



Tennessee Valley Authority
Section 26a Approval

Permit # 4026163
DOT Project #

Revision # 0

Reservoir Chatuge

Category 2

David Sutton

3755 Wood Creek Drive
Young Harris, GA 30582

7706708781

melaniesnare@gmail.com

Tract(s): CHR-520F

Stream	Mile	Bank	Map Sheet(s)		
Hiwassee R	123.5	Left	151	Quad Sheet	NE
			7	C/D Stage	

Subdivision/Lot(s)

Subdivision: Cecil Kelley, Lot #: 17,

Subdivision: Cecil Kelley, Lot #: 18,

The facilities and/or activities listed below are APPROVED subject to and must be conducted in compliance with the plans and conditions attached. SEE ATTACHED PLANS FOR APPROVED DIMENSIONS.

1. Access Walkway-Fixed	Length: 20 ft	Width: 4 ft	
2. Access Walkway-Floating	Length: 60 ft	Width: 4 ft	
3. Boat Slips - Floating - Covered	Length: 32 ft	Width: 40 ft	Height: 12 ft
4. Channel Excavation	Length: 50 ft	Width: 12 ft	Height: 2 ft Volume: 45 cu yds
5. Deck/Gazebo/Patio (Land-based)	Length: 12 ft	Width: 17 ft	
6. Electric Pole/Service/Light			
7. Enclosed Storage	Length: 2 ft	Width: 3 ft	
8. Personal Water Craft Port	Length: 5 ft	Width: 13 ft	
9. Riprap	Length: 86 ft		Height: 6 ft
10. Utilities - Underground - Electric			
11. Violation - Resolved			
12. Water Intake - Nonpotable			

This permit SUPERSEDES all previous TVA approvals at this location including permits approved under land record numbers: 284163

TVA Representative: Jessica Stalcup Rickett **Date:** 10/16/2023

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

GENERAL AND STANDARD CONDITIONS

Section 26a

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. you fail to comply with any condition contained in this approval;
 - c. if in TVA's judgment the structure is not maintained in a good state of repair and in good, safe, and substantial condition;
 - d. the structure is abandoned;
 - e. the structure or work must be altered or removed to meet the requirements of future reservoir or land management operations of the United States or TVA;
 - f. TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations;
 - g. all invoices related to this permit are not timely paid;
 - h. you no longer have sufficient property rights to maintain a structure at this location; or
 - i. a land use agreement (e.g., license, easement, lease) for use of TVA land at this location related to this permit expires, is terminated or cancelled, or otherwise ceases to be effective.
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. You are responsible for obtaining all necessary licenses, permits, and/or approvals required by local, state, or federal statute, regulation, or code prior to commencing any construction activities. This permit is not a substitute for any such requirements.
7. You must conduct all activities authorized by this permit in a manner that complies with all applicable local, state and federal laws, and all licenses, permits, and/or approvals issued thereunder.
8. If your activity is subject to Section 401 water quality certification, you must comply with the conditions of any enclosed certification. Those conditions are incorporated into and made a part of this permit approval.
9. This permit supersedes all verbal communications related to the work authorized. The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
10. You understand that covered second stories are prohibited by Section 1304.204 of the Section 26a Regulations.
11. 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.
12. 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.
13. 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.

14. 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 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, applicant shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (865-632-2931). Work may not be resumed in the area of the discovery until approved by TVA.
15. You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.
16. 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.
17. You agree to securely anchor all floating facilities to prevent them from floating free during major floods.
18. 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.
19. You agree to allow TVA employees access to your water use facilities to ensure compliance with any TVA issued approvals.
20. 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.
21. 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.

Structures and Facilities

- a. TVA number 4026163 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.
- b. You agree that this water use facility shall have no side enclosures except wire mesh or similar screening.
- c. 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.
- d. For all electrical services permitted, a disconnect must be located at or above the 1931-foot contour that is accessible during flooding.
- e. You agree that the facilities hereby approved will be used for private recreation and for no other purpose unless approved in writing from TVA.
- f. You understand that any replacement of existing flotation must include encapsulated foam or commercially manufactured floats pursuant to Section 1304.400 of the Section 26a Regulations.
- g. You are hereby advised that the subject facilities will be on a recreational navigation channel and may be vulnerable to wave wash and possible collision damage from passing vessels.
- h. 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 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.
- i. The roof overhang on your facility cannot exceed 24 inches.
- j. TVA may, at its discretion, require modifications to the size of facilities due to changes in circumstances, including but not limited to, the ownership of the jointly-owned outlot(s). Requests for additional docks, piers, and boathouses on the jointly-owned outlot(s) beyond the maximum allowable footprint will not be considered.

Ownership Rights

- a. You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.
- b. 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.

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. Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.

Best Management Practices

- a. You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.
- b. 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").
- c. 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.
- d. 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 a good aquatic habitat.
- e. You agree to use vegetation (versus riprap) wherever practicable and sustainable to stabilize streambanks, shorelines, and adjacent areas. These areas will be stabilized as soon as practicable, using either an appropriate seed mixture that includes an annual (quick cover) as well as one or two perennial legumes and one or two perennial grasses, or sod. In winter or summer, this will require initial planting of a quick cover annual only, to be followed by subsequent establishment of the perennials. Seed and soil will be protected as appropriate with erosion control netting and/or mulch and provided adequate moisture. Streambank and shoreline areas will also be permanently stabilized with native woody plants, to include trees wherever practicable and sustainable (this vegetative prescription may be altered if dictated by geologic conditions or landowner requirements). You also agree to install and perform additional erosion control structure/techniques deemed necessary by TVA.

Additional Conditions

This permit is valid for David Sutton.

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

You understand and agree that this permit authorizes the placement of the permitted facility at the 1926 contour elevation. TVA does not authorize chasing the water during drawdown. If congestion becomes an issue at this location, TVA reserves the right to require that your facility remain at the 1926, Normal Summer Pool, and be dry docked during reservoir draw down.

Recommended Bat Conservation Measures:

- Noise will be short-term, transient, and not significantly different from urban interface or natural events (i.e., thunderstorms) that bats are frequently exposed to when present on the landscape.
- Operations involving chemical/fuel storage or resupply and vehicle servicing will be handled outside of riparian zones (streamside management zones) in a manner to prevent these items from reaching a watercourse. Earthen berms or other effective means are installed to protect stream channel from direct surface runoff. Servicing will be done with care to avoid leakage, spillage, and subsequent stream, wetland, or ground water contamination. Oil waste, filters, other litter will be collected and disposed of properly. Equipment servicing and chemical/fuel storage will be limited to locations greater than 300-ft from sinkholes, fissures, or areas draining into known sinkholes, fissures, or other karst features.
- Direct temporary lighting away from suitable habitat during the active season.
- Evaluate the use of outdoor lighting during the active season and seek to minimize light pollution when installing new or replacing existing permanent lights by angling lights downward or via other light minimization measures (e.g., dimming, directed lighting, motion-sensitive lighting).

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WATER RESOURCES**

WATER QUALITY GENERAL CERTIFICATION NO. 4132

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR US ARMY CORPS OF ENGINEERS

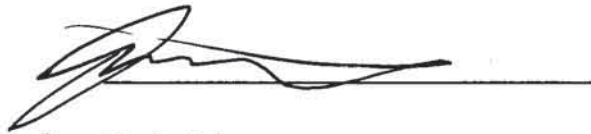
- **NATIONWIDE PERMIT 3 (MAINTENANCE),**
- **NATIONWIDE PERMIT 4 (FISH AND WILDLIFE HARVESTING, ENHANCEMENT, AND ATTRACTION DEVICES AND ACTIVITIES),**
- **NATIONWIDE PERMIT 5 (SCIENTIFIC MEASUREMENT DEVICES),**
- **NATIONWIDE PERMIT 6 (SURVEY ACTIVITIES),**
- **NATIONWIDE PERMIT 7 (OUTFALL STRUCTURES AND ASSOCIATED INTAKE STRUCTURES),**
- **NATIONWIDE PERMIT 19 (MINOR DREDGING),**
- **NATIONWIDE PERMIT 20 (RESPONSE OPERATIONS FOR OIL OR HAZARDOUS SUBSTANCES),**
- **NATIONWIDE PERMIT 22 (REMOVAL OF VESSELS),**
- **NATIONWIDE PERMIT 25 (STRUCTURAL DISCHARGES),**
- **NATIONWIDE PERMIT 30 (MOIST SOIL MANAGEMENT FOR WILDLIFE),**
- **NATIONWIDE PERMIT 32 (COMPLETED ENFORCEMENT ACTIONS),**
- **NATIONWIDE PERMIT 36 (BOAT RAMPS),**
- **REGIONAL GENERAL PERMIT 197800056 (PIERS, DOCKS AND BOATHOUSES), AND**
- **REGIONAL GENERAL PERMIT 197800125 (BOAT RAMPS)**

Water Quality Certification Number 4132 is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Regulations in 15A NCAC 02H .0500 and 15A NCAC 02B .0200 for the discharge of fill material to surface waters and wetland areas as described in 33 CFR 330 Appendix A (B) (3, 4, 5, 6, 7, 19, 20, 22, 25, 30, 32, and 36) of the US Army Corps of Engineers regulations and Regional General Permits 197800056 and 197800125.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Effective date: December 1, 2017
Signed this day: December 1, 2017

By

A handwritten signature in black ink, appearing to read 'Linda Culpepper', is written over a horizontal line.

for Linda Culpepper
Interim Director

Activities meeting any one (1) of the following thresholds or circumstances require written approval for a 401 Water Quality Certification from the Division of Water Resources (DWR):

- a) If any of the conditions of this Certification (listed below) cannot be met; or
- b) Total additional permanent impacts to streams (including stream relocations or restorations) greater than 40 linear feet at an existing stream impact location; or
- c) Total temporary and permanent impacts to wetlands or open waters equal to or greater than one-tenth (1/10) of an acre; or
- d) Complete dewatering and drawdowns to a sediment layer related to pond/dam maintenance or removal; or
- e) Any impacts to streams from excavation or dredging other than excavation that is conducted as preparation for installing permanent fill or structures or projects qualifying for a Nationwide Permit 19; or
- f) Except for projects qualifying for a Nationwide permit 3, any permanent impacts to waters, or to wetlands adjacent to waters, designated as: ORW (including SAV), HQW (including PNA), SA, WS-I, WS-II, Trout, or North Carolina or National Wild and Scenic River; or
- g) Any high-density project, as defined in 15A NCAC 02H .1003(2)(a) and by the density thresholds specified in 15A NCAC 02H .1017, which:
 - i. Disturbs one acre or more of land (including a project that disturbs less than one acre of land that is part of a larger common plan of development or sale); and
 - ii. Has permanent wetland, stream or open water impacts; and
 - iii. Is proposing new built-upon area; and
 - iv. Does not have a stormwater management plan reviewed and approved under a state stormwater program¹ or a state-approved local government stormwater program².

Projects that have vested rights, exemptions, or grandfathering from state or locally-implemented stormwater programs and projects that satisfy state or locally-implemented stormwater programs through use of community in-lieu programs **require written approval**; or

- h) Any permanent impacts to coastal wetlands [15A NCAC 07H .0205], or Unique Wetlands (UWL); or
- i) Any impact associated with a Notice of Violation or an enforcement action for violation(s) of NC Wetland Rules (15A NCAC 02H .0500), NC Isolated Wetland Rules (15A NCAC 02H .1300), NC Surface Water or Wetland Standards (15A NCAC 02B .0200), or State Regulated Riparian Buffer Rules (15A NCAC 02B .0200); or
- j) Any impacts to subject water bodies and/or state regulated riparian buffers along subject water bodies in the Neuse, Tar-Pamlico, or Catawba River Basins or in the Randleman Lake, Jordan Lake or Goose Creek Watersheds (or any other basin or watershed with State Regulated Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) *unless*:

¹ e.g. Coastal Counties, HQW, ORW, or state-implemented Phase II NPDES

² e.g. Delegated Phase II NPDES, Water Supply Watershed, Nutrient-Sensitive Waters, or Universal Stormwater Management Program

GC4132

- i. The activities are listed as "EXEMPT" from these rules; or
- ii. A Buffer Authorization Certificate is issued by the NC Division of Coastal Management (DCM); or
- iii. A Buffer Authorization Certificate or a Minor Variance is issued by a delegated or designated local government implementing a state riparian buffer program pursuant to 143-215.23.

Activities included in this General Certification that do not meet one of the thresholds listed above do not require written approval.

I. ACTIVITY SPECIFIC CONDITIONS:

1. For all dam removal projects meeting the definition under G.S. 143-215.25 and requirements under G.S. 143-215.27 of a professionally supervised dam removal, the applicant shall provide documentation that any sediment that may be released has similar or lower level of contamination than sediment sampled from downstream of the dam in accordance with Session Law 2017-145.
2. For the North Carolina Department of Transportation, compliance with the NCDOT's individual NPDES permit NCS000250 shall serve to satisfy this condition. All other high-density projects that trigger threshold item (g) above shall comply with one of the following requirements: [15A NCAC 02H .0506(b)(5) and (c)(5)]
 - a. Provide a completed Stormwater Management Plan (SMP) for review and approval, including all appropriate stormwater control measure (SCM) supplemental forms and associated items, that complies with the high-density development requirements of 15A NCAC 02H .1003. Stormwater management shall be provided throughout the entire project area in accordance with 15A NCAC 02H .1003. For the purposes of 15A NCAC 02H .1003(2)(a), density thresholds shall be determined in accordance with 15A NCAC 02H .1017.
 - b. Provide documentation (including calculations, photos, etc.) that the project will not cause degradation of downstream surface waters. Documentation shall include a detailed analysis of the hydrological impacts from stormwater runoff when considering the volume and velocity of stormwater runoff from the project built upon area and the size and existing condition of the receiving stream(s).

Exceptions to this condition require application to and written approval from DWR.

II. GENERAL CONDITIONS:

1. When written authorization is required, the plans and specifications for the project are incorporated into the authorization by reference and are an enforceable part of the Certification. Any modifications to the project require notification to DWR and may require an application submittal to DWR with the appropriate fee. [15A NCAC 02H .0501 and .0502]

2. No waste, spoil, solids, or fill of any kind shall occur in wetlands or waters beyond the footprint of the impacts (including temporary impacts) as authorized in the written approval from DWR; or beyond the thresholds established for use of this Certification without written authorization. [15A NCAC 02H .0501 and .0502]

No removal of vegetation or other impacts of any kind shall occur to state regulated riparian buffers beyond the footprint of impacts approved in a Buffer Authorization or Variance or as listed as an exempt activity in the applicable riparian buffer rules. [15A NCAC 02B .0200]

3. In accordance with 15A NCAC 02H .0506(h) and Session Law 2017-10, compensatory mitigation may be required for losses of greater than 300 linear feet of perennial streams and/or greater than one (1) acre of wetlands. Impacts associated with the removal of a dam shall not require mitigation when the removal complies with the requirements of Part 3 of Article 21 in Chapter 143 of the North Carolina General Statutes. Impacts to isolated and other non-404 jurisdictional wetlands shall not be combined with 404 jurisdictional wetlands for the purpose of determining when impact thresholds trigger a mitigation requirement. For linear publicly owned and maintained transportation projects that are not determined to be part of a larger common plan of development by the US Army Corps of Engineers, compensatory mitigation may be required for losses of greater than 300 linear feet per perennial stream.

Compensatory stream and/or wetland mitigation shall be proposed and completed in compliance with G.S. 143-214.11. For applicants proposing to conduct mitigation within a project site, a complete mitigation proposal developed in accordance with the most recent guidance issued by the US Army Corps of Engineers Wilmington District shall be submitted for review and approval with the application for impacts.

4. All activities shall be in compliance with any applicable State Regulated Riparian Buffer Rules in Chapter 2 of Title 15A.
5. When applicable, all construction activities shall be performed and maintained in full compliance with G.S. Chapter 113A Article 4 (Sediment and Pollution Control Act of 1973). Regardless of applicability of the Sediment and Pollution Control Act, all projects shall incorporate appropriate Best Management Practices for the control of sediment and erosion so that no violations of state water quality standards, statutes, or rules occur. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0200]

Design, installation, operation, and maintenance of all sediment and erosion control measures shall be equal to or exceed the requirements specified in the most recent version of the *North Carolina Sediment and Erosion Control Manual*, or for linear transportation projects, the *NCDOT Sediment and Erosion Control Manual*.

All devices shall be maintained on all construction sites, borrow sites, and waste pile (spoil) sites, including contractor-owned or leased borrow pits associated with the project. Sufficient materials required for stabilization and/or repair of erosion control measures and stormwater routing and treatment shall be on site at all times.

For borrow pit sites, the erosion and sediment control measures shall be designed, installed, operated, and maintained in accordance with the most recent version of the *North Carolina Surface Mining Manual*. Reclamation measures and implementation shall comply with the reclamation in accordance with the requirements of the Sedimentation Pollution Control Act and the Mining Act of 1971.

If the project occurs in waters or watersheds classified as Primary Nursery Areas (PNAs), SA, WS-I, WS-II, High Quality Waters (HQW), or Outstanding Resource Waters (ORW), then the sedimentation and erosion control designs shall comply with the requirements set forth in 15A NCAC 04B .0124, *Design Standards in Sensitive Watersheds*.

6. Sediment and erosion control measures shall not be placed in wetlands or waters except within the footprint of temporary or permanent impacts authorized under this Certification. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0501 and .0502]
7. Erosion control matting that incorporates plastic mesh and/or plastic twine shall not be used along streambanks or within wetlands. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02B .0201]
8. An NPDES Construction Stormwater Permit (NCG010000) is required for construction projects that disturb one (1) or more acres of land. The NCG010000 Permit allows stormwater to be discharged during land disturbing construction activities as stipulated in the conditions of the permit. If the project is covered by this permit, full compliance with permit conditions including the erosion & sedimentation control plan, inspections and maintenance, self-monitoring, record keeping and reporting requirements is required. [15A NCAC 02H .0506(b)(5) and (c)(5)]

The North Carolina Department of Transportation (NCDOT) shall be required to be in full compliance with the conditions related to construction activities within the most recent version of their individual NPDES (NCS000250) stormwater permit. [15A NCAC 02H .0506(b)(5) and (c)(5)]

9. All work in or adjacent to streams shall be conducted so that the flowing stream does not come in contact with the disturbed area. Approved best management practices from the most current version of the *NC Sediment and Erosion Control Manual*, or the *NC DOT Construction and Maintenance Activities Manual*, such as sandbags, rock berms, cofferdams, and other diversion structures shall be used to minimize excavation in flowing water. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(3) and (c)(3)]
10. If activities must occur during periods of high biological activity (e.g. sea turtle nesting, fish spawning, or bird nesting), then biological monitoring may be required at the request of other state or federal agencies and coordinated with these activities. [15A NCAC 02H .0506 (b)(2) and 15A NCAC 04B .0125]

All moratoriums on construction activities established by the NC Wildlife Resources Commission (WRC), US Fish and Wildlife Service (USFWS), NC Division of Marine Fisheries (DMF), or National Marine Fisheries Service (NMFS) shall be implemented. Exceptions to this condition require written approval by the resource agency responsible for the given moratorium. A copy of the approval from the resource agency shall be forwarded to DWR.

Work within a designated trout watershed of North Carolina (as identified by the Wilmington District of the US Army Corps of Engineers), or identified state or federal endangered or threatened species habitat, shall be coordinated with the appropriate WRC, USFWS, NMFS, and/or DMF personnel.

11. Culverts shall be designed and installed in such a manner that the original stream profiles are not altered and allow for aquatic life movement during low flows. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed culvert shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. [15A NCAC 02H .0506(b)(2) and (c)(2)]

Placement of culverts and other structures in streams shall be below the elevation of the streambed by one foot for all culverts with a diameter greater than 48 inches, and 20% of the culvert diameter for culverts having a diameter less than or equal to 48 inches, to allow low flow passage of water and aquatic life.

If multiple pipes or barrels are required, they shall be designed to mimic the existing stream cross section as closely as possible, including pipes or barrels at flood plain elevation and/or sills where appropriate. Widening the stream channel shall be avoided.

When topographic constraints indicate culvert slopes of greater than 5%, culvert burial is not required, provided that all alternative options for flattening the slope have been investigated and aquatic life movement/connectivity has been provided when possible (e.g. rock ladders, cross vanes, etc.). Notification, including supporting documentation to include a location map of the culvert, culvert profile drawings, and slope calculations, shall be provided to DWR 60 calendar days prior to the installation of the culvert.

When bedrock is present in culvert locations, culvert burial is not required provided that there is sufficient documentation of the presence of bedrock. Notification, including supporting documentation such as a location map of the culvert, geotechnical reports, photographs, etc. shall be provided to DWR a minimum of 60 calendar days prior to the installation of the culvert. If bedrock is discovered during construction, then DWR shall be notified by phone or email within 24 hours of discovery.

If other site-specific topographic constraints preclude the ability to bury the culverts as described above and/or it can be demonstrated that burying the culvert would result in destabilization of the channel, then exceptions to this condition require application to and written approval from DWR.

Installation of culverts in wetlands shall ensure continuity of water movement and be designed to adequately accommodate high water or flood conditions. When roadways, causeways, or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges shall be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in destabilization of streams or wetlands.

The establishment of native woody vegetation and other soft stream bank stabilization techniques shall be used where practicable instead of rip-rap or other bank hardening methods.

12. Bridge deck drains shall not discharge directly into the stream. Stormwater shall be directed across the bridge and pre-treated through site-appropriate means to the maximum extent practicable (e.g. grassed swales, pre-formed scour holes, vegetated buffers, etc.) before entering the stream. Exceptions to this condition require application to and written approval from DWR. [15A NCAC 02H .0506(b)(5)]
13. Application of fertilizer to establish planted/seeded vegetation within disturbed riparian areas and/or wetlands shall be conducted at agronomic rates and shall comply with all other Federal, State and Local regulations. Fertilizer application shall be accomplished in a manner that minimizes the risk of contact between the fertilizer and surface waters. [15A NCAC 02B .0200 and 15A NCAC 02B .0231]
14. If concrete is used during construction, then all necessary measures shall be taken to prevent direct contact between uncured or curing concrete and waters of the state. Water that inadvertently contacts uncured concrete shall not be discharged to waters of the state. [15A NCAC 02B .0200]
15. All proposed and approved temporary fill and culverts shall be removed and the impacted area shall be returned to natural conditions within 60 calendar days after the temporary impact is no longer necessary. The impacted areas shall be restored to original grade, including each stream's original cross sectional dimensions, planform pattern, and longitudinal bed profile. For projects that receive written approval, no temporary impacts are allowed beyond those included in the application and authorization. All temporarily impacted sites shall be restored and stabilized with native vegetation. [15A NCAC 02H .0506(b)(2) and (c)(2)]
16. All proposed and approved temporary pipes/culverts/rip-rap pads etc. in streams shall be installed as outlined in the most recent edition of the *North Carolina Sediment and Erosion Control Planning and Design Manual* or the *North Carolina Surface Mining Manual* or the *North Carolina Department of Transportation Best Management Practices for Construction and Maintenance Activities* so as not to restrict stream flow or cause dis-equilibrium during use of this Certification. [15A NCAC 02H .0506(b)(2) and (c)(2)]

17. Any rip-rap required for proper culvert placement, stream stabilization, or restoration of temporarily disturbed areas shall be restricted to the area directly impacted by the approved construction activity. All rip-rap shall be placed such that the original stream elevation and streambank contours are restored and maintained. Placement of rip-rap or other approved materials shall not result in de-stabilization of the stream bed or banks upstream or downstream of the area or in a manner that precludes aquatic life passage. [15A NCAC 02H .0506(b)(2)]
18. Any rip-rap used for stream or shoreline stabilization shall be of a size and density to prevent movement by wave, current action, or stream flows and shall consist of clean rock or masonry material free of debris or toxic pollutants. Rip-rap shall not be installed in the streambed except in specific areas required for velocity control and to ensure structural integrity of bank stabilization measures. [15A NCAC 02H .0506(b)(2)]
19. Applications for rip-rap groins proposed in accordance with 15A NCAC 07H .1401 (NC Division of Coastal Management General Permit for construction of Wooden and Rip-rap Groins in Estuarine and Public Trust Waters) shall meet all the specific conditions for design and construction specified in 15A NCAC 07H .1405.
20. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids, or other toxic materials. Construction shall be staged in order to minimize the exposure of equipment to surface waters to the maximum extent practicable. Fueling, lubrication and general equipment maintenance shall be performed in a manner to prevent, to the maximum extent practicable, contamination of surface waters by fuels and oils. [15A NCAC 02H .0506 (b)(3) and (c)(3) and 15A NCAC 02B .0211 (12)]
21. Heavy equipment working in wetlands shall be placed on mats or other measures shall be taken to minimize soil disturbance. [15A NCAC 02H .0506 (b)(3) and (c)(3)]
22. In accordance with 143-215.85(b), the applicant shall report any petroleum spill of 25 gallons or more; any spill regardless of amount that causes a sheen on surface waters; any petroleum spill regardless of amount occurring within 100 feet of surface waters; and any petroleum spill less than 25 gallons that cannot be cleaned up within 24 hours.
23. If an environmental document is required under the State Environmental Policy Act (SEPA), then this General Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse. If an environmental document is required under the National Environmental Policy Act (NEPA), then this General Certification is not valid until a Categorical Exclusion, the Final Environmental Assessment, or Final Environmental Impact Statement is published by the lead agency. [15A NCAC 01C .0107(a)]
24. This General Certification does not relieve the applicant of the responsibility to obtain all other required Federal, State, or Local approvals before proceeding with the project, including those required by, but not limited to, Sediment and Erosion Control, Non-Discharge, Water Supply Watershed, and Trout Buffer regulations.

25. The applicant and their authorized agents shall conduct all activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act), and any other appropriate requirements of State and Federal Law. If DWR determines that such standards or laws are not being met, including failure to sustain a designated or achieved use, or that State or Federal law is being violated, or that further conditions are necessary to assure compliance, then DWR may revoke or modify a written authorization associated with this General Water Quality Certification. [15A NCAC 02H .0507(d)]
26. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this Certification. A copy of this Certification, including all conditions shall be available at the project site during the construction and maintenance of this project. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
27. When written authorization is required for use of this Certification, upon completion of all permitted impacts included within the approval and any subsequent modifications, the applicant shall be required to return a certificate of completion (available on the DWR website <https://edocs.deq.nc.gov/Forms/Certificate-of-Completion>). [15A NCAC 02H .0502(f)]
28. Additional site-specific conditions, including monitoring and/or modeling requirements, may be added to the written approval letter for projects proposed under this Water Quality Certification in order to ensure compliance with all applicable water quality and effluent standards. [15A NCAC 02H .0507(c)]
29. If the property or project is sold or transferred, the new permittee shall be given a copy of this Certification (and written authorization if applicable) and is responsible for complying with all conditions. [15A NCAC 02H .0501 and .0502]

III. GENERAL CERTIFICATION ADMINISTRATION:

1. In accordance with North Carolina General Statute 143-215.3D(e), written approval for a 401 Water Quality General Certification must include the appropriate fee. An applicant for a CAMA permit under Article 7 of Chapter 113A of the General Statutes for which a Water Quality Certification is required shall only make one payment to satisfy both agencies; the fee shall be as established by the Secretary in accordance with 143-215.3D(e)(7).
2. This Certification neither grants nor affirms any property right, license, or privilege in any waters, or any right of use in any waters. This Certification does not authorize any person to interfere with the riparian rights, littoral rights, or water use rights of any other person and this Certification does not create any prescriptive right or any right of priority regarding any usage of water. This Certification shall not be interposed as a defense in any action respecting the determination of riparian or littoral rights or other rights to water use. No consumptive user is deemed by virtue of this Certification to possess any prescriptive or

GC4132

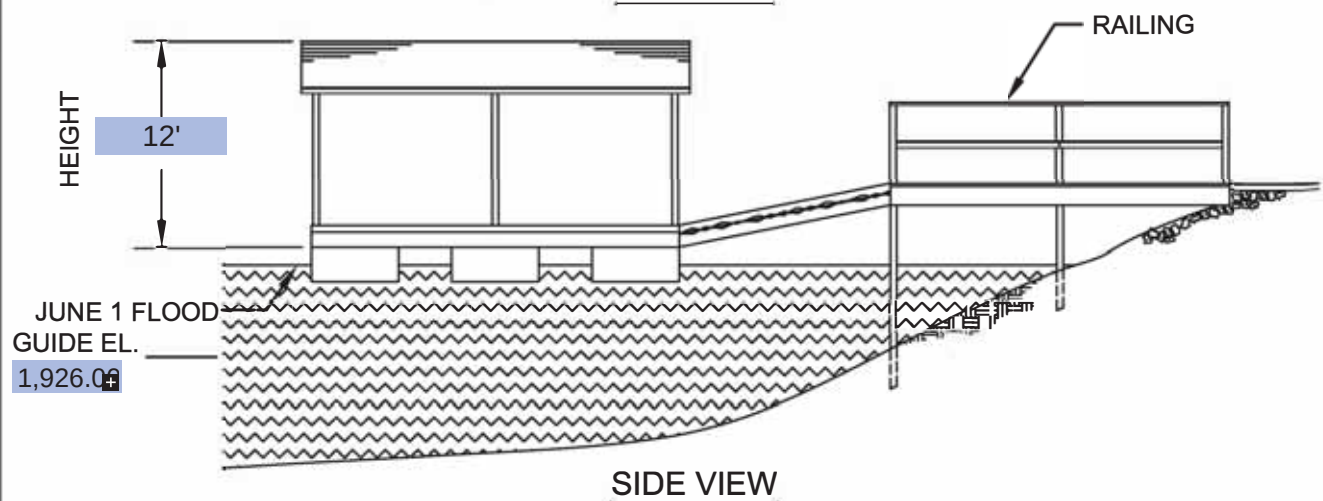
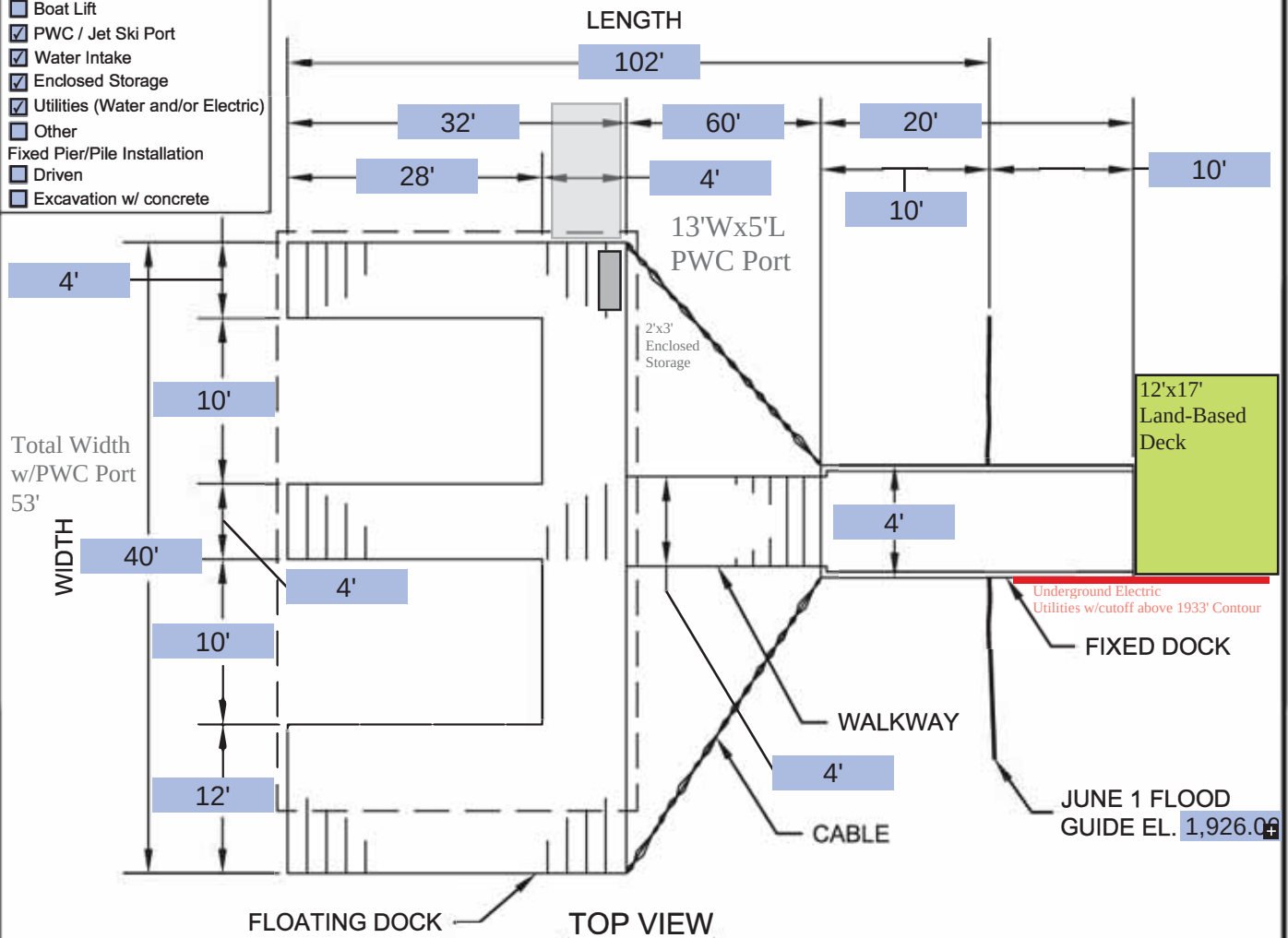
other right of priority with respect to any other consumptive user regardless of the quantity of the withdrawal or the date on which the withdrawal was initiated or expanded.

3. This Certification grants permission to the Director, an authorized representative of the Director, or DWR staff, upon the presentation of proper credentials, to enter the property during normal business hours. [15A NCAC 02H .0502(e)]
4. This General Certification shall expire on the same day as the expiration date of the corresponding Nationwide Permit and/or Regional General Permit. The conditions in effect on the date of issuance of Certification for a specific project shall remain in effect for the life of the project, regardless of the expiration date of this Certification. This General Certification is rescinded when the US Army Corps of Engineers reauthorizes any of the corresponding Nationwide Permits and/or Regional General Permits or when deemed appropriate by the Director of the Division of Water Resources.
5. Non-compliance with or violation of the conditions herein set forth by a specific project may result in revocation of this General Certification for the project and may also result in criminal and/or civil penalties.
6. The Director of the North Carolina Division of Water Resources may require submission of a formal application for Individual Certification for any project in this category of activity if it is deemed in the public's best interest or determined that the project is likely to have a significant adverse effect upon water quality, including state or federally listed endangered or threatened aquatic species, or degrade the waters so that existing uses of the waters or downstream waters are precluded.

History Note: Water Quality Certification (WQC) Number 4132 issued December 1, 2017 replaces WCQ 4085 issued March 3, 2017; WQC 3883 issued March 19, 2012; WQC Number 3687 issued November 1, 2007; WQC Number 3624 issued March 19, 2007; WQC Number 3494 issued December 31, 2004; and WQC Number 3376 issued March 18, 2002.

Other Common Facilities: (Check all that apply and show dimensions on plans, or attach additional plans)

- ☐ Boat Lift
- ☒ PWC / Jet Ski Port
- ☒ Water Intake
- ☒ Enclosed Storage
- ☒ Utilities (Water and/or Electric)
- ☐ Other
- Fixed Pier/Pile Installation
 - ☐ Driven
 - ☐ Excavation w/ concrete



FIXED AND FLOATING COVERED DOUBLE BOATSLIP WITH SWIM DECK ON LEFT

Applicant	David Sutton	ID:	4026163
Reservoir:	Chatuge	Tract:	CHR-520F
Subdivision:	Cecil Kelley	Lot Number:	17 & 18
Lakeward Extension:	102'	June 1 Flood Guide Elevation:	1926
Facility Footprint:	1696 square feet	River / River Mile:	Hiwassee 123.5Left

NOTE: INCLUDE ALL DIMENSIONS AND ELEVATIONS WHERE INDICATED

PUMP SIZE 1/2 HORSEPOWER 1 GALLONS PER DAY

POWER SUPPLY: ELECTRIC 115 VOLTS GAS

SWITCH ABOVE: 1933 ELEVATION

WATER PIPE:

- SIZE: 3/4 INCH
- BURIED UNDERGROUND: n/a FEET ABOVE GROUND: n/a FEET
- LAKEWARD EXTENSION: 6 FEET
- DESCRIBE METHOD OF ANCHORING: sits in bucket secured to dock
- TYPE OF SCREEN: mesh wire

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 DAVID SUTTON

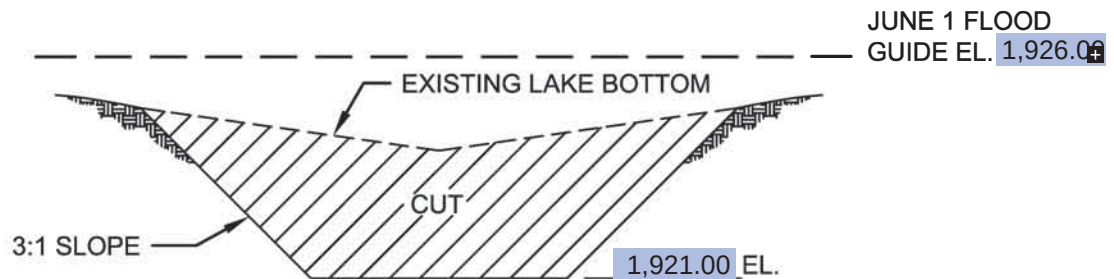
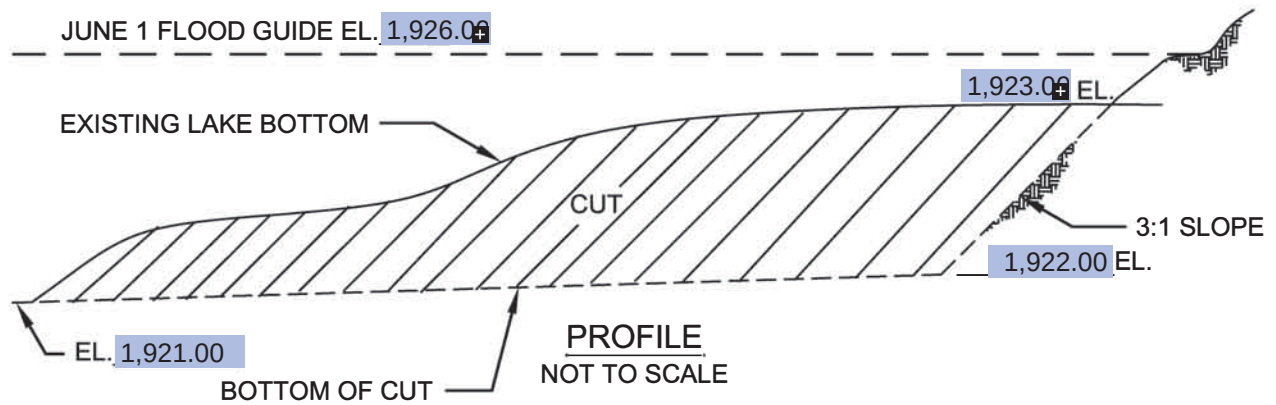
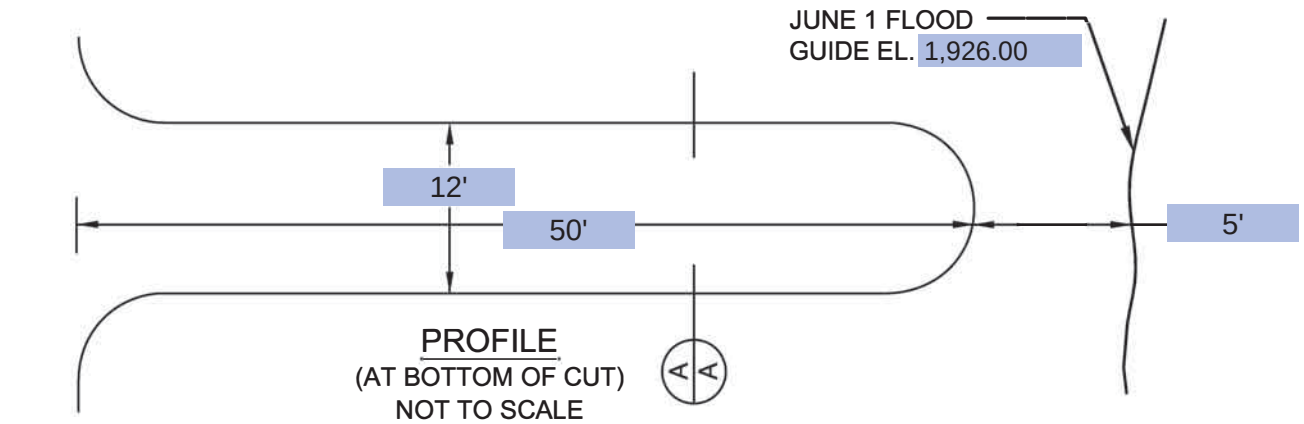
RESERVOIR LAKE CHATUGE

TRACT NUMBER CHR520F

SUBDIVISION CECILE KELLY

LOT NO. 17 & 18 MAP NO. 7 C/D STAGE

RIVER HIAWASSEE RIVER RIVER MILE 123.5



SECTION A-A
NOT TO SCALE

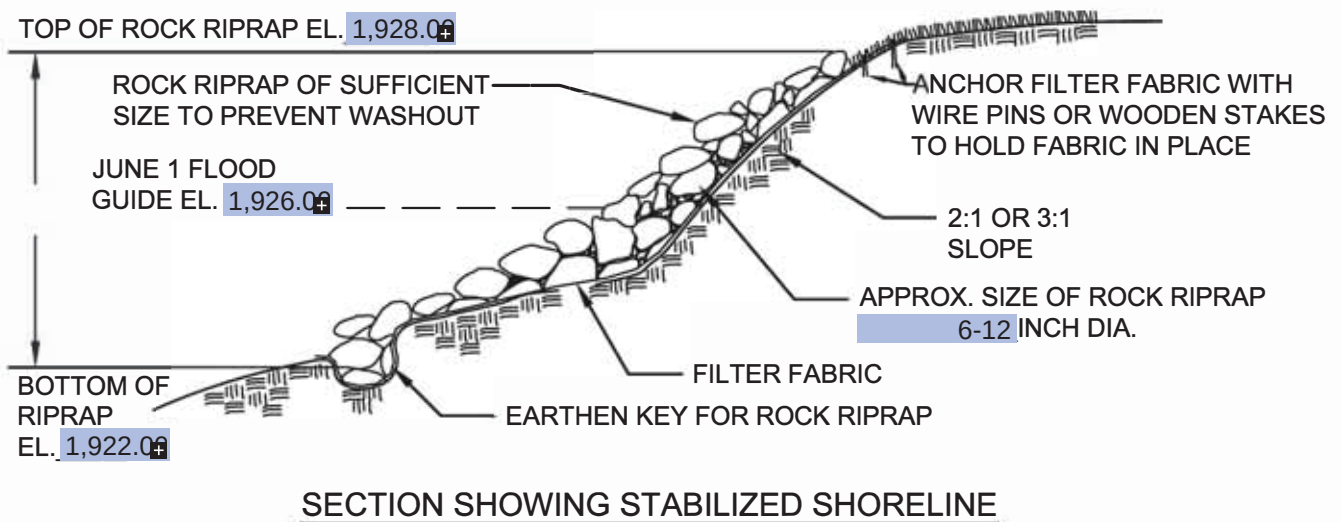
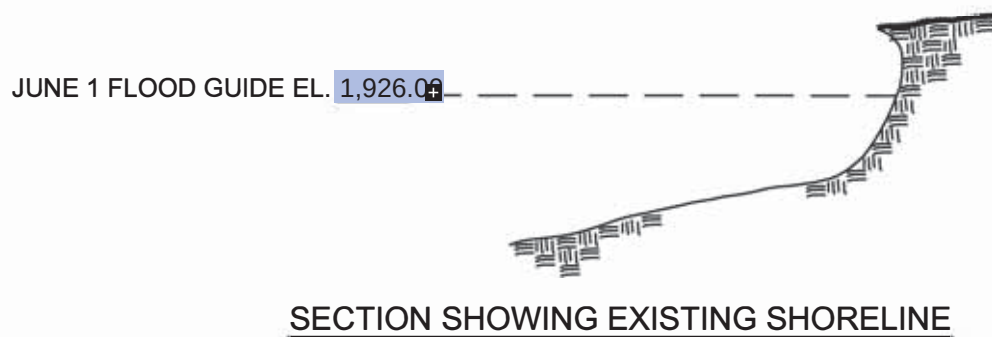
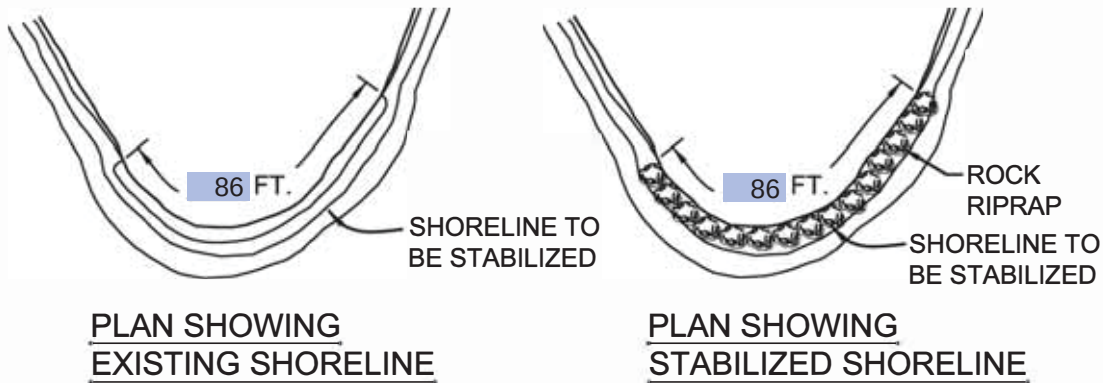
ESTIMATED CU. YDS. OF
SPOIL TO BE REMOVED: 45

Other Common Facilities: (Check all that apply and show dimensions on plans, or attach additional plans)

- ☐ Boat Lift
- ☒ PWC / Jet Ski Port
- ☒ Water Intake
- ☒ Enclosed Storage
- ☒ Utilities (Water and/or Electric)
- ☐ Other
- Fixed Pier/Pile Installation
 - ☐ Driven
 - ☐ Excavation w/ concrete

CHANNEL EXCAVATION

Applicant	David Sutton	ID:	4026163
Reservoir:	Chatuge	Tract:	CHR-520F
Subdivision:	Cecil Kelley	Lot Number:	17 & 18
Lakeward Extension:		June 1 Flood Guide Elevation:	1926
Facility Footprint:		River / River Mile:	Hiwassee 123.5Left

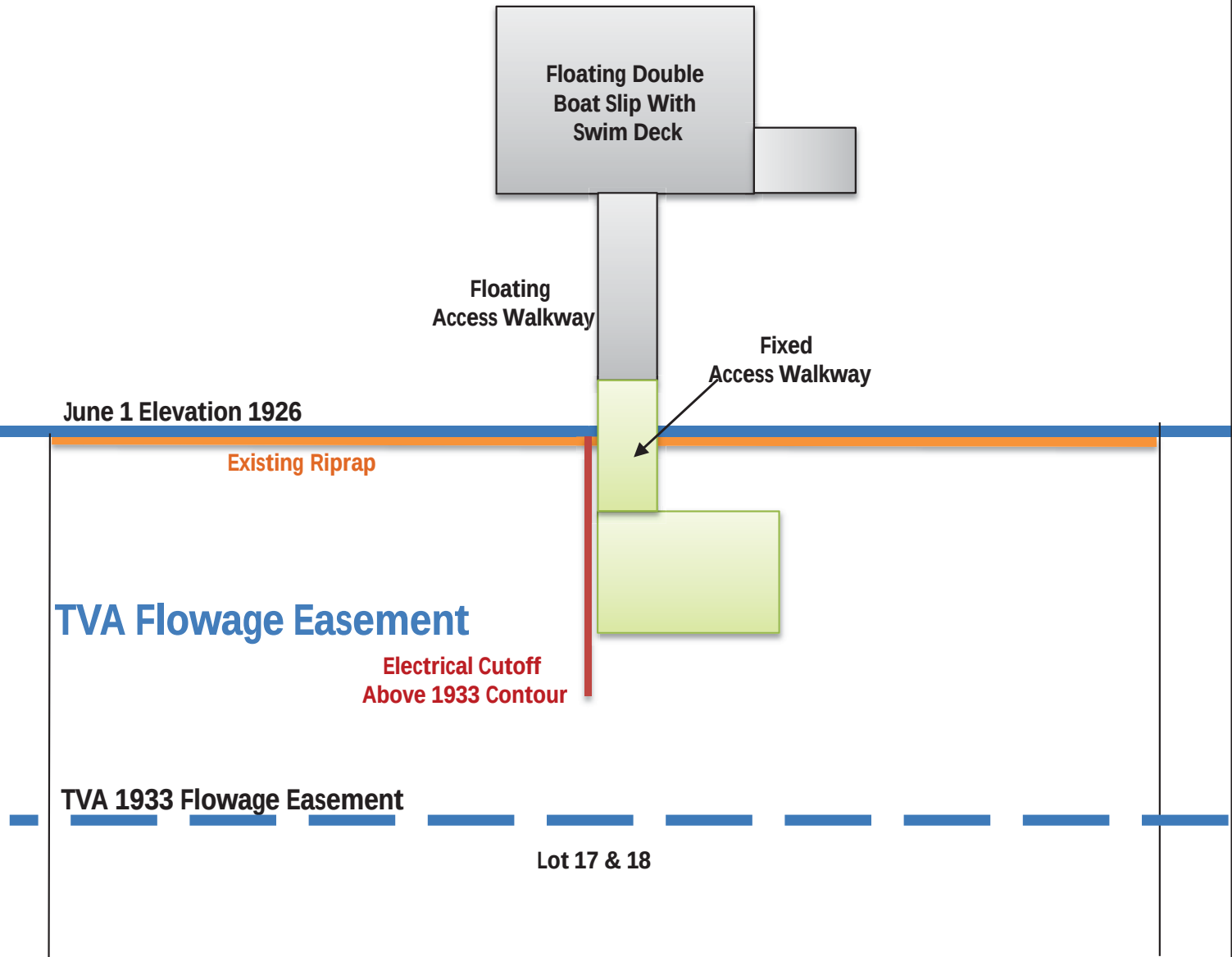


SHORELINE ROCK RIPRAP

Applicant	David Sutton	ID:	4026163
Reservoir:	Chatuge	Tract:	CHR-520F
Subdivision:	Cecil Kelley	Lot Number:	17 & 18
Lakeward Extension:		June 1 Flood Guide Elevation:	1926
Facility Footprint:		River / River Mile:	Hiwassee 123.5Left

CHATUGE RESERVOIR

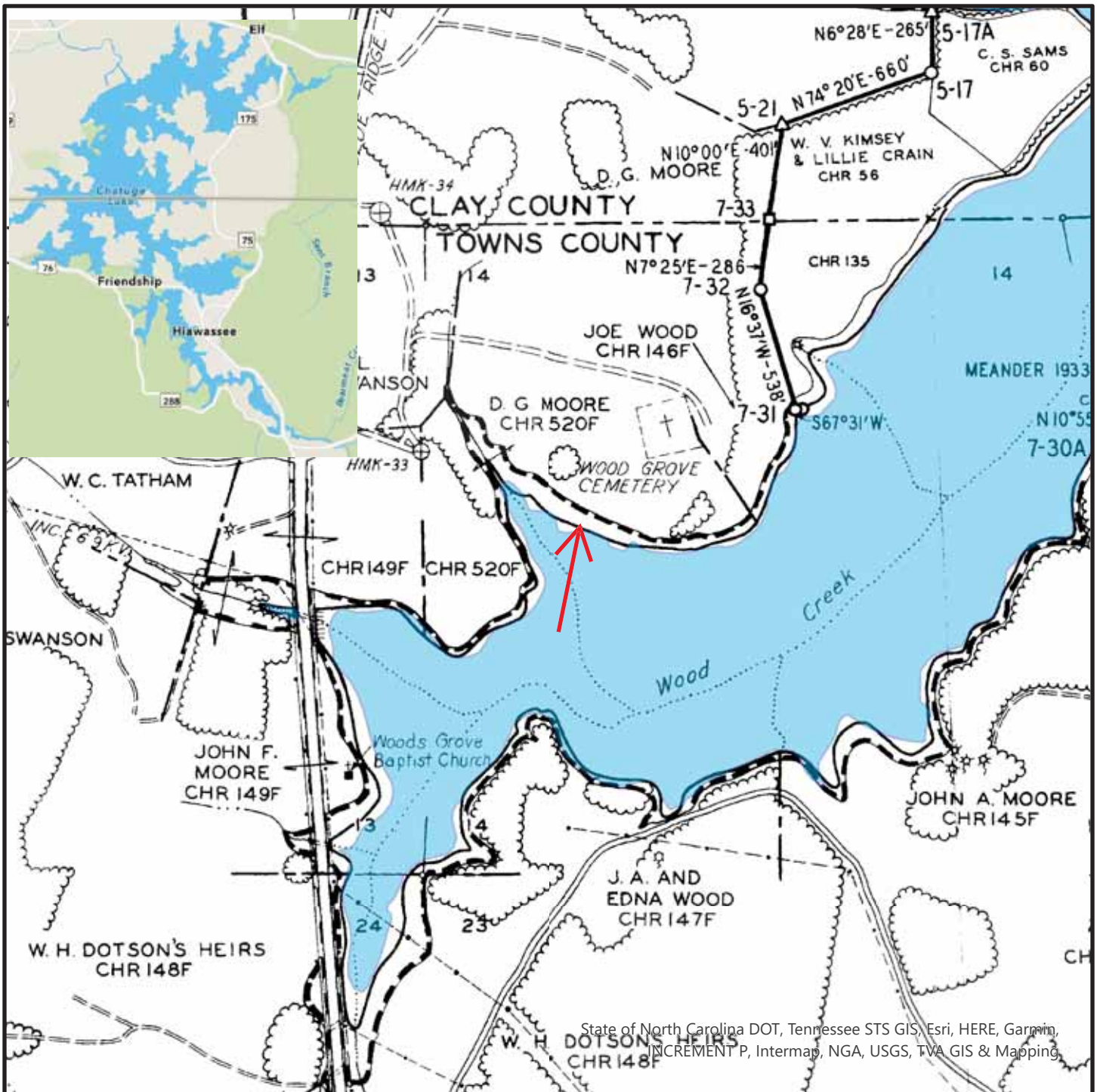
Total Lakeward Extension: 102'
Total Footprint: 1696 ft²



SITE PLAN

4026163

APPLICANT David Sutton
RESERVOIR Chatuge
TRACT NUMBER CHR-520F
SUBDIVISION Cecil Kelley
LOT NO. 17 & 18
MAP 7
RIVER MILE Hiwassee 123.5Left



34.983735 -83.822708

Section 26a Map

David Sutton

ID No. 4026163

Tract No. CHR-520F

Cecil Kelley Lot: 17 & 18

Chatuge Reservoir

Hiwassee River Mile: 123.5L



Section 26a Location

Map Reference:
C/D Stage - 7
Topo - 151NE



Natural Resources
September 28, 2023

0 0.15 0.3 Miles

Location information is approximate

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 Mailing Address of Applicant: David Sutton 3755 Wood Creek Drive Young Harris, GA 30582 Email Address: melaniesnare@gmail.com Telephone Number: Home: 8285071281 Office: 7706708781 Mobile: 7706708781	Name, Mailing Address, and Title of Authorized Agent: Email Address: Telephone Number: Home: Office: Mobile:
Facility/Activity Location (include all known information): Reservoir: Chatuge Address: 3755 WOOD CREEK DRIVE YOUNG HARRIS GA 30582 Subdivision, Lot No., and/or Tax Parcel No.: CECILE KELLY, 17,0018A-061 Stream Name and Mile: HIAWASSEE R, 123.5 Longitude/Latitude: -83.8227278384481, 34.98352210262859	
Application submitted to ☐ DA ☒ TVA Date activity is proposed to commence: <u>09/25/2023</u> Date activity is proposed to be completed: <u>09/30/2023</u>	

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.

PROJECT DESCRIPTION:

We just purchased this home in May of 2023 and there's a rise in the ground level right by the dock where we need to park water vessels. So we would like to be able to dig it about 2 feet deeper beside the dock by removing the dirt approximately 12' wide.

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 understand that TVA and the U.S. Army Corps of Engineers may contact an Authorized Agent listed above and such Agent may act on my behalf on all aspects of this application. **I agree that, if TVA approves this application, I will comply with the terms and conditions and any special conditions that TVA may impose. Please note the U.S. Army Corps of Engineers may impose additional conditions or restrictions.**

9/22/23

Date

David Sutton

Name of Applicant (Printed)

David Sutton

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:

3769 WOODS CREEK DR - B3723LAKE AND LINDSAY BRIDGES 3723 WOODS CREEK DR - E&B HOLDINGS INVESTMENTS LLC

List of previous DA/TVA permits/approvals ☐ DA _____ Permit Number _____

☒ TVA _____ 284163
Permit Number

Previous Property Owner (if known) - ALLISON GODDARD

Is any portion of the activity for which authorization is sought now complete? ☐ Yes ☒ No

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.

Agency	Type Approval	Identification No.	Application Date	Approval Date
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Has any agency denied approval for the activity described herein or for any activity directly related to the activity described herein?

If Yes, see below explanation.

☐ Yes ☒ No

Project plans or drawings, on paper suitable for reproduction no larger than 11 x 17 inches or in electronic format (dxf, docx, or pdf), must accompany the application. Submit the application 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 Offices	
U.S. Army Corps of Engineers Eastern Regulatory Field Office 501 Adesa Blvd., Suite 250 Lenoir City, Tennessee 37771 (865) 986-7296	U.S. Army Corps of Engineers Savannah District The Plaza, Suite 130 1590 Adamson Parkway Morrow, Georgia 30260-1763 (678) 422-2729	Tennessee Valley Authority Chattanooga Regional Office 4601 N. Access Road, Bldg. B Chattanooga, Tennessee 37415-3825 1-800-882-5263	Tennessee Valley Authority Murphy Regional Office 4195 West US Highway 64, Suite 10 Murphy, North Carolina 28906 1-800-882-5263
U.S. Army Corps of Engineers Regulatory Branch 3701 Bell Road Nashville, Tennessee 37214 (615) 369-7500	U.S. Army Corps of Engineers Western Regulatory Field Office 2424 Danville Road, SW, Suite N Decatur, Alabama 35603 (256) 350-5620	Tennessee Valley Authority Gray Regional Office 106 Tri-Cities Business Park Drive Gray, Tennessee 37615 1-800-882-5263	Tennessee Valley Authority Muscle Shoals Regional Office Post Office Box 1010, MPB 1H Muscle Shoals, Alabama 35662-1010 1-800-882-5263
U.S. Army Corps of Engineers Norfolk District P.O. Box 338 Abingdon, Virginia 24212 (276) 623-5259	U.S. Army Corps of Engineers Asheville Regulatory Field Office 151 Patton Avenue, Room 208 Asheville, North Carolina 28801-5006 (828) 271-4856	Tennessee Valley Authority Guntersville Regional Office 3941 Brashers Chapel Road Guntersville, Alabama 35976 1-800-882-5263	Tennessee Valley Authority Paris Regional Office 2835-A East Wood Street Paris, Tennessee 38242-5948 1-800-882-5263
		Tennessee Valley Authority Knoxville Regional Office 400 West Summit Hill Drive, WT 11D-K Knoxville, Tennessee 37902 1-800-882-5263	Tennessee Valley Authority Floating Cabin Program Manager 400 West Summit Hill Drive, WT 11D-K Knoxville, Tennessee 37902 1-800-882-5263

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.

The information requested in this form becomes part of the Section 26a Permit Application Records Privacy Act System of Records (TVA-36). Authority for maintenance of this system of records is provided by the Tennessee Valley Authority Act of 1933, 16 U.S.C. 831-831ee.

The information solicited on this form may be made available as a "routine use." A complete list of the routine uses can be found in the system of records notice associated with this form, "Section 26a Permit Application Records, TVA-36." TVA's system of records notices can be found on the TVA website at <https://www.tva.com/information/about-the-tva-privacy-program>.

Burden Estimate Statement

Public reporting burden for this collection of information is estimated to average 2 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.

TVA RESTRICTED INFORMATION

TVA RESTRICTED INFORMATION

OMB No. 3316-0060

Exp. Date Under OMB Review

Section 26a Permit and Land Use Application

Online Applicant Disclosure Form

By signing the Joint Application Form (Department of Army/TVA) or submitting electronically, you agree to disclose any business, political, or financial interest that may present an actual or potential conflict of interest with TVA. If a new significant business, political, or financial interest is obtained during the period of the time that the application is under review, you agree to file an additional disclosure.

Disclose if any of the following apply to you (check all that apply). I am:

- ☐ An elected government official or a candidate to an elected government office (whether federal, state, or local).
- ☐ A senior management level employee of an entity that regulates TVA or its activities.
- ☐ A senior management level employee of a power customer of TVA.
- ☐ A current TVA employee or Director.
- ☐ A former TVA officer or former TVA Director and it is less than one year after my last date of service with TVA.
- ☐ A current member of a TVA council created pursuant to the Federal Advisory Committee Act (FACA), such as the Regional Resource Stewardship Council (RRSC) or Regional Energy Resource Council (RERC), or I am a former council member and it is less than one year after my last date of service on the council.
- ☐ The spouse or dependent child of any of the above. List which one of the above applies.

- ☐ A representative of a corporation or other non-governmental entity submitting an application and one of the above applies to me. Print entity or corporation name, and identify which of the above applies to you.

- ☐ A representative of a corporation or other non-governmental entity submitting an application and I have significant financial interest in the corporation or non-governmental entity. Print entity or corporation name.

☒ None of the above

Please sign and return this form with your application package. Your application cannot be processed without receipt of this signed form.

By signing this form, you consent to this Applicant Disclosure Form being made available to the public in response to an appropriate request, including, without limitation, a request made under the Freedom of Information Act. All applications and communications that occur as part of the application process may be made public to the extent permitted by applicable law, including the Freedom of Information Act and the Privacy Act, and could be reviewed formally by the Office of Inspector General (OIG). All written correspondence regarding your request may be forwarded to the TVA Designated Agency Ethics Official (DAEO) and the OIG, and all oral communication between TVA and the applicant regarding this request may be documented and maintained by TVA.

David Sutton

Name of applicant (printed)

David Sutton

Signature of Applicant

9/22/23

Date

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.

Privacy Act Statement

This information is being requested in accordance with Sections 4(k), 15d, 26a, and/or 31 of the TVA Act; 40 U.S.C. § 1314; 30 U.S.C. § 185; 16 U.S.C. § 667b; and/or 40 U.S.C. § 483. 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 application being denied. 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 the applicable program; and for oversight or similar purposes, corrective action, litigation, or law enforcement.

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03/10/2022.

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