



Tennessee Valley Authority
Section 26a Approval

Permit # 228055

Reservoir Nottely

Category 2

DOT Project #

Name	Company	Address	Phone/Email
Diego Frausto		138 Laurel Ridge Drive Alpharetta GA 30004	770-205-0907 diego.frausto@gmail.com
Tina Frausto		138 Laurel Ridge Drive Alpharetta GA 30004	770-205-0907 diego.frausto@gmail.com

Tract(s) NLR-183F

Subdivision/Lot(s)	Stream	Mile	Bank	Map Sheet(s)
Subdivision: Tallulah Landing Phase II Lot(s): [Lot#: 41]				11 C/D Stage

The facilities and/or activities listed below are APPROVED subject to the plans and general and special conditions attached.

1. Access Walkway	Length (ft., in.): 60'; Width (ft., in.): 4'
2. Boat Slips - Fixed and Floating	Length (ft., in.): 30'; Width (ft., in.): 30'
3. Electric Pole/Service/Light	
4. Deck/Gazebo/Patio (Land-based)	Length (ft., in.): 14'; Width (ft., in.): 18'
5. Water Intake - Nonpotable	
6. Sidewalk/Walkway/Boardwalk (Land-based)	Length (ft., in.): 60'; Width (ft., in.): 6'
7. Riprap	Height (ft., in.): 6'; Length (ft., in.): 215'
8. Steps	Length (ft., in.): 12'; Width (ft., in.): 6'
9. Boat Lift/Jet Ski Lift	Length (ft., in.): 26'; Width (ft., in.): 10'

This permit SUPERSEDES all previous TVA approvals at this location including permits approved under land record numbers:

TVA Representative: Tammy W Mccoy Date: 12-21-2012

May require review by U.S. Army Corps of Engineers (USACE). Plans have been forwarded to the USACE.

No construction shall commence until you have written approval or verification that no permit is required.

Applicant is also responsible for all local and state approvals that may be required relating to water quality.

No construction shall commence until you have written approval or verification that no permit is required.

GENERAL AND STANDARD CONDITIONS

Section 26a and Land Use

General Conditions

- 1) You agree to make every reasonable effort to construct and operate the facility authorized herein in a manner so as to minimize any adverse impact on water quality, aquatic life, wildlife, vegetation, and natural environmental values.
- 2) This permit may be revoked by TVA by written notice if:
 - a) the structure is not completed in accordance with approved plans;
 - b) if in TVA's judgement the structure is not maintained in a good state of repair and in good, safe, and substantial condition;
 - c) the structure is abandoned;
 - d) the structure or work must be altered to meet the requirements of future reservoir management operations of the United States or TVA, or;
 - e) TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations.
 - f) all invoices related to this permit are not timely paid.
- 3) If this permit for this structure is revoked, you agree to remove the structure, at your expense, upon written notice from TVA. In the event you do not remove the structure within 30 days of written notice to do so, TVA shall have the right to remove or cause to have removed, the structure or any part thereof. You agree to reimburse TVA for all costs incurred in connection with removal.
- 4) In issuing this Approval of Plans, TVA makes no representations that the structures or work authorized or property used temporarily or permanently in connection therewith will not be subject to damage due to future operations undertaken by the United States and/or TVA for the conservation or improvement of navigation, for the control of floods, or for other purposes, or due to fluctuations in elevations of the water surface of the river or reservoir, and no claim or right to compensation shall accrue from any such damage. By the acceptance of this approval, applicant covenants and agrees to make no claim against TVA or the United States by reason of any such damage, and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage.
- 5) In issuing this Approval of Plans, TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability or otherwise) to the applicant or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with applicant's construction, operation, or maintenance of the facility which is the subject of this Approval of Plans.
- 6) This approval shall not be construed to be a substitute for the requirements of any federal, state, or local statute, regulation, ordinance, or code, including, but not limited to, applicable building codes, now in effect or hereafter enacted. State 401 water quality certification may apply.
- 7) The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
- 8) You understand that covered second stories are prohibited by Section 1304.204 of the Section 26a Regulations.
- 9) You agree to notify TVA of any transfer of ownership of the approved structure to a third party. Third party is required to make application to TVA for permitting of the structure in their name (1304.10). Any permit which is not transferred within 60 days is subject to revocation.
- 10) You agree to stabilize all disturbed areas within 30 days of completion of the work authorized. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act to control erosion and sedimentation to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable federal, state, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation, including any required conditions under Section 6 of the Standard Conditions.
- 11) You agree not to use or permit the use of the premises, facilities, or structures for any purposes that will result in draining or dumping into the reservoir of any refuse, sewage, or other material in violation of applicable standards or requirements relating to pollution control of any kind now in effect or hereinafter established.

- 12) The Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act apply to archaeological resources located on the premises of land connected to any application made unto TVA. If LESSEE {or licensee or grantee (for easement) or applicant (for 26a permit)} discovers human remains, funerary objects, sacred objects, objects of cultural patrimony, or any other archaeological resources on or under the premises, LESSEE {or licensee, grantee, or applicant} shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (865-228-1374). Work may not be resumed in the area of the discovery until approved by TVA.
- 13) You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
- 14) You agree to abide by the conditions of the vegetation management plan. Unless otherwise stated on this permit, vegetation removal is prohibited on TVA land.
- 15) You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
- 16) You are responsible for accurately locating your facility, and this authorization is valid and effective only if your facility is located as shown on your application or as otherwise approved by TVA in this permit. The facility must be located on land owned or leased by you, or on TVA land at a location approved by TVA.
- 17) You agree to allow TVA employees access to your water use facilities to ensure compliance with any TVA issued approvals.
- 18) It is understood that you own adequate property rights at this location. If at any time it is determined that you do not own sufficient property rights, or that you have only partial ownership rights in the land at this location, this permit may be revoked. TVA may require the applicant to provide appropriate verification of ownership.
- 19) In accordance with 18 CFR Part 1304.9, Approval for construction covered by this permit expires 18 months after the date of issuance unless construction has been initiated.

Standard Conditions (Only items that pertain to this request have been listed.)

1) Structures and Facilities

- a) TVA number 228055 has been assigned and provided for your facility. When construction is complete, this numbered tag shall be placed on the lakeward side on a readily visible part of the outside of the facility.
- d) You agree that this boatslip shall have no side enclosures except wire mesh or similar screening.
- g) For all electrical services permitted, a disconnect must be located at or above the 1785-foot contour that is accessible during flooding.
- k) You agree that the floating facility hereby approved will be used for private residential and for no other purpose unless approved in writing from TVA.
- q) You are hereby advised that the minimum top elevation of your fixed dock should be 2 feet above the normal summer pool elevation of 1779.
- s) You agree to securely anchor all floating facilities to prevent them from floating free during major floods. All anchoring cables or spud poles must be anchored to the walkway or to the ground in a way that will not accelerate bank erosion. Anchoring of cables, chains or poles to trees on TVA property is not permitted.
- t) The roof overhang on your facility cannot exceed 24 inches.

2) Ownership Rights

- a) No fill will be placed higher than elevation maximum shoreline contour (msc), and every precaution will be taken not to disturb or alter the existing location of the 1785-foot contour elevation through either excavation or placement of fill.
- b) You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.
- e) You recognize and understand that this authorization conveys no property rights, grants no exclusive license, and in no way restricts the general public's privilege of using shoreland owned by or subject to public access rights owned by TVA. It is also subject to any existing rights of third parties. Nothing contained in this approval shall be construed to detract or deviate from the rights of the United States and TVA held over this land under the Grant of Flowage Easement. This Approval of Plans does not give any property rights in real estate or material and does not authorize any injury to private property or invasion of private or public rights. It merely constitutes a finding that the facility, if constructed at the location specified in the plans submitted and in accordance with said plans, would not at this time constitute an obstruction unduly affecting navigation, flood control, or public lands or reservations.

3) Shoreline Modification and Stabilization

- a) For purposes of shoreline bank stabilization, all portions will be constructed or placed, on average, no more than two feet from the existing shoreline at normal summer pool elevation.
- b) You agree that spoil material will be disposed of and contained on land lying and being above the 1785-foot contour. Every precaution will be made to prevent the reentry of the spoil material into the reservoir.
- c) Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.

4) Water Intake

- a) If the reservoir falls below the elevation of the intake, the applicant will be responsible for finding another source of raw water.
- c) screen openings on the intake strainer must be 1/8-inch (maximum), to minimize the entrapment of small fish.
- d) This approval does not constitute approval of the adequacy or safety of applicant's water system. TVA does not warrant that the water withdrawn and used by applicant is safe for drinking or any other purpose, and applicant is solely responsible for ensuring that all water is properly treated before using.

6) Best Management Practices

- d) You agree to keep equipment out of the reservoir or stream and off reservoir or stream banks, to the extent practicable (i.e., performing work "in the dry").
- e) You agree to avoid contact of wet concrete with the stream or reservoir, and avoid disposing of concrete washings, or other substances or materials, in those waters.
- f) You agree to use erosion control structures around any material stockpile areas.

Additional Conditions

Permitted items must be contained on property you own or lease.

This permit is valid for Diego Frausto. Transfer of property ownership requires a new Section 26a Application.

Stabilization will be performed using Best Management Practices and during drawdown to minimize the potential for abnormal siltation into the Reservoir.

This facility is permitted at elevation 1779 for Nottely Reservoir.

JOINT APPLICATION FORM Department of the Army/TVA

The Department of the Army (DA) permit program is authorized by **Section 10 of the Rivers and Harbors Act of 1899** and **Section 404 of the Clean Water Act (P.L. 95-217)**. These laws require permits authorizing structures and work in or affecting navigable waters of the United States and the discharge of dredged or fill material into waters of the United States. **Section 26a of the Tennessee Valley Authority Act**, as amended, prohibits the construction, operation, or maintenance of any structure affecting navigation, flood control, or public lands or reservations across, along, or in the Tennessee River or any of its tributaries until plans for such construction, operation, and maintenance have been submitted to and approved by the Tennessee Valley Authority (TVA).

Name and Address of Applicant: Diego Frausto 138 Laurel Ridge Dr Alpharetta, GA 30004 diego.frausto@gmail.com Telephone Number: Home <u>770-205-0907</u> Office _____	Name, Address, and Title of Authorized Agent: North Georgia Boat Lift 228 Stewart Camp Point Blue Ridge, GA 30513 cindypack@tds.net Telephone Number: Home <u>770-894-2919 Jon</u> Office <u>706-632-0390</u>
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Location where activity exists or will occur (include Stream Name and Mile, if known):

Lot 41 Tallulah Landing Phase II Nottley R Mile 37 Bank R, Map 11 C/D Stage Lot 41

Application submitted to ☐ DA ☒ TVA

Date activity is proposed to commence: ASAP Date activity is proposed to be completed: 18 months

Describe in detail the proposed activity, its purpose and intended use (*private, public, commercial, or other*). Describe structures to be erected including those placed on fills, piles, or floating platforms. Also describe the type, composition, and quantity of materials to be discharged or placed in the water; the means of conveyance; and the source of discharge or fill material. Please attach additional sheets if needed.

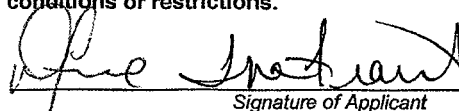
Residential Dock 30 X 30 with a 60 ft gangway, encapsulated foam. Dock may contain a floating boat lift and two PWC ports to be placed in the slips. Electrical provided via GFI with disconnect above contour of Lake Nottely, Shoreline Stabilization via Rip Rap approx. 215 more or less per plat. Deck/Landing 14 X 18 with concrete steps. Concrete Boatslip Walk-way Ramp 60 ft ong.

Water Pump intake for Spinkler system/Watering Yard/Garden Exhibits include: Drawing of Dock, Drawing of Rip Rap, Drawing of Deck and steps, Drawing of Walk-way Ramp. Section 26A disclosure, authorization to NGBL, directions to property, copy of plat, and copy of deed.

Also requested and attached, Pinetree needs to be removed, drawing and picture attached

Application is hereby made for approval of the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities. **I agree that, if this application is approved by TVA, I will comply with the attached terms and conditions and any special conditions that may be imposed by TVA at the time of approval. Please note the U.S. Army Corps of Engineers may impose additional conditions or restrictions.**

11/5/12
Date


Signature of Applicant

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both. The appropriate DA fee will be assessed when a permit is issued.

Names, addresses, and telephone numbers of adjoining property owners, lessees, etc., whose properties also join the waterway:

Robert Scott Lot 40 Tallulah Landing Phase II, Blairsville, GA
Walter B Kinley: Lot 42 Tallulah Landing Phase II, Blairsville, GA

List of previous DA/TVA permits/approvals	<input type="checkbox"/> DA _____ <div style="text-align: center; font-size: small;">Permit Number</div>	<input type="checkbox"/> TVA _____ <div style="text-align: center; font-size: small;">Date</div>
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Is any portion of the activity for which authorization is sought now complete? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "Yes" attach explanation) Month and year the activity was completed: _____ . Indicate the existing work on the drawings.

List all approvals or certifications required by other federal, interstate, state, or local agencies for any structures, construction, discharges, deposits, or other activities described in this application.

Issuing Agency	Type Approval	Identification No.	Date of Application	Date of Approval
TVA	Section 26a			

Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein? <input type="checkbox"/> Yes <input type="checkbox"/> No (If "Yes" attach explanation)

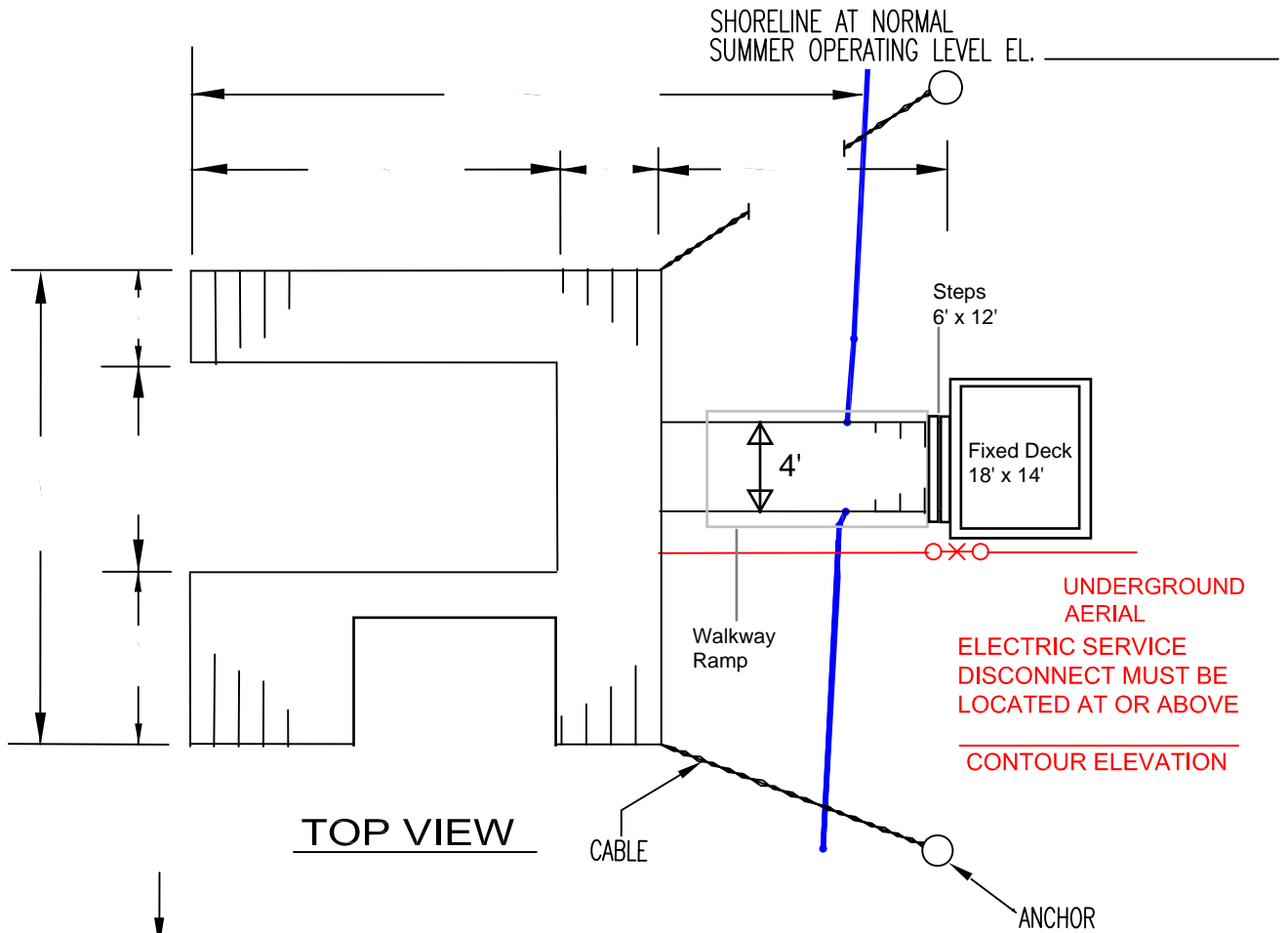
Project plans or drawings should accompany the application. These should be on paper suitable for reproduction no larger than 11 x 17 inches or contained on a 3-1/2 inch floppy computer disc in "dxf" format, and should be submitted to the appropriate TVA and U.S. Army Corps of Engineers offices. An application that is not complete will be returned for additional information.

U.S.A.C.E. Offices	TVA Office Location
U.S. Army Corps of Engineers Eastern Regulatory Field Office Spring Cress Business Park 501 Adessa Blvd., Suite 250 Lenoir City, Tennessee 37771 (865) 986-7296 U.S. Army Corps of Engineers Regulatory Branch 3701 Bell Road Nashville, Tennessee 37214 (615) 369-7500 U.S. Army Corps of Engineers Norfolk District P.O. Box 338 Abingdon, Virginia 24212 (276) 623-5259	Tennessee Valley Authority Murphy, NC 28906 <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> TVA Murphy, NC Received Date <u>11.9.12</u> Reservoir <u>Not Held</u> RLR _____ Cat <u>2</u> Amount <u>200</u> Ck No <u>6051p</u> Invoice _____ Shortcode <u>030157</u> </div>
U.S. Army Corps of Engineers Savannah District The Plaza, Suite 130 1590 Adamson Parkway Morrow, Georgia 30260-1763 (678) 422-2729 U.S. Army Corps of Engineers Western Regulatory Field Office 2042 Beltline Road, SW, Bldg C, Suite 415 Decatur, Alabama 35602 (256) 350-5620 U.S. Army Corps of Engineers Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, North Carolina 28801-5006 (828) 271-4856	

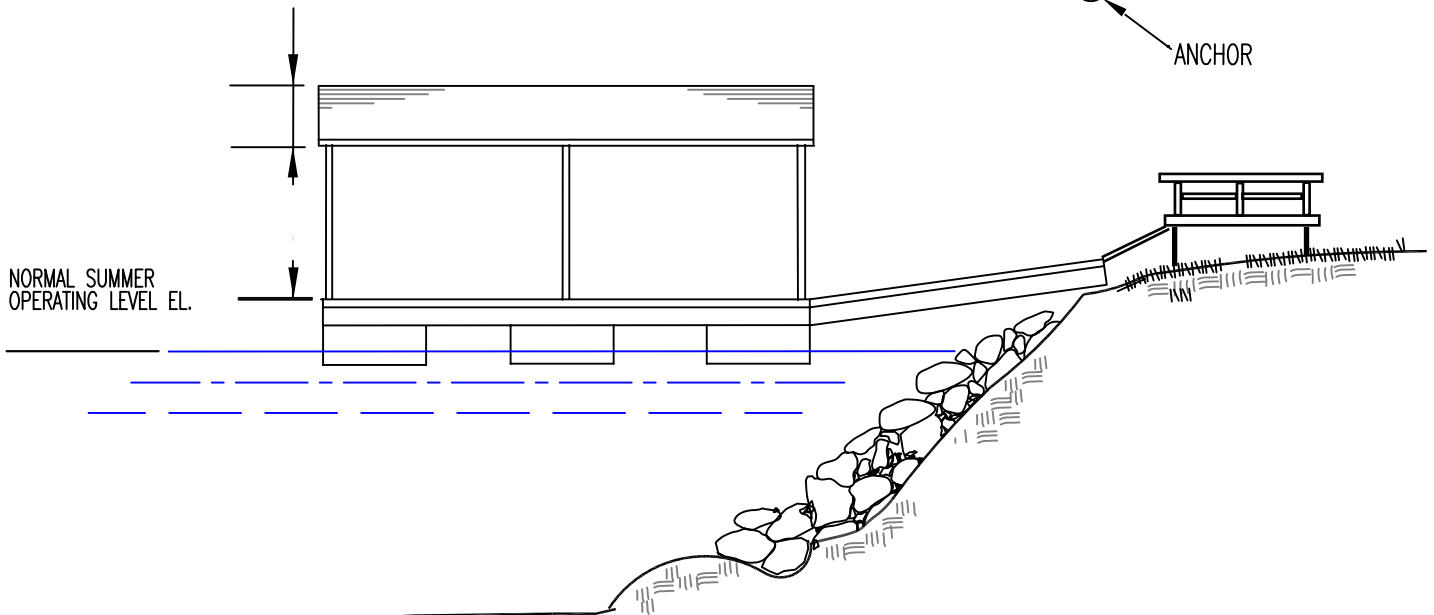
Privacy Act Statement
This information is being requested in accordance with Section 26a of the TVA Act as cited on the front page of this form. Disclosure of the information requested is voluntary; however, failure to provide any required information or documents may result in a delay in processing your application or in your being denied a Section 26a permit. An application that is not complete will be returned for additional information. TVA uses this information to assess the impact of the proposed project on TVA programs and the environment and to determine if the project can be approved. Information in the application is made a matter of public record through issuance of a public notice if warranted. Routine uses of this information include providing to federal, state, or local agencies, and to consultants, contractors, etc., for use in program evaluations, studies, or other matters involving support services to the program; to respond to a congressional inquiry concerning the application or Section 26a program; and for oversight or similar purposes, corrective action, litigation or law enforcement.

Burden Estimate Statement
Public reporting burden for this collection of information is estimated to average 1.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Agency Clearance Officer, Tennessee Valley Authority, 1101 Market Street, Chattanooga, Tennessee 37402; and to the Office of Management and Budget, Paperwork Reduction Project (3316-0060), Washington, D.C. 20503.

NOTE: INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED



TOP VIEW



SIDE ELEVATION

TVA Number Assigned _____



FLOATING COVERED BOATSLIP WITH SWIM DECK, RIPRAP, AND ELECTRIC SERVICE

PROJECT LOCATION INFORMATION:

APPLICANT _____

RESERVOIR _____

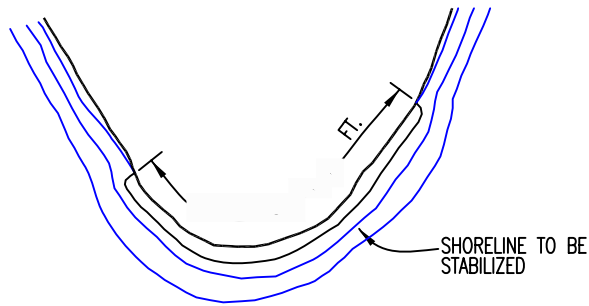
TRACT NUMBER _____

SUBDIVISION _____

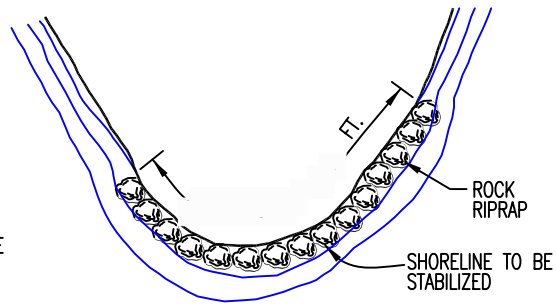
LOT NO. _____ MAP NO. _____

RIVER _____ RIVER MILE _____

NOTE: INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED

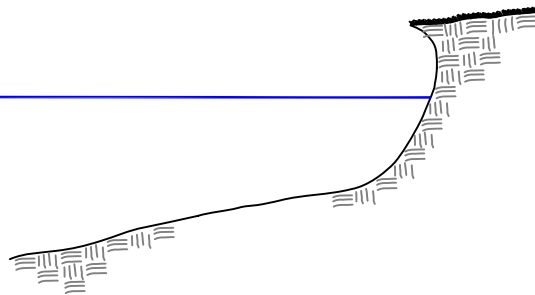


PLAN SHOWING
EXISTING SHORELINE



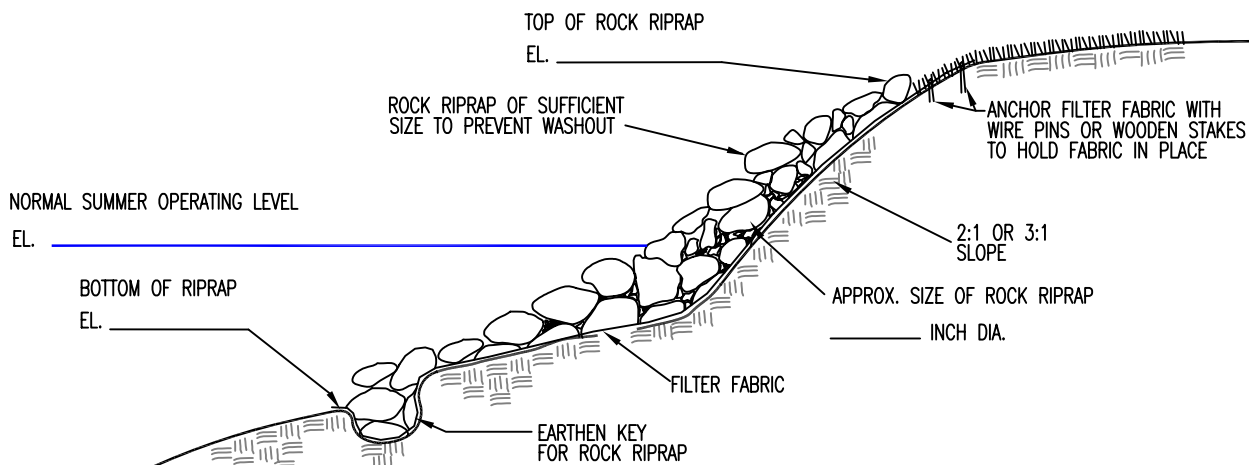
PLAN SHOWING
STABILIZED SHORELINE

NORMAL
SUMMER WATER EL. _____



CUBIC YARDS OF FILL

SECTION SHOWING EXISTING SHORELINE



SECTION SHOWING STABILIZED SHORELINE

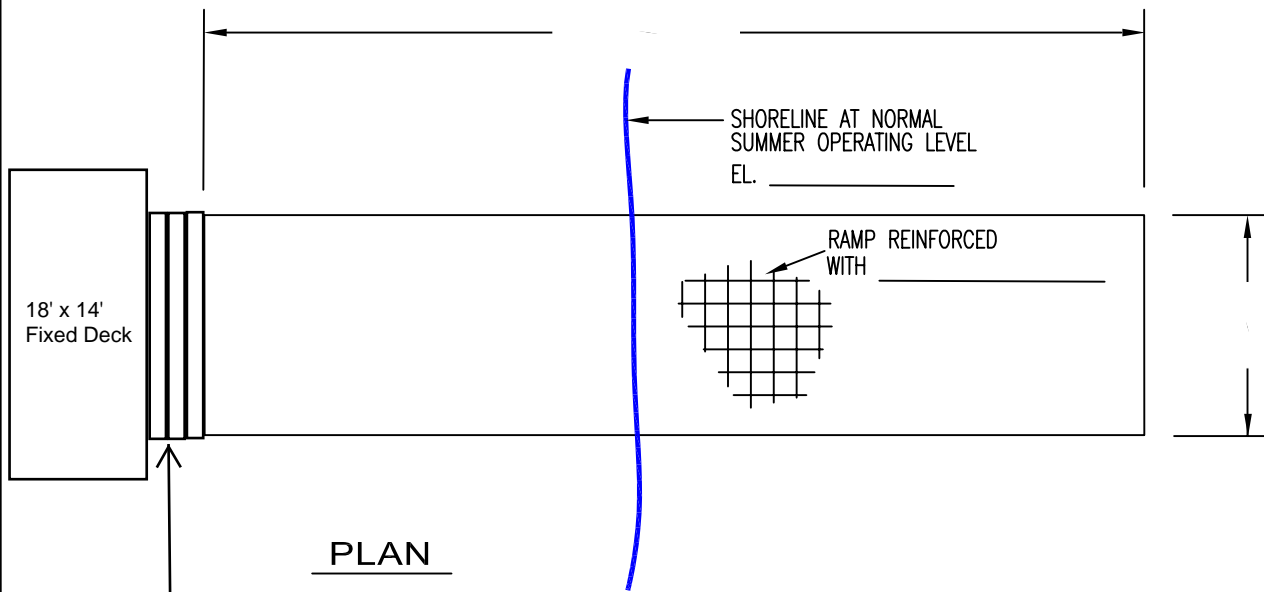


SHORELINE ROCK RIPRAP

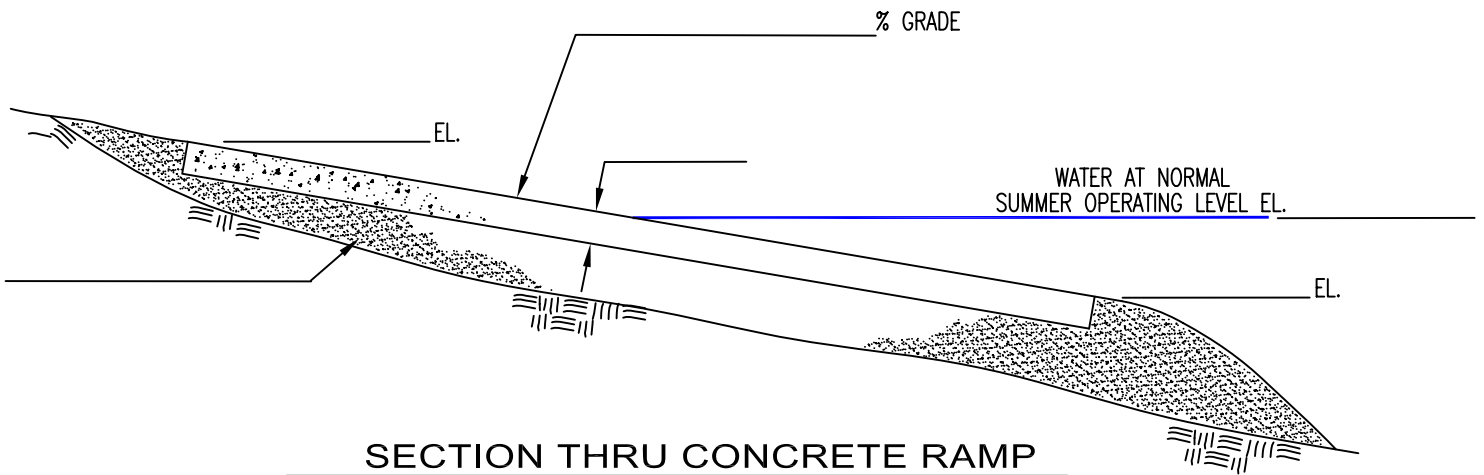
PROJECT LOCATION INFORMATION:

APPLICANT _____
 RESERVOIR _____
 TRACT NUMBER _____
 SUBDIVISION _____
 LOT NO. _____ MAP NO. _____
 RIVER _____ RIVER MILE _____

NOTE: INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED



Steps 6' wide
12' long



6 Cubic Yards of Fill



CONCRETE BOATSLIP WALKWAY RAMP

PROJECT LOCATION INFORMATION:

APPLICANT _____
 RESERVOIR _____
 TRACT NUMBER _____
 SUBDIVISION _____
 LOT NO. _____ MAP NO. _____
 RIVER _____ RIVER MILE _____

NOTE: INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED

PUMP SIZE _____ HORSEPOWER _____ GALLONS PER MINUTE

POWER SUPPLY: ELECTRIC _____ VOLTS GAS

SWITCH ABOVE: _____ ELEVATION

WATER PIPE:

- SIZE: _____ INCH
- BURIED UNDERGROUND: _____ FEET ABOVE GROUND: _____ FEET
- LAKEWARD EXTENSION: _____ FEET
- DESCRIBE METHOD OF ANCHORING: _____
- TYPE OF SCREEN: _____

WATER USE: (check appropriate blocks)

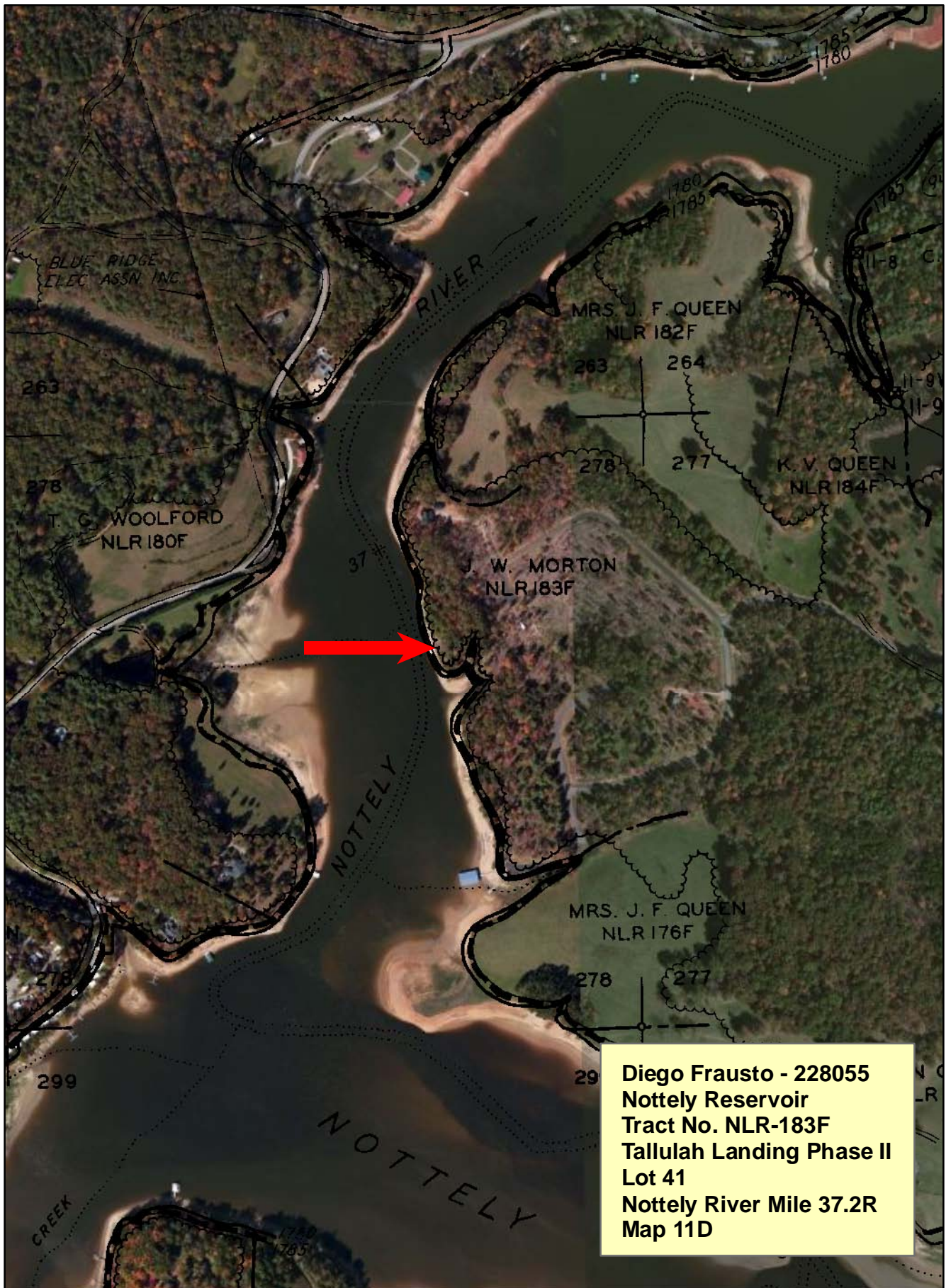
- POTABLE NONPOTABLE
- IF POTABLE, DO YOU HAVE WATER PURIFICATION SYSTEM? YES NO
- SPRINKLER SYSTEM/WATERING YARD/GARDEN
- DURING SUMMER MONTHS - YEAR ROUND
- DRINKING



WATER PUMP - INTAKE

PROJECT LOCATION INFORMATION:

APPLICANT _____
RESERVOIR _____
TRACT NUMBER _____
SUBDIVISION _____
LOT NO. _____ MAP NO. _____
RIVER _____ RIVER MILE _____



Diego Frausto - 228055
Nottely Reservoir
Tract No. NLR-183F
Tallulah Landing Phase II
Lot 41
Nottely River Mile 37.2R
Map 11D