

Tennessee Valley Authority  
Section 26a Approval

RLR Id: 188767 Reservoir: Norris Category: 2

Tract(s)	Stream/River Mile/Map No.(s)	Subdivision/Lot(s)
XNR-630	Cove Cr 12 137 NE	Cove Norris 20

Company	Name/Title	Address	Phone/Email
	Jeff Swiley	2226 Lyons Den Road Knoxville TN 37919	865-632-5885

This application has been reviewed. The blocks checked below indicate the status of your request.

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

1. Pre-SMP Vegetation Management Plan
2. Floating Covered Double Boatslip
3. Shoreline Rock Rip Rap
4. Steps
5. Building - Closed - Storage
6. Boat Lift/Jet Ski Lift
7. Utilities - Underground - Electric

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

TVA Representative:  Date: 11/13/08

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.**  
ARAP (For Tennessee locations, a copy of the permit has been sent to the Tennessee Department of Environment and Conservation).

## GENERAL STANDARDS AND 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.
- 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.

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

**1) Structures and Facilities**

- b ) The 100-year flood elevation at this site is estimated to be 1032 feet mean sea level. As a minimum, your fixed facility should be designed to prevent damage to stored boats by forcing them against roof during a 100-year flood event.
- e ) Buildings or other enclosed structures containing sleeping or living accommodations, including toilets and related facilities, or that have enclosed floor area in excess of 32 square feet, are prohibited.
- g ) For all electrical services permitted, a disconnect must be located at or above the 1035-foot contour that is accessible during flooding.
- l ) You agree that if the construction project covered by this permit is not initiated within (18) months after the date of issuance, this permit will then automatically expire and you must submit a new 26a permit application for TVA approval with the applicable fee.

**2) Ownership Rights**

- 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 1035-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.

**6) Best Management Practices**

- a ) You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.
- 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.

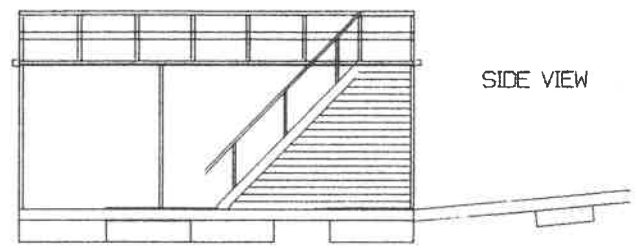
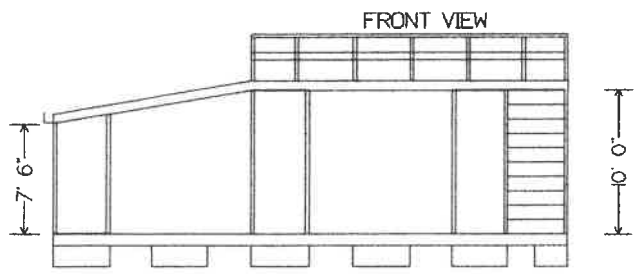
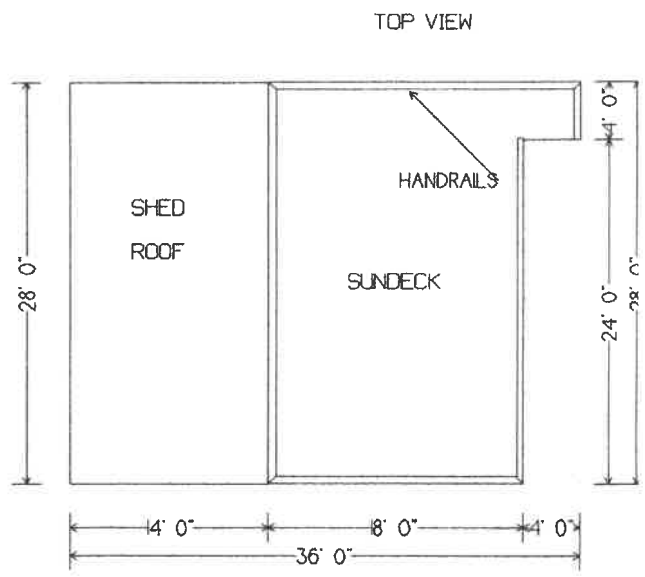
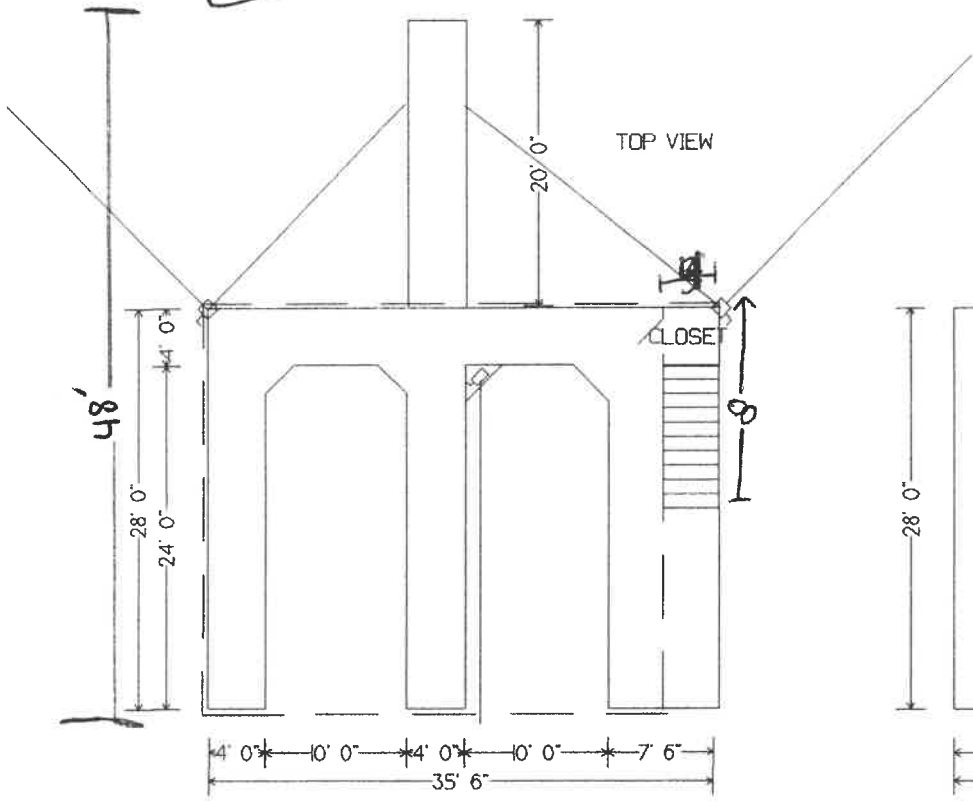
- g ) You agree to apply clean/shaken riprap or shot rock (where needed at water/bank interface) over a water permeable/soil impermeable fabric or geotextile and in such a manner as to avoid stream sedimentation or disturbance, or that any rock used for cover and stabilization shall be large enough to prevent washout and provide good aquatic habitat.
- h ) You agree to remove, redistribute, and stabilize (with vegetation) all sediment which accumulates behind cofferdams or silt control structures.

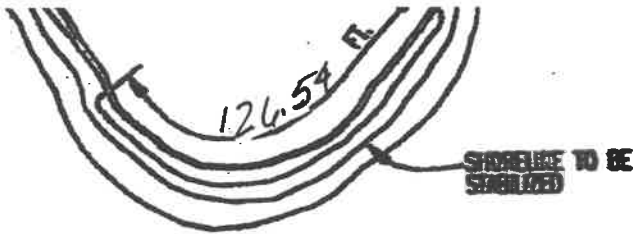
**Additional Conditions**

SWILLEY  
TVA DRAWING

994 *Dr 2*

DOUBLE SLIP 10 X 24  
1/2 SUNDECK 1/2 SHED ROOF

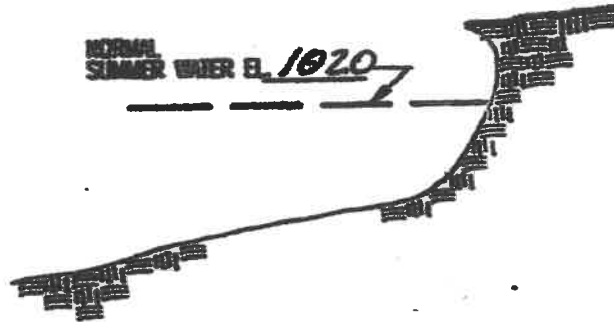




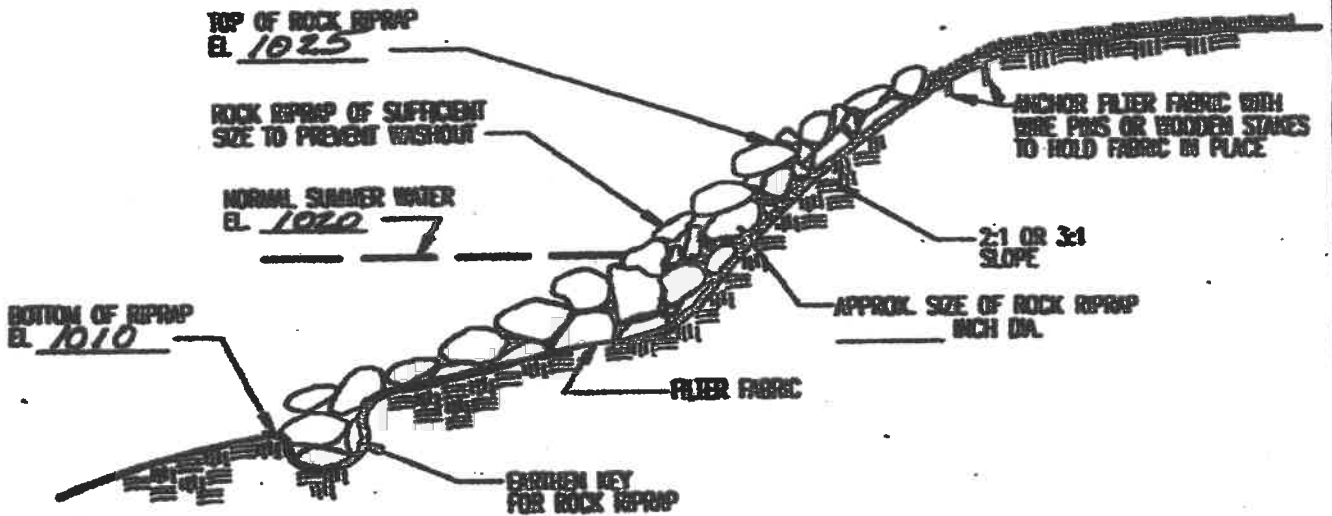
**PLAN SHOWING EXISTING SHORELINE**



**PLAN SHOWING STABILIZED SHORELINE**



**SECTION SHOWING EXISTING SHORELINE**



**SECTION SHOWING STABILIZED SHORELINE**

THE NORMAL SUMMER WATER LEVEL IS:

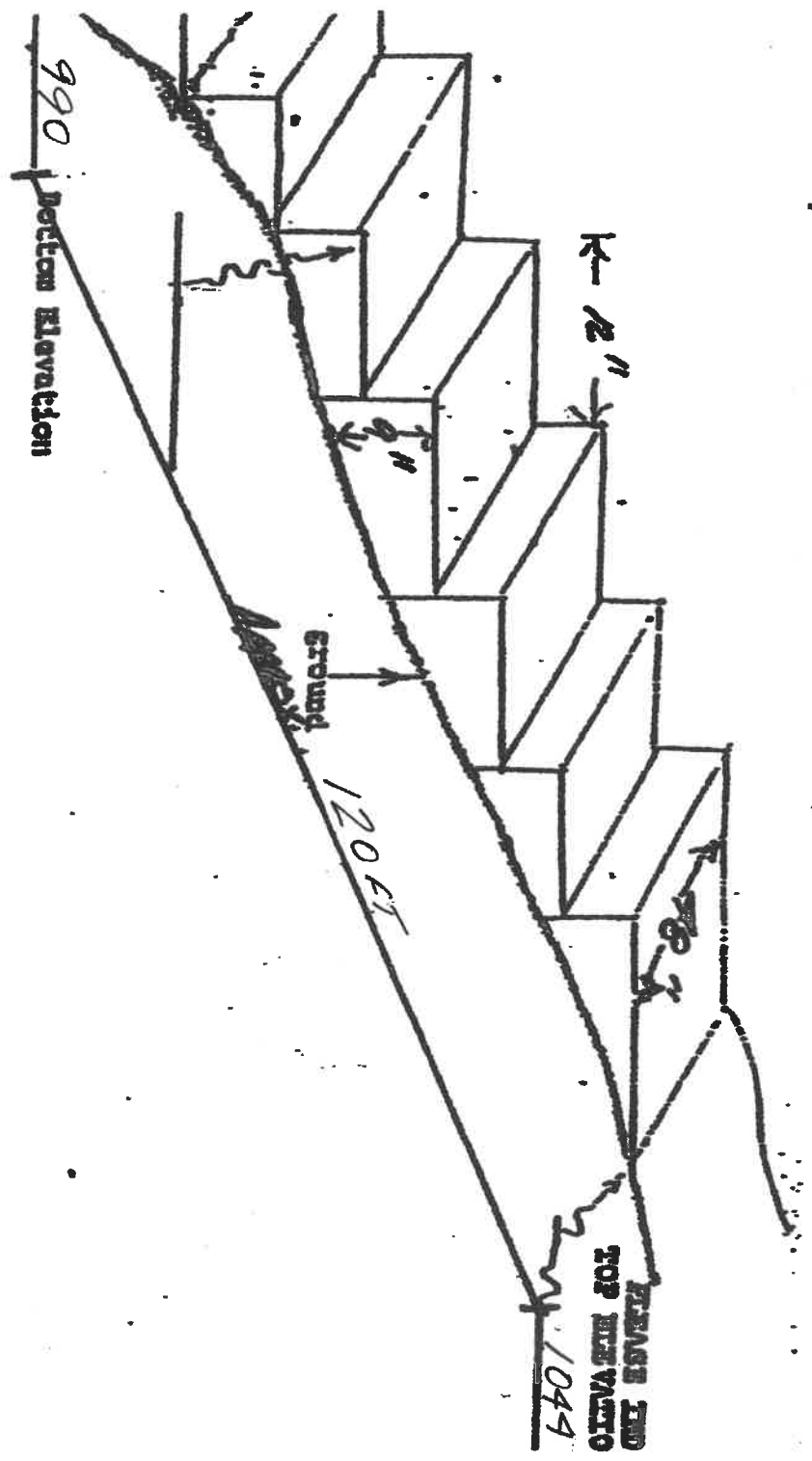
**1020**

<b>TYPICAL SHORELINE ROCK RIPRAP</b>	
PROJECT LOCATION INFORMATION:	
STREAM NAME <u>Cove Creek</u>	SUBDIVISION NAME <u>Cove North</u>
RESERVOIR NAME <u>North</u>	LOT NUMBER <u>20</u>
MILE MARKER <u>12.0 R</u>	MAP NO. <u>6</u>
(APPROVER'S NAME) <u>Jeffery Scott King</u>	

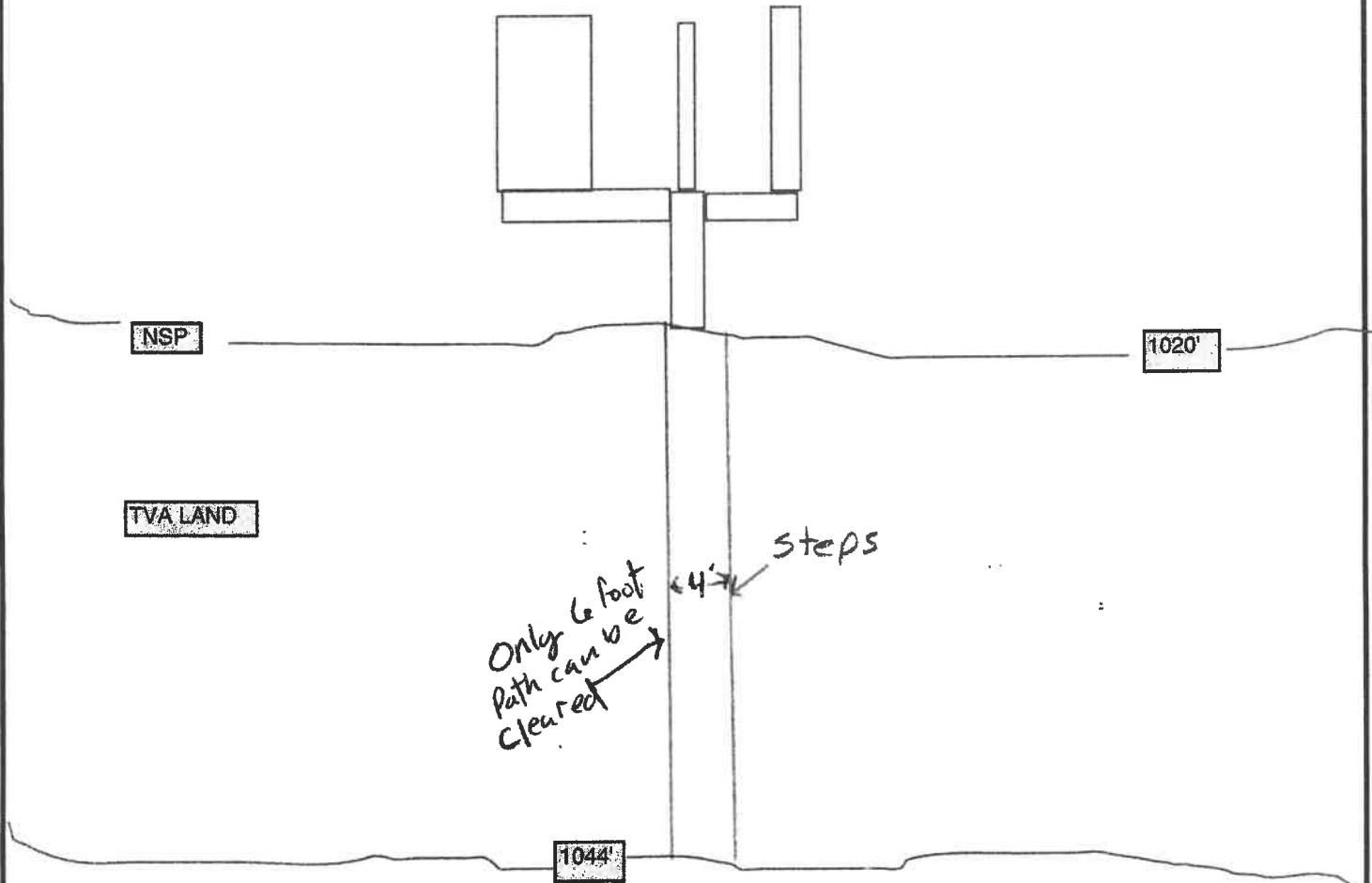
**NOTE:**  
INCLUDE ALL DIMENSIONS AND ELEVATIONS  
WHERE INDICATED.

Concrete below 1020' to 990'  
Wood above 1020' to 1044'

75 Feet  
45 Feet



NOTE: INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED



**SPECIAL CONDITIONS**

1. NO UNAUTHORIZED CUTTING OR REMOVAL OF VEGETATION ON TVA LAND WITHOUT PRIOR WRITTEN TVA CONSENT.
2. NO ATTACHMENTS TO EXISTING VEGETATION ON TVA LAND. (i.e. NAILS IN TREES, CABLES)
3. NO LANDSCAPING ON TVA LAND WITHOUT PRIOR WRITTEN COSENT FROM TVA.
4. PLANTINGS OTHER THAN NATIVE VEGETATION AND WITHOUT PRIOR WRITTEN CONSENT FROM TVA ARE PROHIBITED.

Vegetation to be removed:	Underbrush under 3 inches
Vegetation to be Planted:	Only Native Species
Other construction on TVA property:	Only Permitted Activities
Other trees and bushes to remain:	All other tress to remain



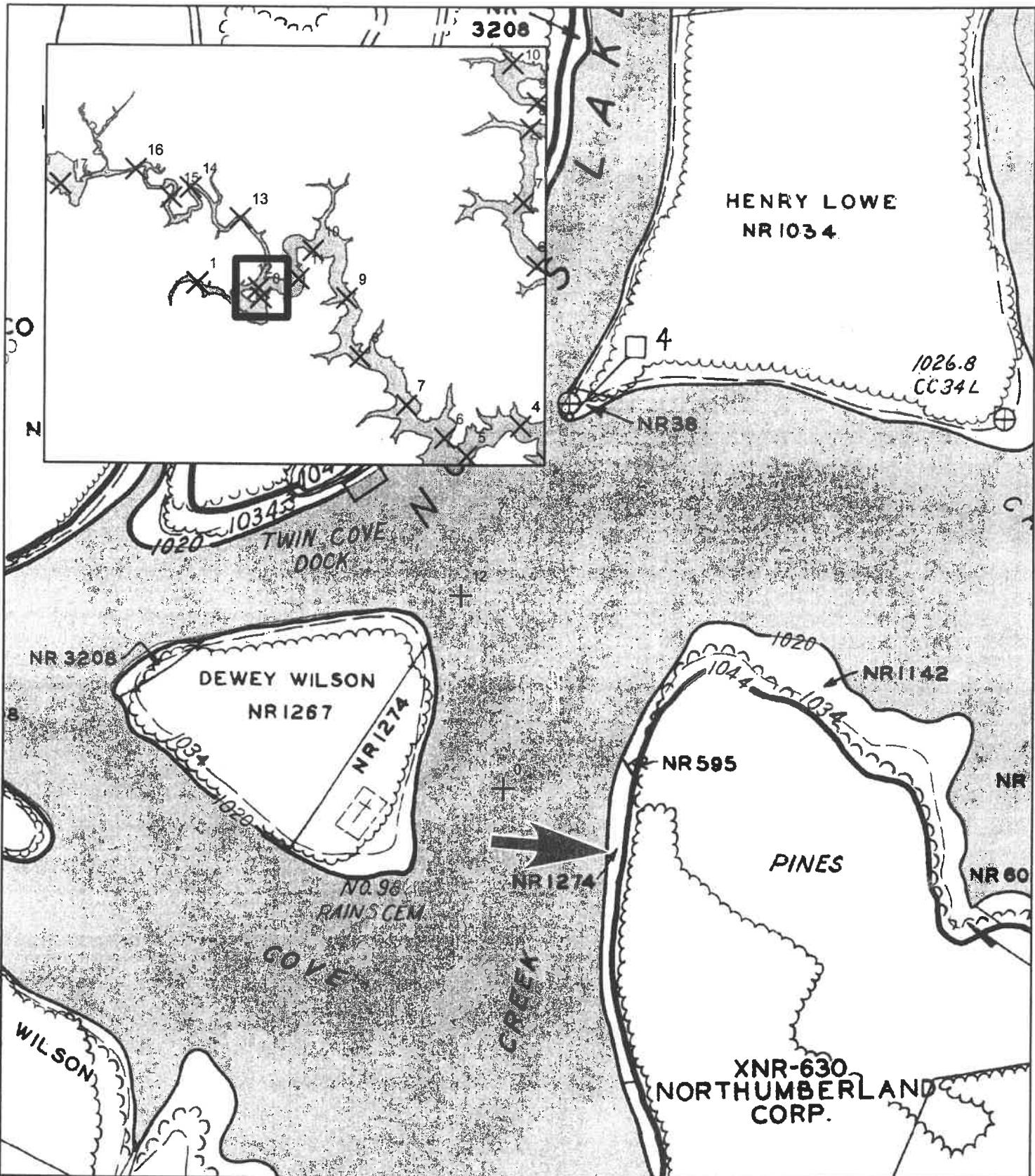
**VEGETATION MANAGEMENT PLAN**

PROJECT LOCATION INFORMATION:

APPLICANT Jeffrey Swilley  
 RESERVOIR Norris  
 TRACT NUMBER XNR-630  
 SUBDIVISION Cove Norris  
 LOT NO. 20 MAP NO. 6 D  
 RIVER Cove Creek RIVER MILE 12.0 R







**Jeffery Swilley RLR 188767**

**Tract No. XNR-630**

**Cove Creek 12.0 R opp Clinch 80.1 R**

**Jacksboro 136 SW, 6 D**



600

1,200

Feet

# 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).

<b>Name and Address of Applicant:</b> Jeffrey A. Swilley / <i>Destiny Care Consultants</i> 1288 North Shorewood Lane Caryville TN 37714		<b>Name, Address, and Title of Authorized Agent:</b> Lifetime Docks Tom LeJeune PO BOX 1166 Powell TN 37849	
<b>Telephone Number:</b> Home <u>865-212-0155</u> Office <u>865-567-6541</u>		<b>Telephone Number:</b> Home <u>865-947-2234</u> Office <u>423-566-7400</u>	

Location where activity exists or will occur (include Stream Name and Mile, if known):  
Lot # 20 North Shorewood Lane, Cove Norris Sub, Caryville, TN. Norris Lake, Cove Creek, MM 12, XNR-630, Map 6D *Parcel #21*

Application submitted to  DA  TVA

Date activity is proposed to commence: Upon Approval Date activity is proposed to be completed: 2 weeks

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.

The purpose of this application is for a double bay floating boat dock. Its purpose and intent is for personal and private use only. The substructure, roof supports and roofing material is galvanized steel. The decking is hardwood or composite wood decking. The flotation is polyethelene encased solid foam core floats which are bolted to the substructure. Please see attached drawing for details and dimensions of this structure. We are also requesting a permit for the following:

- 4' wide wood or concrete steps from the 1044 to the 990 elevation
- Underground utilities from the 1044 to the 1035 elevation
- electrical power on the dock
- Rip Rap along the shoreline for erosion controll

\*vegetation management plan is 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.

10/6/08  
Date

*[Signature]*  
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:  
 Jeffrey Swilley  
 James Clawson

RLR 188767 SC  
 Cash Collection Rpt. MH09-002  

OCT 24 2008

PAID  
 CK \$200 Cash \_\_\_\_\_  
 MO \_\_\_\_\_