



**US Army Corps  
of Engineers.**

# Public Notice

Public Notice No. 08-80

Date: December 16, 2008

Nashville District Application No. 200500237 Expires: January 15, 2009

Please address all comments to: Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Commercial Marina at Mile 426.7, Right Bank, Tennessee River, in Marion County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a **Department of the Army (DA) Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and a Tennessee Valley Authority (TVA) permit pursuant to Section 26a of the TVA Act (16 USC 831y-1).**

APPLICANT: Nickajack Shores Holdings, LLC  
1010 William Blount Drive  
Maryville, Tennessee 37802

LOCATION: An embayment opposite Mile 426.7, right bank, Tennessee River, on Nickajack Reservoir, in Marion County, Tennessee, Lat 35° 01' 00", Lon 85° 35' 18", Sequatchie-TN, USGS Quad Map.

BACKGROUND: TVA reallocated in 1997 a 620-acre portion of Tract XNJR-3PT (Tract 3) to add commercial/public recreation and residential development as permissible uses. In 2005, TVA publicly auctioned a 578-acre portion of Tract 3 with future uses restricted as in the 1997 land action. The applicant owns and is currently developing the property into a primarily residential community called Rarity Club with golf course and marina components. Plans call for the construction of a 336-slip commercial marina to serve the residents of Rarity Club and the general public. In general, only the property located above the 640-ft contour was sold and TVA retained shoreline property located below this elevation to the reservoir normal summer pool level (634.5 msl).

DESCRIPTION: The proposed work consists of the construction of a floating covered commercial marina to serve the residents of Rarity Club development as well as members of the general public. The floating structures would measure approximately 1,700' wide,

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extend 295' from the shoreline, and accommodate 336 vessels. TVA would establish harbor limits around the marina.

The marina would contain five separate dock structures:

- Dock A would accommodate 36 vessels and have dimensions of 345' wide and 86' long
- Dock B would accommodate 36 vessels and have dimensions of 365' wide and 86' long
- Docks C, D and E would each accommodate 88 vessels and have dimensions of 665' wide and 66' long.

There is no dredging associated with the proposed commercial marina. The slips on the south side of the cove (the Little Cedar Mountain side) are offset 90' from the shoreline. The applicant has conducted soundings in the embayment and determined that sufficient water depths are available for boat access and maneuvering. No "dry storage" of additional boats is proposed. There will be no fuel dispensing facility associated with this marina. A narrow strip of vegetated TVA land occurs along the shoreline at the site between the 634 msl and 640 msl contour. The applicant would construct an upland 50-space parking lot on private property and a 20' access corridor and walkway would be sited through an established shoreline vegetation management zone.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A DA permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers (Corps) is soliciting comments from the public; federal, state, and local agencies and officials; Indian

Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

In December 1996, TVA completed an EA for a proposal to add residential and commercial recreation as permissible uses for a 620-acre portion of Tract XNJR-3PT (Tract 3) as identified in the TVA Nickajack Reservoir Land Management Plan. In the EA, TVA determined that reallocation of the tract, as proposed, would not significantly impact the environment. TVA issued a Finding of No Significant Impact (FONSI) in January 1997, and the tract was subsequently reallocated by the TVA Board for the purposes of commercial/public recreation and residential development. TVA issued a Supplemental EA and FONSI in September 2005 for the public auction sale of a 578-acre portion of Tract 3 on Nickajack Reservoir with future uses restricted to commercial/ public recreation, and residential development.

An Environmental Assessment will be prepared by the Corps and TVA prior to a final decision concerning issuance or denial of the requested DA and TVA permits to consider this action.

By mutual agreement with the Corps, TVA is the lead federal agency for purposes of complying with provisions of Section 106 of the National Historic Preservation Act (NHPA). The archaeological Area of Potential Effect (APE) for the project was determined as all marina facilities and any related infrastructure associated with this marina. The APE for architectural studies includes an 0.805-km (0.5 mile) area surrounding the proposed marina. A cultural resources survey was conducted for this area in 2005 prior to TVA's disposal of the development property. This survey revisited seven previously recorded sites and identified eight new sites in the vicinity of the proposed marina. Only one of these sites (40MI192) was recommended as potentially eligible for listing in the National Register of Historic Places (NRHP). This site was removed from the development tract and will not be affected by the current undertaking. The architectural survey identified four architectural resources (THC#474 & 475 and AACHSS#9 & 10). These resources were considered ineligible for

listing in the NRHP. No historic properties were identified in the project area. While some ground disturbance may occur below pool in the area of the floating dock facilities, this area was previously disturbed for quarry activities that occurred on the land prior to inundation.

Pending State Historic Preservation Officer (SHPO) concurrence, TVA has determined that the proposed undertaking will not adversely affect any historic properties that are potentially eligible or currently listed on the NRHP. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the SHPO.

A large population of federally-listed gray bats (*Myotis grisescens*) forms a maternity colony in nearby Nickajack Cave during summer months. Bats from this colony (approximately 1.5 miles from site) forage in the project area and throughout Nickajack Reservoir. Individuals from Nickajack Cave visit Little Cedar Mountain Cave (approximately 0.5 miles from site) during spring and fall migration and as a stop-over place during nightly foraging excursions. Overall, gray bat use of Little Cedar Mountain Cave is minimal and only by a small number of individuals (<50). State-listed bald eagles (*Haliaeetus leucocephalus*) nest at several sites in the project area. The closest active bald eagle nest is located approximately 2 miles from the project site. No nesting habitat exists at the project site.

Although, numerous federally- and state-listed aquatic animal species are present in Marion County, Tennessee, there are no federal or state listed species around the Rarity Club marina project area. No federally designated critical habitat areas are present within the project area. TVA biologists conducted field surveys in 2005 to evaluate natural resources associated with the Nickajack Shores project. No listed species or habitat to support these species was observed in or around the area for the proposed Rarity Club Marina.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination, and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

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Other federal, state, and/or local approvals required for the proposed work are as follows:

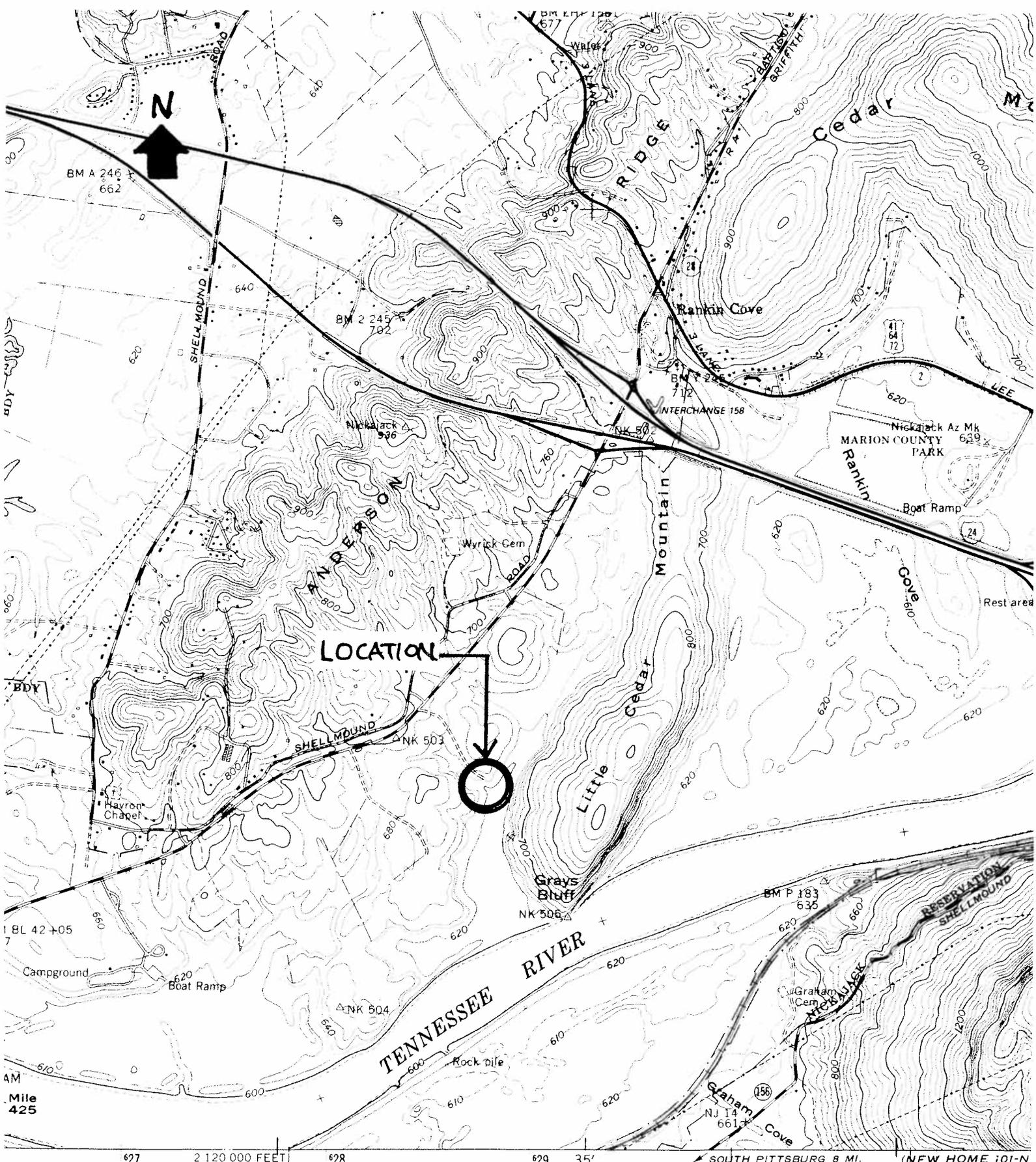
- Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before January 15, 2009, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. Andrew R. Lawson, Chickamauga-Hiwassee Watershed Team, 1101 Market Street (PSC 1E-C), Chattanooga, Tennessee 37402-2801.

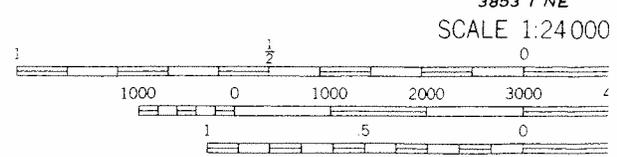
If you received this notice by mail and wish to view all of the diagrams, visit our web site at:

<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.

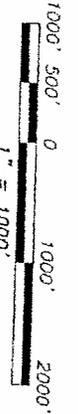


Tennessee Valley Authority  
 Aerial Survey  
 by PA and TVA  
 by photogrammetric  
 photos taken 1968 and 1969  
 )  
 Spot grid ticks based on Tennessee  
 Universal Transverse Mercator

**EXHIBIT A**  
**FILE NO. 200500237**  
**P.N. NO. 08-80**



CONTOUR INTERVAL 20'  
 DASHED LINES REPRESENT HALF-INCH  
 NATIONAL GEODETIC VERTICAL



MARINA SITE

**OVERALL SITE PLAN**  
**RARITY CLUB**  
**AT LAKE NICKAJACK**

NICKAJACK SHORES HOLDINGS, LLC      MARION COUNTY, TN

SHEET	1 of 3
DESIGNED:	JEB
DRAWN:	JEB
CHECKED:	RNR
DATE:	8/07/07
SCALE:	1" = 1000'
DRAWING:	5432marina
PROJECT NO.:	SEI#5432

**STERLING**  
 ENGINEERING AND  
 ARCHITECTURE  
 LAND SURVEYING  
 LAND PLANNING

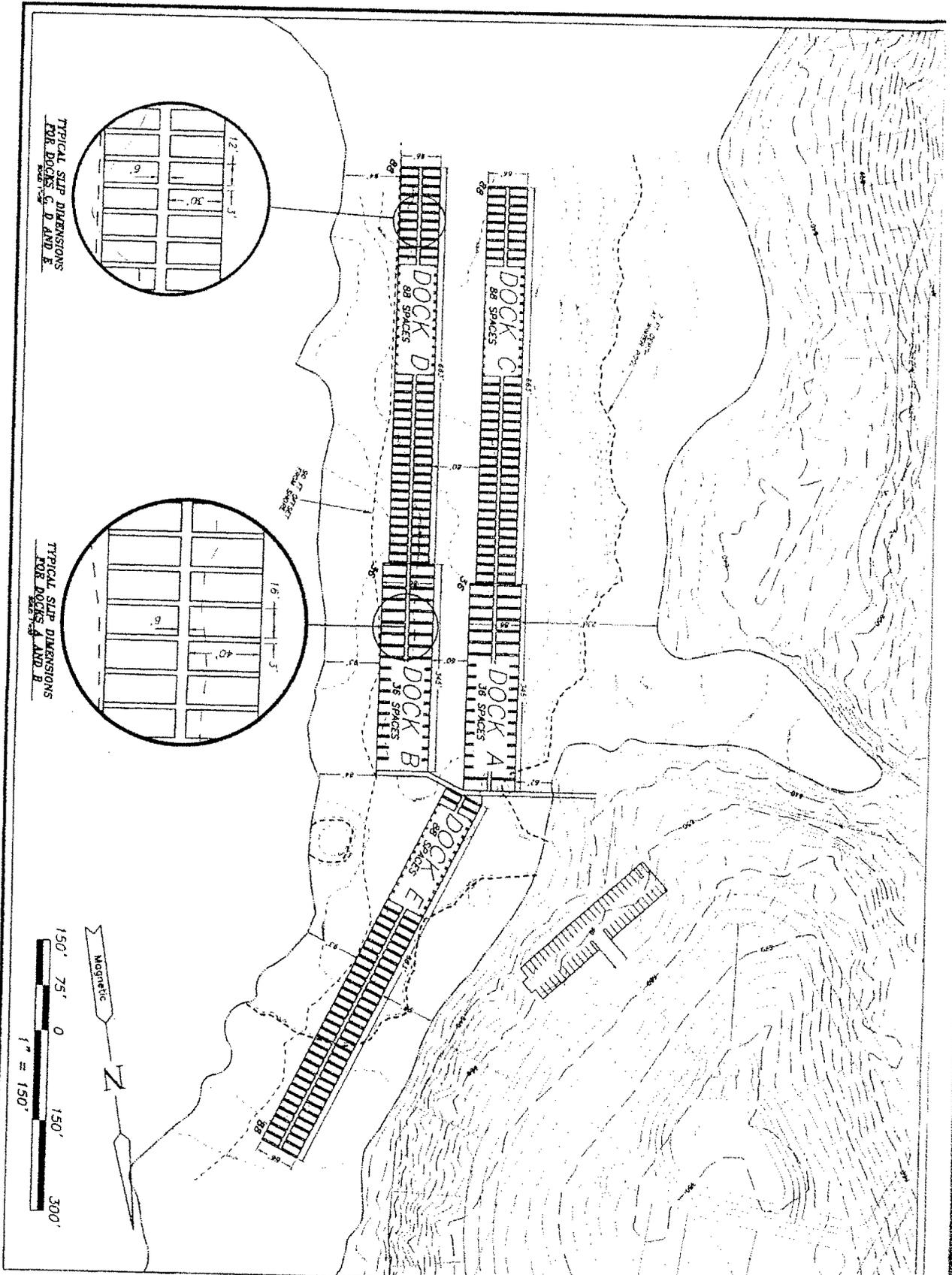
1020 WILLIAM BLOUNT DRIVE  
 MARTINVILLE, TENNESSEE  
 37805-8461  
 PHONE: VOL.981.3805  
 FAX: VOL.981.2815  
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EXHIBIT B

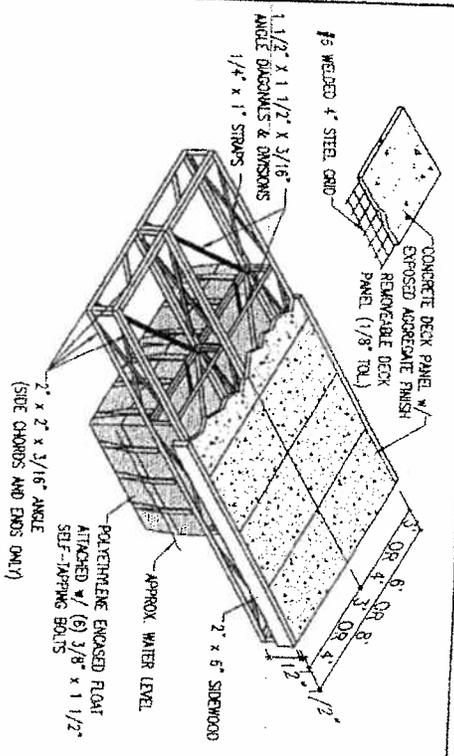
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P.N. NO. 08-80

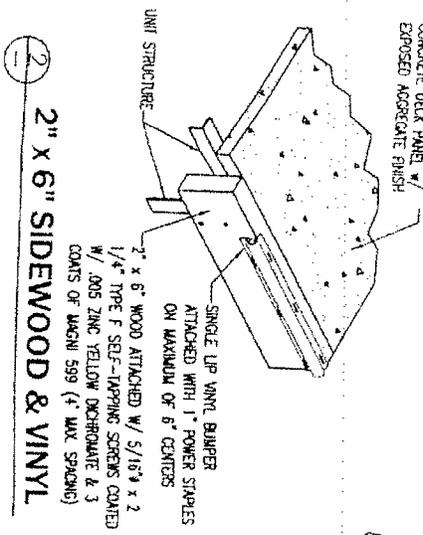


<p>STERLING ENGINEERING ARCHITECTURE LAND SURVEYING LAND PLANNING</p> <p>1020 WILLIAM BLOCK 'N' DRIVE MARYVILLE, TENNESSEE 37802-8401 PHONE: VOL. 984-3905 FAX: VOL. 991-2815 www.sterling-us.com</p>	<p>PROJECT NO. SEI#5432</p>
	<p>DESIGNED: AAH</p> <p>DRAWN: JEB</p> <p>CHECKED: RNR</p> <p>DATE: 8/10/07</p> <p>SCALE: 1" = 150'</p> <p>DRAWING: 5432marina</p>
<p><b>DOCK DETAIL</b></p> <p><b>RARITY CLUB AT LAKE NICKAJACK</b></p> <p>NICKAJACK SHORES HOLDINGS, LLC      MARION COUNTY, TN</p>	
<p>SHEET 3 of 3</p>	

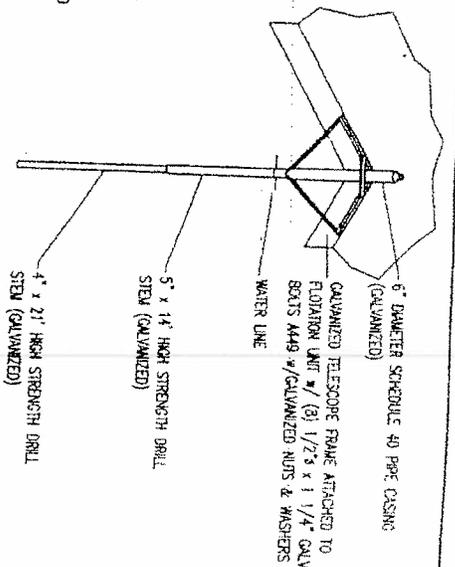
EXHIBIT C  
FILE NO. 200500237  
P.N. NO. 08-80



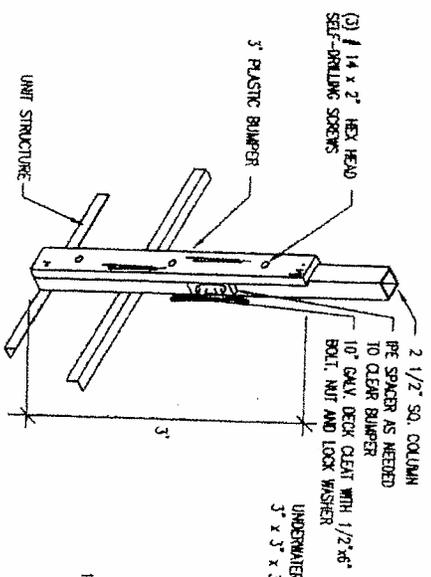
1 FLOTATION UNIT



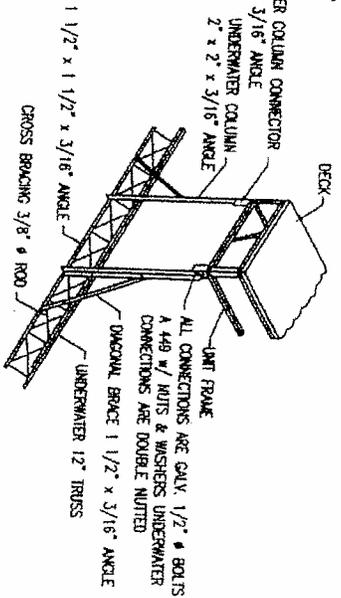
2 2" x 6" SIDEWOOD & VINYL



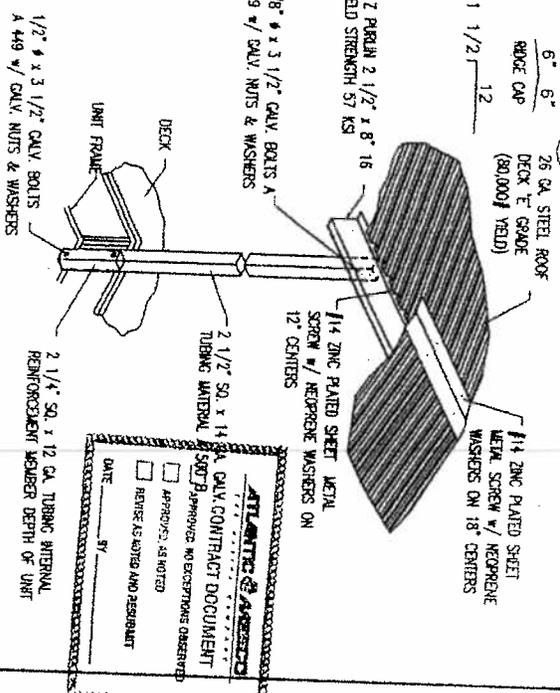
3 TELESCOPE ANCHORAGE



4 COLUMN BUMPER w/ CLEAT



5 UNDERWATER TRUSS



6 ROOF SUPERSTRUCTURE

NO.	REVISION DESCRIPTION	BY	DATE

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**ATLANTIC MEECO**  
THE MARINE COMPANY  
1801 E. ELECTRIC AVE.  
DALLAS, TEXAS 75210

DRAWN BY:	W.B.H.	FILE NAME:	7098-3
CHECKED BY:	[Signature]	JOB #	7098
		PLAN #	7098

TYPICAL DETAILS  
RARITY CLUB

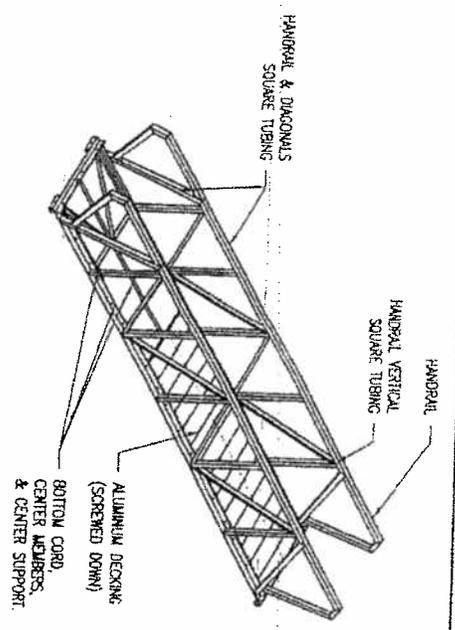
EXHIBIT D  
FILE NO. 200500237  
P.N. NO. 08-80

ATLANTIC MEECO CONTRACT DOCUMENT

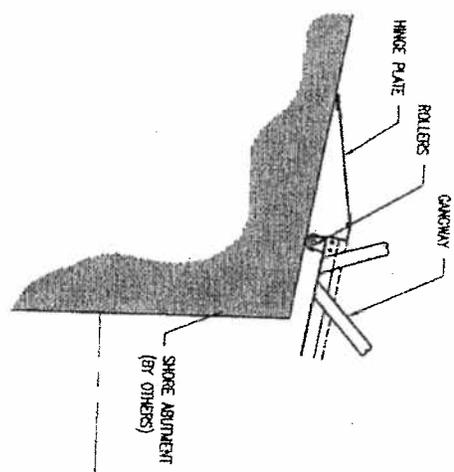
DATE: \_\_\_\_\_ BY: \_\_\_\_\_

APPROVED: AS NOTED

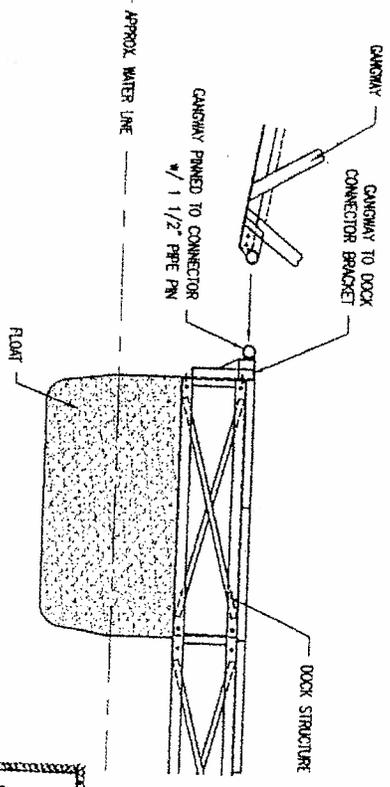
REVERSE AS NOTED AND REASONS



① STEEL GANGWAY



② SHORE END ELEV.



③ DOCK END ELEV.

NO.	REVISION DESCRIPTION	BY	DATE

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**ATLANTIC MEECO**  
THE MARINE CORP

DRAWN BY:	W.B.H.	FILE NAME:	7098-4
CHECKED BY:	[Signature]	JOB #	PLAN # 7098

**ATLANTIC MEECO**  
CONTRACT DOCUMENT

APPROVED AND SPECIFICATIONS OBSERVED

APPROVED AS NOTED

REVISED AS NOTED AND RESUBMIT

DATE \_\_\_\_\_ BY \_\_\_\_\_

TYPICAL DETAILS  
RARITY CLIP

EXHIBIT E  
FILE NO. 200500237  
P.N. NO. 08-80