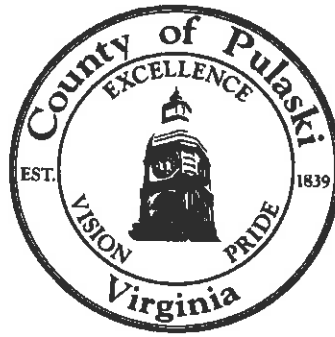


Administration

143 Third Street, NW, Suite 1
Pulaski, Virginia 24301
(540) 980-7705
(540) 980-7717 (fax)
phuber@pulaskicounty.org



*Room to Grow in
Virginia's New River Valley*

December 16, 2016

Elizabeth Parcell
American Electric Power
PO Box 2021
Roanoke, VA 24022

Dear Liz,

Pulaski County staff has reviewed the Claytor Lake Shoreline Management Plan (SMP), amendments, and updated draft dated November 12, 2016, as part of the five year relicensing review period. Pulaski County staff have met with Appalachian Power Company (APCO) representatives on numerous occasions to discuss some of the issues identified in this review document; however, has yet to receive any confirmation from APCO that processes or standards will be changed to address concerns.

The Pulaski County Board of Supervisors has discussed the SMP and has expressed significant concern over many standards that it contains and the many conflicts that exist between County zoning regulations and SMP standards. The Board of Supervisors is requesting that APCO make modifications to the SMP, as detailed in this letter, and that FERC approve the modifications.

Throughout the years, Pulaski County has tried to be a good partner for APCO and provide assistance to both APCO and Pulaski County citizens. More recently, questions have arisen about APCO's interest in maintaining the historic partnership with the County; however, there is hope that the partnership would be restored as revisions are made to the SMP.

County staff has worked closely with the Friends of Claytor Lake to review the draft SMP to recommend improvements that would benefit all Lake users and County residents. There are many items that have been identified as needing to be updated, which are contained as an attachment to this document; however there are six major issues that need to be addressed, which warrant special attention, as follows:

1. Claytor Lake Project Boundary needs to be clearly defined;
2. Steep Slope Shoreline Classification needs to be reassessed and modified;
3. Non-Conforming Structures need to include those above the 1846 contour;

4. Implementation Date needs to be December 27, 2011;
5. Shoreline Classifications need to be reevaluated and aligned with County plans; and
6. Maximum Application Review Times for APCO need to be set.

Pulaski County appreciates consideration by APCO and FERC in these matters and hopes to resolve them in the near future. County officials and staff are dedicated to providing a high-quality of life and encourage appropriate development to create a desirable community for County citizens, and hopes APCO can work towards those same goals.

In addition, Pulaski County feels that it would be in the best interest for all parties to allow the County to oversee permitting of docks and other structures at Claytor Lake, as the County has clear processes, permitting, staffing, and citizen responsiveness.

County staff is always available to discuss the Claytor Lake SMP, how it impacts County citizens, and any potential improvements that could be made, so please feel free contact either me or Danny Wilson to discuss these items at 540-980-7705.

Sincerely,



Peter Huber
County Administrator

Enclosures

CC Pulaski County Board of Supervisors
Danny Wilson, Planning & Zoning Administrator

General items that need to be updated in the Claytor Lake SMP include the following:

Numerous inconsistencies, incorrect references, repetitive language, and conflicting standards throughout make it very hard to fully review the updated draft document. The original SMP also had these same issues, which has made it very difficult for County citizens to understand APCO's regulations.

Shoreline stabilization should be simple to install on the shorelines that are eroding around the Lake. If one of the SMP goals is to protect the natural resources along the Lake, then shoreline stabilization is needed in many areas where it is currently not allowed.

The SMP needs to be modified to accomplish a reduction in sedimentation and erosion of property at the Lake is not actually being accomplished by the SMP, without preventing citizens from enjoying the Lake.

Coordination with Pulaski County on adjacent land uses and zoning is stated; however, has not occurred. Pulaski County desires to see updates made to the shoreline classifications and standards, so that they align with County anticipated and desired growth.

Many of the regulations in the SMP provide very little flexibility for an extremely varied lake shore. Having absolutes make it difficult to properly administer the SMP and allow logical development.

The SMP is too confusing and complicated for citizens to understand. The language needs to be simplified, redundancies removed, and conflicting standards eliminated. Also, all of the documents referenced in the SMP, as well as items referenced as attachments, should be attached to the SMP as appendices.

Pulaski County has an aging population and supports efforts to provide handicap accessibility in all built structures. The SMP makes no allowances for handicap access to single-family docks via a second access onto a dock. Allowing handicap access should be a consideration in the SMP.

Ensure that standards for public docks, boat ramps, multi-use docks, and commercial facilities allow for accessibility standards to be met. This should be done by providing allowances for larger docks to accommodate wider walkways and staging areas to access boats.

Specific items that need to be updated in the Claytor Lake SMP include the following:

Pg. 2, #5 cooperating with Pulaski County to coordinate adjacent land uses and permitting efforts has not occurred. Recommend that the SMP and Shoreline classifications are reviewed with the County and modified to align with County standards.

Pg. 7, 2.1.7 alleges that Pulaski County Comprehensive Plan and ordinances were taken into consideration when developing the SMP; however, it is clear that they were not. Recommend that County adopted plans and ordinances be taken into consideration.

Pg. 10, 2.3 states that the SMP is tied to County zoning; however, the SMP shares no commonalities with or considerations for County zoning.

Pg. 19: #10 & 11- High Density Multi-Use docks limited to no more than 3 slips per 100 linear feet of shoreline. Limiting the number of slips in this manner creates a conflict for building a high density, shared dock.

Pg. 27, #11 subdivision date should be 12/27/2011, not 8/14/2003.

Pg. 27, #13- shared pier referenced, but not a shared dock. Shared docks should be included in this section, as that is what would be built.

Pg. 27, #14- references development outside of the Project Boundary to determine what can be approved in the Project Boundary (storage enclosure allowed on dock, if "no additional enclosures exist within the Project Boundary or nearby." Reference should be removed, as the SMP only governs what is inside the Project Boundary.

Pg. 28, #19- states that boat covers require approval by APCO, but APCO should not review boat covers, as they are not a permanent structure.

Pg. 28, #21- requires an APCO permit to sell property to someone else, which adds uncertainty to land sales and is unnecessary.

Pg. 29, #22- references the 1846 contour for nonconforming structures. The reference should be Project Boundary instead.

Pg. 29, #23- "Appalachian reserves the right to limit the **size**, configuration, or location of any and all structures or not to allow construction in certain locations." This is extremely vague and ambiguous standard and **makes** it difficult to determine if a denial is arbitrary. This statement should be removed.

Pg. 38, #12- date set as 6/26/2009 for subdivision, should be 12/27/2011.

Pg. 38, #12- does not allow single-family homes to have individual docks- requires multi use docks to serve multiple lots, even though the County can't require common space to be included in subdivisions. Should allow single-family residential lots to have docks.

Pg. 39, #17- does not allow docks to be anchored to rock. In some places, rock is all that exists along the shoreline. Consider allowing docks to be anchored to rock if there are no other options.

Pg. 40, #21- boat covers cannot be attached to a dock with a roof. Conflicts with other sections of the SMP and boat covers are most often attached to the roof.

Pg. 40, #27- requires engineered drawings for any retaining wall regardless of size or scope of project. It may make more sense to allow retaining walls up to 24" in height without requiring an engineer to design/ seal.

Pg. 49, #5- stabilization is prohibited in Conservation/ Environmental areas. Many of these areas need shoreline stabilization, so the prohibition should be removed.

Pg. 52, #3- requires owners to commit to keeping bulkheads for a minimum of 25 years. Very excessive and impossible to regulate/ enforce. This standard should not be required.

Pg. 59, Table 2.5.11-1- existing vegetation calculation is using "caliper" when it should use "diameter breast height (DBH). Sizes should be modified accordingly. Replacement trees should be calculated using caliper. Can require inch per inch replacement, but it should be one inch DBH of removed tree to be replaced with one inch caliper of new tree.

Pg. 60, 3- The SMP is unclear on whether a permit is required for the removal of invasive species. Recommend clarification of this point.

Pg. 60, 2.5.11- fallen trees measured at the "base of the trunk." Should be DBH and the size changed accordingly. Recommend changing to 6" DBH for retention of the fallen tree.

Pg. 62: requires buyers of property to obtain new permits from APCO, but APCO doesn't issue permits unless a structure is actually being built. This adds uncertainty to land sales and is unnecessary.

Pg. 63, 3.2- fees to be collected to cover program admin will be too expensive. An average of 12 docks are approved each year at Claytor Lake, so permits fees would need to be in excess of \$3,000 per dock to cover a staff person (assuming fees for bulkheads, vegetation removal, dredging, and other items will add to the total raised to cover administrative fees). Language should read that reasonable fees could be imposed to assist in covering costs associated with permitting.

Pg. 63, 3.3- APCO has sole decision on whether something warrants being submitted to FERC for a variance. There is no appeals process for an APCO denial to submit a variance. This needs to be corrected and a clear appeals process needs to be established.

Pg. 65, #5- conflicts with previous page, suggest deletion.

Pg. 67, 3.3- requires surveying outside of the project boundary, which can't legally be required, as the property owner of the land must give permission for survey to occur. Recommend changing this to be limited to the Project Boundary.

Pg. 67, 3.4- only structures built below the 1846 can be considered grandfathered nonconforming structures. This presents a huge problem and issue for lake residents. Language should be changed to allow structures in the Project Boundary to be grandfathered.

Pg. 69, 3.5.1- references "local or state code official" – should say Pulaski County official, as the current process does not include a "code official."