

**Response:** Impacts of each of the various alternatives on the natural environment and on recreation were analyzed and quantified to the extent technically feasible. For each resource area, one or more benchmarks were selected, and impacts were measured against these. Appropriate data were then gathered, and potential impacts of each alternative were compared, using the selected benchmarks. However, since there is no accepted methodology for translating these impacts into economic values; any attempt to do this would be highly subjective. Nevertheless, analysis of these impacts and analysis of the impacts on the economy are major inputs to the decision-making process. The potential for lost benefits or for mitigation are detailed in the various resource sections (FEIS, Chapter 4) and are all considered in making the final decision. Lakes are a draw, resulting in a tendency for population to locate near them. However, most of this lake-related population growth is a redistribution of population when viewed from regional or national perspectives.

Because this is a regional policy level EIS, it does not deal with specific, local geographic areas. Instead, impacts are viewed in the regional context. Reservoir land management plans, which will be prepared for each lake, will deal with reservoir-specific issues. It is at this level that issues such as impacts on local, small businesses and the relationship between the lake and the demography and socioeconomics of an area can be analyzed. Specific proposed lake-related developments will also be analyzed at the reservoir level.

**2647** **Comment:** *Focus on the short-term not long-term ramifications. For example, look at the large but finite amount of reservoir shoreline; then look at the population increase we can reasonably expect within 100 years. Does it make sense to think in terms of 25 percent to 50 percent more of the shoreline being impacted within TVA's time frame?*

**Comment by:** Paul A. Yambert

**Response:** Under Alternatives B2, C2, and D, only areas where access rights exist now (i.e., 38 percent of the shoreline) would potentially be open to new residential shoreline development. Under the Blended Alternative, TVA has tried to maximize the use of measures that would prevent residential shoreline development from exceeding 38 percent (see Section 2.8 of the FEIS).

**2648** **Comment:** *The environmental and aesthetic costs of excessive lakefront development also may offset economic benefits to surrounding counties, as potential tourists and home buyers may avoid reservoirs with crowded lake conditions and degraded shorelines.*

**Comment by:** David L. Yow (North Carolina Wildlife Resources Commission)

**2649** **Comment:** *The lifeblood of the Tennessee reservoir system is tourism and recreation. Our economy benefits from the business generated by tourists who come to this area because of its natural beauty. An increase in development will deter tourism.*

**Comment by:** William D. Stokes, 1 survey comment

**2650** **Comment:** *Most people want our area to benefit economically. However, our first priority should be to keep our natural areas as pristine as possible. We can benefit economically if people are drawn to our area to enjoy our beautiful lakes, mountains, and woods.*

**Comment by:** 1 survey comment

**Response:** TVA agrees that tourism based on our beautiful lakes, mountains, and woods is important to our economy, and we would like to maintain this asset. Widespread, detrimental impacts to these natural resources would have a major impact on the Valley's tourism economy. Under Alternative A, major impacts to tourism are possible on a local scale. They are less likely under Alternative B1, and considerably less likely under the Blended Alternative, B2, C1, C2, and D. However, TVA would not anticipate significant tourism impacts on a Valleywide scale under any of the alternatives.

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**2651** **Comment:** *The projected growth in population resulting from increased residential development and recreational use would be devastating to the land and the environment.*

**Comment by:** Gloria Reagon Price

**Response:** The greatest potential increase in population is under Alternatives A and B1, with Alternative C1 next highest. Any of these alternatives would result in a large increase in population living along the lakefront, even though total population of the area likely would not be greatly affected. The impacts of this growth on the natural and human environment are assessed in the various sections of Chapter 4 of the FEIS. The Blended Alternative would allow docks and other alterations along existing open shorelines where sensitive resources, navigation, flood control, and power generation concerns do not exist. The Blended Alternative also proposes using land conservation measures such as shoreline categorization and conservation easements to minimize environmental impacts.

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**2652** **Comment:** *It would be helpful and instructive in evaluating this DEIS to have a graphic presentation or visual analysis of urbanization trends over time. This would reveal trends, raise consciousness of the general public, assist in review of the document, and point to problem and opportunity areas. State parks on the urban fringe are under intense development pressures. Despite efforts at identifying defensible boundaries and increased monies for land acquisition, state agencies often become involved in a reactive rather than a proactive role. A growth trends analysis would assist all agencies in becoming better stewards of public lands.*

**Comment by:** Bob Allen (Tennessee Department of Environment and Conservation)

**Response:** Urbanization pressures vary widely across the TVA reservoir system. Those around metropolitan areas, such as Fort Loudoun, are under tremendous pressure. Others, however, are experiencing much less pressure at the present time. We believe that pressure will grow on virtually all of the reservoirs over the next 20-25 years. Maps showing the reservoir counties that are becoming most densely populated are presented in Section 3.16.2 of the FEIS.

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**2653** **Comment:** *The economic advantage to Alternative C1 is based entirely on additional population growth, but the DEIS model for population projection lists a low, a moderate, and a high category. In the low category it shows exactly the same population growth as Alternatives C1 and C2. TVA has elected the moderate category rather than the low. If TVA had chosen the low, all of the economic advantages for Alternative C1 would go away, because there is no greater population growth. But it chose the moderate, and that supports Alternative C1, if one believes population growth is good.*

**Comment by:** Henry Everitt

**Response:** We regret a typographical error which shows the same low population growth for Alternatives C1 and C2. In fact, both Alternative C2 and D should be 278, the same as Alternative B2. This error has been corrected in *Table P-1*, Appendix P, of the FEIS.

**2654 Comment:** *No matter which alternative is selected, there is an increased cost to landowners, and the potential revenue to TVA is substantial. Simply leasing the marginal strip lands to recover costs would generate \$24 million annually, based on their assessment of land values. All of these fees are in addition to property taxes currently paid by waterfront landowners. Owners pay an average \$562 just because land is on the water, whether for an 8-acre lot or for a .8-acre lot.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** Under Alternatives A, B1, and C1, a charge would be assessed in association with providing for shoreline access in any newly opened area. This would not apply to areas with existing access rights. Revenues to TVA from these licenses would be small, since they would apply only to newly opened areas. Property taxes are paid to local and/or state governments, based on the market value of the property and include no payment for use of TVA lands or TVA reservoirs. Under the Blended Alternative, any new areas would be opened in association with maintain-and-gain proposals (see FEIS Section 2.8).

**2655 Comment:** *The DEIS fails to consider direct and indirect costs of regulations. (Some parts of the discussion of alternatives/tradeoffs did discuss indirect costs in some places, but the DEIS lacks systematic, consistent consideration of costs of regulations proposed and ignores other costs entirely, e.g., degradation of property rights.) A conflict of interests exists when TVA, as the largest lakefront property holder and sometimes developer, makes regulations to govern and restrict private development.*

**Comment by:** 1 survey comment

**Response:** TVA has examined the issue of regulation related to this study. The only real increase in cost that results from the regulatory proposals in SMI is the requirement to use encased flotation in the Blended Alternative and Alternatives C1, C2, and D. Encased flotation is not required under Alternatives A, B1, and the Blended Alternative. Encased flotation costs about three times more than other flotation material. On the other hand, there are differences among the alternatives in costs and benefits, largely nonmonetary, to the public. These costs and benefits, which are primarily environmental and aesthetic in nature, are summarized in Section 2.10 of the FEIS.

**2656 Comment:** *A considerable amount of land already in private ownership around the reservoirs could be developed. It is a matter of the economic system working—people buying that land from those who hold it and then developing that land if they choose.*

**Comment by:** Charles Buffington

**Response:** Comment noted. There is considerable market demand for property with lake access. The potential impact of this demand on both the natural and the human environments is the focus of this FEIS.

**2657 Comment:** *A reasonable assessment should be made regarding the demographics of the shoreland inhabitants of the relevant reservoirs within the Tennessee Valley. Information should include percentages of minority and low-income shoreland populations at each*

*reservoir. These percentages should be compared to each other and compared to state and county and possibly block-group percentages (census data) to determine any disproportionate impacts. TVA implementation policy regarding shoreland protection and development should, of course, also be uniform for each reservoir, regardless of its demographics.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**2658** **Comment:** *Demographics should be identified and addressed as a separate resource/issue. The FEIS needs to consider who would be affected, how, and whether there are measurable trends related to factors such as income levels, minority status, population density, etc. Some demographic issues are covered under the Economics issue but need more thorough attention, especially with regard to environmental justice.*

**Comment by:** Brian Bowers

**2659** **Comment:** *TVA seems to have done a very detailed review of the possible impacts of the shoreline management alternatives but has not really considered the economic impact on the people that live on or around the lake.*

**Comment by:** 1 survey comment

**Response:** Socioeconomic impacts are addressed in Sections 3.16 and 4.14 of the FEIS. Environmental Justice has been added to the FEIS (Sections 3.16.5 and 4.14.5).

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**2660** **Comment:** *The DEIS documented no net economic benefits to the public with any of the alternatives. In the long run, the economic health of the Tennessee Valley will hinge on its ecological health. The most serious threat to ecological health is mankind's prevailing but mistaken belief that a viable economy is dependent on an ever-growing population. On the contrary, ecological health (and ultimately economic health) will depend on a sustainable population that minimizes impact on ecosystem function.*

**Comment by:** David Waller (Georgia Department of Natural Resources)

**Response:** Comment noted.

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**2661** **Comment:** *Tellico Village has had a significant positive impact on the Loudon County economy. A report titled Economic and Fiscal Impact of Tellico Village, Tennessee, produced in conjunction with The University of Tennessee, Knoxville, provides details of the benefits Loudon County has experienced as a result of Tellico Village.*

**Comment by:** Thomas C. Oppenheim, P.E. (Cooper Communities, Inc.)

**Response:** Tellico Village is an upscale, planned development that has an important impact on employment, income, and tax revenues in Loudon County. It has been specifically developed and marketed to bring retirees to the site from other parts of the country.

## Navigation

Comments on navigation issues received during the 1996 SMI public involvement process included such topics as:

- Importance of navigational safety
- Impacts of navigation among the alternatives
- Hazards of docks to navigation
- Responsibility for permitting, marking channels and bridges, and operating locks
- Regulation differences between commercial channels and recreational channels
- Availability of navigation charts
- River tonnage of coal

**2662** **Comment:** *Navigational safety should always be a high priority.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

**2663** **Comment:** *Could there be any alterations in the marked channels as a result of SMI?*

**Comment by:** 1 survey comment

**2664** **Comment:** *According to the DEIS, there is no difference among the alternatives with respect to navigation. Why is this the case?*

**Comment by:** Henry Everitt

**2665** **Comment:** *Navigational safety would be lost with Alternative C1.*

**Comment by:** 2 survey comments

**Response:** As stated in the FEIS, TVA will maintain a navigable waterway under all alternatives. Section 26a review would ensure that the construction of private water-use facilities would not encroach upon commercial or recreational navigation channels. The variations among alternatives are discussed in Section 4.15 of the FEIS.

**2666** **Comment:** *Alternative C2 is, with some others, the lowest in potential loss of navigational safety harbors and landings and is lower than Alternative C1. You have noted that the TVA Act authorizes a 9-foot-deep navigation channel for the Tennessee River; however, TVA does not have to keep it dredged out. That is presumably the responsibility of the Nashville District of the USACE; and Alternative C2, also with some others, would be the lowest for bank erosion and, hence, downstream sedimentation. Thus, it would be in the interest of reducing dredging costs, which can be considerable, to adopt Alternative C2. It would be helpful if TVA would urge the USACE to keep its within-banks disposal of dredged sediment as low as possible, because if the soil is deposited within the banks of the river, the natural wash from passage of barge tows and recreational boats will cause it to wash back down into the channel.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** Your comments have been noted and have been shared with the USACE. TVA and the USACE have a Memorandum of Agreement identifying each agency's specific responsibilities for navigation on the Tennessee River. The USACE is responsible for performing maintenance dredging needed to maintain adequate depths in the commercial navigation channel. The sediment that is dredged comes from many sources. Residential shoreline development is only one source of sediment in the river. It is unlikely that the choice of SMI alternatives would greatly affect the USACE's ability to maintain the commercial navigation channel. Disposal of dredged material is becoming an increasingly complex issue for the USACE because of concerns associated with within-banks disposal and the lack of upland disposal sites in proximity to the river.

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**2667 Comment:** *Any shoreline resident would provide his dock as a navigation safety harbor or landing.*

**Comment by:** 1 survey comment

**Response:** TVA appreciates the offer, but because of their size, limited maneuverability, and visibility, it would be difficult for tows to tie off adjacent to private docks without damaging or destroying the structure.

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**2668 Comment:** *From the vicinity of Half Moon Island downstream to the dam, it appears that the shoreline adjoining residences along the lake is better maintained and protected than the raw, undeveloped areas. Few docks are in disrepair, and even they contribute to fish habitat. Most of the few docks in disrepair are small and do not appear to be a threat to navigation or to seriously detract from the lake environment.*

**Comment by:** Kenneth M. Gresham, Jr. (Gresham & Hogan, Attorneys and Counselors at Law)

**Response:** Dilapidated docks can pose a hazard to navigation, especially if they are partially submerged or break apart and float downstream. Docks do provide fish habitat if properly installed as suggested in Section 4.9.1 of the FEIS.

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**2669 Comment:** *Any work in or affecting navigable waters of the United States will also require a Section 10 permit pursuant to the Rivers and Harbors Act of 1899. Navigability is determined based upon waters that are presently used, have been used in the past, or may be susceptible to use to transport interstate or foreign commerce.*

**Comment by:** C. E. Shuford, Jr., P.E. (United States Army Corps of Engineers)

**Response:** We agree that a Section 10 permit is also needed for any work affecting navigable waters of the Tennessee River system. TVA and the USACE work together to expedite the USACE's Section 10 and TVA's Section 26a permit review process by having joint inspections and public notices and meetings where applicable.

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**2670 Comment:** *Who is responsible for channel markers on the Tennessee River and on rivers and streams feeding into the river? Who inspects them and determines their location and relocation, use, and right of way? How is all of this enforced?*

**Comment by:** 1 survey comment

**2671 Comment:** *For boating safety, TVA should mark dangerous obstacles in the water, such as huge concrete blocks.*

**Comment by:** Glenn James, John Young

**Response:** The U.S. Coast Guard is responsible for installing and maintaining navigation aids that mark the commercial navigation channel on the Tennessee River and its tributaries. Problems with navigation aids marking the commercial navigation channels should be reported to the U.S. Coast Guard. To report missing or off-station navigation aids from Paducah, Kentucky, to Pickwick Lock, call 901-624-4457. From Pickwick Lock to Knoxville, Tennessee, call 423-622-2101.

TVA marks secondary channels for recreational boaters on the Tennessee River and its tributaries that flow directly into the Tennessee River. The navigation service boat *Sideview* and crew make a minimum of one round trip annually from Paducah, Kentucky, to Knoxville, Tennessee, to inspect secondary navigation channel aids and correct any discrepancies. Tributary reservoirs that cannot be reached from the Tennessee River do not have channel markers. Onshore daymarks are maintained by TVA to help boaters navigate on these reservoirs. Missing secondary channel navigation aids and onshore daymarks should be reported to TVA by calling 423-632-6065.

TVA also marks underwater boat hazards on both the mainstream and tributary reservoirs. The majority of the marked hazards are located on the tributary reservoirs where fluctuating water levels can leave many ridges, islands, and large land formations just beneath the water surface for long periods of time. It would be impossible for TVA to identify and mark every boat hazard that exists in the reservoirs. Our efforts have focused on marking those hazards that have the potential to impact the greatest number of people, such as those located near launching ramps, public use areas, marinas, and major traffic lanes. The marking of specific hazards is considered on a case-by-case basis. To request that a hazard be marked or to report missing hazard markers, contact 423-632-6065.

**2672** **Comment:** *The USACE should be responsible for bridge safety, i.e., reflectors, lights, buoys, etc. This is especially important for nighttime navigation.*

**Comment by:** 1 survey comment

**Response:** Boaters should exercise extreme caution when boating at night, because of reduced visibility. The U.S. Coast Guard requires bridge owners to maintain navigation lights on the channel span of bridges over commercial navigation channels. There are no requirements for bridges that do not cross commercial channels. Requests for marking specific bridges with reflectors, lights, or buoys should be directed to the bridge owner.

**2673** **Comment:** *I was told by the lock master on Wilson Lake that I would have to wait three hours before I could lock my boat through, because there was a barge several miles up-stream. Fortunately, I was able to lock through sooner with a towboat. Who controls lock operations, and how can this type of incident be avoided?*

**Comment by:** David Hines

**Response:** The USACE is responsible for operation of the locks on the Tennessee River. As a rule, recreational boats are locked through if there are no higher priority vessels at the lock. When there is barge traffic at the lock, the procedure has been to lock recreational boats after every third commercial lockage. Often, a recreational boat can be locked through with the towboat. Specific complaints can be directed to the USACE, Post Office Box 1070, Nashville, Tennessee 37202, Attention: Locks Section; telephone 615-637-5607.

**2674** **Comment:** *Criteria and regulations governing mainline Tennessee River commercial navigation should be different from those controlling land-locked recreational lakes.*

**Comment by:** 1 survey comment

**Response:** From a navigation standpoint, current criteria require that docks on the Tennessee River commercial channels and marked recreational channels be constructed so that they will not interfere with through navigation. TVA's navigation program has identified stretches of shoreline on the Tennessee River system where restrictions on dock lengths are necessary to ensure safe navigation. Additional review is required for all docks to be constructed along these restricted stretches of shoreline. On the land-locked tributary reservoirs, where there is no commercial navigation, dock proposals are evaluated by the appropriate Land Management Office.

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**2675** **Comment:** *TVA should provide updated navigational charts of the river system. The last maps were made in 1968.*

**Comment by:** 1 survey comment

**Response:** TVA and the USACE annually revise and publish a joint navigation chart folio covering the entire length of the Tennessee River and its major tributaries. The chart folio is available through the TVA Map Sales Office in Chattanooga by calling 423-751-6277.

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**2676** **Comment:** *I support TVA for the purposes of flood control, power generation, and navigation. I would have been extremely proud of TVA if it had led the way in nuclear power generation. Instead, if the numbers supplied were used correctly, 50 percent of the river tonnage is coal for TVA generators.*

**Comment by:** 1 survey comment

**Response:** The narrative on page 3-48 of the DEIS states that coal accounted for almost half of the tonnage in 1994, with over half of all coal shipments going to TVA coal-fired power plants. This means that about 25 percent of all Tennessee River tonnage was coal going to TVA generators.

## Chapter 9 — Fees

Comments received during the 1996 SMI public involvement process about fees included such topics as:

- The need for clarification/better definition of fees
- Structure registration fees, performance deposits, and vegetation corridor fees
- Permit processing fees
- Access licenses and fees
- User fees
- Suggestions for other shoreline management funding sources

**2677** **Comment:** *Is the collection of money the only solution that can be offered to the public?*

**Comment by:** Dale Hedges

**2678** **Comment:** *The issue of fees for docks and boathouses has taken on an exaggerated focus, and I encourage you to place more emphasis upon the other ecological and financial concerns being addressed in the DEIS. To the extent that those who live along the shoreline use it for private purposes such as a boat dock, they should expect to pay the costs of that privilege. While I do not encourage a fee any larger than necessary to cover TVA's administrative costs of regulating such shoreline development, the public should not subsidize the private interests of those who happen to be privileged enough to live along the shoreline.*

**Comment by:** Michael A. McMahan

**2679** **Comment:** *The proposed fees need to be better defined. For example:*

- *What is the purpose of each of the fees?*
- *How did TVA decide upon the amount of each fee?*
- *What will the fees be used for?*
- *What additional services will TVA provide for these fees?*
- *Will any of this money be earmarked for stewardship of the Tennessee River and its tributaries?*
- *If a property owner owns more than one lot and/or water-use facility, does he pay a fee for each?*
- *With respect to the annual fee, would a person who has several hundred feet of shoreline frontage pay a different amount than someone who has less than 100 feet?*
- *When will the performance deposit be refunded?*
- *Where will that money be deposited?*
- *What happens to earned interest on the performance deposit?*
- *If a property owner never moves, what happens to the deposit?*
- *When property is sold, does the seller obtain the deposit refund, or does he have to pass this cost on to the new property owner in the sales contract and then make the deposit transfer through TVA to the new owner?*
- *Is TVA going to remove the dock if the new owner will not pay the deposit?*
- *If an area is allowed to become overgrown, will TVA stop charging the vegetation management corridor fee?*
- *TVA says that it will use "customary appraisal methods to establish and periodically update a standardized rental formula" for setting rental rates for vegetation management*

corridors. What is that rental rate? How is it going to be calculated? Who will set the rate?

- Will the fees be raised, and if so, who decides when and how much?
- How will fees be collected and enforced?
- Will the fees be used to collect the money and enforce the collection system?
- How does the grandfathering clause relate to fees?
- Will a fee be charged forever, regardless of how many times the property changes hands?
- If someone owns land now and develops it later, will he be charged fees?
- If someone has to replace an existing dock, will he be charged additional fees?
- Under what conditions are fees waivable?
- What guarantee do lakefront property owners have that the fees covered under the grandfathering clause will be the same two years from now?

**Comment by:** Allen Gezelman, Brenda Snow, Bubba Doss (Bubba's Marine Construction), Calvin Carpenter, Charles C. Smoot (Bear Paw Subdivision), David Hines, Donald R. Miller, Glenn James, Gregory E. Huber, Heber Norckauer, Jim Blasingame, Joe McKinney, John Crowder, Sarah J. Janeway, Pam Ahlberg, Riley Ramsey, Robert Piolatto, Ross A. Malone (Ducks Unlimited), Sheila Hester, Sid Nelson, Steve Fritts, W. Wathan Fielding, William Diehl, William Ponds, Keith Dicken, Johnny L. Boyles, Alison Brayton (Tennessee Department of Environment and Conservation), William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt, Richard H. Shuford, Jr., 1 evaluation form comment (Harriman, TN), 1 unidentified speaker comment (Harrison, TN, public meeting), 10 survey comments

**2680** **Comment:** *The renewal of registration requirement was improperly placed under the General Use Restrictions section (Appendix D). The five-year renewal interval seems to be acceptable. However, the proposal should be revised to place the renewal of registration information in a separate, additional fee summary section that outlines all proposed fees in an organized manner, with appropriate references to other sections of the proposal that address the rationale for and uses of the fee revenues.*

**Comment by:** Gregory E. Huber

**2681** **Comment:** *We support the \$100 annual structure registration fee.*

**Comment by:** Mary Huddleston, 5 survey comments

**2682** **Comment:** *Determine and apply an annual maintenance fee that just covers TVA costs for inspection and enforcement of existing permits.*

**Comment by:** Jim del Toro

**2683** **Comment:** *The \$100 a year is not unreasonable, but the \$1,000 escrow deposit is completely unreasonable. People should pay a reasonable amount for what they get.*

**Comment by:** Michael Flanagan

**2684** **Comment:** *Property owners should be charged \$1,000 for each boat slip.*

**Comment by:** 1 survey comment

**2685** **Comment:** *The \$1,000 performance deposit would be acceptable if there were no other charge after that.*

**Comment by:** 2 survey comments

**2686** **Comment:** *Taxpayers should not finance activities regulating private structures. Funding should come from lakeshore property owners in the form of annual structure registration fees, performance deposits, and vegetation corridor fees.*

**Comment by:** Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), 7 survey comments

**2687** **Comment:** *We can pay more fees. If I want to live on the lake, it is going to cost me one way or the other.*

**Comment by:** John Sublett

**2688** **Comment:** *Regarding the cost of managing structures on the shoreline or in flowage easement areas, the pay-for-use system is reasonable. If a property owner has a structure in these areas, a fee should be charged to finance inspections, etc. Property owners without these structures should not be charged for this service.*

**Comment by:** Maureen Cunningham

**2689** **Comment:** *The charges are fair if every property owner is given the same opportunity to build a dock. Landowners who have purchased expensive lakefront property expecting to be able to obtain a dock permit should not be discriminated against.*

**Comment by:** 1 survey comment

**2690** **Comment:** *In an effort to be fair, agricultural owners on the reservoirs should not be excused from paying a fee.*

**Comment by:** Darlene A. Leland

**2691** **Comment:** *TVA should charge adjacent property owners who have cleared more than a 6-foot-wide path in the past.*

**Comment by:** 1 survey comment

**2692** **Comment:** *There is no provision in the Community Facilities section for performance bonds and annual dock registration fees. Typically, a condominium association-style contract is required for these types of shared facilities. A minimum of 80 percent of the landowners in a protected category area should sign this type of contract prior to TVA permit approval. The fee schedule should be the same as for private dock owners. That is, each member of the community association would pay as if he were a private dock owner.*

**Comment by:** Gregory E. Huber

**2693** **Comment:** *We would agree to the proposed fees in order to have a water-use facility. However, the fees should be reasonable and should be used for shoreline improvements, protection and maintenance of the reservoir, and removal of abandoned structures.*

**Comment by:** Charles C. Smoot (Bear Paw Subdivision), Judy C. Williams (Holiday Shores Homeowners Association), James B. Baker, 8 survey comments

**2694** **Comment:** *The American Planning Association encourages TVA to identify means of generating revenue which will allow for patrolling and maintenance of the reservoirs.*

**Comment by:** Nancy Benziger Brown (American Planning Association)

**2695** **Comment:** *We support the imposition of user fees by TVA to assist in offsetting the cost of shoreline management, particularly for the removal of structures abandoned by property owners who constructed them on TVA easements. It is only reasonable that those who abandon structures should pay for the cleanup.*

**Comment by:** Ray Payne (Sierra Club, Harvey Broome Group)

**2696** **Comment:** *Many of the people at the SMI public hearings who complained about the proposed fee and bond structure also believed TVA should get after shoreline landowners whose docks are falling down. Since TVA now has no mechanism to exert such control, these opponents made a very good case for instituting the proposed new fees.*

**Comment by:** Kirk Johnson

**2697** **Comment:** *We all pay taxes to support and maintain TVA reservoirs, but only lakefront property owners can build docks and otherwise alter the shoreline. They reap the benefits and should pay associated costs. Those who want shoreline alterations, docks, and related services should pay the total cost of management services by TVA. Otherwise, the rest of us are subsidizing the recreational activities of those few lakefront property owners.*

**Comment by:** 1 survey comment

**2698** **Comment:** *A portion of the money obtained from fees should be spent to develop more food plots for wildlife on TVA land.*

**Comment by:** Jerry Davis (Alabama Waterfowl Federation, North American Waterfowl Federation, Alabama Waterfowl Association, Inc.)

**2699** **Comment:** *The \$100 annual structure registration fee is acceptable if the funds are used to provide additional services, such as maintenance and improvement of the shoreline and waterway, protection of resources, and enforcement of standards and regulations.*

**Comment by:** Jim Blasingame, Paul Erwin, 3 survey comments

**2700** **Comment:** *If the property owners believed TVA was trying to work with them rather than against them, they would be willing to pay some reasonable yearly fees to ensure that shoreline structures were well maintained.*

**Comment by:** 1 survey comment

**2701** **Comment:** *An annual \$100 fee should be used to enforce compliance of Alternative B1 or B2 regulations. It should be used to pay for the TVA police patrol to stop reckless boaters from getting too close to docks or swimmers and to investigate complaints on shoreline property.*

**Comment by:** 3 survey comments

**2702** **Comment:** *The \$1,000 performance bond is acceptable if it is used to remove derelict and dilapidated structures from the lake. This would ensure that facilities are properly maintained. However, if a property owner keeps his dock and other structures in good repair, the bond should be returned to him with interest.*

**Comment by:** David Burns, Jim Carson, Mildred M. Crawford, 1 evaluation form comment (Harrison, TN), 7 survey comments

**2703** **Comment:** *Cities charge for building permits and inspections, and there is no reason why TVA cannot charge for inspections of buildings, retaining walls, etc., built on the public's land or for access across the property.*

**Comment by:** Jerry Davis (Alabama Waterfowl Federation, North American Waterfowl Federation, Alabama Waterfowl Association, Inc.), 1 evaluation form comment (Harrison, TN)

**2704** **Comment:** *The Tennessee Conservation League (TCL) supports TVA's concept of water-use structure registration fees and landowner performance deposits. However, TCL recognizes that the amount of such fees should be debated and evaluated according to structure size, type, and impact. Additionally, we feel that these types of user fees are valid because a private water-use facility precludes public use of a public resource.*

**Comment by:** Larry Richardson (Tennessee Conservation League)

**2705** **Comment:** *Rumors are rampant. One petition stated that the proposed fees applied to Alternative C1 but not to B1. Most people do not stop to think that they have an obligation to help pay for the privileges of having access and having permits for dock facilities. All lakefront property owners know that access privileges increase property values. They certainly should be willing to pay for these increases with reasonable fees. They should not expect the U.S. taxpayer to bear the full burden. Representative Hilleary made a serious mistake by his amendment. There are already enough members hostile to TVA. Perhaps the fee issue should be dropped for now and taken up at a later date, after making a full explanation of the need and the basis of its application to the public and, in particular, to the congressional delegation.*

**Comment by:** 1 survey comment

**2706** **Comment:** *Get the \$1,000 dock fee out of Congress.*

**Comment by:** 2 survey comments

**2707** **Comment:** *Realistic fees (representing cost recovery for TVA, in lieu of subsidy of landowners by the general taxpayer) for permit applications, permit processing, and inspection might also limit development on the lakes.*

**Comment by:** Liane B. Russell (Tennessee Citizens for Wilderness Planning), 1 survey comment

**2708** **Comment:** *People might complain about fees, but if they can go down and launch a boat behind their house, they actually save money, because if they have to take it to a boat launch, they are going to have to pay.*

**Comment by:** John Young

**2709** **Comment:** *There will always be a demand for waterside property. Fees will not deter resale of existing developed land, and the average price of lakefront homes will continue to increase. Therefore, people rich enough to own lakeside property are rich enough to pay a fee, such as a \$1,000 deposit, for the private use of public waterways. People rich enough to own expensive luxury crafts should expect to pay higher yearly fees.*

**Comment by:** Jim Richardson, Walter M. Lewko

**2710** **Comment:** *One would think the proposed \$1,000 performance bond was going to put property owners into bankruptcy. That is nonsense. A person who owns a piece of the waterfront certainly can come up with \$1,000 to protect the property value.*

**Comment by:** Lester J. Vohs

**2711** **Comment:** *I am not against the \$100 or the \$1,000 fees. If I can live on the river I can afford both of them, but I should not have to pay it just for somebody to come and look at my property.*

**Comment by:** W. Wathan Fielding

**2712** **Comment:** *The proposed charges seem high enough to attain a level of “stakeholdership” with those who want the “right” to a dock/structure.*

**Comment by:** 1 survey comment

**2713** **Comment:** *Fees should be high enough to maintain the value of property. Place waterfront development at a premium to sustain values, not at a discount to encourage larger-scale utilization and the abuse that might come with that.*

**Comment by:** 1 survey comment

**2714** **Comment:** *The performance bond should be high enough that people build to specs. There are rules on the books now, but there are some dilapidated boathouses and docks that really need tearing out.*

**Comment by:** Brent Lay (River Oak Recreation)

**2715** **Comment:** *I am not against paying something for the privileges I enjoy, but I believe the fees should enhance and increase property values and the enjoyment of life on the shoreline property.*

**Comment by:** James W. McCormick

**2716** **Comment:** *We oppose all of the proposed fees.*

**Comment by:** John McBride, Clyde L. Wells, Keith Dicken, 1 evaluation form comment (Harriman, TN), 1 evaluation form comment (Harrison, TN), 84 survey comments

**2717** **Comment:** *We oppose the \$100 annual structure registration fee.*

**Comment by:** Bob Inklebarger, David Hines, Ronald Prime, 17 survey comments

**2718** **Comment:** *We oppose the \$1,000 performance bond/deposit.*

**Comment by:** Brenda Snow, Troy Atkins, Jack C. Bryden, 1 evaluation form comment (Dandridge, TN), 17 survey comments

**2719** **Comment:** *We oppose the vegetation management corridor fee.*

**Comment by:** Thomas Begley, P.E., Van Hilleary (United States House of Representatives), 5 survey comments

**2720** **Comment:** *TVA stated the \$1,000 performance bond was developed in response to public suggestions that TVA take action to discourage property owners from abandoning dock structures or allowing them to deteriorate into recreational and navigational hazards. I have reviewed the report of public comments published by TVA in February 1995, and I cannot find support for that statement.*

**Comment by:** Dale Hedges

**2721** **Comment:** *On the one hand, TVA seems to encourage individual participation to improve lake frontage conditions, but charging a fee does not seem to be the proper inducement.*

**Comment by:** 1 survey comment

**2722** **Comment:** *This letter is to register my opposition to deposits and annual or other periodic fees for shoreline development. The effect of these deposits and fees will not be the improvement of the management of TVA shoreline but the neglect of it by private property*

owners. Shoreline and structure maintenance is complicated and expensive. Adding additional expense means less money available for maintenance. Rules are already in place whereby the USACE or TVA can remove derelict structures and charge the owners. Therefore, these fees are unnecessary. They are actually not fees but taxes.

**Comment by:** Wyatt C. Simpson, Jr., M.D.

**2723** **Comment:** TVA should not have to impose any charges for use and maintenance of any of the TVA public lakes or shoreline. These are not private lakes that allow owners to charge fees for their use. TVA lakes were built for the people of the U.S., and the adjacent land was purchased with public funds from federal appropriations.

**Comment by:** 1 survey comment

**2724** **Comment:** We support congressional actions that will prevent TVA from charging additional fees to lakefront property owners.

**Comment by:** Jack Carrier, James Thagard, Jimmy Wilkey (Rhea County Court Clerk), Pete Williams, David N. Braski, Nancy A. Braski, 5 survey comments

**2725** **Comment:** I am strongly opposed to TVA's proposal to impose a \$1,000 performance deposit on persons constructing docks or making other residential shoreline alterations. This proposed action would have a significant negative impact on the property values of the shoreline residents. I respectfully request that TVA remove the \$1,000 performance deposit on persons constructing docks or making other residential shoreline alterations.

**Comment by:** Van Hilleary (United States House of Representatives)

**2726** **Comment:** I am aware of the efforts of Representative Van Hilleary to preclude TVA from implementing the proposed \$1,000 performance deposit, and I must say that I share his view that such a fee is probably not the best cost-recovery alternative available.

**Comment by:** Fred Thompson (United States Senate)

**2727** **Comment:** I supported Representative Van Hilleary's successful amendment to the Energy and Water Appropriations bill which prohibits imposition of performance deposits. In addition, I am a cosponsor of legislation that would place these restrictions on TVA. TVA must not be allowed to impose performance deposits on any person constructing a dock or making any other residential shoreline alteration.

**Comment by:** Bud Cramer (United States House of Representatives)

**2728** **Comment:** TVA's federally appropriated budget should be sufficient to carry out its shoreline management programs. Additional revenue from fees should not be needed, since TVA should not be implementing any more activities than it currently manages. If the current activities cannot be performed with the existing budget, then TVA must cut its work.

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), Walter R. Dahnke, 30 survey comments

**2729** **Comment:** How should TVA pay for future shoreline management activities, such as dock and permit inspections and erosion control in partnership with landowners? Additional shoreline management activities should not be permitted by TVA, other than permitted under Alternative B1; therefore, funds now received through congressional appropriations are more than sufficient. In the past as now, landowners have been required to pay more than their share for shoreline facilities and activities. Under present conditions, TVA must spend more time and concentrate on their own shoreline management problems, or better still, turn over management to private enterprise.

**Comment by:** Edwin E. Howard, Patricia Howard

**2730** **Comment:** *The proposed fees are nothing more than unfunded mandates which seem to be a way for TVA to perpetuate its existence at the expense of property owners and the environment. At a time when Congress is mandating less government and decreasing TVA's appropriations, TVA wants to charge fees so that it can create more unnecessary nonpower-related jobs and continue to pay staff salaries. If TVA is concerned about funding levels, gouging the public with unwarranted fees is not the answer; instead, it should downsize and terminate activities Congress will not fund, then use remaining personnel to protect the shoreline.*

**Comment by:** Allen Gezelman, William S. Stewart, Carl Gardner, Glenn James, Gregory E. Huber, James E. Jones, Jr. (Anderson County Farm Bureau), Jimmy Wilkey (Rhea County Court Clerk), Joe McKinney, Riley Ramsey, Sayra Thacker (Tennessee Marine Construction), Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Thomas Schmidt (Timberlake Estates Homeowners Association), Donald W. Reeves, John Coyle, Philip Kirkham, Stephen Taylor, Sandy Lutz, Joseph M. Swann, CPA (Morristown Area Chamber of Commerce), Louis Oats (All Saints' Episcopal Church), Peter Clark, M.D., Judy M. Arnold McKenzie (Massengill-McCrary Realtors), Craig H. Price (Hamblen County Conservation Board), Patricia H. Anderson, Roy E. Hicks, Charles G. Mead, 1 evaluation form comment (Farragut, TN), 1 evaluation form comment (Harriman, TN), 54 survey comments

**2731** **Comment:** *TVA should not be testing the public to see where they can segregate adjoining landowners for new exorbitant fees and defend them to those unaffected.*

**Comment by:** 10 survey comments

**2732** **Comment:** *TVA should not try to scare the public into accepting these charges. Forcing fees on people in this manner is not the way for TVA to get cooperation.*

**Comment by:** 2 survey comments

**2733** **Comment:** *It is not a good policy to have the property owner give TVA a blank check, and then threaten the property owner with tearing down his dock if he does not comply.*

**Comment by:** J. B. Patton

**2734** **Comment:** *Someone in TVA wants more control and authority over what they perceive to be their domain. To get this they must have money. The place to get money now is from the people. You are acting exactly like the federal government.*

**Comment by:** Walter R. Dahnke

**2735** **Comment:** *A cash deposit or bond would only encourage bureaucrats to take punitive actions against persons they dislike or disagree with when making an inspection of a property owner's facilities.*

**Comment by:** Riley Ramsey, 1 survey comment

**2736** **Comment:** *The alternatives and fees proposed will be strongly resisted, as this is a top-down rather than a bottom-up approach.*

**Comment by:** Johnny L. Boyles

**2737** **Comment:** *We are against the proposed fees, because they would be used to establish and support more unneeded government bureaucracy in TVA. The cost of administering and enforcing the collection of these fees would outweigh the alleged benefits. TVA should not be given more control in a climate of less government authority and declining government spending.*

**Comment by:** Dennis C. Valkanoff, John Rast, Roger Brown, Sheila Hester, William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt, David N. Braski, Nancy A. Braski, 1 evaluation form comment (Farragut, TN), 10 survey comments

**2738** **Comment:** *The Chamber would endorse reasonable guidelines for the construction and maintenance of docks, ramps and other facilities for water access—both private and public. We do object to creating a bureaucracy to oversee these facilities, if that group is funded by fees which they alone impose and control. There must be limits on staff level versus the value returned to our citizens.*

**Comment by:** Pete Barile (Morristown Area Chamber of Commerce)

**2739** **Comment:** *The vast majority agree on one thing—we do not want fees or registration tags or deposits or any more government regulation. TVA forced people off their property in the '30s, promising them and their descendants cheap electricity for decades. Now the citizens of Guntersville pay 20 percent higher utility bills than Huntsville and will have to pay fees and deposits up to \$1,100 per boathouse if this new initiative passes. And what will it be next year—\$2,000 or \$3,000? Once a bureaucracy gets its foot in the door it usually becomes insatiable.*

**Comment by:** Richard C. Jones

**2740** **Comment:** *The \$100 structure/recertification (\$100 per lot annually) concept has to be one of the most bureaucratic-enhancing ideas that has ever been presented. I can recertify my automobile registration annually 75 percent below this nightmare administrative proposal. I can just envision the data bases, administrative personnel, management personnel, and others necessary to administrate this program.*

**Comment by:** Robert K. Maxon

**2741** **Comment:** *Charging fees may cause owners to make improvements without permission and controls. It has a snowball effect; more fees mean more patrols which lead to more inquiry, legal tangles, etc.*

**Comment by:** 1 survey comment

**2742** **Comment:** *The monies that TVA proposes to take for annual fees for docks and the security bond for new construction will wind up doing nothing more than paying for patrols to make sure the landowner has a permit so that they can garner a fee to pay for the patrols, etc., etc. There is no value added whatsoever. There should be no fees and no security bond.*

**Comment by:** Victor Hart

**2743** **Comment:** *In addition to a performance deposit of \$1,000, TVA is proposing that property owners pay \$100 to use their deeded access to the lake. We are already charged \$100 just to request a permit and might not even get it. Why should homeowners have to subsidize a flawed program which causes added problems for them?*

**Comment by:** John W. Musser

**2744** **Comment:** *Property owners should not be taxed for TVA's incompetence in managing its appropriated budget. Instead, TVA needs to operate with the efficiency equal to that of private businesses. Instead of charging fees, they need to find other sources of revenue, look for innovative ways to cut costs, work within their allocated budget, and eliminate waste. TVA would have the funds for needed shoreline management projects (such as removing dilapidated docks and improving public boat ramps) if there was not so much wasteful*

*spending on projects like SMI, television advertising, fertilizer research, consultants/contractors, LBL projects, large bonuses for their managers, trips to China and Jordan, and unused nuclear plants.*

**Comment by:** Allen Gezelman, Ann Layne, Bob Orrell, Donald L. Janeway, Theodore S. Maloney, 1 anonymous letter comment, 1 evaluation form comment (Blountville, TN), 1 evaluation form comment (Florence, AL), 23 survey comments

**2745** **Comment:** *The cost-recovery system should be judged on the past performance of TVA and the upkeep of their parks, compared to the state, county, and National Park Service parks in this area. There is no reason to turn over more money to TVA.*

**Comment by:** A. Clayton Waddell

**2746** **Comment:** *Given TVA's performance history, should its control be expanded to include issuing performance bonds?*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**2747** **Comment:** *I look at how little money needs to go into the public boat ramps to make them decent for other recreational boat users and realize that, as a property owner, I would have a problem turning over \$1,000 of my money to TVA in light of how they have managed money in the past.*

**Comment by:** Jim Richardson

**2748** **Comment:** *TVA gave Chattanooga \$1 million for development of the south side. Although I approve of this action, it is obvious that TVA does not need money from docks. How many run-down docks can be cleaned up for \$1 million?*

**Comment by:** 1 survey comment

**2749** **Comment:** *Specify who (besides TVA) will limit fee increases and evaluate costs relative to public benefits.*

**Comment by:** 1 survey comment

**2750** **Comment:** *The \$100 annual structure registration fee could be raised year after year. This applies to the other proposed fees as well.*

**Comment by:** Allen Gezelman, Sandra Wright, Thomas C. Wright, Ken Cole

**2751** **Comment:** *TVA created these lakes; so they are in no way "natural" habitats. Therefore, TVA should be responsible for restoration of fluvial habitat as much as possible. If this means draconian measures, so be it. But TVA must pay for this. TVA cannot shift blame to the landowners. Restoration and maintenance must be an overhead expense as a result of damming the rivers. Protection of wildlife habitat, water quality, etc., must be out of TVA's pocket. TVA stole the rivers from the public, and it should be held accountable.*

**Comment by:** 1 survey comment

**2752** **Comment:** *TVA states that the establishment of buffer strips and the protection of shoreline vegetation are environmentally important. On the other hand, TVA will allow lakefront property owners to pay a fee for clearing more than a 6-foot path. At what point is money more important than environmental protection?*

**Comment by:** Ronald Hortter, 5 survey comments

**2753** **Comment:** *Why should people on 13 percent of the lakefront be charged fees to support TVA's other activities?*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**2754** **Comment:** *If TVA is going to make more money by developing more land, then TVA should pay for the additional expenses required to service that development.*

**Comment by:** 1 survey comment

**2755** **Comment:** *One of the problems with fees is that they do not get earmarked for specific purposes. TVA collects the fees and then puts them in a general fund where they can be siphoned off for other uses. How do we ensure accountability for the use of these funds?*

**Comment by:** Brent Lay (River Oak Recreation), John Scott, Michael A. Butler (Tennessee Conservation League), Thomas Cole, 1 survey comment

**2756** **Comment:** *I would contribute more if I knew that my money would go toward maintaining Boone Lake.*

**Comment by:** Scott Koenig

**2757** **Comment:** *The last sentence in the introduction to Section 2.1 of the DEIS states, "TVA's ability to effectively implement the actions described in these alternatives is subject to the availability of sufficient funds to carry out these activities." What that says to me is that if TVA does not have the money to do any of this, it will not do anything. So what is the motivation for the increase in revenue by requiring dock registration fees and performance bonds? Is it truly for enforcement activities, or is it an attempt on behalf of TVA to do some other things that are not clearly outlined in this document?*

**Comment by:** Steve Fritts

**2758** **Comment:** *Page X-68 lists 24,000 fixed piers and docks, floating docks, and boat houses already built. Even though TVA said there would not be any \$100 fees for existing development, I do not believe it. You get \$100 for a new one. If TVA charges \$100 for each of the current 24,000 structures, that is \$2.4 million per year. What do we get for that? We get some educational material, some inspectors, and a few erosion control projects. It will take about six people to inspect 24,000 docks, boathouses, and piers. I think that \$2.4 million dollars for six people, some erosion control, and some education is a little excessive. TVA should be held accountable for these fees. They should not be going into a general fund for offsetting other TVA expenses.*

**Comment by:** Gregory E. Huber

**2759** **Comment:** *If TVA were to collect these fees, I wonder how long it would take to raise enough money to do some more development on the Ocoee River for the Olympics and spend \$34 million on that? TVA ruined the Ocoee. There was no river until the Olympics, and then TVA spent \$34 million of our money. When we turn on the lights here at the high school, the City of Florence is paying for the Ocoee River. And heaven only knows what TVA will do if they charge us \$100 per year so we can have a pier on our river.*

**Comment by:** Sam Hardie

**2760** **Comment:** *A \$1,000 performance deposit for the construction of docks and/or shoreline alterations is a substantial percentage increase in the cost of building a dock. What does TVA plan to do with these funds besides earn interest?*

**Comment by:** William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt

**2761** **Comment:** *It would be a horrendous precedent to charge \$1,000 to property owners and then have the audacity to say that it is not going to be spent by TVA, but that it is going to sit in an account. That is almost like the promise we were given about social security.*

**Comment by:** Sam Hardie

**2762** **Comment:** *The \$1,000 performance fee will not work. TVA's primary responsibility is to the taxpayer, not the real estate developers and a few 1,000-acre property holders.*

**Comment by:** 1 survey comment

**2763** **Comment:** *Additional fees will make it difficult or impossible to live on the lake, especially for retirees on a fixed income. It is already expensive to build docks and boathouses, get authorized permits, and maintain the shoreline.*

**Comment by:** Charles C. Smoot (Bear Paw Subdivision), Jim Farrish, James E. Sherrill, John Scherz, Van Hilleary (United States House of Representatives), James R. Jackson, Ruth Davis, 17 survey comments

**2764** **Comment:** *Funding these plans by charges to privileged property owners establishes a class system of access.*

**Comment by:** 4 survey comments

**2765** **Comment:** *If I must fund TVA's land management projects, I will not have an opportunity to own a \$250,000 home, and I would sure like to have one.*

**Comment by:** Curtis Daniels

**2766** **Comment:** *Very few of the lakefront people in Tennessee are even moderately wealthy; most have saved enough by retirement to buy a modest home on the lake. Most lakefront homes were purchased for around \$35,000 to \$65,000. If SMI is enacted, we will be forced to give up our homes, since most of us live on social security and a small company pension.*

**Comment by:** J. E. Hatton, Jewel B. Hatton

**2767** **Comment:** *The residents that have been here for 20-30 years are in somewhat humble abodes (not the new areas of \$200,000 to \$500,000 homes). They are retired and on fixed incomes. A \$1,000 fee to continue to maintain their water frontage would be difficult for many. Others who are younger have purchased lots, hoping to develop their property as they can afford it over many years. Now TVA wants to change the rules.*

**Comment by:** Janet K. Adams

**2768** **Comment:** *Fortunately, I have my permits, but if I do not I am looking at \$1,000 up front and \$100 per permit. I have five permits that would cost me \$500 annually. TVA is taking the dream away from the people who are trying to buy lakefront property and who are willing to take care of it. I like option zero, the one not listed that does not have the \$500 for five permits or the \$100 permit or the \$1,000 deposit. Everything I saw listed had a monetary value, a cost, or a fee associated with it.*

**Comment by:** Jeff Hill

**2769** **Comment:** *When property owners complain about fees, I tell them that they have some choices. The same is true for pleasure boat users. If fees get too high, then I have to decide if I want to do that or take up bow hunting. It is nice to be able to continue doing these things; unfortunately, it is TVA's job to try to keep things in balance.*

**Comment by:** Glenn James

**2770** **Comment:** *A decent investor gets 7.5 percent—that is another \$75 a year you might as well charge the landowner. So that gets the boat dock up to \$175, and we heard earlier that Tennessee Elk River Development Agency was going to charge \$25. This is probably a fee that landowners would not be opposed to, but with the performance bond, that is equivalent to approximately \$175.*

**Comment by:** Michael Mitchell

**2771** **Comment:** *Regarding the performance deposit, the \$1,000 figure is arbitrary and prohibitive. Not everyone wants to build a large, expensive dock. Under the proposal, a \$3,000 dock would cost \$4,000 including up-front money.*

**Comment by:** Gregory E. Huber

**2772** **Comment:** *As more regulation is imposed on our lake, property will become more exclusive and more expensive. The folks who build half-million-dollar-and-up homes can easily pay \$100,000 for the lot. But I hope that TVA in its regulatory functions will be concerned about all of the population of Boone Lake. When I go by a well-kept, beautiful, small plot trailer village on this lake, it certainly does not assault my sensibilities. If those folks have to pay a \$1,000 fee, their ability to live on Boone Lake will be curtailed.*

**Comment by:** Hunt Archer

**2773** **Comment:** *People already clear and mow across TVA land with impunity. Why would they give a hoot about charges which TVA cannot enforce anyway? Everyone will clear to the waterline just before they sell their property.*

**Comment by:** 1 survey comment

**2774** **Comment:** *It is misguided to think erosion could be corrected with some of the fees TVA is collecting. It would take a million tons of rocks to correct the erosion like they did in Mississippi, in Ohio, in Missouri, and on all of the other rivers 50 years ago.*

**Comment by:** Leonard Lankford

**2775** **Comment:** *The proposed structure registration serves no purpose. All structures can readily be identified by lot numbers which are available from the county assessor's office. There is no justification for charges to be assessed against adjacent property owners to cover TVA activities which are unnecessary and do not directly benefit the property owner.*

**Comment by:** 1 survey comment

**2776** **Comment:** *For someone who wants to double the size of his dock, but is denied by TVA, \$1,000 is just an additional cost. It will not keep somebody from doing what he wants to do.*

**Comment by:** Jim Richardson

**2777** **Comment:** *The \$1,000 deposit will not serve the intended purpose if it is to be refunded to the applicant when full compliance is achieved, since future funding to enforce maintenance will not be available.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**2778** **Comment:** *In the last 10 years property values here have at least doubled, probably tripled. The taxes have gone up already. If somebody pays \$70,000 for a lot, he is going to perform when it comes time to build a pier. They do not need TVA to tell them how to do it. When a homeowner contracts with a marine contractor, he is going to get what he wants. You*

*already have a \$100 fee for the permit, and then TVA comes out to inspect. The homeowner does not need TVA to say that a \$1,000 performance fee must be paid to make certain the contractor does the work. They will work that out between the two of them.*

**Comment by:** Allen Gezelman

**2779** **Comment:** *I do not believe that the performance deposit would, in the majority of instances, discourage property owners from abandoning dock structures or allowing them to deteriorate. If a owner has given up on his dock, or left the property, I doubt if having a deposit held by TVA is going to change the owner's intentions, particularly if the cost for doing so is anywhere near the amount of the deposit. It would be interesting to know the percentage of abandoned and deteriorated dock structures that have become recreational and navigational hazards, where the initial owners went through the prescribed TVA permitting process for these docks.*

**Comment by:** William C. Noell, Jr., Jerry Wyatt, Mrs. Jerry Wyatt

**2780** **Comment:** *The proposed fees are unfair because lake level fluctuations limit our access to the water part of the year and cause damage to our docks and other structures. TVA should at least prorate the fees according to the amount of time a property owner has access to the water.*

**Comment by:** James Southerland, Carroll Johnson, 3 survey comments

**2781** **Comment:** *Charging lakeside homes for a view of the lake is not worthy of TVA.*

**Comment by:** 1 survey comment

**2782** **Comment:** *The proposed fees will make it very difficult, if not impossible, for lakefront property owners to sell their property. Fees will have a negative impact on property values and the local economy.*

**Comment by:** Pam Ahlberg, 2 survey comments

**2783** **Comment:** *TVA sells property with the right to use the shoreline. That should be the total compensation relating to that property. Raise the price if a person wants something more, but do not charge fees.*

**Comment by:** 1 survey comment

**2784** **Comment:** *Once facilities are built and in compliance, why have a charge? We already have to register with the Forest Service.*

**Comment by:** 1 survey comment

**2785** **Comment:** *Why should the noncommercial property owner have to pay for improvements to the property he has already paid for?*

**Comment by:** 1 survey comment

**2786** **Comment:** *Fees should not be imposed on current property owners for owning, replacing, or rebuilding a structure or for mowing their lawns.*

**Comment by:** Betty Jansen (Lakeview Mobile Home and RV Park), William A. Young, Dave Cooper, Ed Sharp, Joe Gautney, Hugh M. McCue, Pete Williams, Tom Anderson, W. L. Panter, 7 survey comments

**2787** **Comment:** *Section 2.11.3 says, “If implemented, existing and future structures would be assigned a TVA registration tag,” and following that it says, “Each permittee”—not existing or future permittee, just—“Each permittee would be charged \$100 annually.” It appears that all current and future dock owners would have to pay the annual permit fee.*

**Comment by:** Steve Fritts

**2788** **Comment:** *We own property and live on Watts Bar Lake in Roane County. Our covered boat dock has been in place for more than 40 years, and we have kept it in good condition. Why should we be charged \$1,000 to keep it?*

**Comment by:** 1 survey comment

**2789** **Comment:** *We assumed that the performance deposit would be refundable, but now we understand that it would be retained until we sold our land. We are making significant investments to improve TVA’s land and our land, and the idea of waiting for a sale before our money is returned to us seems unreasonable.*

**Comment by:** Scotty Long, 1 survey comment

**2790** **Comment:** *Fees should not be imposed on future owners (including heirs and subsequent buyers) of property that is currently grandfathered.*

**Comment by:** Joe McKinney, Michael Kirkpatrick, Pam Ahlberg, Sandra Wright, Thomas C. Wright, Tricia Bledsoe, Wanda Thomas, Ruth Davis

**2791** **Comment:** *If you are going to charge fees on future development, then past and present development should not be exempt.*

**Comment by:** Sheila Hester

**2792** **Comment:** *The first person will get stuck with the cost of any deposit. That deposit will become a term of sale in future property transactions. Buyers will insist that the deposit be paid by the seller. Therefore, the current or first property owner will pay the deposit, contrary to your thought process.*

**Comment by:** Janet K. Adams

**2793** **Comment:** *TVA should not penalize property owners by charging them fees and deposits. Lakefront property owners work hard to keep the lake and shoreline well-maintained, and they already pay permit processing fees.*

**Comment by:** W. Terry Finnell, Robert E. LeFoy, Jr., Gary McDougal, Donald R. Phillips, 42 survey comments

**2794** **Comment:** *It sounds like the nicer the lot and the area, the more an owner will be charged.*

**Comment by:** Tom Anderson

**2795** **Comment:** *The landowners who have agriculture rights to TVA land should not have to pay for the cleanup of the shoreline.*

**Comment by:** Loretta S. Overbey

**2796** **Comment:** *Why not give credits for or toward any costs, i.e., annual registration charge and/or performance deposit, for planting and maintaining vegetation. I would take better care of what I own over what someone else owns.*

**Comment by:** 1 survey comment

**2797** **Comment:** *If TVA-owned property is open for public use in this way, who will be held responsible for maintaining the area used? Any time there is an open area used, cleanup is necessary sooner or later. TVA wants to pass cost recovery on to waterfront property owners who have already paid dearly for the privilege.*

**Comment by:** 1 survey comment

**2798** **Comment:** *Why is TVA planning to punish and tax the landowners along the TVA system? The only clean shorelines are around these homes. Did TVA ever thank the landowners for the years of hard work keeping TVA's shorelines clean? Now TVA wants to charge them. TVA could be slapping the face of their best friend.*

**Comment by:** 1 anonymous letter comment

**2799** **Comment:** *TVA should pay landowners a \$100 annual fee for the cleanup of the TVA property.*

**Comment by:** 1 survey comment

**2800** **Comment:** *If a homeowner wanted to clear part of his shoreline to add recommended plantings which beautify and ecologically diversify the area, more members of the public would want to use the area because it would be more inviting for casual use. Therefore, a net loss of privacy would result. TVA wants to charge for this loss of privacy. The landowner would pay twice for his conscientious shoreline improvement efforts—once for the new plantings and annually for the shoreline use agreement—while TVA would receive triple compensation—new and diverse native plantings, more and easier public access to the shoreline, and cash for the use agreement.*

**Comment by:** Gregory E. Huber

**2801** **Comment:** *Some of the most beautiful scenery on Watts Bar Lake are the lakefront neighborhoods, marinas, recreational facilities, etc. Most of the natural beauty will always be there, because there is simply no way to develop these areas profitably. I catch about as much fish off the end of my dock as I do in the most remote reaches of this lake. For years TVA did not charge for dock permits, but now there is a \$100 dollar charge for residential permits. And now even that is not enough. Please leave well enough alone. We have enough government-imposed restrictions on our freedom already. The lake is one place I go to feel that freedom. And living there has always been my dream. Do not trample on my freedom. Do not ruin my dream.*

**Comment by:** 1 survey comment

**2802** **Comment:** *We have owned our home here for 24 years. We have several permits, and we have always tried to do what is best for the area in which we live. Our grounds are mowed and kept in good condition with retaining walls to protect the banks from erosion, but further down where there are trees and grasses the shoreline is eroding. People from other counties leave debris and trash on the banks. We, as homeowners, feel we are being penalized, if we are to be charged yearly for what we have worked years to make nice and presentable. Leave things as they are, except for those who have let their facilities deteriorate.*

**Comment by:** Clyde Shultz, Reva Shultz

**2803** **Comment:** *Imposing a dock registration with an annual fee is very unfair to homeowners. First of all, we got the proper permits and built a nice dock that we plan to maintain and keep natural looking so that it blends with the natural landscape. Had present dock owners known of an annual "tax" on their docks, it may have affected decisions to even put one in. Watts*

*Bar is now attracting a lot of retired people that do share TVA's concerns of keeping the lake not only natural looking and beautiful, but clean. If TVA chooses to charge fees or deposits in the beginning, people then have the choice to spend the money or not if they want to put in a dock. Doing otherwise could be a real burden for retired people. Since dock owners are helping the lake in this way, as well as helping TVA "police" the lake, why should they be penalized, just because they own a dock?*

**Comment by:** Don Richardson, Pat Richardson

**2804** **Comment:** *TVA should not charge property owners permit processing fees when they pay for erosion control measures such as riprap and retaining walls. That is like charging a citizen a fee for doing a good deed.*

**Comment by:** Mickey Irwin (Outdoor Adventure Club), Riley Ramsey, Theodore S. Maloney, Thomas C. Quinby, 5 survey comments

**2805** **Comment:** *Why should property owners pay the bills? The majority have corrected the erosion problems, when TVA permits.*

**Comment by:** 1 survey comment

**2806** **Comment:** *Lakefront property owners should be allowed to use their money for materials and labor to stabilize eroding banks. Instead of charging landowners \$1,000 for a performance bond, encourage them to spend \$1,000 on a seawall or some type of bank-retaining system.*

**Comment by:** Jere Moore

**2807** **Comment:** *Make riprap mandatory where applicable, but please do not charge owners of lakefront property for doing TVA a good turn.*

**Comment by:** 1 survey comment

**2808** **Comment:** *We placed riprap along the shoreline (about 300 feet) in front of our property (with TVA approval). We paid for it all—the rock and labor to place it. That is more acceptable to us than to pay TVA a yearly fee of \$100, which we most definitely oppose.*

**Comment by:** 1 survey comment

**2809** **Comment:** *Allow private landowners to stabilize or even require that they place riprap (which is in my best interest) and cover the shoreline, instead of expecting us to provide money to be spent on whatever TVA wants. Place the responsibility on the landowners, and then do not stand in the way of allowing that responsibility to be carried out.*

**Comment by:** 1 survey comment

**2810** **Comment:** *Erosion in my area of the shoreline (on Boone Lake) is caused mainly by the lake, either from wave action or from exposure of the bare lake bottom over the winter. Since erosion is caused by TVA, shoreline owners should not be taxed (or charged a fee) to pay for it or be restricted in their efforts to prevent it with seawalls, etc.*

**Comment by:** Allen N. Palmer

**2811** **Comment:** *I bought a permit and spent \$5,000 to stabilize the bank to keep from losing 5 acres. It did not make sense that I then had to limit my bank stabilization to keep the USACE from charging me \$1,000.*

**Comment by:** Brent Lay (River Oak Recreation)

**2812** **Comment:** *These are our concerns on the proposal to inspect for a fee of \$100. Who inspects? When is the structure inspected? Are all structures inspected on all waterways? Where does manpower to do this come from? Are all residents going to be inspected fairly? Is there a fine assessed if structures are not up to standards? Who would assess the fines?*

**Comment by:** 1 evaluation form comment (Florence, AL)

**2813** **Comment:** *The annual structure registration charge should not be required, because as long as TVA is involved in shoreline management, shoreline inspections will be performed whether the associated land is developed or not.*

**Comment by:** 1 survey comment

**2814** **Comment:** *I have yet to see a boathouse that I thought was obscene. I have yet to see a boathouse that the government designed that I thought looked better than the other boat-houses in the area. How many folks want to pay a \$100 annual fee for TVA to look at their boathouse?*

**Comment by:** Paul Gillon

**2815** **Comment:** *Property owners are proud of their property, and they are going to maintain their facilities. Therefore, annual inspections of water-use facilities are unnecessary and inspection fees are unwarranted. It should be sufficient that property owners pay for a permit to construct water-use facilities, pay for the construction, and have the facility inspected when constructed.*

**Comment by:** Jeff Gargis (Custom Riverworks), Joe Gautney, 2 survey comments

**2816** **Comment:** *Most property owners do a good job of maintaining their property and water-use facilities. The majority should not be punished with unnecessary fees because of the few who break the rules. In addition, there are not that many docks that need to be removed; most are in good shape.*

**Comment by:** Bob Orrell, Brenda Snow, Johnny Ledford, Ronald Hortter, James R. Jackson, Fred W. Young, Ruth Davis, 1 survey comment

**2817** **Comment:** *We object to the proposed \$1,000 dock deposit and the \$100 per year permit fee. These fees are proposed to be imposed on all dock permit holders to repair a few docks which owners let fall into a state of disrepair. It seems more fair to have no fees at all. Instead, notify those who let their docks drop below a defined standard with a detailed estimate of repair by at least two independent contractors, give the owner ample time to make repairs (one or two years); then, if the owner has not performed needed repairs or removed the dock, simply let the contractor perform the repairs and bill the owner. Let us not tax all dock owners for the irresponsibility of a few.*

**Comment by:** Association for Democratic Reform of the Environment and Shoreline

**2818** **Comment:** *It is ridiculous to place a \$1,000 deposit in advance on the residents, most of whom give their docks meticulous care. I am a Cumberland County commissioner and on the Cumberland County Planning Commission, and if we imposed a penalty of this nature on our citizens, we would have nothing short of a revolution.*

**Comment by:** R. Donathan Ivey, M.D.

**2819** **Comment:** *Instead of charging a \$1,000 performance bond to those who are already spending money to maintain their docks, TVA should notify the owners of dilapidated docks to either repair them or tear them down. If they do not comply, TVA could revoke their*

*permits, fine them, or tear down the docks and bill the owners for the cost involved. A performance deposit will not stop improper construction activities.*

**Comment by:** Charles C. Smoot (Bear Paw Subdivision), Earl Shirley, John Shacter, Hugh M. McCue, Sandra Wright, Thomas C. Wright, Wayne Burge, 4 survey comments

**2820** **Comment:** *The taxpayers are already paying for TVA. Therefore, TVA should not be allowed to levy taxes, charge for permits, or collect fines.*

**Comment by:** Arnold Alexander, Danny Teague, Walter R. Dahnke, 4 survey comments

**2821** **Comment:** *We are taxed just about to the limit—up near 50 percent. Every nickel that TVA spends is a nickel that some man had to make and give to the federal government. So I am just a little bit afraid when a federal agency starts telling us they are going to manage more for us.*

**Comment by:** H. E. Bittle (Tennessee State Representative)

**2822** **Comment:** *As a retired taxpayer, I am being swamped with higher taxes, both city and county. I resent greatly TVA's effort to add expenses to my life and to do things that are not even necessary, to expand power over our lives. Please get out of the business of raising our expenses.*

**Comment by:** 1 survey comment

**2823** **Comment:** *We are now having to pay for a permit, and we are being taxed on our docks and ramps. Since these facilities are on federal land and water, that tax money should go to the federal government to be used for some of the operating costs.*

**Comment by:** 1 survey comment

**2824** **Comment:** *For 50-odd years TVA has had the opportunity to control the construction of docks, piers, and other shoreline facilities and has done, at best, a poor job of it. Now the study proposes high fees for such construction but has not indicated the purpose of the funds so generated. Ergo, the fees are nothing more than another form of taxation and serve no positive function with respect to this study.*

**Comment by:** David H. Smallman

**2825** **Comment:** *Why is TVA concerned with income along the shorelines? How much money is made is none of TVA's business, especially when used to tax people living along the shorelines.*

**Comment by:** Carroll Johnson

**2826** **Comment:** *This confirms that it is TVA's goal to establish a tax on residential lakefront landowners and to eliminate the benefits of land ownership on TVA lakes.*

**Comment by:** James A. McIntosh

**2827** **Comment:** *What is the property tax that is paid on docks and property down to the lake used for? The county does nothing with it as far as upkeep or maintenance. Why does TVA not get some, if not all, of that tax to manage with?*

**Comment by:** 2 survey comments

**2828** **Comment:** *We oppose all of the proposed fees, because property taxes are already too high, and these fees are really just another tax. Lakefront property owners already pay more than their fair share of taxes for living on the lake.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), Mickey Irwin (Outdoor Adventure Club), Sandra Wright, Thomas C. Wright, 1 unidentified speaker comment (Guntersville, AL, public meeting), 1 anonymous letter comment, 1 evaluation form comment (Blountville, TN), 50 survey comments

**2829** **Comment:** *TVA is standing on a gold mine if it can extort more money from the waterfront landowners who are already paying property taxes. TVA is just looking for another source of revenue, and this is nothing more than a federal property tax.*

**Comment by:** Allen Gezelman, James O'Neal, John Scott, Leonard Lankford, Ronald Hall

**2830** **Comment:** *We feel that TVA property is "we the people" property and the idea that the people should be charged to walk across this land and maintain this land is unthinkable. Most people who are landowners pay income taxes, some of us a lot more than others. That should be more than sufficient.*

**Comment by:** 1 survey comment

**2831** **Comment:** *Property owners are not the only users of the lakes and river. Why should they be the only payers of this fee? A better way to fund this operation would be to convince Congress of the need and have it funded from federal taxes. If this cannot be done, forget it. The property owners need their money to pay for the funding of a failed atomic power program. They pay and pay and will be paying far into the future. We pay federal taxes, state taxes, county taxes, city taxes, school taxes, and on and on. We do not want to pay a TVA tax.*

**Comment by:** 1 evaluation form comment (Florence, AL)

**2832** **Comment:** *I am a lakefront property owner in Tellico Village, and it is my intention to build my retirement home there in a couple years. It is and was my plan when I bought the lot to construct a dock for my boat and to tastefully landscape my back yard, such that it is a credit to the neighborhood. I hope that the legislation presently being considered will not interfere with these plans. I paid a substantial premium for this property in order to realize this dream. I am concerned that the assessed valuation placed upon this property, once it is developed, will generate a premium property tax bill as well. I accepted this premise when I bought the lot, and I was (and am) willing to pay for the privilege of lakefront home ownership. I do not think additional usage fees, permit fees, and unreasonable restrictions are necessary or called for.*

**Comment by:** H. K. Witzke

**2833** **Comment:** *Charging lake property owners an annual fee of \$100 simply because they own the land adjoining TVA's is comparable to charging other property owners who own land adjoining a road a fee to keep the right-of-way mowed and the roads maintained.*

**Comment by:** 1 survey comment

**2834** **Comment:** *Adjacent property owners should not have to pay for TVA operations that TVA is required to perform under the TVA Act.*

**Comment by:** 1 survey comment

**2835** **Comment:** *TVA does not have the authority to assess property owners for any of their functions. If it is not in the TVA Act, TVA cannot do it. TVA must stay inside the envelope specified by the TVA Act; otherwise, TVA could do a lot of things and charge people for them.*

**Comment by:** Walter R. Dahnke

**2836** **Comment:** *It is not appropriate for TVA to establish a fee structure, such as that proposed, unless a uniform methodology is developed for all federal agencies. I question the legality of such a fee structure.*

**Comment by:** 2 survey comments

**2837** **Comment:** *TVA is attempting to use other federal requirements as an excuse to generate funding. Since present federal requirements and guidelines are in place, TVA has no standing in these issues.*

**Comment by:** 1 survey comment

**2838** **Comment:** *On Tims Ford Lake, the Tennessee Elk River Development Agency developed subdivisions and sold waterfront lots with the understanding that there would be no charge or fee for water-use facilities, i.e., boat docks, boat ramps, etc. The prices we paid for these lots reflected that fact. TVA should not now charge us for a boat dock permit. That is unethical and may be illegal.*

**Comment by:** 1 survey comment

**2839** **Comment:** *This is more intrusion into my life at my cost. I do not care what the public wants if it is at my expense. To prove my point, look at Table 2.11-1; TVA wants the deposit fee and registration fee in all the alternatives. That is the only item that is common to all. TVA belongs to the people. TVA is assigned certain responsibility and is provided some of my tax money to perform that responsibility. Beyond that TVA has no authority, and it is not yours for the taking.*

**Comment by:** Walter R. Dahnke

**2840** **Comment:** *With respect to DEIS Section 2.11, Implementation Strategy, we find these non-appropriated sources of TVA funding to be unacceptable. While Congress continues to decrease TVA's non-power budget, it did not intend to grant to TVA an authority to increase its own taxing capability. The message to TVA is to find other ways to accomplish its remaining non-power missions within its funded appropriations. The major agencies are in similar situations.*

**Comment by:** Harry A. Nesteruk

**2841** **Comment:** *The proposed fees are the same as taxation without representation, and TVA does not have the constitutional or legal authority to levy taxes.*

**Comment by:** Allen Gezelman, James C. Poole, James Gooch, Joe Gautney, John Key, Luci Bell, Ken Cole, Carroll Johnson, Jim del Toro, Johnny L. Boyles, Walter R. Dahnke, Richard H. Shuford, Jr., 1 evaluation form comment (Harriman, TN), 8 survey comments

**2842** **Comment:** *The annual fee that TVA wants to impose is clearly taxation without representation. The study says that, because of the congressional cutbacks in funds, TVA is looking for other sources of revenue. If TVA is allowed to get away with this general tax, it sets a precedent for every government agency to levy taxes on the general populace for any shortfall they feel they have. Has Congress authorized TVA to tax shoreline property owners? TVA thinks the TVA Board can make the decision to tax the property owners by calling*

*the tax an annual permit recertification fee. Implicit in the original sale of the shoreline properties was the use of the shoreline by the property owners. Now TVA is trying to charge rent and add an annual tax controlled only by the TVA Board of Directors. I contend that this is not only in violation of the original intent of the sale of these properties, but that it violates our constitution by taxation without representation. TVA is also suggesting that they have the power to impose fines for noncompliance with any of their guidelines.*

**Comment by:** Alan L. Compton

**2843** **Comment:** *My questions revolve around the proposed fees—the \$1,000 deposit and \$100 annual registration fee. How would this work for a marina or a community that has a set of common docks? If you had 40 docks in a community of common docks, would they have to pay \$4,000 a year and deposit \$40,000 up front?*

**Comment by:** Donald R. Miller

**2844** **Comment:** *Is TVA going to charge one performance deposit per community dock permit, plus a yearly \$100 fee per slip? Or is the \$1,000 fee going to be charged per slip?*

**Comment by:** 1 evaluation form comment (Farragut, TN)

**2845** **Comment:** *How much money does TVA expect to generate each year over the next 10 to 15 years from the proposed fees?*

**Comment by:** Donald R. Miller, Joe McKinney, 1 evaluation form comment (Decatur, AL)

**2846** **Comment:** *The costs associated with enforcement and review of facilities should be minimal; yet 60,000 structures charged \$100 per year would generate \$6 million, which is far too high.*

**Comment by:** 1 survey comment

**2847** **Comment:** *I have not seen or heard documentation which justifies the \$100 annual user fee. As a homeowner, I should cover the cost incurred by TVA for the maintenance of my water-use facilities permits. Considering the 21,330 dock permits shown in Table 1-2, this would suggest an annual budget of \$2 million just to maintain existing permits.*

**Comment by:** Jim del Toro

**2848** **Comment:** *One news article stated that TVA had 60,000 structures currently identified as coming under the \$1,000 deposit provision. Ignoring the fact that new ones would be added and that any fund would grow with interest, this would amount to a \$60 million fund to pay for removal of abandoned docks and other facilities. It is difficult to imagine that TVA needs anything near this amount for this purpose.*

**Comment by:** Harry A. Nesteruk

**2849** **Comment:** *TVA's need to develop funding sources other than congressional appropriations is understood. However, we oppose emphatically the proposal to require a \$1,000 performance deposit followed by a \$100 annual structure registration charge in order to secure a boat dock permit. We recognize that the proposed fees would not apply to existing shoreline permits, but in our view, TVA has not made a case for such fees. The DEIS avers that \$1,000 is the estimated cost to TVA to remove a boat dock that is not in compliance with the permit. The DEIS, however, does not address how often such an action is required. Unless it is necessary to take such action frequently, \$1,000 per permit seems more than necessary to fund the occasional removal of an undesirable facility. By the same token, there is no case made for the establishment of the annual \$100 certification fee. These proposals would*

*burden lakefront property owners unfairly by causing them to provide a disproportionate share of the money to fund TVA's overall lake management programs.*

**Comment by:** J. Winston Martin (Tellico Village Property Owners Association)

**2850** **Comment:** *Each permittee pays a deposit, which is equal to the average cost of removal, but only a fraction of those who are paying those deposits will ever need to have their structures removed. Therefore, there are many who are insuring themselves, for TVA's benefit, against the future costs of removing only a few of those structures, and as a result, there will be a relatively vast amount of unspent capital unnecessarily accumulating. If an automobile insurance company did this, they would charge each policy holder a premium equal to the average cost of the injuries and property damage in an average automobile accident. Not many of us would stand still for that.*

**Comment by:** John Crowder

**2851** **Comment:** *The proposed fees need to be restructured. For example, reduce the amount proposed for each fee and increase the time between payments. Charge either a registration fee or a deposit, but not both.*

**Comment by:** 6 survey comments

**2852** **Comment:** *Ensuring that shoreline structures are maintained should come from the structure registration charge. Those people whose structures are maintained could have their registration charge lowered as an incentive.*

**Comment by:** 1 survey comment

**2853** **Comment:** *Assuming that the deposit is refunded in a reasonable time, an annual registration and identification fee is not unreasonable. I do not know if the \$100 is excessive. I would perhaps use something like an annual boat registration fee as a guide. The money should definitely go into a special fund for shoreline activities.*

**Comment by:** 1 survey comment

**2854** **Comment:** *Any shoreline owner who has to be ordered to repair or remove his pier or seawall should be required to post a bond before he can construct another.*

**Comment by:** 1 survey comment

**2855** **Comment:** *It would be a good idea to request the deposit from the builder so that he constructs the structure in compliance with TVA codes. In this way, the owner, who has probably already paid the builder, does not get stuck with the bond if codes are not met.*

**Comment by:** 1 survey comment

**2856** **Comment:** *If construction involves a commercial contractor, the performance fee should be at least 10 percent of the cost of the project. If damage is done that is greater than that specified in a permit, then the enforcement/patrol unit should report and then prosecute.*

**Comment by:** 1 survey comment

**2857** **Comment:** *Specify a time limit for the inspection, so that lakefront property owners will know when to expect to get the deposit back.*

**Comment by:** 1 survey comment

**2858** **Comment:** *If a separate performance deposit is imposed, it should be returned on completion and approval of the project.*

**Comment by:** 4 survey comments

**2859** **Comment:** *A performance deposit should be refunded immediately on completion of the TVA-approved structure, not held in escrow for some indefinite time.*

**Comment by:** James W. Northington, M.D., Sheila Hester, William Ponds, 1 unidentified speaker comment (Harriman, TN, public meeting)

**2860** **Comment:** *TVA should return the deposit in 30 days.*

**Comment by:** 1 survey comment

**2861** **Comment:** *The deposit should be returned in one year.*

**Comment by:** 1 survey comment

**2862** **Comment:** *I would support a one-time (lifetime) fee for a management corridor, if this fee were reasonable.*

**Comment by:** 4 survey comments

**2863** **Comment:** *After collecting the initial \$100 dock permit fee, charge no yearly fee. If additional monies are needed, offer a one-time/lifetime fee of \$300 to \$500, to cover a more open view of the so-called management corridor. This fee must cover the property even if ownership changes.*

**Comment by:** 1 survey comment

**2864** **Comment:** *Existing private lakeside landowners should be assessed yearly fees per foot of cleared bank to discourage loss of natural habitat.*

**Comment by:** Walter M. Lewko

**2865** **Comment:** *Fees for corridors should be very reasonable and based on what it takes to create/maintain the corridor (i.e., mowing a 60-by-15-foot area should not cost what cutting trees and underbrush would).*

**Comment by:** 1 survey comment

**2866** **Comment:** *The \$1,000 performance deposit is not sufficient to protect the shoreline from unauthorized impact, nor is the \$100 structure registration/recertification fee sufficient to allocate the scarce lands. Each of these should be increased by 50 percent (even though this will be a personal burden to me). There have been too many cases in our area at Pickwick, where property owners have dredged, built, cut trees, or otherwise violated policy.*

**Comment by:** Edmund C. Smith, Jr.

**2867** **Comment:** *Most of the houses on the lake that have been offered for sale in Hamilton County in the past year are in the \$200,000+ range. A \$1,000 refundable fee (deposit) is not enough.*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**2868** **Comment:** *All fees are too high.*

**Comment by:** 3 survey comments

**2869** **Comment:** *The annual registration fee is too high. A more reasonable amount would be \$25 to \$50 per year.*

**Comment by:** Brent Lay (River Oak Recreation), 14 survey comments

**2870** **Comment:** *The \$100 annual dock license fee is excessive. The state of Tennessee charges less than \$25 for annual automobile license plates. A \$50-per-year license fee is reasonable and would provide plenty of money to pay for inspectors and equipment.*

**Comment by:** Gregory E. Huber, 3 survey comments

**2871** **Comment:** *Property owners should share in future costs for inspection of their water-use facilities, etc., but \$100 per year is exorbitant. Why not \$10 per year for everyone?*

**Comment by:** Fred W. Young

**2872** **Comment:** *On the future funding of shoreline management, I (not my husband) can see some value in an annual fee per lot, but \$100 per lot is too high. Considering the landowners around the Watts Bar Reservoir on which we live, an annual lot fee of \$25 would provide a large operating fund. Such a fee should be collected annually via mail and must be accompanied annually with a statement mailed to each payer, itemizing how the money was used; this could accompany the next annual bill.*

**Comment by:** Darlene A. Leland

**2873** **Comment:** *The proposed performance deposit is too high; a more reasonable amount should be considered.*

**Comment by:** John Crowder, Fred W. Young, Keith Dicken, 8 survey comments

**2874** **Comment:** *TVA should only conduct shoreline inspections every two years or longer to reduce costs to the property owner.*

**Comment by:** Gregory E. Huber, John Emmons, Riley Ramsey, 4 survey comments

**2875** **Comment:** *Instead of a set amount, TVA should charge fees according to the value (assessed by TVA), size (square footage), and/or type (basic or luxury) of facility. A \$100 annual fee on a 250-square-foot dock or a \$1,000 bond on a \$3,000 structure is too much.*

**Comment by:** Brent Lay (River Oak Recreation), Charles F. Holloway, Gregory E. Huber, Walter M. Lewko, James B. Baker, 13 survey comments

**2876** **Comment:** *If fees are used as incentives, we recommend that fees be based on square footage of the structure rather than a flat fee. This would help to encourage development of smaller structures.*

**Comment by:** Paul Rister (Kentucky Department of Fish and Wildlife Resources), C. Tom Bennett (Kentucky Department of Fish and Wildlife Resources)

**2877** **Comment:** *Landowners should be given a certain amount of square footage/area as a "credit" to use as they desire. A premium should then be charged above that. The allowance or "credit" should take into consideration the number of feet of shoreline frontage.*

**Comment by:** 1 survey comment

**2878** **Comment:** *Not all boat docks are equal. My wife and I own three lots, which have written into our deeds common property on the lakefront about a block away. These lots are not deep enough between the road and lake for building. Since my form of boating is canoeing*

*and kayaking, I have no need for a dock. But I do need a set of stairs to allow me to carry my canoe or kayak down a 7-foot drop to the water. When I petitioned Tennessee Elk River Development Agency (TERDA)/TVA for permission to build the stairs, I was told that this was unheard of. "You must build a dock," they said. But I did not want or need a dock, so I was instructed to build a 3-foot-square platform at the bottom of my stairs, which could be considered a dock, and it could be approved, which it was. I built the dock from leftover material, so the total direct cost was close to nothing. It certainly is not worth \$1,000 or \$100 a year to gain access to the lake over property in my deeds by use of stairs. It seems to me that if you go ahead with this plan, each dock should be assessed according to its size or value, rather than a uniform assessment regardless of its size. Indeed, it seems reasonable to assume that if TERDA/TVA sold me common access property, it would be their responsibility to furnish a safe manner to achieve that access.*

**Comment by:** Keith I. Pohl, Roberta J. Pohl

**2879** **Comment:** *The use of dock license fees for erosion-control projects and education programs should be only with approval of the fee payers. Without fee payer oversight, many millions of dollars might be spent on erosion-control projects that have little or no impact on the fee payers. This significantly weakens the rationale for charging fees beyond inspection costs in the first place. Large projects with Valleywide implications should be paid for by the Federal Government, not the individual dock owners. Educational programs should be targeted to the shoreline area only. The money from dock licenses gathered by TVA must be held in a trust for use only in the three proposed programs. An annual statement of how the funds are used and a "shareholders" meeting should be implemented. Each licensee should have a chance to vote on the annual budget. This would include fee payers in the process, promote citizen interest in conservation issues, and ensure that funds are used appropriately.*

**Comment by:** Gregory E. Huber

**2880** **Comment:** *Get the USF&WS and the USACE to help with funding.*

**Comment by:** Steve McCadams (Paris Post), 1 survey comment

**2881** **Comment:** *Instead of charging additional fees, TVA should consider the following suggestions as possible ways to fund shoreline management activities: Fund shoreline management with state and/or county appropriations. Funding should come from federal, state, and/or sales tax dollars. Charge a one-cent tax on potable water. Funding should come from a sales tax on fishing tackle, worms, reels, fishing and water-skiing equipment, etc. The lakes and shoreline are used by and should be supported by the general public, using gas taxes, etc. Funding should come from tax on fuel, and this tax should be raised to generate more funding. Tax the cities that remove water from our lakes and sell it. Tax cities who dump sewage into our lakes after charging the taxpayer. Funding should come from fining people who litter and dump trash. Funding should come from flood control benefits assessed to other states. Funding should come from real estate taxes. Funding should come from property taxes paid by the landowners. Garnish the wages of legislators for an alternative funding source. Funding should come from cutting some of the high-salary boys at TVA. Funding should come from developers. Charge a vacation home-building fee. Conduct lotteries for free use of camping/day use areas. Increase the price of maps of rivers to fund maintenance of river mile markers. Charge for certain publications, similar to TWRA or the U.S. Government Printing Office. Funding should come from the sale of timber. Try to make money on your defunct nuclear power plants that are costing a fortune when nonoperational, or sell them to someone who can. Seek outside sources of funds, such as grants and contributions from interested or concerned organizations, corporations, companies, and*

individuals. Ask for private donations for specific needs, such as patrol boats, or a volunteer force to adopt shorelines like people do with roadways for litter pickup.

**Comment by:** 1 evaluation form comment (Blountville, TN), 81 survey comments

**2882** **Comment:** *Do you charge for licenses for such things as electric lines, water lines, and telephone lines which cross fee land to private moorage facilities? Do you charge for withdrawal of water (lost power generation)?*

**Comment by:** 1 survey comment

**2883** **Comment:** *My wife and I would be very willing to have additional funds taken out of our federal income tax to be used for maintenance of TVA lakes and waterways, similar to the option of having money taken out for presidential campaign funds.*

**Comment by:** 1 survey comment

**2884** **Comment:** *TVA should be thinking of ways to save money, not make money. Not too many years ago I read in the paper that TVA had made loans to some communities. Have these loans been paid back, or were they grants?*

**Comment by:** 2 survey comments

**2885** **Comment:** *As opposed to the \$100 and \$1,000 fees, what about starting a nonprofit organization that would be beneficial for everyone involved. It would not be limited to lakeshore property owners, but anyone could donate, and it would be tax deductible. Some people might give \$100 a year; some people might give \$500 a year; some people may not give a penny, but that is at their discretion.*

**Comment by:** Mrs. Gargis (Custom Riverworks)

**2886** **Comment:** *Surely there are byproducts of all the things TVA runs; do not waste them—sell them. Build a water park, jet ski courses, water slides, wave machines. When dredging, sell it cheap as fill. Make lumber; sell driftwood. Bread catfish for restaurants. Or sublet these things for a fee.*

**Comment by:** 1 survey comment

**2887** **Comment:** *Sell appropriate aquatic plants to control erosion and provide habitat. Set up recycling centers to pay for waste disposal. Residents and groups could clean up if waste disposal facilities were available. Open closed recreation areas, and let retirees run them for a small fee. Perform selective tree harvesting (especially pines for pulpwood). Conduct managed hunts. Sell leases on very narrow marginal strips. Could milfoil be harvested and processed for fertilizer? Could hot-cooling water from nuclear plants be used in some way?*

**Comment by:** 1 survey comment

**2888** **Comment:** *The pricing for use of TVA public land by adjoining private property owners seems to be a direct benefit service of great value. I agree that the current one-time fee is too low and undervalues the consumer benefit. The consumer exchanges cash for the benefit of using TVA lands for personal water-access features, such as a dock and/or a mooring. I agree with alternatives that utilize an annual access fee or a much larger one-time fee. The question seems to be what payment technique should be used. The pricing options appear to include annual payments, such as \$100 per year, and a one-time payment of \$500-\$1000 made at the close of the permit in multiyear installments. A discount could be offered for prompt payment. A collection option for TVA would be to consider a memorandum with TVA counties to collect the fee as a part of the annual tax bill of the property that*

*has a dock permit. The issue of deposits to create a cleanup fund for derelict docks is always a difficult pricing dilemma. Does TVA have the power to impose a lien on the adjoining property that must be cleared before the property is sold? My recommendation is that the final plan should only address a pricing policy change and not a specific price. The price should not be an item for EIS review but should be up to TVA to set a price based on policy and prevailing market conditions. I further suggest that TVA enter into a price change strategy (one-time fee or annual fee) to change the price of permits. The change could use a five-year schedule that would increase the price annually with an annual cost change added to a market balance increment to establish a new market-based price. After five years, the annual cost increment increase would only be applied without the market balance amount. I would prefer a one-time fee that could be paid at the time of the permit or paid with a five-year installment plan with a prompt payment discount formula.*

**Comment by:** Tom Christensen

**2889** **Comment:** *Alternative Zero proposes small service fees for landowners, recreationists, and energy and navigation interests to help cover the costs of keeping the lakes safe, clean, and accessible. Alternative Zero would only require landowners to pay a one-time \$50 inspection fee and \$250 in one-time processing fees (for new permit applicants only), instead of the \$1,000 construction performance fee proposed by TVA.*

**Comment by:** Kenneth Wills (Alabama Environmental Council)

**2890** **Comment:** *Alternative Zero recommends that each group who benefits from the river must pay a reasonable and fair share for the privilege. This includes shoreline owners, recreaters, lock users, hydroelectric power users, and navigation users. The power side of TVA must pay a large portion of the maintenance of the shorelands created for and by their activity. Those industries which use the subsidized river transportation must be taxed for the use and the monies applied to shoreline restoration projects. Resource extractive industries that use the nation's waterways for cheap access to inland resources, such as hardwood forests, must be accountable for probable watershed impacts by paying a significant resource tax to be applied to (off-site) an EIS Fund (for a review of the cumulative impacts of such activities), which is the necessary, legally mandated requirement in the permitting of these industries. Monies may fund environmental education projects, including public service announcements and television spots by groups with no vested financial interests.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project)

**2891** **Comment:** *Alternative Zero suggests that each group of users who benefit from the locks, dams, rivers and lakes, shorelands, etc., must pay a reasonable and fair share. Perhaps TVA should study the feasibility of developing a trust fund to operate SMI, channeling all user fees (navigation, power, public, and private) into this fund. Here is our suggestion for fees: Do not charge a performance deposit. Either they get it right, or they do not receive a 26a permit. Performance is an ongoing activity and subject to change. This deposit appears to have only one function—to annoy. Charge a one-time, nonrefundable permit application fee of \$50. This fee is necessary because a great deal of time and money is spent even if a permit is denied. It should be separate from the processing fee, so that you do not have to deal with refunds. Charge a one-time, nonrefundable permit processing fee. This is necessary because it requires a contract, a permanent arrangement, deed modification, etc. Charge a one-time, nonrefundable registration fee of \$50 for on-site inspection and tags/decals. This fee will be charged again when the property changes hands, thus bringing the new owners into the system. Charge an annual service fee of \$120, mandatory for 26a permit holders. The service fee represents an agreement with TVA to provide certain services, either free or for a very nominal fee. Examples of these services are milfoil and mosquito control, cleanup of large objects after flood damage, and publication and distribution of educational materials, bulletins, and updates. Charge an annual boater's fee of \$50*

*for individual boaters who lock up and down the river. A decal/sticker could be sold to boaters when they purchase their state boat registration license, and a small percent could be passed along to the counties/state for the collection service. No decal should be required for the local use of small tributary rivers and streams as long as the main reservoirs/rivers are not used. No boat would be allowed through the locks without the decal. The fees from day-use, formal, or informal recreation could be channeled into the trust fund as well. Perhaps a TVA recreation pass could be sold to cover all informal recreation areas and help offset the cost of maintenance. And finally, a matching 50 percent should come from tax dollars because all of these activities are in the public interest, especially flood control and watershed integrity. Congress must be helped to see that this is a federal expense and that the public land is not a commodity for them to mess with. We must all learn that as costs go up, the need to find funding becomes more urgent. Everyone who benefits must pay a fair amount.*

**Comment by:** Dolores Howard

**Response:** In association with the SMI alternatives presented in the DEIS, TVA announced that it was considering several options for funding shoreline management services, such as erosion control, cleanup of litter and trash, removal of dilapidated docks, publication of educational materials about shoreline stewardship, and other services requested by participants in TVA's earlier public scoping meetings. While many homeowners do properly maintain their docks, there are at least 500 dilapidated docks on the Tennessee River system. In addition to being eyesores, these structures can break apart and become navigation hazards. They can have a negative impact on the value of surrounding properties. TVA inspections help to identify problems such as dilapidated docks and other permit violations.

Among the proposals presented were a \$1,000 refundable performance deposit for newly permitted facilities, an annual structure registration/recertification charge, and an annual fee for management of vegetation in corridors designated by TVA. TVA viewed the SMI public involvement as an opportunity to obtain public comments on these concepts and test willingness to pay for these services. However, these issues generated substantial opposition, particularly from homeowners who questioned the inequity of charging them when lake users, lake businesses, and other beneficiaries of the reservoir system would not be required to pay fees. Despite receiving some support for new fees, TVA has withdrawn the fee proposals.

Homeowners also emphasized the things they do to improve conditions around the lakeshores, such as cleaning up litter and trash and stabilizing the shoreline. TVA appreciates these and other voluntary lake improvement efforts and wants to recognize their importance and contribute to their continued success. TVA now waives the permit processing fee for shoreline stabilization projects undertaken by property owners.

Some homeowners pointed out that they already pay higher property taxes than others, and they viewed the proposed fees as additional taxation. Property taxes are assessed by city and county governments. Those tax dollars are not a source of funding for TVA reservoir management work.

When a dilapidated structure is identified, TVA first tries to get the owner to repair or remove it. If the owner does not comply within the time frame established by TVA (usually 30 to 60 days), then TVA will remove the structure and bill the owner for the removal costs. Should TVA be unable to collect the billable amount, it considers civil litigation or other appropriate remedies. TVA will continue this approach in addressing dilapidated structures.

TVA will also continue to encourage volunteer participation in shoreline cleanups and will pursue partnerships for control of erosion. Grants or other sources of funding will be sought for educational activities.

Legislation would need to be introduced, giving TVA authority to issue citations and levy fines for poorly maintained docks, before TVA could implement the suggestion about fines. Other land-managing federal agencies have this authority, but it was not included in the TVA Act or subsequent legislation.

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**2892** **Comment:** *A one-time permit processing fee of \$100 is not unreasonable. The current fee is working well, and a change is not needed.*

**Comment by:** Gregory E. Huber, John McBride, Robert Cheetham (Pine Grove Fire Association), Robert L. Johnson, Ronald Prime, 24 survey comments

**2893** **Comment:** *Determine and apply an application fee that just covers TVA costs for processing new permit applications.*

**Comment by:** Jim del Toro

**2894** **Comment:** *Some moderate fees are appropriate, simply to eliminate nonserious applications.*

**Comment by:** Allen N. Palmer

**2895** **Comment:** *The best thing TVA could do is change nothing. There is a good procedure in place which requires a \$100 fee for any development below the 690-foot elevation on Lake Chickamauga. If this fee is not enough, then charge more. Once a development is approved, then enforce the rules which are presently in effect (maintenance on the approved developments). This would take care of any environmental violators.*

**Comment by:** Jack C. Bryden

**2896** **Comment:** *Funding should come from 26a application fees, and TVA should allow more of them to make more money.*

**Comment by:** 2 survey comments

**2897** **Comment:** *Allow landowners to build piers and boathouses, even if the application fee is \$200. This would generate more money from 26a applications.*

**Comment by:** 2 survey comments

**2898** **Comment:** *We feel that a reasonable charge for permit processing (maybe \$50) is appropriate.*

**Comment by:** 3 survey comments

**2899** **Comment:** *I agree that TVA should charge a processing fee for permits, although \$100 nonrefundable seems high for private residential facilities.*

**Comment by:** 1 survey comment

**2900** **Comment:** *TVA has already started charging fees for docks and that type of thing. It is confusing. Two years ago TVA did not charge anything for permits. It should have at least been brought to the public.*

**Comment by:** Rick Stanton

**2901** **Comment:** *Our property has been farm land for the last 100 years. I see no reason why I should pay TVA \$100 for a permit when it has been that way for the last 100 years, before there was a TVA.*

**Comment by:** Donald M. Shepherd

**2902** **Comment:** *I understand the lakes are in part funded by our taxes. I am on a fixed income. My taxes went up 55 percent. They said it was not the house, because the house has not changed. It was the value of the property. Now you want to charge another \$100 fee if I have to replace an old dock.*

**Comment by:** Dot Hawk

**Response:** SMI proposals will have no effect on the existing permit processing fee system.

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**2903** **Comment:** *If I have a permit on a completed dock that was applied for and built by the previous owner, why do I need it in my name for a \$100 fee? Why do I have to pay a fee of \$100 to get his name scratched out and my name put in?*

**Comment by:** 1 unidentified speaker comment (Harriman, TN, public meeting)

**2904** **Comment:** *It is unfair to start charging for transferred permits after existing permitted property is sold. The requirements are that the new owner submits a change of ownership and commits to the provisions of the permit. The only work that TVA has to do is a record a change for the transfer of the permit. This should not justify an annual fee.*

**Comment by:** Robert L. Johnson

**2905** **Comment:** *As federal appropriations are reduced, will shoreline owners be assessed fees for 26a permits from the USACE also?*

**Comment by:** 1 survey comment

**Response:** When an owner plans to sell a lakefront lot with permitted facilities on TVA land or along the shoreline, the permit requires that TVA be notified of the proposed change, and the permit is reissued in the name of the new owner for all existing structures and uses. A field inspection is made before change of ownership permits are issued, to verify that no unpermitted uses exist. Section 26a permits are issued by TVA, not USACE.

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**2906** **Comment:** *Specify the annual dollar range amounts for access licenses.*

**Comment by:** 1 evaluation form comment (Decatur, AL)

**Response:** If new access privileges are granted, fair market value payment would be required.

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**2907** **Comment:** *Are fees charged for commercial vessels using the waterways?*

**Comment by:** 1 evaluation form comment (Harrison, TN)

**2908** **Comment:** *Barge-loading companies should be charged fees to pay for the damage they do to the shoreline and water quality.*

**Comment by:** 9 survey comments

**Response:** TVA does not charge any fees to commercial vessels. Barge-towing companies on the inland waterway system, including the Tennessee River, pay a fuel consumption tax of 24.5 cents per gallon. Of that tax, 20 cents per gallon goes into the Inland Waterway Trust Fund to fund new locks and other waterway improvements. In addition, applicants for new barge terminals or modification of existing barge terminals on the Tennessee River pay permit processing fees.

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**2909** **Comment:** *Shoreline management could be funded in part by a TVA land/lake use stamp for every person who uses the TVA reservoirs and shoreline. For example, a landowner could be charged 50 cents per foot of frontage, and a person fishing from or camping on the banks could be charged \$1 a boat.*

**Comment by:** Ray Werden, 1 evaluation form comment (Guntersville, AL)

**2910** **Comment:** *TVA should consider implementing user fees to fund habitat protection, control erosion, prevent development, collect trash and debris, pay for enforcement, establish no-wake zones, and provide safe recreational areas. The funds could come from increased boater registration fees or licenses that would apply to all users (boaters, skiers, campers, hunters, fishermen, etc.), boat launching fees, holding tank permits, storage and rental charges, fees for use of public facilities, commercial marinas, barge-towing and commercial shipping companies, developers, and industries. The establishment of user fees would ensure that funding comes from everyone and not just property owners.*

**Comment by:** Charles Morton, Dennis C. Valkanoff, Donald M. Shepherd, Glenn James, Jerrie Ann Weaver, Joe Adkins, Michael Mitchell, Mickey Irwin (Outdoor Adventure Club), Mike Everett (East Tennessee State University), Paul Kwiatkowski, Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), Robert Cheetham (Pine Grove Fire Association), Scott Koenig, Steven Summers, Jack C. Bryden, Clarence Jones, Jean Jones, Peggy K. Scandlyn, James M. Talley, Mrs. James M. Talley, George M. Brown, Virginia C. Brown, Brenda Hughes Shaffer, 2 evaluation form comments (Harrison, TN), 386 survey comments

**2911** **Comment:** *Follow a practice of “those who benefit should bear part of the cost.” In other words, implement a system of fees at the local level, from residential and commercial shoreline owners and from users who are not owners, etc., so the standards and practices outlined in the chosen alternative can be followed and kept viable.*

**Comment by:** 1 survey comment

**2912** **Comment:** *Any necessary financial recovery should be equitably spread as thin as possible through taxes related to flood control, power rates, commercial usage fees, recreational usage fees, etc.*

**Comment by:** John Coyle

**2913** **Comment:** *It would seem fair for users, whether residents or other recreational users, to pay fees, since non-power activities of TVA are funded under diminishing congressional appropriations. We feel that most citizens would be willing to pay fees when educated on the need for them.*

**Comment by:** Caroline Williams (League of Women Voters of Chattanooga-Hamilton County)

**2914** **Comment:** *I am not totally against the \$100 fee, whether it is charged to a residential property owner or to a nonresidential lake user. TVA was voted into existence, created by Congress, and the source of TVA’s revenue is primarily hydroelectric generation. We are paying a lot for our electricity, and with that privilege you get to use the water on the Tennessee River that was created there by God. TVA does not own that water; it was given to all of us.*

**Comment by:** Sam Hardie

**2915** **Comment:** *Those of us who live on the lake, those of us who use the reservoirs, those of us who do not even use the reservoirs for anything other than drinking water (indirectly)—we are going to have to pay for it, or we are going to lose it.*

**Comment by:** Stan Guffey

**2916** **Comment:** *TVA should develop an annual budget for any additional expenditures that would be voted upon by landowners and interested parties. Fees would then be applied to both landowners and day users of the lakes.*

**Comment by:** Jim del Toro

**2917** **Comment:** *It seems to me as an economist that we must have some restrictions and taxation or fees to clean up and maintain the quality of Boone Lake. In economics we call these things common resource properties. They are not private properties, but they are used by large numbers of people, and it is very difficult to get people to contribute to their upkeep, even though all of us enjoy and benefit from these lakes. So the issue is, how do you develop reasonable fees and restrictions? If I were a landowner on Boone Lake, I would get Boone Lake Users Association to help find some way of levying equitable fees. I have a slip on the lake and several boats, and I willingly would pay more for those. I do not know specifically how you would do this, but there has to be some kind of balance. I hear a lot of landowners who do not want the restrictions or fees. How do you envision the funds will be developed to protect this lake in the future? A litany of problems, like boats and marinas dumping, still need to be faced.*

**Comment by:** Mike Everett (East Tennessee State University)

**2918** **Comment:** *The current strategy to impose fees on property owners penalizes an interest group with the most concern for protecting the shoreline. All citizens have the right to use the shoreline, but SMI expects only lakefront property owners to pay. The cost of shoreline management should be shared by all lake users.*

**Comment by:** Janet K. Adams, Susan L. Gawarecki, Ph.D. (League of Women Voters of Oak Ridge), Robert L. Johnson, Alison Brayton (Tennessee Department of Environment and Conservation), 1 evaluation form comment (Tims Ford, TN), 20 survey comments

**2919** **Comment:** *TVA's recommendations on fees for landowners are unfair; fees need to be shared by all water users (commercial, private, etc.). A great majority of landowners take very good care of their shorelines. Some of that care needs to be shared by all other users and should include TVA in areas where landowners do not exist. I really want to believe that TVA has the best interests of landowners in mind, but I think there is an upswell of feeling that we are being taken to the cleaners with the fee structure presented in your alternatives. I want to do my share but not carry the load for everyone else.*

**Comment by:** Keith Dicken

**2920** **Comment:** *By charging fees, TVA is penalizing the property owners that are making the waterways appealing to begin with; yet, they are letting boaters and others use the lake at their leisure. I do not want the situation we had in Colorado, where there is a fee for everything, but I do not want to put it all on the property owners either.*

**Comment by:** Tom Anderson

**2921** **Comment:** *The responsible manner in which TVA proposes to manage the shorelines will fail to gain acceptance because of the unfair attempt to focus fees on only one class of user. It seems paradoxical that the environmental aspects of shoreline management would be so*

*thoughtfully weighed but funding aspects would be so tilted. If the costs were more carefully and fairly managed and distributed, then the responses to this survey might be a lot different.*

**Comment by:** 1 survey comment

**2922** **Comment:** *The DEIS says that in 1978 alone there were 71 million recreational visits to TVA lakes and properties, and 3.7 million visits on undeveloped land for camping, etc. How then can it be reasonable or equitable to assess penalties against property owners only? These penalties are a \$100 annual tax on lakefront facilities and a \$1,000 escrow deposit to be held in perpetuity by TVA against the possibility that some irresponsible individual might neglect his own investment to the extent that it became a public nuisance or hazard.*

**Comment by:** Donald M. Shepherd

**2923** **Comment:** *TVA is interested in charging dock fees and performance bonds. What percent of the lake usage is actually day-users versus property owners, and what plan do you have to let the day-users help pay for the management of the TVA water system?*

**Comment by:** Michael Mitchell

**2924** **Comment:** *Fees should be charged to boaters because they cause the most erosion. Revenue from these fees could be used to establish a fund to support erosion mitigation efforts. Fees could be charged according to boat size or horsepower.*

**Comment by:** Alison Brayton (Tennessee Department of Environment and Conservation), 9 survey comments

**2925** **Comment:** *All the campgrounds and boat docks charge a fee for camping and launching boats. TVA should impose a recreational tax on all of these fees, because the recreational users are the ones doing the most damage to the lakes.*

**Comment by:** 1 survey comment

**2926** **Comment:** *Fees for out-of-state users is one option for funding erosion problems.*

**Comment by:** 1 evaluation form comment (Clinton, TN)

**2927** **Comment:** *If annual fees are of such interest to TVA, why not make people who live on their boats pay them? They do more damage than a dock.*

**Comment by:** Don Richardson, Pat Richardson

**2928** **Comment:** *A charge could be made for boaters traveling through the locks from one lake to another.*

**Comment by:** 10 survey comments

**2929** **Comment:** *TVA should refrain from charging substantial fees for floats on TVA lakes. If your concern is abandoned floats on the lake, get Tennessee Wildlife Resources Agency (TWRA) to require a \$3 license similar to the numbering system required on boats. If TWRA observes worn out floats on the shoreline, they can have them disposed of.*

**Comment by:** Hunt Archer

**2930** **Comment:** *If I have to pay as a bait user, I do not mind. I think \$10 for three years' registration is a crime. It is not nearly enough.*

**Comment by:** Glenn James

- 2931** **Comment:** *If revenue enhancement is the goal, why not work out an agreement with the states to add \$10 or \$20 to the automobile or boat registrations and/or fishing licenses? These funds would be directed to TVA by the states with minimum administrative requirements by TVA. This would also spread the cost across the population most likely to have benefit of the Valley's water resources.*
- Comment by:** Robert K. Maxon
- 2932** **Comment:** *TVA should charge a fee for bass or fishing tournaments. These tournaments generate a lot of revenue, but they also cause much damage to the shoreline.*
- Comment by:** 3 survey comments
- 2933** **Comment:** *Parking meters at TVA boat ramps could fund maintenance of parking areas. I suggest \$1 per space for use up to 24 hours.*
- Comment by:** 1 survey comment
- 2934** **Comment:** *A fee should be charged at boat ramps if people do not live within 2 to 5 miles of said ramp. Not all subdivisions have local or close ramps to utilize, but the 5-mile radius would help us, as we are paying too much in county taxes.*
- Comment by:** 1 survey comment
- 2935** **Comment:** *The parks that TVA operates (boat ramps, day-use areas) have closed already because of lack of appropriated funding. They could possibly put in a system with a charge for launching boats at these areas. In other states and areas, it is an honor system or they get a yearly pass.*
- Comment by:** Bryant Beames
- 2936** **Comment:** *The sale of land will produce a relatively small, one-time financial gain with no long-term benefit. I would rather see TVA charge higher rates for electricity, user fees for existing developed lakeside areas, and boat-launching fees.*
- Comment by:** Walter M. Lewko
- 2937** **Comment:** *TVA should charge a fee for duck blinds that are built on public property.*
- Comment by:** Pete Williams, 2 survey comments
- 2938** **Comment:** *A small percentage of fishing and hunting (waterfowl) licenses and especially part of the 50 percent of state duck stamp money that now goes to Ducks Unlimited could be used to maintain and improve our lakes.*
- Comment by:** 5 survey comments
- 2939** **Comment:** *It may be time for the United States to look at a plant and wildlife habitat displacement fee. This may be a fee on all new development used to acquire more public land and wildlife habitat. We are already seeing more human/animal conflicts because of overcrowding.*
- Comment by:** Jerry Davis (Alabama Waterfowl Federation, North American Waterfowl Federation, Alabama Waterfowl Association, Inc.)
- 2940** **Comment:** *Owners of docks and/or boat slips should be charged a water pollution cleanup fee based on the number of docks/slips they own. This would offset the cost of water quality*

*maintenance due to gasoline, diesel, oil, bilge products, etc., being discharged/spilled into the lakes.*

**Comment by:** 1 survey comment

**2941** **Comment:** *Charges should be assessed every user, including shopping malls whose parking lots contribute to polluted runoff.*

**Comment by:** 1 survey comment

**2942** **Comment:** *I am very concerned about urban and industrial development. Any and all should be charged a performance deposit sufficient to ensure compliance and cleanup of facilities. I suggest \$1,000 per square foot of structure or development.*

**Comment by:** 1 survey comment

**2943** **Comment:** *TVA should charge to drive the Trace (at LBL), i.e., \$1 per day, \$5 per week, \$10 per month, and \$20 per year.*

**Comment by:** 2 survey comments

**2944** **Comment:** *I would pay a high fee to visit the recreational areas if it would help protect the habitat against development. But I would not be excited to pay it, because I know the government wastes so much of our taxes already.*

**Comment by:** 1 survey comment

**2945** **Comment:** *User fees would discourage out-of-state visitors.*

**Comment by:** 1 survey comment

**2946** **Comment:** *All users of the lake are not expected to pay.*

**Comment by:** 1 evaluation form comment (Blountville, TN)

**2947** **Comment:** *Recreational users of the lake cause most of the shoreline damage, but I do not believe in a user's fee.*

**Comment by:** 1 survey comment

**2948** **Comment:** *The next fanatical, dictatorial move I expect to see is a guard (paid by my tax dollars) at every boat ramp—charging for admission to launch ramps, gas facilities, garbage cans, campsites, and county roads on TVA land.*

**Comment by:** 1 survey comment

**Response:** There are a number of thoughtful suggestions in these comments. The issue of lake user fees extends beyond the scope of SMI and would merit further public evaluation before a final decision could be made about the feasibility of such broad-scale fees. TVA has withdrawn the performance deposit, structure registration, and vegetation corridor fees. Until recently, federal agencies, including TVA, have been prohibited from charging fees at most federally operated day-use areas and boat-launching ramps. However, when federal legislation allowing such fees was passed, TVA decided against user fees at some ramps and day-use areas, due to a combination of factors, including relatively low projected revenue generation coupled with collection and enforcement costs. However, as use patterns at TVA areas continue to evolve, daily or annual fees may be considered again as a means of offsetting recreation facility maintenance expenses.

**2949** **Comment:** *Shoreline management should be funded in part by TVA power operations.*

**Comment by:** Richard C. Jones, 30 survey comments

**2950** **Comment:** *TVA power is responsible and must pay for a portion of the maintenance of the shorelands created for and by their activity.*

**Comment by:** Cielo Sand Myczack (Broadened Horizons Riverkeeper Project), Dolores Howard

**Response:** Shoreline management activities are already funded in part from power funds. TVA anticipates that some level of power funding will continue in the future.



## Chapter 10 — Other Public Issues

### Trash

During the 1996 SMI public involvement process, citizens or groups provided comments on issues related to trash, including such topics as:

- Problems created by trash and litter
- Suggestions for trash management and shoreline cleanups
- Fines for littering

**2951** **Comment:** *Trash and debris are major concerns that should be addressed by SMI and included in the FEIS. The lakes and shoreline are littered with bottles, cans, sacks, live bait containers, fishing lines, empty propane cylinders, Styrofoam containers, motor oil containers, old cars and car parts, ties, leaves, logs, branches, driftwood, etc. Campsites along the shorelines are turning into garbage dumps. TVA has shown very little interest in this issue and needs to do much more in the future. For example, TVA employees should pick up the trash as they have in the past.*

**Comment by:** Al Morton (Cove Norris Subdivision), William S. Stewart, Dave Cooper, David Hines, James C. Brown, James W. Northington, M.D., John Scott, Paul Keller, Shirley Hodges (Save Our Parks), Sue Vaughn, David Burns, Association for Democratic Reform of the Environment and Shoreline, 1 evaluation form comment (Clinton, TN), 2 evaluation form comments (Florence, AL), 13 survey comments

**2952** **Comment:** *Much of the litter and trash comes from recreational users who do not live on the lake. Groups of people on pontoon boats litter the beaches; boaters toss out bottles, fishing line, plastic cups, beer cans, etc.; and weekend pleasure-seekers seem to delight in destroying other people's living areas. Bass clubs have frequent tournaments and fill the lake with beer cans, motor oil containers, and dead fish. If recreational users of the lake are going to generate trash, they should carry it home with them.*

**Comment by:** Tom Anderson, James B. Baker, William C. Reed, Sr., 16 survey comments

**2953** **Comment:** *There should be no more residential or commercial development of the shoreline, because as it stands now, the lake is a trash bin for the general public, full of plastic jugs, cups, aluminum cans, and litter.*

**Comment by:** Thomas W. Simrell

**2954** **Comment:** *Trash and debris remaining after a high-water situation is a problem.*

**Comment by:** 1 survey comment

**2955** **Comment:** *We live at the headwaters of the lake, so our shoreline receives a lot of trash, cans, and bottles that people farther down the reservoir do not get. As the lake comes up, it picks up the debris that was deposited, and this increases considerably the amount of trash that we have to pick up. TVA should help us with this situation.*

**Comment by:** Calvin Carpenter

**2956** **Comment:** *At times Fort Patrick Henry Lake looks like a landfill, due to the amount of trash in it. TVA seems to do nothing about it. The trash accumulates around the dam and looks awful. With all the money TVA wastes and spends on large bonuses for their executives, it seems that they could hire personnel to clean up this trash.*

**Comment by:** 1 survey comment

**2957** **Comment:** *TVA does not seem to address the problem of trash. USACE lakes nearby have signs posted, as well as game and fish officers. When a person camps on or uses a USACE lake, their officers inspect the trash bags. They want to know where the trash is going.*

**Comment by:** Martin Gilliam, Rex Dove

**2958** **Comment:** *How about doing some projects that clean up the water and shoreline? We are driving into extinction the animals that live in and around the waterways. When the animals and vegetation are gone, man will be too. We should work together now to clean up and restore animal habitats. We have already allowed much more damage to be done than was necessary.*

**Comment by:** Loretta S. Overbey

**2959** **Comment:** *TVA should work with counties to stop illegal dumping in rural areas and along creek banks. Heavy rain carries this trash to the reservoir, causing property owners to have to clean up the shoreline.*

**Comment by:** 1 survey comment

**2960** **Comment:** *There is a place at the end of our road where people come to dump loads of asphalt, shingles, couches, etc. The last time there was a body, so TVA did pick that up.*

**Comment by:** 1 unidentified speaker comment (Melton Hill Lake Users Association Meeting)

**2961** **Comment:** *TVA has not addressed how endangered species are benefited by oil cans, hypodermic needles, tires, glass, beer cans, liquor bottles, T-shirts, ball caps, broken rafts, dilapidated and broken toys, rusted fishing lures, and millions of miles of fishing line. These are just a few of the items trapped along my property line that I am unable to clean up because TVA guidelines are so concerned about wildlife.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**2962** **Comment:** *People who live on the lake have to clean up tons of stuff every spring and summer. We get no help with that and receive no suggestions about what to do with the trash. If people are old and cannot clean it up anymore, they just have to move away.*

**Comment by:** Brenda Snow

**Response:** TVA agrees that the presence of trash on TVA lakes and shorelines is a serious problem. Effective measures to combat it will require a concerted effort by the general public, lake users, TVA, and other organizations to initiate cleanup projects and public education campaigns and to enforce laws related to littering and dumping of trash.

To help address this problem, TVA has actively worked to establish partnerships with lake-user groups, other citizen groups, and local agencies to plan and implement cleanup of litter and garbage from TVA lake shorelines. TVA has also worked with adjacent landowners at various locations to correct, prevent, reduce, or mitigate negative impacts on public land and, as funds permit, conduct trash cleanup on undeveloped TVA lands.

**2963** **Comment:** *Snags, debris, and driftwood pose safety hazards for recreational lake users. TVA has a number of areas next to the dams where they unload commercial equipment. Access to these or other sites should be made available to homeowners who need an authorized place to dispose of logs, driftwood, and debris that have been collected from the shoreline. As it is now, property owners must find a way to get this debris to a landfill, which is often very difficult to do. It would also be helpful if TVA could provide a toll-free number to advise property owners where to take this debris.*

**Comment by:** Dennis Thacker, Glenn James, James Gooch, Richard Durham, Brenda Durham, 3 survey comments

**2964** **Comment:** *The lake is constantly full of logs, trees, boards, and litter, which interfere with navigation. I have replaced two propellers this year because of striking underwater floating objects, both times just after lake levels fluctuated greatly.*

**Comment by:** 1 survey comment

**2965** **Comment:** *Some floods have uprooted 50-foot trees which end up in the middle of the lake, floating just under the water. These trees are dangerous to boaters. When I called TVA about one, they replied that I should move it myself, because it was not their responsibility. Whose responsibility is it?*

**Comment by:** Pam Ahlberg

**Response:** Floating trash in the reservoirs can be present, particularly after heavy rains and sudden increases in water levels. Most of this debris originates on land and enters the rivers and streams due to erosion, rainfall runoff, and improper disposal practices. Natural drift can provide habitat. TVA encourages and participates in shoreline cleanup efforts to try to prevent debris from entering the reservoirs before the reservoir level rises each spring. However, funds and manpower are not available to remove and dispose of debris that makes its way into TVA reservoirs.

Reservoirs by nature contain hazards that may not be visible to all users. While TVA tries to identify and mark permanent hazards that could affect a large number of users, use of TVA reservoirs by the public is at the risk of individual boaters. It is very commendable when property owners take the time and effort to clean the shoreline in front of their lots.

**2966** **Comment:** *Will TVA require codes for residential waste systems so that waste, trash, etc., are removed from shoreline areas? If it is in the DEIS, I missed it.*

**Comment by:** 1 survey comment

**2967** **Comment:** *TVA could take the lead in shoreline cleanup by requiring trash containers at private boat ramps.*

**Comment by:** 1 survey comment

**2968** **Comment:** *Lakefront property owners should be responsible for cleaning the shoreline in front of their property and maintaining their water-use facilities. TVA should be responsible for maintenance of public use areas and facilities.*

**Comment by:** H. O. Finley, Mrs. H. O. Finley, 21 survey comments

**2969** **Comment:** *Lakefront property owners who do not keep their shoreline clean and property maintained should be fined. If TVA has to pay for cleanup and maintenance, the property owner should be billed for the expense.*

**Comment by:** Donald R. Phillips, 11 survey comments

**Response:** TVA is not proposing standards for waste or trash management. Our society expects landowners and individuals to be responsible for proper management of their own trash. TVA and other public agencies strive to maintain public parks and recreation areas along the lakes to the extent funds permit. TVA helps enforce local and state littering laws. TVA also sometimes removes severely dilapidated and hazardous private water-use facilities and bills the owners of the structures to recoup removal costs.

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**2970 Comment:** *Recipients of welfare and unemployment benefits should clean up the shoreline.*

**Comment by:** Kristina S. Roth, 3 survey comments

**2971 Comment:** *Prison inmates and convicted polluters should work on shoreline cleanup.*

**Comment by:** Kristina S. Roth, 3 survey comments

**Response:** Comments noted.

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**2972 Comment:** *TVA should partner with volunteer organizations (Boy Scouts, youth groups, church groups, environmental organizations, BVI), boaters and other concerned citizens, and local agencies to promote shoreline cleanup. TVA should launch the cleanup campaigns and provide trash bags, transportation, and collection points. Incentives and public recognition could be given to aggressive groups.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), 27 survey comments

**2973 Comment:** *TVA works with local groups in cleanup projects, but the problem is far beyond any local group at this point. Today's Boy Scouts will be 80 years old by the time Lake Cherokee is cleaned up.*

**Comment by:** Dick Robish (Cherokee Lake Users Association)

**2974 Comment:** *A \$10 trash bag deposit should be mandatory. When the lake user returned with trash, he could be refunded \$9; there would be no refund if the bag was returned empty.*

**Comment by:** 1 survey comment

**2975 Comment:** *We suggest TVA support or propose a bill in each state's legislature where TVA has authority. The bill would specify a return policy on all kinds of litter for the reduction of waste materials deposited around and in our lakes by unthinking people. The money derived from this return policy could be used for the cleanup and maintenance of shorelines and other littered areas.*

**Comment by:** 2 survey comments

**Response:** TVA actively supports the valuable efforts of volunteer groups to organize and conduct lake cleanups, which are often scheduled during the spring or fall. These groups are usually the key to successful campaigns. Over the past several years, TVA has assisted in planning and conducting annual lake cleanup campaigns and routinely offers to provide equipment, such as garbage bags and gloves, to support these citizen efforts. Deriving revenue from trash collections or recycling is an interesting idea, but would be administratively burdensome to implement.

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**2976** **Comment:** *Anyone caught littering should be fined. TVA should post signs and enforce regulations against littering.*

**Comment by:** Al Morton (Cove Norris Subdivision), Glenda Coffey, W. Wathan Fielding, 21 survey comments

**2977** **Comment:** *Could someone on the lake who is littering be fined? This spring in our area alone we picked up 978 pounds of trash that had drifted onto our lakeshores.*

**Comment by:** James Southerland

**2978** **Comment:** *Shoreline cleanup could be greatly reduced if the water patrol would issue fines for littering. Large fines should be imposed and shown in newspapers so everyone could read who was littering.*

**Comment by:** 2 survey comments

**2979** **Comment:** *Littering is a crime against nature and should be dealt with more seriously by the TVA and law enforcement in general.*

**Comment by:** 1 survey comment

**2980** **Comment:** *When TVA collects fines from those who are polluting and littering public lands, the money should go into establishing buffers.*

**Comment by:** Luci Bell

**2981** **Comment:** *Enforce the littering law, and take the proceeds from that to pay the wages of the patrol officers.*

**Comment by:** Tom Anderson

**Response:** TVA Police enforce local and state littering laws. In cooperation with other agencies, many citations have been issued over the past few years for littering or dumping of trash on TVA land.

## Lake Levels

Comments about lake level issues included a variety of topics, such as:

- Need for more stable lake levels
- Impact of fluctuating lake levels on farming, shoreline vegetation, erosion, aquatic habitat, mudflats, water quality, property values, economics, navigation, mosquito control, and aesthetics
- Fluctuating lake level problems at certain lakes
- Lake level control by special interest groups

**2982** **Comment:** *Fluctuating water levels create the most serious problems for many people who live on and/or use TVA lakes. When water levels are constantly raised and lowered, some areas become shallow and nonnavigable, posing a safety hazard to boaters and skiers. Fluctuating lake levels kill aquatic and shoreline vegetation and grass, cause erosion, litter the shoreline with trash, degrade water quality, eliminate wildlife and aquatic habitat, make swimming areas unusable, cause damage to water-use facilities, lower property values, and*

*reduce aesthetic qualities. When the lake levels drop, fishing is poor, and this also impacts tourism and the local economy. TVA could also generate more hydroelectric power if reservoir levels were kept higher for longer periods of time. TVA should wait until September or October to begin drawdown and reduce the number of feet the lakes are lowered, especially on the tributary reservoirs. Fluctuating water levels should not be out of scope and should be addressed in the FEIS.*

**Comment by:** Michael A. Butler (Tennessee Conservation League), Alan L. Compton, Scott Cottrell, William Ponds, Howard L. Jones, Dave Cooper, Carroll Johnson, Kristina S. Roth, Fred Childress, 1 evaluation form comment (Blountville, TN), 3 evaluation form comments (Dandridge, TN), 1 evaluation form comment (Florence, AL), 38 survey comments

**2983** **Comment:** *TVA control s the reservoir levels—the summer pool and the winter pool. Has that been considered in the shoreline impacts at all?*

**Comment by:** Larry Fischer

**2984** **Comment:** *Just as the slogan during the Bush/Clinton campaign was “It’s the economy, stupid,” our catch phrase is “It’s the lake level, stupid.” I will never accept the fact that TVA cannot determine a level at which Nottely Lake can be held relatively constant from May 1 to October 1. The pronounced level need not be full pool. Instead of the 1,779 contour level, declare the optimum summer level to be 1,774. This would leave a flood cushion of 5 or more feet, and the normal summer rains would be permitted to flow through the generators. Except for times of emergency, the people could plan on 1,774 from May 1 to October 1. This would allow people to have boathouses and riprap the shoreline during the summer. If TVA were still concerned with water storage, then they could pull the plug in October. The greatest increase I have ever seen in nine years was approximately 7 feet over a two-day period. My enjoyment of my home on Nottely would be 100 percent improved if TVA could fix a stable lake level so I could have a boathouse and riprap my water’s edge. Also, I would appreciate improved water quality. Boat and jet ski waves washing on the muddy banks cause the bulk of Nottely’s dirty water conditions.*

**Comment by:** 1 survey comment

**2985** **Comment:** *More attention could be paid to having consistent lake levels from June to October. A full or near full reservoir is important to recreation and to shoreline management, planting, and erosion protection. At Lake Burton, owners know the level. It is the same every summer, and most have invested in expensive seawall construction. More owners on Lake Chatuge would spend money on seawalls if the level was consistent.*

**Comment by:** 1 survey comment

**2986** **Comment:** *Many problems could be solved by leaving the lake levels at a reasonable level, instead of dropping them drastically in the winter. Sensible lake levels would still leave plenty of floodplain and would let vegetation grow on the lake bottom. Nature would take care of the wetlands.*

**Comment by:** 2 survey comments

**2987** **Comment:** *At present, beaches are virtually nonexistent Monday through Friday due to high water. On Saturday and Sunday, Kentucky Dam drops to expose the beaches for recreational use. Instead of seeing a white sandy beach, we see green, slimy algae and pollutants along the shoreline.*

**Comment by:** 1 survey comment

- 2988** **Comment:** *TVA's often daily dramatic fluctuations in lake levels are certain to cause more harm to shoreline stability and aquatic life than that created by any landowner. Lake levels used to be stable.*
- Comment by:** 1 survey comment
- 2989** **Comment:** *TVA is more concerned with power production than recreational use and property values. This is demonstrated by fluctuating water levels, which leave boats hanging on the rocks or make the lake come into our yards.*
- Comment by:** Jack Stewart, Carroll Johnson, 3 survey comments
- 2990** **Comment:** *The problems with fluctuating water levels were determined to be out of scope. Fluctuating water levels have tremendous environmental consequences, and dealing with them in this manner is not appropriate in a DEIS. For this to be a valid EIS, this issue must be addressed. Considering the prejudice of TVA on this subject, appointment of an independent commission to study the situation appears mandatory.*
- Comment by:** 1 survey comment
- 2991** **Comment:** *The study also considered fluctuating water levels to be "out of scope," but the response does not directly address the advantages and disadvantages of more stable lake levels. While I appreciate the need for flood control, I suggest a cost/benefit analysis of opening flood gates sooner when needed versus relatively minimal power generation (e.g., at Tims Ford).*
- Comment by:** Monte B. Miller, M.D.
- 2992** **Comment:** *Residential property owners would not object to paying for more complete lake management if the lake levels were carefully controlled.*
- Comment by:** 1 survey comment
- 2993** **Comment:** *What is the economic impact of maintaining a full pool throughout the summer?*
- Comment by:** 1 survey comment
- 2994** **Comment:** *As a taxpayer, I and all other property owners along Cherokee Lake should be treated as they are along Boone and Patrick Henry. This would include being allowed to cut our lots to the water's edge and having water levels up. If water is pulled from Cherokee, it should be pulled at the same level from other lakes.*
- Comment by:** Gerald Winn
- 2995** **Comment:** *I just do not see why a 40-foot drop in Watauga Lake is necessary for flood control or to store "winter rain."*
- Comment by:** 1 survey comment
- 2996** **Comment:** *Is Hiwassee Lake continually being raised and lowered more than other lakes in the area?*
- Comment by:** 1 survey comment
- 2997** **Comment:** *We do not love the idea that the water is only available to us for about three months a year, but we have learned to live with it and know that this is how the water level must be maintained to avoid floods.*
- Comment by:** James R. Jackson

**2998** **Comment:** *Nobody wants to look at extremely low lake levels. It is ugly.*

**Comment by:** Carroll Johnson

**Response:** The purpose of SMI is to review existing permitting practices and establish a policy for permitting of docks and other shoreline alterations, not to address water level fluctuations. The latest study on water level management addressed maintaining higher lake levels later into the fall. The TVA Board adopted the current lake level operating plan as the preferred alternative. The results of this study are documented in an FEIS, published by TVA in December 1990, and titled *Tennessee River and Reservoir System Operation and Planning Review (Lake Improvement Plan)*, and the accompanying Record of Decision (TVA, 1991). Chapter 4 of that document discusses the different alternatives examined. Chapter 5 discusses both the environmental, as well as the socioeconomic consequences of each alternative. Finally, Appendix B discusses the lake level alternatives for each individual reservoir. The accompanying Record of Decision issued in February 1991 states, "Alternative 1 is chosen because it would produce the most recreation and economic development benefits without significantly reducing other reservoir system benefits."

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**2999** **Comment:** *I was here on this river before the lake was built. When TVA bought the land, they granted agricultural rights in order to pay a lower price for the property. When the lake goes down in front of my property, I can farm it, cut the trees, set out trees, or do whatever I want to. But if it is covered up with water, I cannot sue TVA for it.*

**Comment by:** Lewis Horn

**Response:** TVA landrights vary from lake to lake. Some property was purchased in fee, but on other lakes TVA acquired flowage easements which gave TVA the right to flood reservoir lands.

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**3000** **Comment:** *It is difficult to improve water quality and maintain biological diversity and vegetation along the shoreline when water levels fluctuate significantly during the growing season. When TVA raises the level during late spring and early summer, it kills the vegetation and grass. When the lake is lowered, the aquatic plants die out. The result is a barren shoreline.*

**Comment by:** Allen N. Palmer, 1 evaluation form comment (Dandridge, TN), 4 survey comments

**3001** **Comment:** *Proposals that would require extensive foliage are not acceptable. Arguments that such vegetation will aid aquatic life are pointless on lakes with widely varying levels.*

**Comment by:** Pete Barile (Morristown Area Chamber of Commerce)

**3002** **Comment:** *TVA offered suggestions for erosion control, such as planting willow stakes along the shore down to the normal pool. In my personal experience, this appears ridiculous. We have tried such plantings of native willows, grasses, and ground covers and found that nothing grows in the area from high spring flood level to the water's edge.*

**Comment by:** Donald L. Janeway

**3003** **Comment:** *The mudflat in the wintertime is unproductive. There are a few plants scattered on it from place to place, but generally it is without plants or, in other words, without photosynthesis producing a resource for animals to eat. On Watts Bar, Douglas, and Norris, it is extensive.*

**Comment by:** Clifford C. Amundsen, Ph.D.

**Response:** Maintaining a consistent vegetative cover within the drawdown zone is difficult in a multipurpose reservoir. TVA is currently testing several different types of vegetation in the drawdown zone to see which species are best for controlling erosion and providing suitable fish habitat.

**3004 Comment:** *The SMZ makes no sense, because TVA fluctuates the lake levels so dramatically during the year that the water would rarely reach the proposed buffer.*

**Comment by:** David H. Smallman, 1 survey comment

**3005 Comment:** *One basic problem with the TVA SMI is that the shoreline is constantly moving. Specifically, on Cherokee Lake, the water level was increased almost daily from April until June, rising more than 30 feet in this period. For a very brief period in June, the level reached vegetation. Water even covered the base of a few trees in the vicinity. Then the water level started dropping. It is still summer, but the water is already at least 30 feet from the nearest vegetation. How is it possible that mowing the grass and weeds 30 feet and more from the lake edge could help or hurt the shoreline? Much of the year, the vegetation is more than 100 feet from the water's edge. In my area, there is nothing but red clay in this 100-foot-wide zone.*

**Comment by:** French Caldwell

**Response:** SMZs provide wildlife, water quality, and aesthetic benefits, regardless of the distance from the water. In the summer when lake levels are normally at their highest, SMZs also stabilize the shoreline and buffer the lakes from lawn runoff.

**3006 Comment:** *Fluctuating water levels are a major contributor to shoreline erosion, which causes severe problems, such as property loss, water quality degradation, and loss of vegetation and shoreline habitat. The DEIS fails to make this connection. Also, if lake levels were not lowered quite so much, erosion from boat wakes and wind would not be as damaging.*

**Comment by:** Catherine Murray (Sierra Club, State of Franklin), Charles Beard (Colbert County Commission), Charles C. Smoot (Bear Paw Subdivision), James D. Evans, Granville Major, Jack Stewart, Jake Beeler, Jim Richardson, Joe Carl, Joe Cashion, Joseph T. Frye (Frye Enterprises), Judy Fletcher, Leonard Lankford, Robert Hines, Robert Taylor, Rodney Campbell, Scott Cottrell, Thomas Cole, Stephen Taylor, Sandy Lutz, Joseph M. Swann, CPA (Morristown Area Chamber of Commerce), Louis Oats (All Saints' Episcopal Church), Peter Clark, M.D., Judy M. Arnold McKenzie (Massengill-McCrary Realtors), Craig H. Price (Hamblen County Conservation Board), Patricia H. Anderson, Robert L. Johnson, Pete Barile (Morristown Area Chamber of Commerce), John A. Ewing, 2 unidentified speaker comments (Guntersville, AL, public meeting), 1 unidentified speaker comment (Murphy, NC, public meeting), 1 evaluation form comment (Dandridge, TN), 9 survey comments

**3007 Comment:** *Erosion is caused as water levels are fluctuated to provide flood control on the lower Mississippi River. The amount of erosion damage in the Tennessee Valley should be weighed against the benefits of flood control on the lower Mississippi.*

**Comment by:** Joe Carl

**3008 Comment:** *The chief cause of erosion is leaving the lake bed exposed during wintertime when the lake level is down. This hard-packed clay freezes and thaws over the winter and that top inch or two freezes like slush. With the first good rain, it is all down in the lake.*

**Comment by:** Allen N. Palmer

**3009 Comment:** *Soil erosion from lowering lake levels was not addressed. The gullies formed on land previously submerged occurred during heavy rainfall. Also, when the lake level is low,*

*waves from recreational activity make the water murky. The aesthetic appearance of the lake and surrounding area is enhanced when the lake level is normal but not when there is a severe drop in the level.*

**Comment by:** 8 survey comments

**3010** **Comment:** *TVA has been given congressional responsibility for flood control. That being the case, they should be exploring the relationship to reservoir water elevation and its corresponding influence on bank erosion. This would seem to be a much higher priority for a NEPA EIS.*

**Comment by:** Thomas Begley, P.E.

**3011** **Comment:** *When TVA waters erode the shore so that it then affects my property, who is responsible for replacing the stolen property?*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**3012** **Comment:** *I favor reasonable erosion controls, but the SMI only addresses stable water levels—a condition which does not exist on lakes and rivers above Knoxville. Requiring me to install riprap or plant multiple rings of vegetation will do nothing to control shoreline erosion in our area. TVA controls the water level—not I.*

**Comment by:** Stephen Taylor, Sandy Lutz, Joseph M. Swann, CPA (Morristown Area Chamber of Commerce), Louis Oats (All Saints' Episcopal Church), Peter Clark, M.D., Judy M. Arnold McKenzie (Massengill-McCrary Realtors), Craig H. Price (Hamblen County Conservation Board), Patricia H. Anderson

**3013** **Comment:** *I disagree with shoreline stabilization techniques, because TVA controls lake levels.*

**Comment by:** 1 survey comment

**3014** **Comment:** *When I moved to the lake in 1988, the lake level had been low for several years, and my neighbor had a stand of willows in a cove next to me. Over the next few years this area was under several feet of water all summer and all the trees died. I could show a number of places where the banks are covered with a heavy layer of vines and brush which falls into the lake when the clay below it is undercut.*

**Comment by:** 1 survey comment

**Response:** Factors contributing to shoreline erosion are numerous and complex and often vary from site to site on the same reservoir. Wind and boat wave action during the summer months are often the largest contributors to erosion on lands adjacent to TVA lakes. As discussed in Section 4.6 of the FEIS, the proposed SMZ would benefit TVA lakes by aiding in shoreline stabilization on these lands where wind and boat waves do the most damage. Water level fluctuations were most recently addressed in the *Lake Improvement Plan* (TVA, 1990b).

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**3015** **Comment:** *TVA should compose and release high-water to low-water erosion comparison figures on tributary lakes that have large fluctuations.*

**Comment by:** 1 survey comment

**Response:** TVA has collected erosion data on many of its reservoirs when lake levels are high. During this time, boat traffic is at its peak and, consequently, shoreline erosion tends to be the most severe. Erosion data has not been collected when lake levels are low.

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**3016** **Comment:** *Fluctuating lake levels adversely affect fish and other aquatic organisms and their ability to reproduce. As lake levels are lowered, fish eggs are left to dry up and waste away in the sun. How can an agency that allows such damage to fish spawning habitat claim to be environmentally and ecologically concerned? The FEIS should address this issue.*

**Comment by:** David H. Smallman, Carroll Johnson, Association for Democratic Reform of the Environment and Shoreline, 1 evaluation form comment (Tims Ford, TN), 3 survey comments

**3017** **Comment:** *Work more closely with Tennessee Wildlife Resources Agency (TWRA) to ensure water levels will maximize fish spawning.*

**Comment by:** 1 survey comment

**Response:** Water levels do fluctuate considerably in tributary lakes and to a much lesser extent in mainstream reservoirs. Virtually all resident reservoir fish lay their eggs in spring or early summer months. TVA works with TWRA and other state fish and wildlife agencies in activities aiding fish communities. One program is designed to aid fish spawning success by stabilizing water levels for a two-week period during the spring when water temperatures at a depth of 5 feet reach 62°F. Although this stabilization can usually be accommodated on most reservoirs, flood control operations would override fish spawning considerations. The annual reservoir drawdown begins in August on tributary lakes and in October on mainstream reservoirs. Generally, fish eggs deposited in the spring hatch and have a few months to grow prior to the late-summer drawdown. Young fish are mobile enough to move with the water level as it recedes during the fall. This issue was addressed in TVA's *Lake Improvement Plan* (TVA, 1990b). Refer to Chapter 5 in the lake level policy section.

**3018** **Comment:** *TVA should be more concerned with the water quality problems caused by the mudflats created during low water conditions than with the homes and boat docks private citizens are building.*

**Comment by:** Charles Beard (Colbert County Commission)

**Response:** In certain areas of TVA reservoirs, mudflats will appear as an unavoidable consequence of winter lake level drawdown for flood control. TVA is not aware of water quality problems caused by mudflats.

**3019** **Comment:** *The elimination of mudflats eliminates shorebird species. Mudflats are important stopping points for resting and feeding migrating shorebirds. These birds fly thousands of miles from South America to Alaska and back. Mudflats are disappearing quickly because of development and controlled water levels.*

**Comment by:** 3 survey comments

**Response:** TVA agrees that mudflats are valuable to migrating shorebirds. Mudflats on TVA reservoirs are typically associated with seasonal reservoir water levels that are dictated by flood control and power generation needs. TVA addressed the issue of the effects of fluctuating lake levels in an FEIS, *Lake Improvement Plan* (TVA, 1990b). On page 109 of that FEIS, it states that, although keeping lake levels higher for a longer period of time would benefit several species of waterfowl, it would negatively impact some species of migratory shorebirds.

**3020** **Comment:** *Lake levels dropping extremely kills the economy of people who need water to run their business.*

**Comment by:** Carroll Johnson

**3021** **Comment:** *The large fluctuation in lake levels will hold down property values.*

**Comment by:** James E. Sherrill

**Response:** TVA addressed the issue of the effect of lake levels on income and shoreline property values in Chapter 5 of an FEIS, *Lake Improvement Plan* (TVA, 1990b). This FEIS resulted in higher pool elevations for an extended period of time in nearly all of the tributary reservoirs.

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**3022** **Comment:** *TVA causes additional navigation problems on Wheeler by dropping water levels by 5 feet each winter.*

**Comment by:** 1 survey comment

**Response:** TVA maintains a year-round commercial navigation channel with a minimum depth of 11 feet.

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**3023** **Comment:** *TVA should continue raising and lowering lake levels for mosquito control.*

**Comment by:** 1 survey comment

**3024** **Comment:** *When lake levels are too low, algae and weed growth take over. This has been a major problem in August and September. Lack of rainfall has been partially to blame, but this year we have adequate rainfall, and levels are still fluctuating. Mosquito control seems no better than when the old method of surging lake levels in late spring was employed.*

**Comment by:** 1 survey comment

**Response:** The seeds of weeds that have been submerged under mud and water all summer will often sprout and grow when the water recedes and the seeds are exposed to air. This does not mean that lake levels are too low. Several of the reservoirs within the system fluctuate as part of normal daily operations, and added rainfall during summer months will not necessarily reduce these fluctuations. TVA is currently evaluating mosquito control. See the Aquatic Plants and Mosquitoes section of this volume.

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**3025** **Comment:** *TVA has done a great job with the water level on Douglas Lake so far this year. It looks more beautiful than it has in years because it has stayed at full pool and has not had that ugly "bathtub ring." This one thing does more to enhance the quality and beauty of the lake than anything else we could do. Keep up the good work.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**3026** **Comment:** *Fontana Lake, on the average, varies 180 vertical feet a year. If maintained at a constant level, it would be one of the most beautiful places in the national park system. TVA*

*has a responsibility to maintain navigational depths, but TVA's hydropower production is only a minor fraction of total production. So, TVA should hold Fontana Lake at a constant level.*

**Comment by:** Daniel Payne Hale

**Response:** The average annual vertical fluctuation of Fontana Lake is 70 feet. Hydropower generation comprises approximately 13 percent of TVA's total power generation. Water storage capacity at Fontana or any other large tributary reservoir is vital for flood control.

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**3027** **Comment:** *Melton Hill is a conduit to get water from Norris Lake to Watts Bar. That presents some unusual problems with respect to water flow. During the summer, the water fluctuates daily and a lot of currents are developed. This has a tremendous eroding effect.*

**Comment by:** John Croes (Timberlake Estates Homeowners Association)

**Response:** Water velocity can be a factor that contributes to shoreline erosion. Melton Hill Reservoir is similar to mainstream reservoirs that can be affected by current. This issue must be addressed in the selection of stabilization techniques. In many cases, water velocity makes more intensive treatments, such as riprap, necessary.

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**3028** **Comment:** *I am very disappointed with the low water levels this summer on Melton Hill Lake. The lake level fluctuation is anywhere from 1 foot to 1-1/2 feet or more in one day. When the level gets below 793, it is too low for recreation activities and makes it difficult for owners with fixed docks in shallow water.*

**Comment by:** 1 survey comment

**Response:** The normal operating range for Melton Hill Lake is 792 to 795. Unlike many of the other tributary storage reservoirs that have a seasonal operating range of up to 50 feet, Melton Hill is usually operated year-round within this 3-foot band. Melton Hill Lake can fluctuate between 792 and 795 in a single day; however, TVA normally operates to have no more than a 2-foot fluctuation in a single day. The normal minimum level for Melton Hill Reservoir is elevation 790.

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**3029** **Comment:** *TVA has permitted five waste water treatment plants that flow into Boone Lake. The Bristol plant can put out as much as 32 million gallons a day. These plants throw out just as much waste water as they have during the summer. The water should remain up through September, October, and November. We would like to have at least six months out of the year to use the lake, rather than just 90 days. We have a \$25 million asset out there, and we can only use it 90 days out of the year. They are going to pump more and more into this lake, and TVA has allowed it over the years. If TVA does not let us keep water in this lake, we are going to be more polluted, and we are going to have a very distinct possibility of losing this lake the way we lost it in 1983.*

**Comment by:** Joseph Whilden (Boone Lake Association)

**Response:** The state of Tennessee's Department of Environment and Conservation is responsible for permitting and monitoring waste water discharges into waters of Tennessee. This includes Boone Reservoir. Although TVA does not issue discharge permits, it does help protect water quality by providing minimum flows to ensure that industries and municipalities meet their permit requirements.

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**3030** **Comment:** *TVA causes much damage by dropping water levels on Wheeler Lake by 5 feet each September, using flood control as a reason. Yet, Lacy Springs and Ditto Landing flood almost every winter. TVA needs to update its data on flood control.*

**Comment by:** 1 survey comment

**Response:** Wheeler Reservoir is not lowered at Ditto Landing or Lacy Springs for flood control, but rather to provide temporary storage space for flood water for crest reduction at locations downstream of Wheeler Dam.

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**3031** **Comment:** *A newspaper article stated that the level at Kentucky Lake was going to be raised on a test basis to see if it improved the wildlife habitat and recreational boating. Are the results of that study known?*

**Comment by:** Larry Fischer

**Response:** TVA and the USACE implemented an experimental operating procedure for Kentucky Reservoir at the request of the states of Kentucky and Tennessee. The purpose of the drawdown procedure was to improve fishing and boating conditions during late summer and fall. Over a three-year test period, the impact of the procedure was evaluated by both states, the USF&WS, TVA, and USACE. Tennessee and Kentucky were unable to document significant benefits from the procedure. The USF&WS and the USACE raised important concerns about the environment and flood control.

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**3032** **Comment:** *One of the biggest issues in Western North Carolina is that our water is being drained to supply our fellow state, Tennessee.*

**Comment by:** Judy Edwards (United States Representative Charles H. Taylor's Office)

**3033** **Comment:** *Murphy Lake is all natural, and we do not have a lot of houses around it. We are never going to get high lake levels until we get more people here to help financially support a bill that will give us higher lake levels. The water stays where the money is. There is a lot of pull on other lakes.*

**Comment by:** Mark Dickey

**3034** **Comment:** *TVA is controlled by private and social interest groups. Loudoun Lake is kept up by Douglas and Cherokee Lakes. If the special interest group wants water in Loudoun, they get it from Douglas and Cherokee Lakes, regardless of how we feel about it. Lake Loudoun is kept high until two weeks after the Vanderbilt football game, so the special interest group can get their boats back home and winterized. It would be nice if we could do that here on Douglas, and business could be much better too.*

**Comment by:** Carroll Johnson

**Response:** The entire TVA water control system is operated as an integrated system. Most tributary storage projects follow a similar pattern of operation, regardless in which state they are located. The natural course of the river system is such that runoff which originates in Western North Carolina passes through the state of Tennessee on its way to the Gulf of Mexico.

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**3035** **Comment:** *TVA should coordinate water flow schedules and amounts between all of the dams.*

**Comment by:** 1 survey comment

**Response:** TVA coordinates water levels, schedules, and releases between all of its dams. Each day TVA issues an operations plan for each dam. The purpose of this plan is to ensure that each dam is not being operated independently but, rather, as an integrated part of the entire system.

**3036 Comment:** *There needs to be some overlap between TVA's Land Management and Water Management programs. Without this overlap, lake levels become a problem.*

**Comment by:** Dick Robish (Cherokee Lake Users Association)

**Response:** TVA's Land and Water Management programs are closely coordinated. In TVA's organizational structure, these programs report to the same agency officer.

**3037 Comment:** *Where is the plan to notify residents of planned water level changes so that retaining walls can be easily repaired when water levels are low?*

**Comment by:** Richard H. Shuford, Jr.

**Response:** TVA uses the Lake Information Line (1-800-238-2264) to provide information about release schedules and reservoir levels. At a minimum, the line is automatically updated daily and can be manually updated if needed.

## Pollution

Comments received during the 1996 SMI public involvement process about pollution focused on such issues as:

- Residential pollution
- Solid waste disposal
- Noise pollution
- Air quality

**3038 Comment:** *Residential pollution was not addressed in the DEIS.*

**Comment by:** 2 survey comments

**Response:** Impacts from residential shoreline alterations, including pollution, are addressed throughout Chapter 4 of the FEIS.

**3039 Comment:** *All solid wastes generated during construction of facilities should be reduced at the source, reused, or recycled.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**3040 Comment:** *Noise levels at TVA reservoir shorelands can be expected to increase due to increased residential and associated development (e.g., traffic and construction noise). The FEIS should acknowledge this. TVA should establish noise standards within a specified distance from residential areas.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency), John L. Whisler, Jr. (United States Army Corps of Engineers), 1 survey comment

**3041** **Comment:** *Air quality can be expected to decrease due to increased development (e.g., traffic, open burning, fugitive dust, etc.). The FEIS should acknowledge this.*

**Comment by:** Heinz J. Mueller (United States Environmental Protection Agency)

**3042** **Comment:** *The air quality in the northwest corner of Alabama is the worst in the state. As a result, we suffer an usually high level of sinus problems.*

**Comment by:** Mark Shulman, Shirley Hodges (Save Our Parks)

**3043** **Comment:** *Although no adverse impacts to air quality are anticipated, fugitive dust must be kept to a minimum during construction of new facilities. This requires, but is not limited to, measures such as application of water to suppress dust and washing down construction vehicles and paved roadways immediately adjacent to the construction site.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**3044** **Comment:** *The pulp plant at Wheeler Lake discharges waste into the water and odor into the air. Anybody from Muscle Shoals to Decatur can smell it occasionally. While this is not directly a TVA problem, it is an area that TVA, as a government agency, should notice.*

**Comment by:** John Scott

**Response:** Comments noted. Obviously, solid wastes would be generated and noise and air quality would be affected by residential shoreline development. However, those impacts would be associated with specific actions and are best addressed in project-specific environmental reviews, as appropriate.

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**3045** **Comment:** *I cannot believe that the largest generator of air pollution (SO<sub>2</sub>) in the Southeast is very interested in our environment.*

**Comment by:** 1 survey comment

**Response:** Comment noted. TVA emissions of sulfur dioxide have been reduced 60 percent since the 1970s and will be further reduced in compliance with the 1990 amendments to the Clean Air Act.

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**3046** **Comment:** *The appropriate agencies should be contacted prior to implementation of projects in Virginia. There are several state laws and programs which may be applicable to implementation of some components of the SMI plan. With respect to air quality regulations, construction of new facilities will be subject to regulation by the state Air Pollution Control Board (DEQ). Virginia's Administrative Codes 9VAC 5-50-80 and 90, governing abatement of visible emissions and fugitive dust emissions, are applicable to construction activities in Virginia. Open burning is also regulated in Virginia. Also, all solid waste generated during construction must be managed in accordance with all applicable federal, state, and local environmental regulations.*

**Comment by:** Michael P. Murphy (Virginia Department of Environmental Quality)

**Response:** Through the NEPA process and the Intergovernmental Review Process under Executive Order 12372, TVA would contact the appropriate agencies for comments on proposed actions as appropriate. In most cases, residential shoreline development is proposed by private applicants who would be responsible for obtaining appropriate permits.

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**3047** **Comment:** *Fight pollution from outside the state (e.g., North Carolina).*

**Comment by:** 1 survey comment

**Response:** Comment noted.

## Aquatic Plants and Mosquitoes

Comments were offered on a number of issues related to aquatic plants and mosquitoes, including:

- Control of aquatic plants and mosquitoes
- TVA's responsibility for mosquito control
- Use of chemicals or mechanical harvesters to control aquatic plants
- Benefits of aquatic plants and stable lake levels

**3048** **Comment:** *TVA must do something to control aquatic weeds and mosquitoes. Weeds are filling the lakes, blocking access to the water, tearing up boats, lowering property values, and hurting tourism and recreation. They are dangerous to swimmers and skiers, are making the lakes unfit for recreational use, and will lower property values. Yet TVA is ignoring these problems in the FEIS.*

**Comment by:** Jerrie Ann Weaver, Alan L. Compton, Rebecca K. Falkenberry (The University of Alabama, Birmingham; The City of Birmingham), Leonard Storie, Bill Horn, 1 unidentified speaker comment (Guntersville, AL, public meeting), 2 evaluation form comments (Guntersville, AL), 11 survey comments

**3049** **Comment:** *TVA should abandon its pursuit of the SMI and use the money saved to better control the milfoil that is clogging up the waterways.*

**Comment by:** 1 survey comment

**3050** **Comment:** *Both the SMI and its FEIS will be of little value to Lake Guntersville if TVA fails to control the aquatic weeds with grass carp and/or chemical spraying. TVA's current philosophy will result in an ugly, unhealthy lake that will have little appeal to anyone other than the nonresident bass fishermen.*

**Comment by:** 1 survey comment

**3051** **Comment:** *There can be a solution for both private and commercial people in the treatment of vegetation in the waterways. The vegetation should be controlled by a central facility because we need clear waterways for commercial vehicles. We need pure drinking water. People need fishing habitats for their game fish. Folks need clear passage for water sports. Landowners need clean areas around their boathouses.*

**Comment by:** Marie Osmer

**3052** **Comment:** *There are at least five sailing/boat clubs/marinas on Lake Guntersville (Browns Creek, Signal Point, Lake Guntersville Sailing Club, the Country Club, and the Lighthouse). There are over 100 sailboats berthed at these lake facilities. The owners of these boats and the facility owners have a not-inconsiderable investment in their equipment and infrastructure. TVA's recent decision to stop spraying to prevent the uncontrolled growth of hydrilla and water hyacinth is unconscionable because it deprives boat owners (other than bass boats and trailerable boats) the use of the lake. The area around the Lake Guntersville*

*Sailing Club docks is so heavily congested with these water plants that it presents a severe hazard. There is a high risk that these plants will be ingested through the raw water intake, causing engine damage (overheating and subsequent internal engine damage). In short, TVA is depriving owners of moored boats the use of their boats. The only boat owners who are not affected are those who own trailerable boats that may be launched and recovered at public ramps (which TVA has stated will be sprayed for weeds). TVA's policy has the potential to cause direct and grave economic harm to boat owners, marinas, clubs, and businesses in Gunterville that are patronized by these boat owners. I surely hope that TVA will not follow through with this exceedingly short-sighted policy. It only benefits fishermen and other small trailerable boat owners. It does not benefit the local residents who own waterfront property, the owners of in-the-water docked and moored larger boats, or the local business owners. In closing, I hope that TVA will have the courtesy to reply to this letter.*

**Comment by:** Richard F. Pendleton

**3053** **Comment:** *TVA is responsible for getting the weeds out, not the landowners. As a resident of Buck Island stated, "The mosquito problem is a lot worse since TVA quit spraying the weeds. I cannot see my pier for the milfoil and weeds." I have recently heard of a breed of mosquito that is in Texas now which could migrate and breed in this area, if this problem is not handled.*

**Comment by:** 1 unidentified speaker comment (Guntersville aquatic plant discussion)

**3054** **Comment:** *Allow aquatic vegetation to spread to some degree. Realize that ramps and docks need access lanes free of aquatic vegetation.*

**Comment by:** 1 survey comment

**3055** **Comment:** *Has TVA stopped spraying milfoil and weeds? Will TVA ever start the program again? We cannot seem to get any action from the Board of Directors. Where can we get help? What are the names of the environmental scientists or managers that we can call to see about this milfoil problem if TVA cannot help us? Our congressman will not do anything.*

**Comment by:** 1 unidentified speaker comment (Guntersville aquatic plant discussion)

**Response:** The purpose of the SMI is to evaluate TVA's alternatives for managing the permitting of docks and other shoreline alterations surrounding its reservoir system in the Tennessee Valley, not to redefine aquatic plant management. TVA plans to control excessive aquatic plants to keep access to public ramps and recreation areas open. However, property owners will be responsible for some control around their property. A cost-share program is currently being developed. In addition, TVA provides information and technical assistance to homeowners, governments, and businesses on controlling aquatic plants in an environmentally responsible manner. TVA continues to conduct aquatic plant control workshops and demonstrations for homeowner groups and interested citizens throughout the Valley. We also continue to be involved in protecting human health by monitoring mosquito-transmitted disease. For additional information regarding aquatic plant control, please call TVA at 1-800-288-2483 for a copy of our *Aquatic Plant Handbook*. For additional information regarding licenses or herbicide enforcement, please contact the state departments of agriculture.

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**3056** **Comment:** *TVA cannot listen to citizens about weeds. TVA should go back and talk with the specialists that are involved.*

**Comment by:** Heber Norckauer

**Response:** TVA has interacted with specialists across the U.S., and we stay current on improvements and new methods of control, including chemical, mechanical, and biological methods. Also, TVA uses input from homeowners and lake user groups in planning its aquatic plant management activities.

**3057 Comment:** *Aquatic weeds cut down on the amount of water that flows through these lakes and our hydroelectric dams. If we do not control the weeds, less water flows and fewer pollutants are filtered through. Also, we know that those weeds are an insect-breeding environment. We must control that situation.*

**Comment by:** Ray Werden

**Response:** Submersed aquatic plants may have a filtering effect on the water by absorbing suspended soil particles. They also may increase local sedimentation rates by slowing the velocity of water and allowing suspended soil particles to settle out. Although it has not been quantified, the flow through TVA dams probably has not been significantly reduced, except when large floating mats of aquatic plants clog trash racks and screens at dams, such as occurred in the July 1989 flood.

Moderate levels of plants provide benefits to reservoirs by providing wildlife habitat, and they may improve water quality. However, submersed aquatic plants do provide breeding habitat for mosquitoes. Therefore, an effective and environmentally sound aquatic plant management program should take into account the positive and negative aspects of aquatic plants. Control actions should be aimed at achieving a balance so that all lake users can benefit. This has been and will continue to be the goal of TVA as property owners are given the responsibility for aquatic plant control around their property.

**3058 Comment:** *Doing away with the mosquito control program is not an appropriate place to cut the budget. Mosquito control is vital to preserving the health and beauty of TVA lakes. Lakefront property is not worth much if you cannot enjoy it.*

**Comment by:** Joseph T. Frye (Frye Enterprises), Mrs. Jen Schroeder, 1 evaluation form comment (Guntersville, AL), 1 survey comment

**3059 Comment:** *TVA said it will quit spraying for mosquitoes. However, if TVA would just quit duplicating services, they could afford to continue the important mosquito spraying.*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk)

**3060 Comment:** *Area lakes and rivers should be sprayed for mosquitoes with insecticide (environmentally friendly, if there is such a thing).*

**Comment by:** 3 survey comments

**3061 Comment:** *We do appreciate the mosquito control we have enjoyed in the past. We are afraid the proposed changes and underbrush would ruin this.*

**Comment by:** 1 survey comment

**3062 Comment:** *My deed implies that TVA has the right to come across my land to spray for malaria and to apply larvicides to the land. Since TVA abandoned spraying this year, we have had a real problem with mosquitoes.*

**Comment by:** James Southerland

**3063** **Comment:** *Page X-20, Mosquito Control, explains TVA's decision to eliminate the mosquito control program and to assist us by telling us how to do it ourselves. However, it was my understanding that when the lands were taken from private landowners, one of the justifications, and requirements by deed, was the mosquito control program. Is it right for a federal agency to simply change its mind?*

**Comment by:** Marc A. Carter

**Response:** Deeds gave TVA the right to cross private property for mosquito monitoring and control. We continue to provide mosquito control by fluctuating lake levels on mainstream reservoirs. TVA also provides information and technical assistance to homeowners, governments, and businesses on controlling mosquitoes in an environmentally responsible manner. We work with area counties and municipalities to help them establish local mosquito control programs and have conducted mosquito control workshops and demonstrations for homeowner groups and interested citizens throughout the Valley.

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**3064** **Comment:** *One area in particular that TVA has taken out of scope is mosquito control. I happen to know that there is a case of malaria right now being investigated in Georgia, and malaria used to be quite a factor in this area. In the past, TVA has done a good job in assisting the residents along the river system, but now they have decided to eliminate spraying for mosquitoes because of budget crunches. The only thing TVA is doing now is raising and lowering the reservoir, and one section of the EIS states they have plans to stop that.*

**Comment by:** Charles Beard (Colbert County Commission)

**Response:** Malaria has not been detected in the Tennessee Valley since 1949. TVA is protecting the public health by developing a mosquito-borne disease monitoring system, and if any mosquito-borne disease is detected, TVA will take appropriate action. TVA fluctuates the mainstream reservoirs by 1 foot weekly and monitors for effectiveness of that action on mosquito control.

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**3065** **Comment:** *TVA could fund weed control by either charging fees to the property owners or using federally appropriated funds. TVA should be responsible for finding a solution for controlling weeds that is acceptable to everyone.*

**Comment by:** 7 survey comments

**3066** **Comment:** *Why can TVA not take the \$1,000 fee they are proposing and put it towards the aquatic weed problems?*

**Comment by:** 1 unidentified speaker comment (Guntersville aquatic plant discussion)

**3067** **Comment:** *Unless proper control of aquatic plants is conducted annually by qualified applicators, Guntersville Lake will become a very ugly body of water and a discredit to Northeast Alabama. TVA has the proper equipment, and they know how and when to spray. This is an annual expense that my family would be glad to share. I sincerely feel that TVA has left many of us holding the bag. Why not work out a program like TVA has done on Guntersville Lake the last few years (very satisfactorily in our case) and present it to the landowners on a pay-for-service basis?*

**Comment by:** 1 survey comment

**3068** **Comment:** *It is uneconomical for a single lot owner (with a 150-foot-wide lot) to pay to chemically treat the water around his boathouse, when the adjoining lot owners refuse to treat theirs.*

**Comment by:** 1 survey comment

**3069** **Comment:** *TVA is supposed to take care of the aquatic plants and the mosquitoes. However, they quit because of a money problem, and the homeowners are the ones being punished.*

**Comment by:** Jerrie Ann Weaver

The purpose of the SMI is to evaluate TVA's alternatives for managing the permitting of docks and other shoreline alterations surrounding its reservoir system in the Tennessee Valley, not to redefine aquatic plant management. TVA plans to control excessive aquatic plants to keep access to public ramps and recreation areas open. However, property owners will be responsible for some control around their property. A cost-share program is currently being developed. In addition, TVA provides information and technical assistance to homeowners, governments, and businesses on controlling aquatic plants in an environmentally responsible manner. TVA continues to conduct aquatic plant control workshops and demonstrations for homeowner groups and interested citizens throughout the Valley. We also continue to be involved in protecting human health by monitoring mosquito-transmitted disease. For additional information regarding aquatic plant control, please call TVA at 1-800-288-2483 for a copy of our *Aquatic Plant Handbook*. For additional information regarding licenses or herbicide enforcement, please contact the state departments of agriculture. TVA has withdrawn the fee proposals that were included in the DEIS. For more information about this decision, refer to the Fees section of this volume.

**3070** **Comment:** *Please do not allow each individual to decide what, when, how much, and where to use harmful chemicals in the reservoirs. It is dangerous for lakefront property owners to buy chemicals and poisons and use them unassisted on aquatic vegetation. What if mixtures compound and become even more dangerous? What if chemicals kill fish and other aquatic creatures? Will unsuspecting fishermen catch and eat these fish? How is TVA going to control this?*

**Comment by:** Marie Osmer, 1 unidentified speaker comment (Guntersville, AL, public meeting), 3 survey comments

**3071** **Comment:** *If weed control is not managed by TVA, angry and uninformed individuals will use things that pollute the water and create bigger problems than funding a weed control program. We have recently heard of people using antifreeze and kerosene to kill the weeds.*

**Comment by:** 2 survey comments

**3072** **Comment:** *TVA and the chemical companies need to expand their efforts to find or develop an effective weed control chemical.*

**Comment by:** 1 survey comment

**Response:** Proper certification must be obtained to apply herbicides. Several private groups provide aquatic plant control on a fee basis. Herbicides currently approved for aquatic plant control are safe and effective when used properly. Of course, all label directions, restrictions, and precautions should be followed. Unfortunately, the outlook for new aquatic herbicides is dim because of the limited market and the cost of developing and testing new compounds. TVA continues to provide information and technical assistance to homeowners, local governments, and businesses on controlling aquatic plants in an environmentally responsible manner. For additional information regarding aquatic plant

control, please call TVA at 1-800-288-2483 for a copy of our *Aquatic Plant Handbook*. For additional information regarding licenses or herbicide enforcement, please contact the state departments of agriculture.

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**3073** **Comment:** *I am very concerned that TVA is no longer trying to control milfoil, etc., around the lake perimeter, including residential areas. My experience shows mechanical means of control are next to impossible.*

**Comment by:** 1 survey comment

**3074** **Comment:** *TVA must stay involved in the management of milfoil and other weeds. TVA should provide mechanical harvesting to the landowners on a contract basis.*

**Comment by:** 1 survey comment

**3075** **Comment:** *The adverse effects from increased private use and runoff of fertilizers on growth of aquatic vegetation has been noted. A favorable impact of alternatives like Alternative C2 is to reduce that potential, which reached difficult proportions in Lake Guntersville. We understand that TVA has commendably decided to reduce or eliminate the use of aquatic herbicides and eliminate introductions of grass carp (the white amur from Asia), which has such a voracious appetite that it eliminates aquatic vegetation that small fish need for protection. It is a positive feature for any alternative that reduces the potential problem of exotic types of aquatic vegetation. We would like to make a strong recommendation that, if such problem areas do arise, TVA employ mechanical means for removal of that vegetation. We compliment TVA in already recommending that procedure to shoreline landowners. There is another positive feature in mechanical removal, in that it would provide jobs to unemployed and underemployed persons living in the area. Those would be appropriate jobs for people being removed from the welfare rolls under the current welfare reform act. It would be in accord with the wishes of the Administration and Congress to employ the more labor-intensive mechanical means, when needed, to remove such aquatic vegetation.*

**Comment by:** Robert R. Reid, Jr., Alabama Audubon Council, Alabama Ornithological Society, Cahaba River Society

**Response:** TVA uses a mechanical harvester to maintain access to public use areas. However, use of large mechanical harvesters such as the one owned by TVA are most efficient in open water and where there are no obstructions. They may be used effectively to open access lanes to boat ramps or through mid-reservoir plant colonies.

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**3076** **Comment:** *A purple martin will catch 2,000 mosquitoes a day, and if he stays in one area, he will catch 250,000 mosquitoes during the season. I have developed a purple martin house, and I want to show TVA how to get rid of mosquitoes.*

**Comment by:** William Johnson (Purple Martin House Co.)

**Response:** Purple martins are good predators of mosquitoes. However, during peak mosquito season, purple martins may not adequately reduce mosquito populations below an appropriate nuisance level, and additional control measures may therefore be needed.

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**3077** **Comment:** *How can milfoil be reinstated in the water? What happened to it and why? We used to have plants in the water; now they are gone.*

**Comment by:** 1 survey comment

**3078** **Comment:** *Milfoil is beneficial to fish and waterfowl populations. TVA should not spray aquatic weeds.*

**Comment by:** Art Hamman, 3 survey comments

**3079** **Comment:** *Why has TVA killed all the milfoil in Watts Bar? It has hurt the fishing industry and the resorts.*

**Comment by:** 1 evaluation form comment (Harriman, TN)

**3080** **Comment:** *I was always surprised that there was so little erosion. TVA killed the best buffer zone we had when they did away with the lines of milfoil along the main channels.*

**Comment by:** Robert J. Kemper

**3081** **Comment:** *When lake levels are too low, algae and weed growth take over, especially in August and September. Lack of rainfall has been partially to blame, but this year we have had adequate rainfall and levels are still fluctuating. Mosquito control seems no better than when the old method of surging lake levels in late spring was employed.*

**Comment by:** 1 survey comment

**Response:** Populations of submersed aquatic plants fluctuate from year to year. This commonly happens in response to climatic events such as the amount of rainfall, reservoir flow and turbidity, and number of seed and plant fragments available for recolonization. During the late 1980s and early 1990s, aquatic plants declined on most TVA reservoirs due to natural causes.

Recolonization is expected to occur on most reservoirs, but the level is anticipated to vary from reservoir to reservoir and is dependent to a great extent on nature. TVA continues to manage aquatic plants in public use areas. TVA encourages the establishment of native vegetation, but exotic species such as milfoil should not be planted (in fact, in some states, such as Alabama, planting exotic species is prohibited).

**3082** **Comment:** *TVA has stopped the milfoil but brought in lily pads. TVA is filling up our area.*

**Comment by:** Judy C. Williams (Holiday Shores Homeowners Association)

**Response:** TVA and the USACE planted a few research plots to determine the effectiveness of American lotus (lily pads) in crowding out lyngbya (a type of blue-green algae) and exotic plant species such as hydrilla and milfoil. TVA has also made small plantings to improve habitat for fish and waterfowl. Results of these trials show that lotus is effective in inhibiting growth and spread of submersed aquatic plants and lyngbya. However, American lotus should not be planted in areas with developed shorelines, due to its potential to spread to nuisance levels in shallow-water areas.

## General Comments on TVA's Operations

A number of citizens or groups offered comments on the general operation of TVA. These comments included such topics as:

- TVA's purpose
- Management of TVA
- Lack of public trust in TVA
- Responsibilities of TVA Police

- Advertising and use of consultants by TVA
- Downsizing of TVA
- TVA's responsibility for answering citizens' concerns

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**3083** **Comment:** *Let us not lose sight of your mission. Regulate for the betterment of all, and do not even suppose that an agency can be all and do all.*

**Comment by:** 1 survey comment

**3084** **Comment:** *The public needs to recognize the need for and benefits of broad federal programs which perform public services without immediate tangible material benefits. TVA must not forget its public service mandate in the rush to make a point.*

**Comment by:** 1 survey comment

**3085** **Comment:** *Deregulation and rejection of unfunded mandates will better serve TVA's mission of self-preservation as the future (potential impact) of marketplace competitiveness unfolds among electric utilities.*

**Comment by:** 1 survey comment

**3086** **Comment:** *TVA needs to focus more on its original purpose of power generation, improved navigation, and flood control and less on image-building, nonproductive jobs, economic development grants, executive pay and bonuses, and trips to China.*

**Comment by:** James E. Jones, Jr. (Anderson County Farm Bureau), 7 survey comments

**3087** **Comment:** *TVA needs to focus more on its original purpose of power generation, improved navigation, and flood control and less on land management. Respect the rights of property owners, and let them take care of their property.*

**Comment by:** Thomas Begley, P.E., 1 evaluation form comment (Harrison, TN), 18 survey comments

**3088** **Comment:** *I believe TVA's initial purpose was to provide flood control, power, and recreation. If anything is to be added it should be to provide real leadership in preserving the ecology of the area and encouraging improvements so other species will come.*

**Comment by:** Alicia Salzman

**3089** **Comment:** *TVA's role should be to produce power. Providing recreational facilities for the public is secondary.*

**Comment by:** 1 survey comment

**3090** **Comment:** *There are only a very few things TVA should be concerned with: water quality; safety and education of boaters and landowners on and along the lakes and rivers; polluting of waters by industry, developers and farmers; eradication and control of pests (i.e., milfoil, zebra mussels, etc.); production of inexpensive hydroelectric and other power; maintaining power facilities; navigation.*

**Comment by:** 1 survey comment

**3091** **Comment:** *When developing additional lands, it should be properly done under TVA supervision. That is why TVA was created—to give us guidelines and keep us from having soil erosion.*

**Comment by:** Jerrie Ann Weaver

**3092** **Comment:** *TVA far exceeds its intended functions. It needs to pull in its operations and put money in those areas it can best serve, such as weed control, erosion, mosquito control, etc., rather than limiting boat ouses and ramps and trying to specify designs for some.*

**Comment by:** 1 survey comment

**3093** **Comment:** *If we allow TVA land management to continue its grab of private facilities in the interest of environmental beauty, all our boathouses and houses and land will look alike. We will lose the variety we have now. That is the worst thing in the world that could happen to us. TVA is completely out of line. The Land Management group should go back to its original purpose, and quit trying to expand and build an empire.*

**Comment by:** Paul Gillon

**3094** **Comment:** *TVA should never have gotten into the land management business in the first place. While I am all for the creation of the reservoirs through the building of dams, for the purpose intended—flood control, hydroelectric power, and the economic development of the Tennessee Valley area—I believe TVA had no right or authority from Congress to take any additional lands other than to achieve those goals. In this time of great public concern for the oversized government now in place, and society’s desire to downsize same, I believe the duplicity of TVA’s public lands, wildlife areas, and other land holdings to be uncalled-for, unnecessary, and unwarranted. We the United States of America, have a great federal park system in place, as well as an equally viable state park system. For TVA to try to create, maintain, and fiscally support an additional park system seems redundant and wasteful. To maintain its presence in the land management business, it has come up with this SMI, to try to find work for itself as well as a means of funding it, through the proposed use of dock deposit fees, as well as shoreline easement fees, dock permit fees, etc. None of this was the original idea behind creating TVA in the first place.*

**Comment by:** 1 survey comment

**3095** **Comment:** *TVA should not become a self-regulatory bureaucratic entity making its own rules and regulations without public control. TVA is here to serve the Tennessee River system. Nothing else is acceptable.*

**Comment by:** 1 survey comment

**3096** **Comment:** *TVA has fulfilled its original mission. It has outlived its usefulness and should be privatized or eliminated.*

**Comment by:** Bruce Watkins, Janet K. Adams, 1 evaluation form comment (Harrison, TN), 11 survey comments

**Response:** The TVA Act of 1933 mandated TVA “to improve the navigability and to provide for the flood control of the Tennessee River; to provide for reforestation and proper use of marginal lands in the Tennessee Valley; and to provide for the agricultural and industrial development of said Valley.” TVA has followed that mandate since its creation and will continue to do so, unless otherwise directed by Congress. The TVA Act authorizes TVA to acquire property for a variety of purposes. Management of federal property within its custody—such as the TVA shorelines—is an important part of TVA’s responsibilities. The TVA Act also tasks TVA with overseeing the unified development of the Tennessee River, through Section 26a of the Act.

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**3097** **Comment:** *Why is the Tennessee River Valley the only inland waterway that has a government agency overseeing it? No other river system has the sole attention of a singular government agency.*

**Comment by:** Janet K. Adams

**Response:** The USACE oversees inland waterway activities throughout the country, and other federal agencies manage parts of river systems. Some private utility companies which manage high-production reservoirs also oversee waterway and shoreline activities. In some areas, smaller utility companies have formed cooperatives which oversee similar activities. TVA was created for, and is tasked by Congress with, managing the Tennessee River and its watershed in an integrated manner.

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**3098 Comment:** *TVA is a profit-making organization and as such should be fully responsible for education/information programs, enforcement regarding permit compliance, and shoreline maintenance.*

**Comment by:** 1 survey comment

**Response:** Comment noted.

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**3099 Comment:** *It is very hypocritical for TVA to judge me on building a pier, when it put dioxins in the lakes by dumping transformers into the reservoirs and allowed cities to put pollution and sewage and everything else into our waters. Congress has told TVA that the wastefulness has got to go. They are cutting back, and they are looking for more resources. Do not let them put it on the common people that live on Wilson and Pickwick Lakes and along the Tennessee River.*

**Comment by:** Roger Brown

**Response:** TVA has a serious commitment to fulfilling its responsibilities in ways that protect the environment. State agencies have primary responsibility for ensuring water quality will not be harmed by permitted discharges into the reservoirs. TVA consults with these agencies in the review of requests for proposed discharges. Chapter 4 of the FEIS documents the cumulative environmental effects of docks and other shoreline alterations across the Tennessee River system.

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**3100 Comment:** *TVA is poorly managed.*

**Comment by:** 2 survey comments

**3101 Comment:** *The TVA employees that are responsible for this DEIS are going to be in trouble from TVA's Chairman, because TVA does not need any more negative publicity.*

**Comment by:** Tom Chase (Wyconda Bay Marine Association)

**3102 Comment:** *We live on the lake and pay our expenses. We do not feel TVA has the expertise to help us maintain our land, when the front of the Sequoyah Nuclear plant was not mowed for weeks. When we complained, they finally mowed.*

**Comment by:** 1 survey comment

**3103 Comment:** *What is wrong with the amount of development along the shorelines? When TVA wants something it just takes it, regardless of what happens, and we are so small, we are never heard. My grandparents lost lots of land due to the development of Norris Lake. The same action took place on Tellico Lake. I know TVA is going to say they have done everything possible to make it right, but I do not think so. TVA gets what it wants.*

**Comment by:** Carroll Johnson

**3104** **Comment:** *Tennessee Power forced my ancestors from their land to construct Ocoee #1. Old deeds from my great-grandparents land grants read “to center of river.” TVA has taken this. Floodplain insurance has been forced on residents of Polk County. TVA has stolen enough of riparian property owners’ land and rights. I would like to see TVA accountable for its actions, taxpayer funding stopped, and the land thieves get a real job.*

**Comment by:** 1 survey comment

**3105** **Comment:** *TVA promised the people at Fontana that they would build a bridge there 50 years ago, but TVA has not done that. There is a whole lot of stuff that TVA promised but has not done. Forty or 50 years ago, Hiwassee River was just a “river runs through there,” and then TVA came in and decided to build dams to create these lakes. What people have to realize is that TVA did not have meetings like this. They just came in and took the farms and ran the people off. TVA makes its decision, and if they want 50 feet, 100 feet, 500 feet, and they want your house, they will have it. TVA took over Hiwassee Dam during World War II and did all the rocket experiments over there. You were not allowed to cross that dam unless an armed guard got in your vehicle and rode across it with you. This is the federal government of which TVA is a part.*

**Comment by:** Rodney Campbell

**Response:** Comments noted.

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**3106** **Comment:** *In recent years congressional appropriations for TVA Land Management has declined. These budgets reflect the unwillingness of the public to support government services in general and TVA’s poor management in particular. The U.S. General Accounting Office report indicated that TVA’s management has been so irresponsible, the agency now needs tighter congressional oversight. This was reported by Koffman in 1995. Currently, the agency is more than \$26 billion in debt, and this is of concern to me. The environmental education center at Land Between The Lakes Wilderness Area is closed, and I heard TVA is considering plans to open a theme park out there. This is not responsible environmental management, and this is not what I want to see our shoreline used for. I know Land Between The Lakes has not been considered in this study, but I think it does make a statement about TVA land management in general.*

**Comment by:** Sayra Thacker (Tennessee Marine Construction)

**Response:** SMI’s goal is to review existing permitting practices and establish a policy that better protects shoreline and aquatic resources. LBL has withdrawn the concepts that were formulated to explore how to manage LBL property in a more self-sufficient manner. TVA has kept congressional staffs and the congressional delegation informed about SMI and other TVA land management activities.

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**3107** **Comment:** *We are concerned about TVA’s arrogance. If TVA would lose this air of superiority, it would allow them to work with people toward a common good.*

**Comment by:** Dan Mooney, 2 survey comments

**3108** **Comment:** *Many people distrust the federal government and TVA, since all they seem to care about is power and money. For example, TVA’s recent proposals to make money and gain more control show that SMI is not an honest endeavor and certainly not in the best*

*interest of the people who live on or use the lakes. What confidence can we place in a shoreline management plan written by an agency we do not trust?*

**Comment by:** Jimmy Wilkey (Rhea County Court Clerk), Pete Williams, Thomas Begley, P.E., 1 unidentified speaker comment (Guntersville, AL, public meeting), 1 evaluation form comment (Guntersville, AL), 4 evaluation form comments (Harrison, TN), 10 survey comments

**3109** **Comment:** *People do not trust TVA. It is as simple as that. Most of the people believe that Alternative C1 is the beginning and not where it ends. When the income tax was first assessed, people were told it would never be more than 1 percent. We know where it is today. In deference to our Native American friends, at one time the federal government told them that they had certain land. However, when things changed, they took the land from them. Once this power is given to TVA, they will take it and run with it, and it will stop in our front yard. We need to fight now.*

**Comment by:** William Dearing

**3110** **Comment:** *TVA is too dictatorial and makes the assumption it knows how to do things better than the public. Yet, it is now \$25 billion in debt and spends one-third of its revenue for interest. TVA does not have a history that instills confidence and trust.*

**Comment by:** 1 survey comment

**3111** **Comment:** *The last time I checked, TVA was funded by our tax dollars; so before TVA starts spending and growing, I would hope that it is truly what all of the people want. We do still live in a democracy.*

**Comment by:** 1 survey comment

**3112** **Comment:** *TVA and EPA should be made accountable to the public. We should know what our taxes are going for and how they are being spent to improve our natural resources and ensure that future generations are going to have the aesthetic beauty and peace that comes with a healthy environment.*

**Comment by:** Loretta S. Overbey

**3113** **Comment:** *Over the years, people have lost respect for TVA because of the bureaucracy which opens up access ramp areas to the general abuse of the public.*

**Comment by:** Thomas W. Simrell

**3114** **Comment:** *I remember as a child in Trinity my dad taking me fishing at Swan Lake before they backed the reservoir up. I remember down at Trinity talking to men that worked clearing the reservoir, cutting the trees with crosscut saws and axes. The story back then was that when they dulled a saw they had to throw it away. TVA would not let them sharpen the saw or let them bring it home, and that was their first introduction to bureaucracy.*

**Comment by:** Joe Carl

**3115** **Comment:** *The public resents TVA acting like Big Brother.*

**Comment by:** William H. I. McCrary, J. B. Patton, 3 survey comments

**3116** **Comment:** *TVA thinks they are Big Brother, but they are not. They are not a government entity. They took the land to begin with and did not fairly, in my opinion, accommodate the owners they took the land from. Now they are coming in and policing it. The Mullins Cove area has generation after generation of families there; it is not a transient area. I have seen*

*three properties come up for sale on that street in the last seven years, and these folks have been there since the turn of the century. Why are we beating them up with TVA?*

**Comment by:** Louise Jarvis (Hart Realty, Inc.)

**3117** **Comment:** *Keep TVA out of our communities unless environmental hazards are involved, and then meet with the community to decide a course of action.*

**Comment by:** 1 survey comment

**3118** **Comment:** *Trying to implement a change will be tough. A lot of incorrect information has been printed in the newspapers. Many see changes as more governmental interference in our lives. Generating funding to ensure compliance with new regulations will be difficult.*

**Comment by:** 1 survey comment

**Response:** Comments noted. In response to public comments, TVA has withdrawn the performance deposit, structure registration, and vegetation management fees that were proposed in the DEIS.

**3119** **Comment:** *TVA Police should be responsible for ensuring proper shoreline facility maintenance only. They do not need guns to do that. TVA does not need armed guards to intimidate people at public meetings or to harass people who are parked in the evenings on public property.*

**Comment by:** Leonard Lankford, 1 survey comment

**3120** **Comment:** *The newly formed TVA Police is using Gestapo-type tactics to enforce new regulations and controls that TVA is attempting to impose. This is clearly an abuse of police power, and TVA should back off from this effort.*

**Comment by:** Theodore S. Maloney, 1 survey comment

**Response:** The TVA Police provide for the protection of employees, the public, and TVA property. Officers are trained to the highest federal law enforcement standards. They were asked to attend the public meetings to assist in traffic control and medical emergencies.

**3121** **Comment:** *TVA wastes too much money on advertising, and a monopoly should not need to advertise. The public is very aware of TVA's presence and the many projects it is involved in. Also, this is not an appropriate use of the tax and utility revenue TVA receives. This money could be better used for shoreline cleanup, erosion control, reopening recreational areas, and other public benefits.*

**Comment by:** Edwin E. Howard, Patricia Howard, James A. McIntosh, Joseph T. Frye (Frye Enterprises), Sam Hardie, Sayra Thacker (Tennessee Marine Construction), Vernon Reedy, Virginia E. Sisson, 1 unidentified speaker comment (Guntersville, AL, public meeting), 1 evaluation form comment (Dandridge, TN), 1 evaluation form comment (Guntersville, AL), 10 survey comments

**3122** **Comment:** *It is ironic that as TVA talks of spending \$4 million for TV advertising "to promote TVA as a good corporation and develop customer loyalty," it is proposing outlandish taxes that are in excess of its needs and promote bigger government in contrast to Congress' downsizing of its budget. It is time for a mission change.*

**Comment by:** Harry A. Nesteruk

**Response:** Comments noted. TVA advertising is not paid for with taxpayer funds. A mix of appropriated (taxpayer) and utility (ratepayer) funds are used for shoreline work.

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**3123 Comment:** *When the gentleman said that TVA should stop advertising, I agreed with that at first. But as long as TVA is stopped by the fence, we will have to advertise. We pay less power bills than everybody else. When they drop the fence, everybody is going to be competitive. We will select our utilities just like we select our phone company now. It will be our choice. So we need to do what we can to hold down prices. We are downsizing. We are competitive. We are all in the Valley together.*

**Comment by:** Loretta Carpenter

**Response:** Comment noted.

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**3124 Comment:** *TVA's image is not enhanced by the large sums of money it wastes on consultants. Put TVA people to work.*

**Comment by:** 2 survey comments

**Response:** Comment noted.

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**3125 Comment:** *It is time for TVA to downsize and learn to do more with less.*

**Comment by:** Douglas MacEwen, Leonard Crane, 20 survey comments

**Response:** TVA has been downsizing for several years. The agency's total employment has been reduced from 34,000 employees in 1987 to 14,000 in 1998. TVA's emphasis today is on conducting cost-effective, customer-focused business activities.

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**3126 Comment:** *TVA claims to be working and spending money on shorelines. Where? I have been from the Little Emory to the Clinch River to Watts Bar Dam and have not seen any shoreline projects.*

**Comment by:** 1 survey comment

**3127 Comment:** *In the 12 years that I have been down on Bluewater Creek, TVA has provided us with no essential service. TVA has provided us with no help whatsoever for navigation, shoreline control, or environmental management.*

**Comment by:** John Scherz

**3128 Comment:** *It would appear from the data provided that Fort Loudoun, being one of the most developed impoundments, would not expect the significant growth envisioned in the DEIS for other locations. Therefore, it would seem prudent to concentrate efforts to resolve existing problems related to water pollution, bank erosion, and the removal/repair of neglected and abandoned boat docks that presently clutter the shorelines.*

**Comment by:** Walter E. Flood, Mildred C. Flood, Carl L. Guffey, Elaine Armfield-Guffey

**Response:** Over the past two years, TVA has stabilized erosion at almost 40 sites, cleaned up litter and trash from more than 100 sites, and conducted other shoreline improvement activities. For more

information about these activities or to report public shorelands that may be in need of attention, contact the local Land Management Office (see listing in the following response).

**3129** **Comment:** *TVA is uncooperative and unresponsive. TVA employees are not willing to accept responsibility.*

**Comment by:** 4 survey comments

**3130** **Comment:** *Is there an 800 number to call for answers on shoreline use?*

**Comment by:** 1 survey comment

**3131** **Comment:** *Who can we contact to get a decision from TVA? When we call, we are often transferred from place to place, and usually cannot get a straightforward answer or any help at all. Why does TVA not show more responsibility when the public calls and asks for assistance?*

**Comment by:** James Thagard, Joseph Whilden (Boone Lake Association), Patricia Carpenter, Richard Caldwell, 1 evaluation form comment (Harriman, TN), 2 survey comments

**3132** **Comment:** *We have owned shoreline property for many years but have yet to see or talk to the first shoreline management representative.*

**Comment by:** Alan L. Compton, 1 survey comment

**3133** **Comment:** *The majority of the people are unanimously opposed to the decisions that have been made, but it has turned around. It seems that some of us have written Craven Crowell and cannot get an answer, but some people seem to have the right contacts. They can have a personal interview, and we cannot. I do not think that is very fair, and I would like that to go on record.*

**Comment by:** Gene Price (Friends of the Tennessee River)

**Response:** TVA strives to be cooperative and responsive to citizens. If you have a question or need to speak with someone about SMI or another land management issue, call 1-800-TVA-LAND and leave a recorded message. The appropriate Land Management employee will return your call. If you need to speak with someone about land management on a particular reservoir, call the Land Management Office responsible for the reservoir.

- Boone, Watauga, Wilbur, Fort Patrick Henry, South Holston:  
Upper Holston Land Management Office 423-239-2000
- Cherokee, Douglas, Nolichucky:  
Morristown Land Management Office 423-587-5600 or 423-632-3791
- Norris:  
Norris Land Management Office 423-632-1539
- Watts Bar, Melton Hill:  
Melton Hill Land Management Office 423-988-2440
- Ft. Loudoun, Tellico, Fontana:  
Lenoir City Land Management Office 423-988-2420

- Hiwassee, Chatuge, Apalachia, Blue Ridge, Nottely, Ocoee 1, 2, and 3:  
Murphy Land Management Office 828-837-7395
- Chickamauga, Nickajack:  
Chickamauga Land Management Office 423-954-3800
- Guntersville:  
Guntersville Land Management Office 256-571-4294
- Tims Ford, Normandy, Wheeler, Great Falls:  
Wheeler Land Management Office 256-386-2560
- Pickwick, Bear Creek Project, Wilson:  
Muscle Shoals Land Management Office 256-386-2228
- Kentucky, Beech River Project, Columbia:  
Paris Land Management Office 901-641-2026

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**3134** **Comment:** *TVA has been very unresponsive to residential concerns. I purchased the lot on which our house is built in 1957 (lot 17, Kingston—later renamed Crestwood Subdivision on Smith Creek embayment, Watts Bar Lake). The lot had a large gully in the center, which obviously was discharging runoff into the lake. TVA would not do anything to correct this problem. The City of Kingston at one time planned to build a sewage treatment plant at the head of Smith Creek. Crestwood residents organized, hired an attorney, and successfully stopped these plans. TVA offered no assistance. More recently, a local resident applied for rezoning of property on Smith Creek to start an automobile junk yard. Again, Crestwood residents organized and defeated this project. TVA told us they could not do anything until there was evidence of pollution.*

**Comment by:** 1 survey comment

**Response:** TVA owns a very narrow strip of land below the 745-foot contour in the Crestwood Subdivision area. More specific details of the incidents mentioned would be needed to address the lack of response to “residential concerns.” Please contact our Melton Hill Land Management Office at 423-988-2440, if you wish to further explore these concerns.

TVA has no authority to regulate or restrict the use of land unless the agency owns the land, has acquired landrights for a specific purpose, or there is a proposed activity that requires a Section 26a permit because it could affect flood control, navigation, public lands, or reservations.

TVA does not have enforcement powers to address problems on private land which pertain to zoning, building permits, and construction practices. These issues are under the jurisdiction of local and state government. However, TVA does notify and work with other agencies to address problems that can ultimately affect water quality and TVA public land. For example, in the Kingston/Roane County area, the Melton Hill Land Management Office has contacted the state of Tennessee Division of Water Quality (who does have regulatory authority), Roane County officials, and the developer of a subdivision about erosion and drainage problems on private property near Watts Bar Reservoir.

With respect to the city of Kingston’s past plan to build a sewage treatment plant at the head of Smith Creek, TVA would have no authority or jurisdiction unless the proposed facilities would require use of TVA land, and/or require a Section 26a permit for facilities such as an intake or discharge structure in Smith Creek. After a request for a permit is submitted by an applicant, an environmental review would be completed by TVA to comply with requirements of NEPA.

**3135** **Comment:** *TVA should create an ombudsman office or system to help Valley residents cope with TVA offices and the multitude of overlapping agencies that administer properties and services on or next to the lakes. TVA has muscle that no individual can muster. For example, the ombudsman might take a citizen's question that an agency did not answer, and obtain an unambiguous response. In certain situations, the ombudsman may have to involve other local and federal agencies to investigate a problem, exerting appropriate pressure until a resolution is obtained. TVA may ignore this idea as too radical, too costly, too difficult, too contentious, and beyond the scope of the TVA mandate. However, before this is done, I hope that the TVA will give it serious consideration.*

**Comment by:** Harry Miles

**Response:** Comment noted. TVA works closely with the USACE to administer a joint permitting process that gives permit applicants one point of contact. TVA coordinates these applications with other agencies whenever such additional review is required. As appropriate, TVA arranges meetings between applicants and others involved in the review process to discuss and resolve issues that surface during the review. TVA also helps residents find appropriate contacts in other local, state, or federal agencies who can assist with the resolution of issues that are beyond the scope of TVA's responsibility.



## Chapter 11 — Tabular Results From Questionnaire

This section contains the tabular results of the 1,029 completed and returned Public Involvement Questionnaires. Answers to the open-ended questions (5, 7, 14, 16, 17, 18, and 19) and any additional comments supplied with the questionnaire are located in the previous chapters of this volume. For example, if a person answered question 5 by expressing concern about the way aesthetics was defined in the DEIS, that written comment would be in the Aesthetic Resources section in Chapter 8 (refer to the Introduction for more details about how comments were treated).

The results in this section do not reflect all of the opinions expressed on SMI issues and should not be interpreted as a summary of the public comments. To understand the range and breadth of opinions, concerns, and values TVA heard in response to the SMI DEIS, these results must be viewed in concert with all the other comments in this volume. For example, 794 respondents to this questionnaire indicated that education was an important issue in deciding their preferred alternative (question 6). Chapter 7 of this volume has all the written comments from letters, the public involvement questionnaire, evaluation forms, and public meeting statements pertaining to education. TVA responses to these comments are also found there.

Question 1: How did you find out about SMI? Please check the ONE source most important to you.

**Table C/R-2. Responses to Question 1.**

Response Options	Frequency of Responses
TV	31 (3%) <sup>1</sup>
Radio	14 (1%)
Newspaper	331 (30%)
Poster	4 (<1%)
Direct mailing from TVA	389 (35%)
Friends	268 (24%)
Other	70 (6%)

<sup>1</sup>Some respondents chose more than one source; therefore, percentages reflect the frequency at which an option was chosen, rather than a percentage of total respondents.

Question 2: Have you participated in SMI prior to receiving this DEIS and survey? If so, how? (Check ALL that apply.)

**Table C/R-3. Responses to Question 2.**

Response Options	Frequency of Responses
No	472 (37%) <sup>1</sup>
No, but I was involved in another TVA issue	80 (6%)
Yes, I attended a previous public meeting	242 (19%)
Yes, I called the 800 number to provide comments	78 (6%)
Yes, I called the 800 number to be added to the mailing list	188 (15%)
Yes, I provided written comments to SMI	212 (17%)

<sup>1</sup>Some respondents chose more than one source; therefore, percentages reflect the frequency at which an option was chosen, rather than a percentage of total respondents.

Question 3: Which ONE of these categories best describes you?

<b>Table C/R-4. Responses to Question 3.</b>	
<b>Response Options</b>	<b>Frequency of Responses</b>
I own residential property adjoining TVA-managed reservoirs	768 (68%) <sup>1</sup>
I own nonresidential property adjoining TVA-managed reservoirs	39 (3%)
I am a recreational visitor to TVA-managed reservoirs and adjacent lands	171 (15%)
I am a member of an organization that is interested in this issue	82 (7%)
Other	65 (6%)

<sup>1</sup>Some respondents chose more than one source; therefore, percentages reflect the frequency at which an option was chosen, rather than a percentage of total respondents.

Question 4: How important to you in deciding your preferred alternative are these issues, as defined in the DEIS?

<b>Table C/R-5. Responses to Question 4.</b>			
<b>Issues<sup>1</sup></b>	<b>Important<sup>2</sup></b>	<b>Not Important</b>	<b>No Response</b>
Shoreline Vegetation	805 (79%) <sup>3</sup>	114 (11%)	110 (11%)
Wildlife	864 (84%)	73 (7%)	92 (8%)
Endangered and Threatened Species	701 (68%)	147 (14%)	181 (18%)
Soils (Erosion)	927 (91%)	25 (2%)	77 (8%)
Wetlands	683 (66%)	140 (14%)	206 (21%)
Floodplain	690 (68%)	76 (7%)	263 (26%)
Aquatic Habitat	858 (84%)	45 (5%)	126 (12%)
Water Quality	994 (97%)	6 (1%)	29 (3%)
Recreational Use of Shoreline	853 (83%)	66 (6%)	110 (11%)
Aesthetic Resources	772 (75%)	77 (8%)	180 (17%)
Cultural Resources	537 (53%)	181 (18%)	311 (30%)
Population	659 (64%)	122 (12%)	248 (24%)
Income	487 (48%)	204 (20%)	338 (33%)
Property Values	760 (74%)	120 (11%)	149 (14%)
Navigation	669 (65%)	110 (11%)	250 (25%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>For easier comparisons, the categories “very important” and “somewhat important” were collapsed into “important,” and the categories “somewhat unimportant” and “not at all important” were collapsed into “not important.”

<sup>3</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

Question 5. Do you have any concerns about the way any of these issues were defined or discussed in the DEIS? Do you have any comments or criticisms about any specific issue?

(Space was provided for a written reply, and these comments are located in previous chapters of this volume.)

Question 6: How important are these issues, as defined in the DEIS, to you in deciding your preferred alternative?

<b>Table C/R-6. Responses to Question 6.</b>			
<b>Issues<sup>1</sup></b>	<b>Important<sup>2</sup></b>	<b>Not Important</b>	<b>No Response</b>
Education and Communication	794 (77%) <sup>3</sup>	68 (7%)	167 (17%)
Enforcement/Patrol (to ensure proper shoreline facility maintenance)	729 (71%)	158 (15%)	142 (14%)
Land Use Rights	842 (82%)	92 (9%)	95 (9%)
Design Standards (for shoreline facilities maintenance)	758 (74%)	137 (13%)	134 (13%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>For easier comparisons, the categories "very important" and "somewhat important" were collapsed into "important," and the categories "somewhat unimportant" and "not at all important" were collapsed into "not important."

<sup>3</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

Question 7. Are there other ISSUES related to environmental and economic impacts of residential shoreline alterations that should have been included but weren't?

(Space was provided for written reply and these comments are located in previous chapters of this volume.)

Question 8: Which amount of residential shoreline development do you most prefer?

<b>Table C/R-7. Responses to Question 8.</b>	
<b>Category</b>	<b>Frequency</b>
38%	394 (43%) <sup>1</sup>
48%	167 (18%)
63%	144 (16%)
Other	218 (24%)

<sup>1</sup>These percentages are based on the total number of respondents (923) who responded to Question 8. Percentages may not add to 100, due to rounding.

Question 9: The alternatives promote different standards for the size and type of docks and the amount of vegetation clearing. Please indicate your preferences concerning each of the standards. Place a number in each box that best represents your preferences for that standard and alternative.

<b>Table C/R-8. Responses to Question 9.</b>			
<b>Alternative<sup>1</sup></b>	<b>Disliked<sup>2</sup></b>	<b>Liked</b>	<b>No Response</b>
<b>A. Maximum Allowable Footprint</b>			
A	364 (36%) <sup>3</sup>	205 (20%)	460 (45%)
B1 & B2	188 (19%)	427 (41%)	413 (40%)
C1 & C2	288 (29%)	291 (29%)	450 (44%)
D	380 (37%)	193 (19%)	456 (45%)
<b>B. Covered Boat Slips</b>			
A	360 (35%) <sup>3</sup>	206 (20%)	463 (45%)
B1 & B2	190 (19%)	415 (41%)	424 (41%)
C1 & C2	273 (27%)	305 (29%)	451 (44%)
D	376 (37%)	194 (19%)	459 (45%)
<b>C. Standardized Dock Designs</b>			
A	275 (27%) <sup>3</sup>	246 (24%)	508 (49%)
B1 & B2	249 (24%)	275 (27%)	505 (50%)
C1 & C2	189 (19%)	374 (36%)	466 (45%)
D	189 (19%)	334 (32%)	506 (49%)
<b>D. Dock Floation</b>			
A	273 (26%) <sup>3</sup>	241 (23%)	515 (50%)
B1 & B2	234 (23%)	287 (28%)	508 (49%)
C1 & C2	134 (13%)	423 (41%)	472 (47%)
D	140 (13%)	369 (36%)	520 (51%)
<b>E. Shoreline Management Zone (SMZ)</b>			
A	264 (26%) <sup>3</sup>	317 (31%)	448 (44%)
B1 & B2	241 (24%)	344 (34%)	444 (43%)
C1 & C2	350 (34%)	247 (24%)	432 (42%)
D	363 (35%)	225 (22%)	441 (43%)
<b>F. Management of Woody Understory</b>			
A	321 (31%) <sup>3</sup>	270 (27%)	438 (42%)
B1 & B2	253 (25%)	321 (31%)	455 (44%)
C1 & C2	344 (34%)	222 (22%)	463 (45%)
D	341 (34%)	242 (24%)	446 (44%)
<b>G. Tree Cutting</b>			
A	329 (32%) <sup>3</sup>	272 (27%)	428 (42%)
B1 & B2	227 (22%)	367 (36%)	435 (42%)
C1 & C2	329 (32%)	239 (23%)	461 (45%)
D	325 (32%)	245 (24%)	459 (45%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>For easier comparisons, the categories “highly disliked” and “somewhat disliked” were collapsed into “disliked”, and the categories “somewhat preferred” and “highly preferred” were collapsed into “liked”.

<sup>3</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

<b>Table C/R-8 (Cont.). Responses to Question 9.</b>			
<b>Alternative<sup>1</sup></b>	<b>Disliked<sup>2</sup></b>	<b>Liked</b>	<b>No Response</b>
<b>H. Shoreline Stabilization</b>			
A	320 (31%) <sup>3</sup>	260 (25%)	449 (43%)
B1 & B2	151 (14%)	434 (42%)	444 (43%)
C1 & C2	268 (26%)	300 (30%)	461 (45%)
D	270 (26%)	273 (27%)	486 (48%)
<b>I. Community Facilities</b>			
A	329 (32%) <sup>3</sup>	214 (21%)	486 (48%)
B1 & B2	160 (16%)	397 (39%)	472 (46%)
C1 & C2	284 (27%)	248 (24%)	497 (49%)
D	310 (31%)	219 (20%)	500 (49%)
<b>J. Boat Launching Ramps</b>			
A	341 (33%) <sup>3</sup>	220 (22%)	468 (46%)
B1 & B2	195 (19%)	384 (37%)	450 (44%)
C1 & C2	288 (28%)	268 (26%)	473 (46%)
D	287 (28%)	276 (27%)	466 (46%)
<b>K. Dredging</b>			
A	352 (35%) <sup>3</sup>	203 (19%)	474 (46%)
B1 & B2	175 (17%)	386 (37%)	468 (45%)
C1 & C2	256 (25%)	274 (27%)	499 (49%)
D	299 (30%)	229 (22%)	501 (49%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>For easier comparisons, the categories “highly disliked” and “somewhat disliked” were collapsed into “disliked”, and the categories “somewhat preferred” and “highly preferred” were collapsed into “liked”.

<sup>3</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

Question 10: How should TVA fund shoreline management activities associated with docks and other residential shoreline alterations, as well as provide other needed services? Please place a check mark indicating from where you feel funding for each of the following services should come.

<b>Table C/R-9. Responses to Question 10.</b>						
<b>Services<sup>1</sup></b>	<b>Federal Appropriations</b>	<b>Charges to Lakefront Property Owners</b>	<b>TVA Should Not Be Involved With This</b>	<b>Both Federal Appropriations &amp; Charge Lakefront Property Owners</b>	<b>Both Federal Appropriations &amp; TVA Should Not Be Involved With This</b>	<b>No Response</b>
Shoreline Cleanup	356 (35%) <sup>2</sup>	166 (16%)	266 (22%)	60 (6%)	5 (1%)	216 (21%)
Erosion Control	550 (53%)	145 (14%)	105 (10%)	67 (7%)	6 (1%)	156 (15%)
Provide Additional Education/information Programs	563 (56%)	38 (4%)	160 (15%)	19 (2%)	2 (<1%)	247 (24%)
Enforcement/Patrol to ensure 26a Permitting Compliance	521 (51%)	133 (13%)	169 (16%)	34 (3%)	4 (<1%)	168 (16%)
Ensuring Maintenance of Shoreline Structures	271 (26%)	360 (35%)	188 (18%)	35 (3%)	7 (1%)	168 (16%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

Question 11: TVA is proposing the following charges. Please indicate how you feel about each.

<b>Table C/R-10. Responses to Question 11.</b>					
<b>Charge<sup>1</sup></b>	<b>Too Low</b>	<b>About Right</b>	<b>Too High</b>	<b>TVA Should Not Charge This Fee</b>	<b>No Response</b>
\$100 Annual Structure Registration Charge	60 (6%) <sup>2</sup>	260 (25%)	154 (15%)	493 (48%)	62 (6%)
\$1,000 Performance Deposit (one time charge per permittee)	45 (4%)	215 (21%)	160 (16%)	521 (51%)	88 (9%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

Question 12: If you indicated that one or both of these fees are either 'too high' or 'too low,' please specify an amount you feel is more appropriate.

<b>Table C/R-11. Responses to Question 12.</b>	
<b>A. Annual Registration Charge</b>	
Amount	Frequency
\$0	136 (38%) <sup>1</sup>
\$1-\$99	161 (45%)
\$100	8 (2%)
\$101 and over	54 (15%)
<b>B. Performance Deposit</b>	
Amount	Frequency
\$0	143 (40%) <sup>1</sup>
\$1-\$999	170 (48%)
\$1,000	3 (1%)
\$1,001 and over	42 (12%)

<sup>1</sup>These percentages are based on the total number of respondents (359 and 358) who responded to Question 12A and Question 12B. Percentages may not add to 100, due to rounding.

Question 13: TVA plans to allow qualified adjacent property owners to clear a 6-foot path across TVA shoreland for access to the water. There would be no charge for this pathway. However, TVA proposes to give property owners the option of clearing a wider vegetation management corridor. TVA proposes to charge for the optional vegetation management corridor. Charges would be based upon reservoir-by-reservoir formulas established using property appraisal data. What do you think would be the best way to determine a pricing formula?

<b>Table C/R-12. Responses to Question 13.</b>	
<b>Response Options</b>	<b>Frequency of Responses</b>
I prefer the reservoir-by-reservoir formula (could differ among reservoirs)	221 (21%) <sup>1</sup>
I prefer a Valleywide formula (one standard price for all reservoirs)	69 (7%)
TVA should not charge for vegetation management corridors	492 (46%)
TVA should not allow pathways wider than 6 feet	175 (17%)
TVA should not allow access to water across TVA shoreland	70 (7%)
Unsure/No opinion	27 (3%)

<sup>1</sup>Some respondents chose more than one source; therefore, percentages reflect the frequency at which an option was chosen rather than a percentage of total respondents.

Question 14. Are there other changes that TVA should explore instead of or in addition to those outlined in questions 11, 12, and 13? Or are there other comments about charges you would like to share?

(Space was provided for a written reply, and these comments are located in previous chapters of this volume.)

Question 15: The DEIS identifies Alternative C1 as TVA's preferred alternative, but TVA wants to know how well you like or dislike this alternative. Please mark the statement that most clearly reflects your feelings about each of the six alternatives.

<b>Table C/R-13. Responses to Question 15.</b>			
<b>Alternative<sup>1</sup></b>	<b>Support<sup>2</sup></b>	<b>Oppose</b>	<b>No Response</b>
A	269 (26%) <sup>3</sup>	460 (45%)	300 (29%)
B1	404 (39%)	332 (32%)	293 (29%)
B2	287 (30%)	359 (35%)	383 (36%)
C1	312 (30%)	492 (48%)	225 (22%)
C2	232 (22%)	425 (42%)	372 (36%)
D2	227 (22%)	491 (48%)	311 (31%)

<sup>1</sup>Respondents rated each issue separately.

<sup>2</sup>For easier comparisons, the categories “strongly support” and “this one is not my favorite, but it is acceptable” were collapsed into “support”, and the categories “I do not like this one, but support another one” and “strongly oppose” were collapsed into “oppose.”

<sup>3</sup>The first number in each box is the number of respondents who chose that option. The second number in parentheses is the percentage of total respondents (1,029) who chose that option. Percentages may not add to 100, due to rounding.

Question 16: Please use this space to explain your responses to question 15 or to provide any additional comments you may have.

(Space was provided for a written reply, and these comments are located in previous chapters of this volume.)

Question 17. Are there aspects about Alternative C1 that could be changed in order to make that alternative more acceptable to you? If so, please indicate what those changes would be.

(Space was provided for a written reply, and these comments are located in previous chapters of this volume.)

Question 18. What are your general observations about the SMI's DEIS?

(Space was provided for a written reply, and these comments are located in previous chapters of this volume.)

Question 19. Are there any other comments you would like to share with us? All comments will be reviewed and included as public responses.

(Space was provided for a written reply, and these comments are located in previous chapters of this volume.)



## Index

*This index identifies the names of people who provided comments about SMI and the number(s) assigned to their comment(s) in this volume. For example, Janet K. Adams provided comments numbered 339, 350, 1291, 1418, 1637, 1824, 1935, 2158, 2767, 2792, 2918, 3096, and 3097.*

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