



Shoreline Construction Permitting Under Section 26a of the TVA Act

TVA has the responsibility of managing the river system and for achieving "Unified Development and Regulation of the Tennessee River."

Section 26a of the TVA Act (U.S. Congress, 1933, as amended) requires that TVA approval be obtained prior to the construction, operation, or maintenance of a structure or construction activity affecting navigation, flood control, or public lands, along the shoreline of the TVA reservoirs or in the Tennessee River or its tributaries. TVA administers this authority under rules in Title 18; Code of Federal Regulations.

Section 26a is designed to ensure that construction along the shoreline and in waters of the Tennessee River system and the TVA reservoirs does not adversely impact TVA's responsibility for managing the river system and for achieving "Unified Development and Regulation of the Tennessee River." TVA reviews over 2500 construction proposals annually to ensure that shoreline construction activities are compatible with TVA's integrated mission for flood control, navigation, power generation, reservoir recreation, land management, and environmental protection. Permit approvals for construction under Section 26a are "federal actions" and are therefore subject to the requirements of the National Environmental Policy Act and other federal laws.

Typical structures requiring TVA review and approval include: boat docks, piers, boat ramps, bridges, culverts, commercial marinas, barge terminals and mooring cells, water intake and sewage outfalls, and fill or construction within the floodplain.

For more information, contact the appropriate Watershed Team Office

Holston-Cherokee-Douglas Watershed Team

Boone, Bristol Project, Fort Patrick Henry, South Holston, Watauga, and Wilbur

106 Tri-Cities Business Park Drive
Gray, Tennessee 37615
423-467-3800

Cherokee, Douglas, Nolichucky, and French Broad

3726 E. Morris Boulevard
Morristown, TN 37813-1270
423-585-2120

Watts Bar-Clinch Watershed Team

Clinch, Great Falls, Melton Hill, Norris, Powell, and Watts Bar

260 Interchange Park Drive
Lenoir City, TN 37772-5664
865-632-1320

Little Tennessee Watershed Team

Fontana, Fort Loudoun, Tellico, and Little Tennessee

260 Interchange Park Drive
Lenoir City, TN 37772-5664
865-632-1300

Chickamauga-Hiwassee Watershed Team

Chickamauga and Nickajack
1101 Market Street (PSC 1E - C)
Chattanooga, TN 37402-2801
423-876-6706

Apalachia, Blue Ridge, Chatuge, Hiwassee, Nottely, and the Ocoees

4800 US Highway 64 West
Suite 102
Murphy, NC 28906
828-837-7395

Guntersville-Tims Ford Watershed Team

Guntersville, Normandy, and Tims Ford

3696 Alabama Highway 69
Guntersville, AL 35976-7196
256-571-4280

Pickwick-Wheeler Watershed Team

Bear Creek, Cedar Creek, Duck, Elk, Little Bear Creek, Pickwick, Upper Bear Creek, Wheeler, and Wilson

P.O. Box 1010, SB 1H
Muscle Shoals, AL 35662-1010
256-386-2560

Kentucky Watershed Team

Beech River Project, Kentucky, and Lower Duck

2835-A East Wood Street
Paris, TN 38242-5948
731-641-2000



TVA Section 26a Permit Application and Processing Fees

Like most government agencies today, TVA incorporates sound business principles into its daily work. One basic business premise is that customers pay for services received. TVA has implemented a fee system so that people who benefit directly reimburse TVA for the cost of services provided.

Fee rates effective January 5, 1998, for activities on TVA reservoirs/regulated streams:

\$200 - Applications for transfer of ownership of existing permitted facility.

\$200 - Applications from adjoining property owners for docks, boathouses, bank stabilization, or other related minor shoreline alterations.

\$500 - Applications from local, state, or federal agencies for permits to construct, change, or operate major public facilities.

\$1,000 - Applications from adjoining property owners, commercial businesses, or industries for permits to construct or operate marinas, barge terminals, or bridges, or for other major shoreline alterations.

For activities off TVA reservoirs:

\$100 - All applications for construction activities affecting TVA lands or waters.

What is Section 26a?

This is a section of the TVA Act which requires TVA to review and process applications for construction activities proposed in or along the Tennessee River or its tributaries.

What are the fees based on?

TVA attempts to recover its costs associated with processing 26a applications. To ensure that fees are reasonable and fair, TVA examined its cost of doing business. Current fees are based on this information. All fees are within the allowable ranges found in the 1995 Federal Register TVA's Administrative Cost Recovery regulations. TVA will continue to examine the costs of doing business and, if these costs change, fees will be adjusted accordingly.

When will the revised fee structure begin?

In March 1995, TVA began charging fees for 26a permit applications. These fees have been adjusted based on actual costs. Effective January 5, 1998, a check or money order made payable to the Tennessee Valley Authority for the appropriate amount (\$200, \$200, \$500, \$1,000, or \$100 [see sidebar]) must accompany each application.

What does the fee cover?

The fee is for recovering costs associated with processing the application. These costs include site investigations, record searches, analysis for conformance to TVA requirements, environmental review, permit preparation, and related activities. Paying the fee does not guarantee approval of the permit. The fee will not be refunded if the application is not approved.

A single permit application may include more than one request for alterations, modifications, or changes at the same location for a single fee. If another application is made for additional activities or to modify previous permits, a separate fee will be charged for each new application.

Will there be any additional charges?

If processing costs are expected to exceed the standard fees (in sidebar), TVA will notify the applicant in writing that full-cost recovery will be required. The applicant will be required to sign an agreement before work begins. Work will cease if TVA invoices are not promptly paid. Fees will cover the cost of detailed analyses such as special biological studies, archeological surveys, environmental assessments (EA), or environmental impact statements (EIS), which may be required in special circumstances such as when wetlands, cultural resources, or endangered species might be impacted by the proposal.

Remember:

- *Your check or money order (payable to Tennessee Valley Authority) must accompany your application.*

Additional fees may be assessed for processing after-the-fact permits for activities already conducted without a permit in violation of federal regulations.

The following is general guidance for TVA full-cost recovery fees and project duration. These figures are not exact or binding, but are provided to generally describe what may be encountered. Costs and schedule will be determined by the specific circumstances of each location and action. As with any project concerning unknowns, the fees and duration could escalate significantly depending on what is discovered during the review.

| Non Standard Applications — Full-Cost Recovery | |
|---|---|
| | Typical Cost and Duration |
| Modifications to existing projects, new projects requiring limited additional special studies, or actions not covered by a U.S. Army Corps of Engineers general permit, typically exceed the standard fee. | \$1000 to \$3000 (3 to 5 months) |
| Projects requiring in-depth or additional review of at least one environmental or programmatic issue. Issues can include, but are not limited to: identification of historic or archeological resources, presence of wetlands, threatened or endangered species impacts requiring involvement of the U.S. Fish and Wildlife Service, TVA programmatic interests (for example transmission rights-of-way, navigation, and municipal water supply), or actions not covered by a U.S. Army Corps of Engineers general permit. | \$5,000 to \$10,000 (4 to 12 months) |
| Projects which require in-depth or additional review of multiple environmental or programmatic issues. An EA may be required. Issues can include, but are not limited to: investigation and documentation of historic or archeological resources, wetland impact mitigation studies, issues requiring seasonal field review (low water level, foliage emergence), formal consultation with the U.S. Fish and Wildlife Service on threatened or endangered species, controversial actions, significant TVA programmatic interests, or actions not covered by a U.S. Army Corps of Engineers general permit. | Up to \$15,000 (6 to 18 months) |
| Projects which require in-depth, detailed studies for multiple or significant environmental or programmatic issues. An EA or EIS may be required. Issues can include, but are not limited to: mitigation of impacts caused by the proposed action, impacts to historic or archeological resources, significant wetlands impacts, formal consultation with the U.S. Fish and Wildlife Service on significant threatened or endangered species impacts, significant TVA programmatic interests, or actions not covered by a U.S. Army Corps of Engineers general permit. If proposed action is controversial, public meetings are likely and the applicant would be responsible for costs incurred. | \$25,000 or significantly more (12 to 36 months, potentially more) |

What is the difference between On-Reservoir and Off-Reservoir activities?

On-reservoir activities include 26a permit requests in, across, or along TVA reservoirs and regulated rivers and streams in the Tennessee Valley. Regulated rivers and streams are rivers and streams located downstream of TVA dams, and which are directly impacted by the operating of TVA dams. Off-reservoir activities include 26a permit requests on all other rivers and streams in the Tennessee Valley Watershed.

TVA Watershed Team Offices

TVA has seven Watershed Team Offices located across the Valley to provide quick response to questions and problems, and to discuss permit applications and processing fees.

Holston-Cherokee-Douglas Watershed Team

Boone, Bristol Project, Fort Patrick Henry, South Holston, Watauga, and Wilbur
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