

**Attachments to Minutes
Of Regional Resource Stewardship
Council Meeting August 16-17, 2006
in Knoxville, Tennessee**

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Regional Resource Stewardship Council

<p>August 16-17, 2006</p> <p>(All times are EDT)</p>	<p style="text-align: center;"><i>Lodging</i></p> <p style="text-align: center;">Downtown Hilton, 501 W. Church Avenue Knoxville, Tennessee 37902; Phone: (865) 523-2300</p> <p style="text-align: center;"><i>Meeting</i></p> <p style="text-align: center;">Knoxville Convention Center 701 Henley Street, Knoxville, Tennessee</p> <p style="text-align: center;">Meeting Room: Ballroom A/B</p>
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Thursday August 17	Council Meeting Agenda	
9:00 a.m.	Convene/Administrative Announcements	Bruce Shupp
9:15	Review of Previous Council Advice on Land Policy	Dave Wahus
9:30	Council Discussion and Documentation of Advice	Dave Wahus
11:00	Updates on Stewardship Issues and Closing Remarks	Kate Jackson
11:30	Council Adjourns	
	Council Lunch (Box lunches for your convenience)	

Land Policy Hearing Panelists

August 16, 2006

Federal and State Agencies

The first two panelists were chosen because their agencies manage properties similar to TVA. They are experienced in demands on land for multiple uses.

- **Avis Kennedy** is the Chief of the Natural Resources Management Branch, Operations Division, for the Nashville District of the U. S. Army Corps of Engineers. She holds a Bachelor of Science degree in Wildlife Biology from Southern Illinois University. She is a member of the Tennessee Recreation and Parks Association. She also serves on the Tennessee State Natural Areas Advisory Committee and the Kentucky Federal Agency Tourism Council.
- **Stephanie Medlin** is the Forest NEPA, Appeals, Litigation, and Freedom of Information Act (FOIA) Coordinator for the Cherokee National Forest, part of the U.S. Forest Service (USFS). While with the USFS, Medline has worked as a fisheries biologist, and coordinator of NEPA documents and appeals. Medlin holds a Bachelor of Science in Wildlife and Fisheries Science and a Master of Science in Biology (Fisheries), from the University of Tennessee-Knoxville.

The majority of TVA lands are in Tennessee and Alabama. These panelists represent organizations that have a vested interest in the management of TVA lands. TVA has granted long-term easements to Alabama for the management of TVA land in North Alabama.

- **Greg Lein** is the Assistant Director of the State Lands Division for the Alabama Department of Conservation and Natural Resources. In this position, he coordinates field operations, and his recent efforts on behalf of Forever Wild Land Trust have secured \$35 million in federal grants directed at land acquisitions in Alabama. He holds a Bachelor of Science degree in Wildlife Science and a Master's degree in Fisheries Science from Auburn University. Lein has worked as a Field Biologist in the southwest and southeastern U.S., serving in several capacities that include status and distributional surveys as well as life history studies of rare and endangered mammals, amphibians, and fish.
- **Marie Stringer** began her work as a policy analyst for Governor Phil Bredesen in 2001. She researches and helps design a broad spectrum of policy initiatives, from education to the environment. Currently, Stringer is working closely with the Governor's Heritage Conservation Trust Fund, which was created in 2005 to work with other public and private partners to preserve and protect Tennessee's natural treasures.

Stakeholder Perspectives—Development

The majority of requests for use of TVA lands are for commercial recreation, industrial development, or residential development. The selected panelists represent these interests and provide a broad perspective of the issues across the Valley.

- **Mike Ross** is the founder and President of Rarity Communities, Inc., a development company headquartered in Knoxville. Rarity Communities performs master concept planning and design for commercial, residential and resort developments, as well as sales and marketing for its planned communities. The company's developments include Rarity Bay and Rarity Pointe on Tellico Reservoir, Rarity Ridge on the Clinch River in Oak Ridge, Rarity Mountain near Jellico, and Rarity Meadows in Sweetwater.
- **Everett Roberson** is the chairman of the Watts Bar Development Authority (WBDA). The WBDA was formed as a joint partnership with Meigs and Rhea counties to explore development opportunities for the Lowe Branch area of Watts Bar Reservoir.
- **Forrest Wright** is the Executive Director of the Shoals Economic Development Authority (SEDA), headquartered in Muscle Shoals, Alabama. SEDA serves as the area's lead organization to develop and implement economic development strategies that create new business and employment opportunities essential for sustainable community growth.
- **John Cooper** is the Chairman of the Board, President and Chief Executive Officer of Avocent Corporation in Huntsville, Alabama. Avocent is a leading supplier of connectivity solutions for enterprise data centers, service providers, and financial institutions worldwide. Cooper holds leases on several TVA parcels around Gunter'sville Reservoir for commercial recreation purposes including North Shore Campground; Seibold Marina and Campground; and South Saulty Creek Resort. In addition Mr. Cooper is involved in residential development along the reservoir.

Stakeholder Perspectives—Conservation

These panelists represent a diverse group of interests related to conservation and protection of public lands, natural resources, and open space.

- **Russell Townsend** is the Tribal Historic Preservation Officer for the Eastern Band of Cherokee Indians, responsible for all government-to-government consultation concerning the protection of Tribal cultural resources such as archaeological sites, sacred sites, and Traditional Cultural Properties. He has been a professional archaeologist for nineteen years and has participated in numerous excavations around the southern and southwestern U.S., as well as in the Caribbean. Townsend is a member of the Cherokee Nation of Oklahoma, and holds a Bachelors Degree in Anthropology from the University of Oklahoma, a Masters Degree in Anthropology from the University of Tulsa, and has nearly completed his Doctorate in Anthropology at the University of Tennessee-Knoxville.
- **Billy Minser** has been involved in wildlife and land management since 1966. Formerly a wildlife biologist and wildlife refuge manager for the state of Georgia, he has been a teacher and researcher in the Department of Forestry, Wildlife and Fisheries, at the University of Tennessee since 1972. There he takes part in wildlife research and teaches a variety of wildlife management and land management courses. Minser has been an active participant with a variety of conservation organizations, particularly in relationship to conservation of public land. During the past 15 years he has helped acquire or otherwise protect more than 100,000 acres in East Tennessee which includes 5 new wildlife management areas and a 300 acre addition to the Great Smoky Mountains National Park.
- **Sandra Goss** is the Executive Director of Tennessee Citizens for Wilderness Planning (TCWP), an environmental advocacy organization. TCWP follows issues related to public lands, water quality and supply, forest management, and coal-mining in Tennessee and Kentucky, particularly in the vicinity of the Obed Wild and Scenic River and the Big South Fork National River and Recreation Area.
- **Monte Miller** is a member of the Board of Directors of the Tims Ford Council, and a retired Lieutenant General (M.D.) from the U. S. Air Force. The objectives of the Tims Ford Council are to promote and protect the quality of Tims Ford Reservoir and its shoreline environs; to provide a forum for discussion, education and appropriate action concerning reservoir issues and activities; and to maintain active liaison with appropriate federal, state and local authorities, departments and agencies. TVA participates with the council in an annual shoreline cleanup and efforts to improve water quality in the Tims Ford watershed.

QUESTIONS FOR AUGUST 16 RRSC/TVA BOARD COMMUNITY RELATIONS COMMITTEE HEARING PANELS

Background information

The Tennessee Valley Authority has historically managed its properties for the social, physical, and economic development of the Valley. Generally, TVA land may be categorized as follows:

- Reservoir Properties - Approximately 293,000 acres above summer pool
- Operational Properties - Approximately 39,000 acres of land including TVA's power generating facilities
- Commercial properties - TVA currently owns approximately 270 office complexes, laboratories, and other buildings used for commercial purposes.
- Transmission properties - TVA currently has approximately 240,000 acres of transmission line right-of-ways which maintains approximately 16,600 circuit miles of transmission lines
- Mineral rights - TVA currently owns approximately 158,700 acres of mineral rights.

TVA property, together with adjoining private property, has been used for recreation areas and industrial site development. It has also been used for agriculture, forestry, wildlife, and cultural resource management. TVA has transferred approximately 342,000 acres to state and federal agencies for use as state parks and other wildlife areas.

Today's increasing demand for the use of property adjacent to TVA reservoirs sometimes results in conflicting land use patterns and friction between public and private use. These competing interests and development pressures, coupled with current environmental awareness, underscore the necessity for a planned approach to the management of TVA's land and related resources.

TVA continues to seek the appropriate balance for its remaining lands recognizing the various needs of the different communities in the Tennessee Valley. TVA continues to hear from some individuals who assert that publicly-owned lands around the reservoirs should be used only for public recreational purposes; while other individuals indicate a need for commercial marinas or other economic development opportunities for their counties.

Hearing Question for Panel 1

TVA continues to seek the appropriate balance for its remaining lands while continuing to meet its mission of supporting the social, physical and economic development of the Valley. Please elaborate on your organization's policies and methods of utilizing its fee owned lands. How does your organization respond to development pressures and how does it balance the need for recreation, open lands, and economic development? What planning tools, if any, does your organization utilize to plan land uses?

Hearing Question for Panels 2 and 3

Please elaborate on your vision for the proper management of TVA lands and explain why that approach best meets the public interest.

SUMMARY OF RRSC ADVICE ON LAND ISSUES

TVA could better manage public lands to make a contribution toward meeting conservation, recreation, and economic development needs in the Valley by:

- Establishing a philosophy, policy or set of standards.
- Closing the loop and reinforcing the rationale behind the decision, after the decision has been made.

When balancing conservation, recreation, and economic development uses of public land, TVA should:

- Add an overarching principle for changes in land allocation (done outside the periodic land planning process) that the mitigation, swap or sale should increase public benefit, over and above the land's original designated use.
- Consider trades of lands on reservoirs that have lots of available land with other reservoirs that have little public land.
- Where there has already been a lot of development, TVA should take a hard line look. Where there isn't any development, TVA should be more open to potential development. Criteria on whether or not development is allowed should be based on the best science available, not just economics.
- Be flexible to allow for off-site mitigation within the same watershed or an adjoining watershed.
- There should be no net loss in public land - TVA should be adequate stewards of the extraordinary resources.

Other guidance includes the following:

- Other agencies have policies that do not allow them to make federal land available for development without rigorous review.
- Every reservoir is different.
- Once a plan has been developed it should have integrity for a period of time with no changes unless the request passes a very strict review process and offers broad public benefits.
- Plans should be reviewed on a regular basis (every 5 to 7 years).
- TVA should develop a comprehensive Valley-wide policy.
- TVA should have a clear planning process and criteria to identify when a plan should be reopened.
- Land use proposals made within 5-7 years of a plan should meet a higher set of criteria and bring significant benefits to the public.
- Overall, there should be no loss of conservation land.
- TVA should take a critical look at residential development.

DISCUSSION QUESTIONS FOR THE RRSC ON LAND POLICY

1. Which parts of the Council's advice does it wish to reaffirm, revise, or replace?
2. Does the Council have additional advice for TVA concerning public land management issues?

TVA

Overview of TVA Lands

Bridgette K. Ellis
Senior Vice President
Environmental Stewardship & Policy
August 16, 2006

TVA **Public Lands Trends**

- Throughout the southeast, developers are interested in large tracts for residential, waterfront communities and see TVA land as easier to purchase.
- There is a growing environmental ethic in the southeast that recognizes the value of undeveloped land.
- Unique characteristics, such as ecological resources, are concentrated on the remaining acres of reservoir lands.

TVA **Land Management Mission**

"To aid further the proper use, conservation, and development of the natural resources of the Tennessee River drainage basin...for the general purposes of fostering an orderly and proper physical, economic, social development of said areas..."

TVA Act—Section 22

TVA **Real Property Assets**

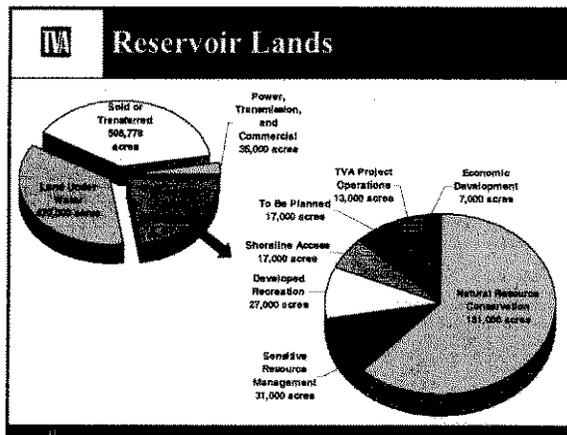
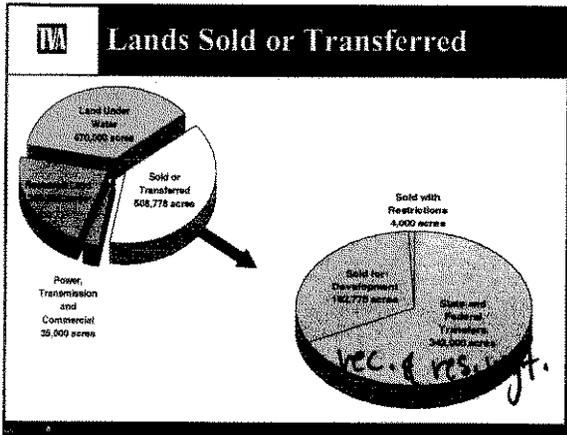
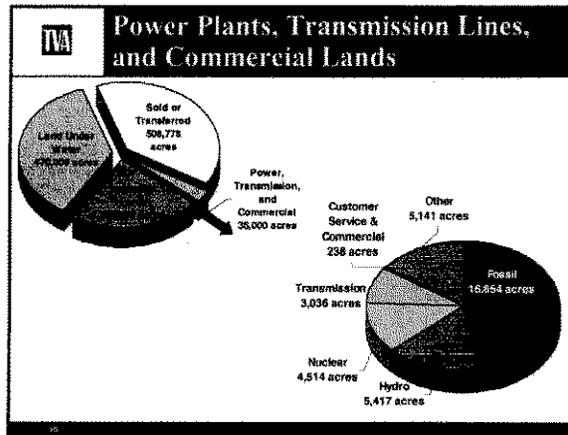
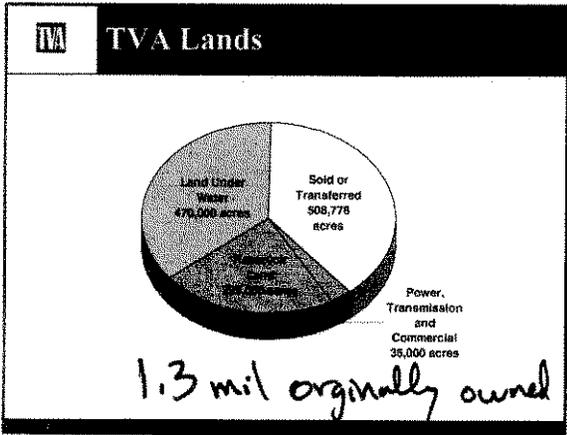
A pie chart with a single slice highlighted in a lighter shade. The text inside the chart reads: "Acres of Land Rights 710,000 acres".

TVA **Guiding Principles**

- Manage land for energy supply, environmental stewardship, recreation and economic development.
- Retain and manage lands, land rights, mineral holdings, and buildings necessary to meet TVA operational needs.
- Ensure compliance with all federal laws and regulatory requirements.

TVA **Land Rights**

Two pie charts are shown. The first pie chart on the left has a single slice highlighted and is labeled "Land Rights 710,000 acres". An arrow points from this chart to a second, larger pie chart on the right. This second chart is divided into four segments: "Commercial Leases 340 acres" (top), "Riprap Reservoirs 280,000 acres" (right), "Conditional Rights 150,000 acres" (left), and an unlabeled bottom segment.



38% shoreline private ownership

Reservoir Lands Sale Trends

Decade	Acres Sold	Percentage
1940s	73,700	44%
1950s	70,900	43%
1960s	5,300	3%
1970s	800	0.5%
1980s	13,000	8%
1990s	2300	1%
2000s	778	0.5%
Total	166,778	100%

1940s - Beginning of a deliberate disposal era. Lands were sold for subdivisions, marinas, and other purposes on Cherokee, Douglas, Norris, Ft. Loudoun, Watts Bar, Chickamauga, Guntersville, Wheeler, Pickwick, and Kentucky.

1950s - Lands sales continued on the initial reservoirs and began on Ft. Patrick Henry, Chatuge, Nolichucky, Apalachia, Sius Ridge, Hiwassee, and Nickajack.

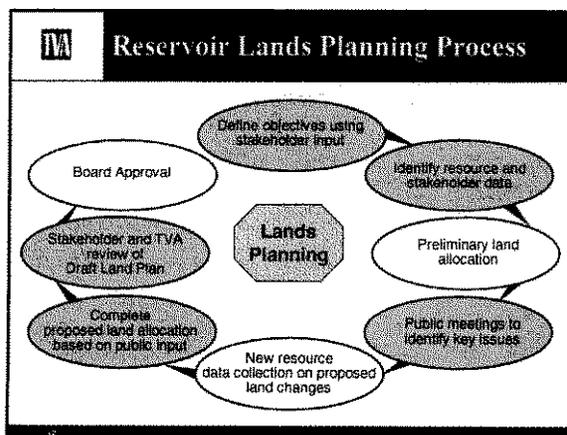
1960s - Lands sales continued and began on South Holston, Boone, Blue Ridge, and Wilson.

1970s - TVA sold land for industrial purposes on Melton Hill and Nickajack Reservoirs and worked in partnership with state development agencies to sell properties on Tims Ford.

1980s - TVA continued to work in partnership with state development agencies to sell properties on Tims Ford and Tellico Reservoirs.

1990s - Lands sales were driven by development requests.

2000s - Lands sales were driven by development requests.





Summary

- TVA strives to maintain a balance among multipurpose uses of TVA land while being flexible to respond to changing social values and economic drivers.
- TVA acquired properties for different purposes including power, non-power, and multi-purpose.
- Lands are allocated for specific uses via a lands planning process that includes public input and review.
- There are increasing requests for use of TVA land and increasing conflicts over the proper balance of those uses.
- Today's hearing provides an opportunity for stakeholders to provide their input regarding the future use of TVA's lands.



US Army Corps of Engineers®

Land Use Planning Overview




US Army Corps of Engineers®

The Corps Owns and Manages:

12 million acres of land & water
At 456 lakes
In 43 states




US Army Corps of Engineers®

Land Purchased for Authorized Project Purposes Only

- Flood Damage Reduction
- Navigation
- Hydroelectric Power
- Recreation
- Fish & Wildlife
- Water Quality
- Water Supply

Economic Development is **NOT** an authorized project purpose



US Army Corps of Engineers®

Planning Tools

- Project Master Plans
- Operational Management Plans
- Shoreline Management Plans



US Army Corps of Engineers®

PROJECT MASTER PLANS

- Land Allocation
 - Operations
 - Recreation
 - Fish & Wildlife
 - Mitigation




US Army Corps of Engineers®

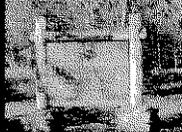
Land Classification in Addition to Allocation

- Project Operations
- Recreation
- Mitigation
- Environmental Sensitive Areas



Multiple Resource Management

- Recreation Low Density
- Wildlife Management General
- Vegetative Management
- Inactive or Future Recreation Areas
- Easement Lands

Project Master Plans may be changed by supplements




Approved at the District level



Operational Management Plans

Prescriptions for management such as

- Habitat improvement
- Removal of invasives

Plans for maintenance and improvement of recreation areas

Plans for managing visitors, emergencies, etc.

Specific 5-year and annual work plans for budget purposes



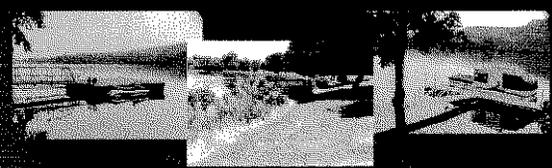
Shoreline Management Plans:

- Govern private uses of public land or water
- Include private and community docks
- Include Mowing and other vegetation modification
- Are only allowed/required at lakes where private uses existed before 1973
- ❖ Lakes impounded after 1973 do not permit such uses

SMPs allocate all shoreline as:

- Limited Development (open to private shoreline uses)
- Protected (not open to such privileges)

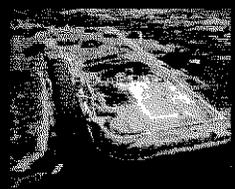
SMPs govern size, length, construction, placement, and uses of docks




Requests for Outgrants Must Support Authorized Project Purposes

Examples:

- Ports
- Water Intakes
- Fish Hatcheries
- Parks



Recreation Development Policy for Outgranted Corps Land – December 2005




Recreation Land Uses

Depend on project's natural or other resources
Typically support water-based activities, overnight, and day-use
Include marinas, campgrounds, trails, swim beaches, launching ramps, & comprehensive resort facilities




Criteria for Evaluation

- Consistent with project purposes
- Reasonable connection to the project's natural and other resources
- Consistent with allocations and objectives in the Master Plan
- In the public interest
- Justified by public demand
- Economically viable
- Meets demands created by the project itself while balancing natural resources requirements



BASICS:

Residential Development or Habitation Not Allowed
No new private clubs




Limited Authority for Land Acquisition and Disposal

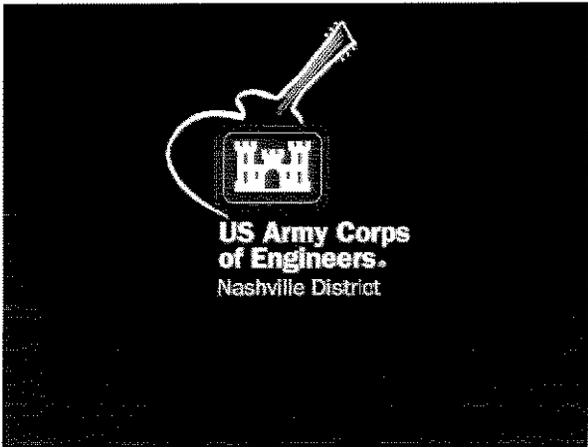
All acquisitions, including donations, must be approved by the office of the Secretary of the Army
All disposals over \$1000 must be approved by the office of the Secretary of the Army
Disposals over \$50,000 must be accomplished by General Services Administration
Lessees may not convey any real property rights to sub lessees, customers or renters

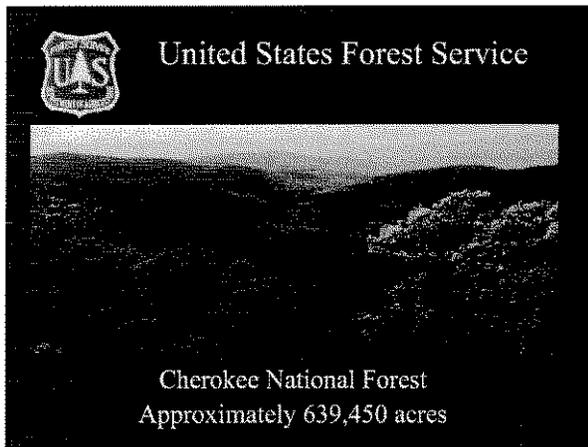


Our Challenges

Floating cabins
Creative financing schemes
Unusual uses – theme parks, etc.
Public park uses not related to project resources such as playing fields





Agency

- FS established in 1905
- U.S. Department of Agriculture
- Public lands encompass approximately 193 million acres

Mission

- To sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations.

Goals

- Reduce the risk from catastrophic wildland fire
- Reduce the impacts from invasive species
- Provide outdoor recreational opportunities
- Help meet energy resource needs
- Improve watershed conditions
- Conduct mission-related work that which supports the agency goals.

*Lands and Realty Management -
What We Do....*

Some of the uses and activities we facilitate include:

- Purchasing land to protect critical resource areas and provide increased public recreation opportunities
- Authorizing a powerline to provide electricity to a community
- Ensuring that a hydro-electric project protects riparian areas on the National Forest
- Exchanging lands to achieve a desired national forest landownership pattern that supports forest land and resource goals and objectives
- Surveying national forest boundaries to identify and protect private and public lands

*Land Ownership Activities
(guided by objectives):*

- Give priority to consolidation of NFS lands within the units
- Acquire ROWs to ensure protection and use of NFS resources
- Exchange or dispose of land outside the system
- Complete land-for-land exchanges to consolidate NFS lands.

Planning Allocation

- Forest and Rangeland Renewable Resources Planning Act of 1974
- National Forest Management Act of 1976 (as amended)

Planning Allocation

- National—the Chief of the FS is responsible for national planning, such as preparation of the Forest Service Strategic Plan
- Forest/Grassland/Prairie—the Supervisor is responsible for development and approval of Forest Plan, Forest Plan amendment, or revision of Forest Plan
- Projects/Activities—the Supervisor or District Ranger is the Responsible Official for project and activity decisions

Land Use Proposals

Forest Service denies proposals which:

- Are inconsistent with Forest land and resource management plans
- Are in conflict with other forest management objectives or applicant Federal Statues
- Can reasonably be accommodated on non-National Forest system lands

- Factors considered in determining public interest include, but not limited to:

- Protection of fish and wildlife habitats
- Cultural resources, watershed protection, wilderness, and aesthetic values
- Recreation opportunities
- Promotion of multiple-use values
- Interests in timber, lands and minerals

Land Adjustments?

- Acquisitions (Purchases)
- Exchanges
- Condemnations
- Conveyances (administrative sites only)

- Key factor question:
 - Is it in the public interest?

- Purchase—from private entity; utilize Land and Water Conservation Fund
- Exchange—private individual wants to trade with our land
- Donations—from private; limited interest
- Condemnation—last resort; primarily for Appalachian Trail

Southern Regional statistics:

- 50-60 purchases/year
- 6 ROW acquisitions (temp access)/year
- 8-9 exchanges/year
- 6 donations/year
- 5 sales (special authority)/year

Timeframes:

- Purchases – 1 to 1 ½ years
- Exchanges – 2 to 2 ½ years
- ROW – 2 years

Does the Agency sell land?

- Congress must authorize land to be sold
- Administrative site can be sold under Forest Service Facility Realignment and Enhancement Act of 2005
- Pilot Conveyance Authority—Section 329 of Dept. of Interior and Related Agencies appropriations act 2002 (16 USC 580d note PL 107-63 as amended)
 - direct sell—Public entity (county, city government)
 - competitive sell (to anyone)

Acquisitions

- Total inholdings
- Enhance management
- Tracts for watershed protection
- AT lands
 - Tread tracts
 - Approximately 500 foot corridor
 - Viewshed tracts

Land Exchanges

- Land exchanges are discretionary, voluntary real estate transactions are between Federal and non-Federal parties
- Exchanges are made which benefit the public interest
- The intended use of the conveyed land will not conflict with other forest management

Land Exchanges process occurs:

- Feasibility analysis (63 steps) followed by Regional Office review and approval then forwarded to Washington Office for review and approval.

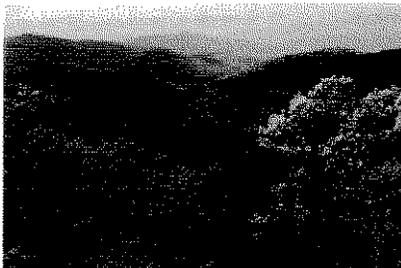
Implementation Schedule:

- Notification of Availability
- NEPA document & associated documentation
- NEPA comment period
- Appraisal review
- Sign NEPA Decision
- Appeal Period
- Execute Exchange Agreement

Donations

- Fit into land adjustment strategy
- Total inholding
- Compatible
- Attractive for land management

Cherokee National Forest



A Vision for Improved Management of TVA Public Land

William G. Minser
Wildlife Conservationist

American's Thirst for Green Spaces – Public Lands

For Outdoor Recreation and Wild Land Conservation

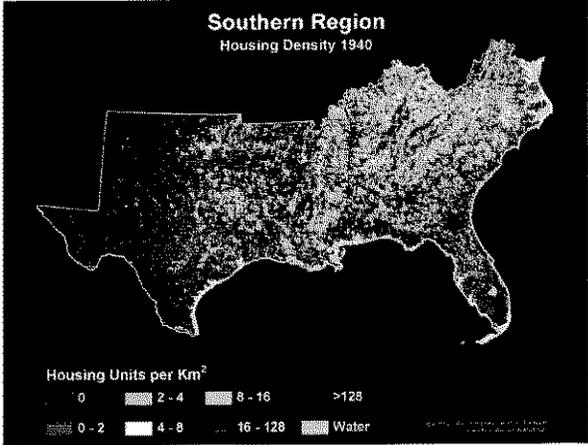
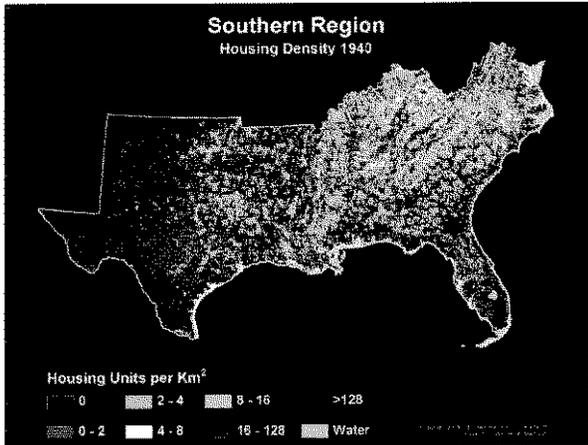
National Elections - 2004

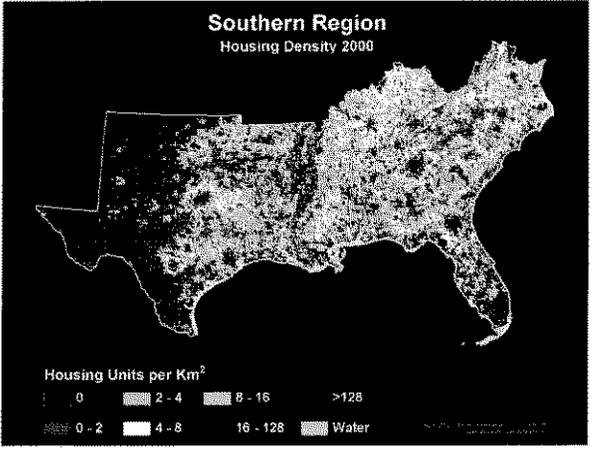
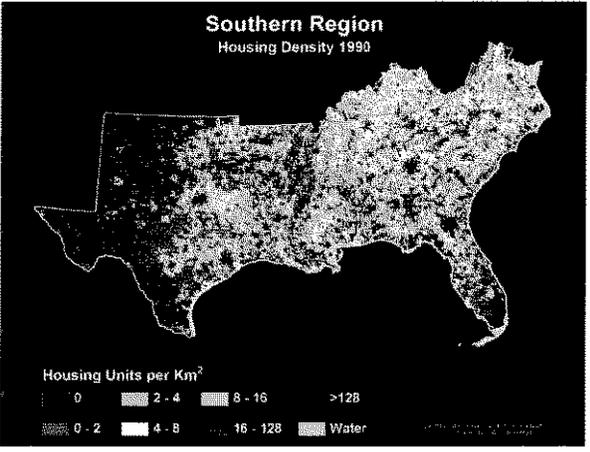
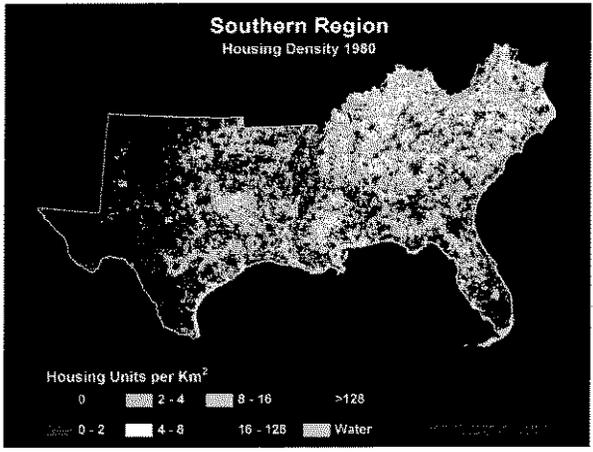
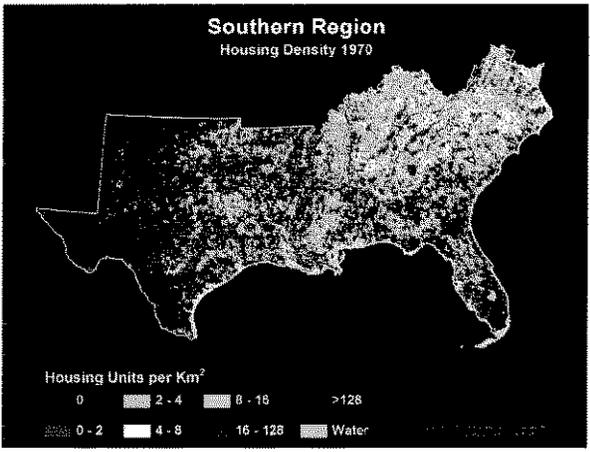
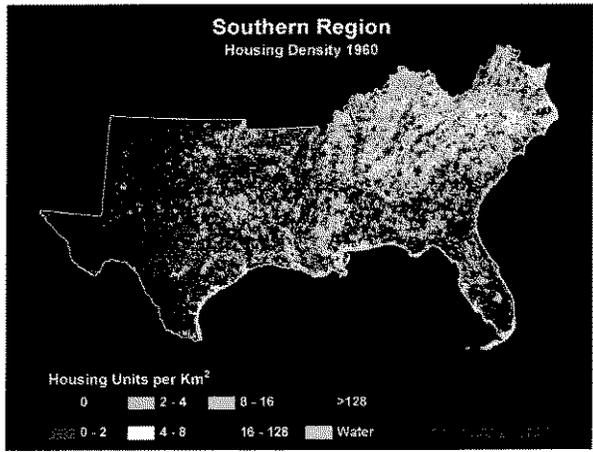
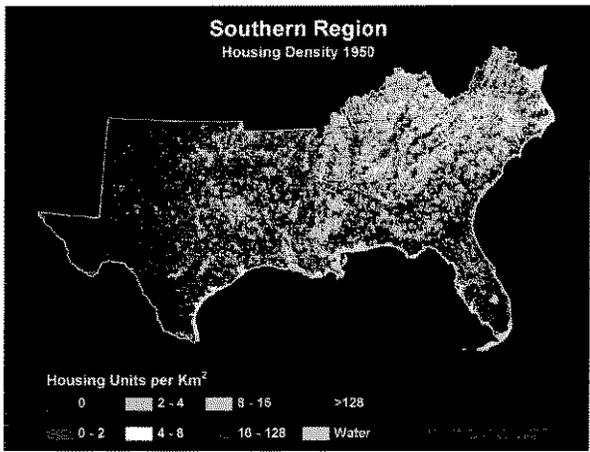
25 states passed ballot measures for \$2.4 billion for new public funding for parks and open spaces

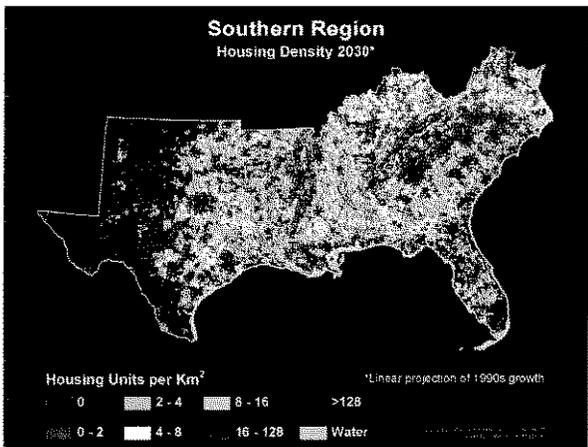
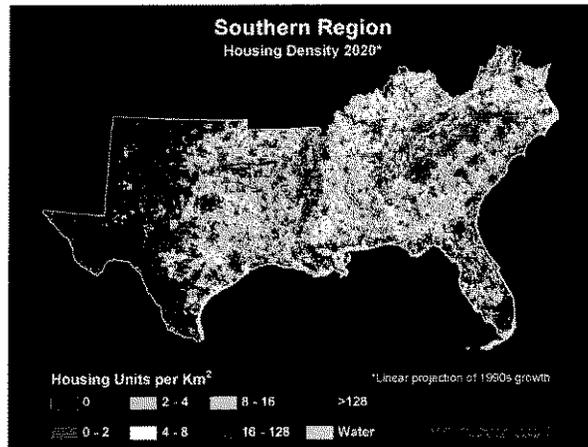
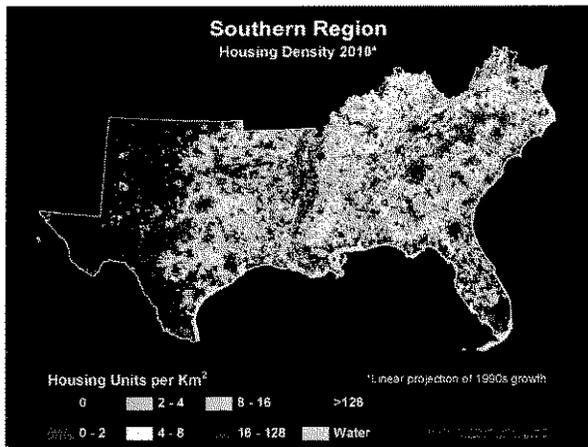
Available Green Spaces in the Southeast?

Where Have We Been?

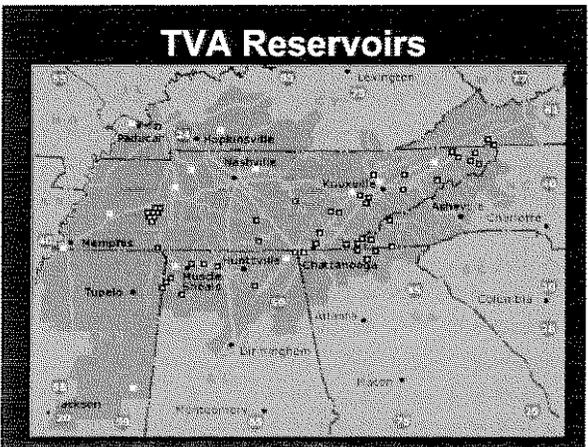
Where are We Going?







- ### The Value of TVA Reservoir Lands
- Like a combination of national parks and wildlife management areas
 - Provide 22 million visitor use days/year - - about 33% of all national parks use combined



What is TVA's Record of Stewardship of Public Land?

TVA Land Acquired – Eminent Domain – 1.27 million acres

- 470,000 acres under water
- 800,000 acres were not flooded
- 506,000 acres sold or transferred
- 293,000 acres remaining TVA reservoir land but of these, 53% has been approved for use by others = only 137,700 acres left for public use

TVA Mission

TVA of 1933

Mission

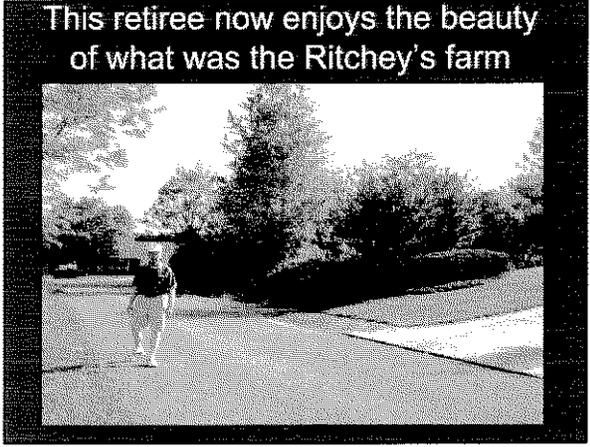
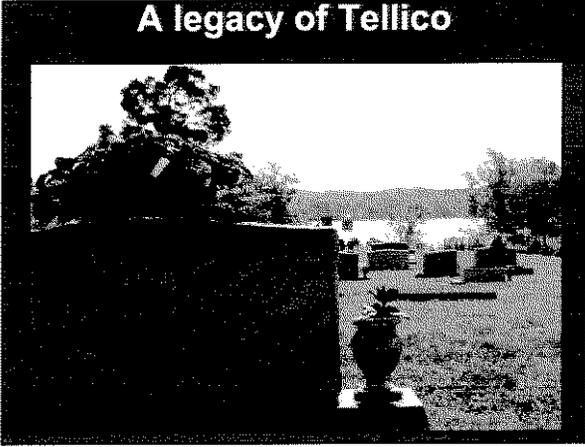
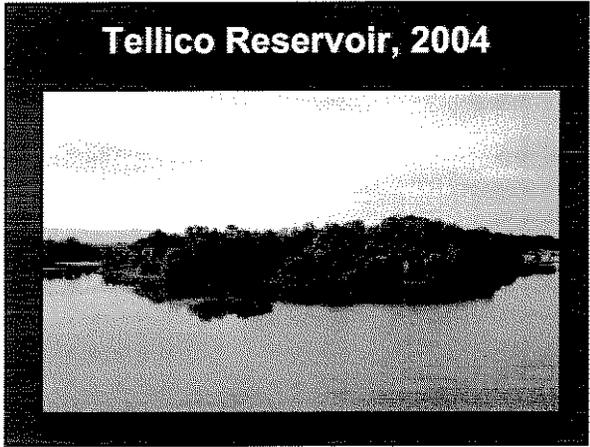
- Navigation
- Flood Control
- Reforestation
- Agricultural development
- Industrial development
- Proper use of marginal lands
- National defense – Muscle Shoals
- Other

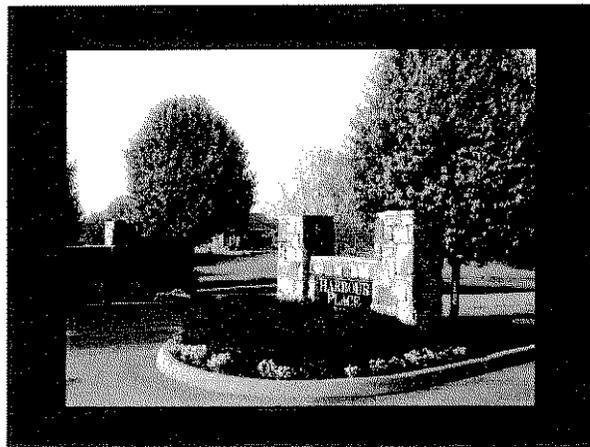
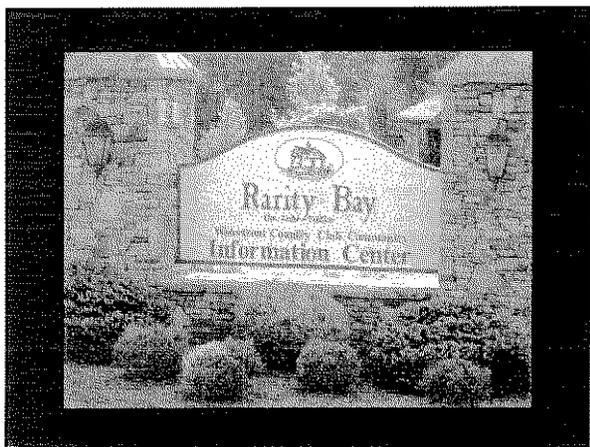
TVA Land Use Policy

Eminent Domain

“for the Public Good”







Eminent Domain for Economic Development is Wrong

- 97 % of US Public (polls)
- 41 state legislatures restricting eminent domain to protect private property
- President Bush – Executive order forbidding federal agencies from using eminent domain for economic development (June 2006)

Land Sales/Trades

The Public Says Stop Sales

- TVA's own polls – 69 to 97% say stop
- Tennessee Wildlife Resources Commission - stop
- Tennessee House of Representative – 96 to 0 say stop
- * Citizens and organizations say stop

Economic Development

Deed Restriction Modifications

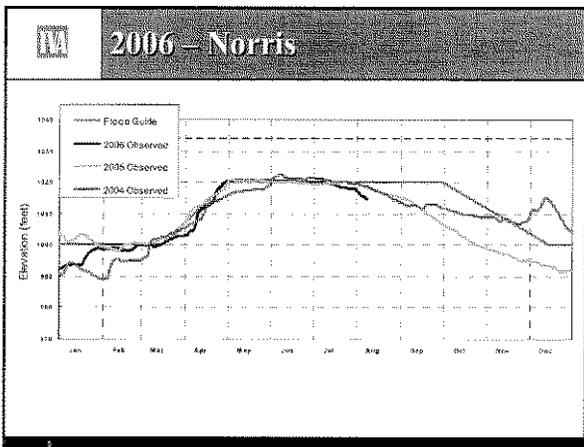
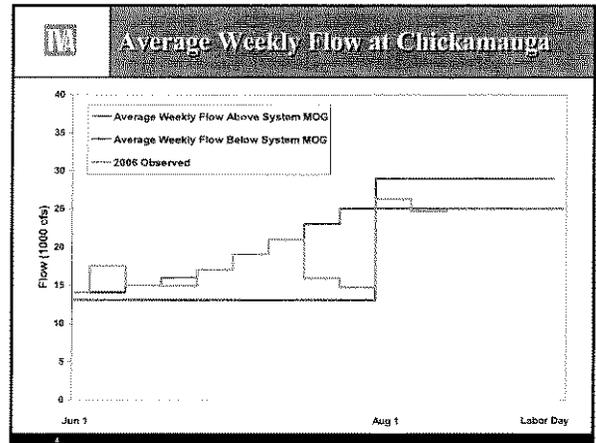
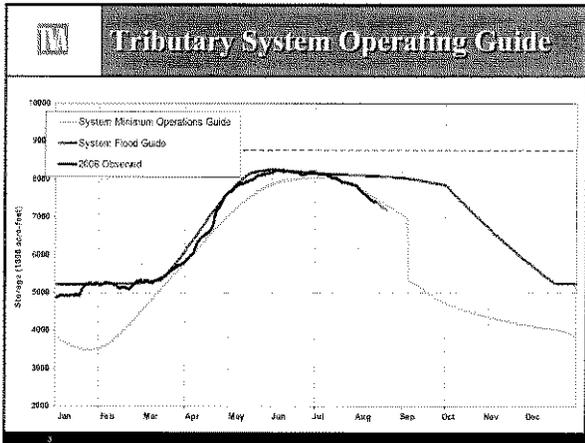
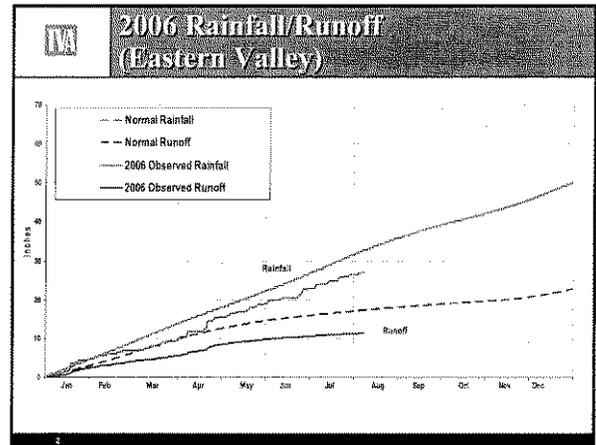
Trade Lands

Mine Lands

IWA

Reservoir Operations Update

Steve Adams
August 17, 2006



IWA **Hydrothermal Issues**

- Cooling water for our nuclear and fossil plants
- Options to manage river temperatures
 - River operations
 - Cooling tower use
 - Unit derate
 - Unit shutdown
- Experience in 2006
 - Derates at Colbert
 - Cooling tower use at Browns Ferry and Sequoyah

	Outlook
<ul style="list-style-type: none">• Forecast<ul style="list-style-type: none">- Short-term- Long-term• Potential impacts<ul style="list-style-type: none">- Reservoir elevations<ul style="list-style-type: none">• Recreational Flows- Hydropower generation- Water quality- Hydrothermal issues	

TVA

Bear Creek Dam Project Update

Warren Behlau
August 17, 2006

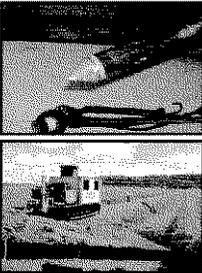
TVA **Approach**

- I. Dam Safety
 - a. Monitor situation
- II. NEPA Process
 - a. Identify issues
 - b. Public scoping meeting
 - c. Stakeholder group
 - d. Identify alternatives

TVA **Dam Safety**

Site Investigation

- Soft zones – not in embankment
- Region of permeable foundation conditions
- No guarantee, but the dam does not appear to be in imminent danger of failure
- Future floods could further damage the structure



Next Steps

- Continue monitoring

TVA **NEPA Process**

- Public Meeting on June 20, 2006 in Red Bay, Alabama
- 150 Registrants
- Attended by Local Mayors, City Council Members, Probate Judge, and general public

Red Bay urges TVA to fix dam



TVA **Focus Group**

- Alabama Department of Conservation and Natural Resources
- Alabama Department of Economic and Community Affairs
- Bear Creek Development Authority
- Downstream Farmland
- Franklin County Emergency Management
- Franklin County Highways
- Franklin County Water Service Authority
- Geological Survey of Alabama
- State Historic Preservation Office
- US Fish & Wildlife Service

TVA **Scoping Comments**

- Over 250 comments received
- Over 87% favor repair or rebuild

Percentage	Issue
24%	Flood Control
17%	Economic Impacts
15%	Water Supply
13%	Recreation Impacts
5%	Cost
5%	Environmental and Water Quality
3%	Land Issues
3%	Legal Issues
2%	Endangered Species
13%	Other



Next Steps

- Environmental Reviews
- Technical Analysis of Alternatives
- Decision Analysis
- Draft Decision – Spring 2007
- Public Meeting
- Final Decision – Fall 2007
- Engineering Design

**RRSC Land Policy Recommendation
August 17, 2006**

- The TVA Board of Directors should instruct staff to recommend a consistent land management policy which would include ongoing review and/or revision of land management plans with an extensive public input process.
- Continue the existing moratorium on residential development while developing the policy.
- Existing land management plans should be interpreted and administered under the new policy until subject to the revision cycle.

Guiding Principles

1. The lands planning process is good, but needs updates more often to allow additional public comment for changes in land use allocation.
2. The phrase "Is it in the greatest public interest?" should precede any land use decision.
3. Look at the potential to categorize reservoirs based on level of development. Land plan decisions should be made based on a categorization based on a list of characteristics and then weighted accordingly.
4. There should be a criteria for determining and monitoring capacity/threshold for development on each reservoir.
5. Maintain and manage the lands and then enforce the violations. Maintain undeveloped property and be good neighbors to those who live there. Where public use is allowed on TVA land, sanitation and security should be enforced or provided. Develop the capabilities to deal with these issues (e.g., cross-agency agreements).
6. Public lands on each reservoir managed by other State and Federal agencies must be considered when making decisions on whether or not to allow development.
7. TVA should consider existing scientific criteria for determining watershed health (e.g., EPA uses impervious surfaces).
8. Need more objective standards for changing land management plans. Stick with existing plans and reduce flexibility and interpretation by others.
9. Include questions regarding deed modifications and removal of deed restrictions in the policy.
10. There should be a linear relationship between the age of a plan and the flexibility allowed with regard to that plan. Once plans are carefully crafted, received public input, and stamped "official", proceed in dogmatic manner in response to requests for use while they are still current. Once a plan has been developed it should have integrity for a period of time with no changes unless the request passes a very strict

7.

review process and offers broad public benefits. Plans should be reviewed on a regular basis (every 5 to 7 years).

11. Reexamine TVA's economic development mission as it impacts TVA's federal land management responsibilities. Recognize there are other tools available to support economic development.
12. TVA could better manage public lands to make a contribution toward meeting conservation, recreation, and economic development needs in the Valley by closing the loop (with the public) and reinforcing the rationale behind the decision after the decision has been made.
13. When balancing conservation, recreation, and economic development uses of public land, TVA should add an overarching principle for changes in land allocation done outside the periodic land planning process that the mitigation, swap or sale should increase public benefit, over and above the land's original designated use.
14. Criteria on whether or not development is allowed should be based on the best science available, need for the proposed use and impact on current use and users, not just economics.
15. There should be no net loss in public land-TVA should be adequate stewards of the extraordinary resources.
16. TVA should take a critical look at residential development.

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