

FOCL SMP REVIEW 12/21/16 DRAFT - 1/4/17

Clarify location of Project boundary & implication for SMP. While the Project boundary is generally the 1850 foot contour NGVD for Claytor Lake, there are areas around the lake where the actual Project boundary deviates from the current 1850 foot contour. This can be for various reasons, such as APCO's ownership of land above 1850 (for example, along the cliffs or at Big Hole Hollow), because of flowage easements, or where the shoreline has encroached inland of the originally purchased Project boundary due to erosion. Because the SMP applies "solely to those lands and waters contained within the Claytor Project's Project boundary" (SMP 1.2 Goals and Objectives, p.1), it is important that the exact location of the Project boundary be delineated and provided with the SMP.

In order to maintain accuracy and consistency throughout the SMP where reference to the Project boundary is intended, replace any specific elevation contour (i.e. 1846 or 1850) with the words, "Project boundary." For instance, when the regulation refers to grandfathering, the wording should be, "Docks, piers and similar structures constructed within the ~~1850 contour NGVD of Claytor Lake~~ Project boundary prior to the implementation of the SMP" (p. 18 #18). This wording would also apply to p. 21 #22; p. 29 #23; p. 31 #19; p. 41 #24; p. 68 #3.4; and p. 68 #3.4.1.

For regulations relating to new structures, construction or stabilization (p. 17 #17; p. 20 #21; p. 29 #22; p. 41 #23; p. 50 #18), the wording should be, "~~The applicant must be the owner of or Appalachian lessee of the tract of land immediately adjoining the 1850-foot contour elevation~~ Project boundary." Wording with specific contour elevations in p. 50 #17; p. 51 #20; p. 65 #3; and Glossary p. v Extended Property Lines would be deleted or replaced with the wording "Project boundary."

Exceptions can be made where 1850 can be referenced as a specific contour line where the Project boundary is defined or described. The definition of Project boundary in the Glossary (p. vi) could read: Area of land necessary for the development, management, and operation of the Claytor Lake Dam, FERC Project #739. This area is what was purchased for development of Claytor Lake or acquired via flowage easement rights. The Project boundary generally follows the 1,850 contour, as identified in the 1929 NGVD; however, there are Project boundary deviations both above and below this contour." Other sections of the SMP that reference the Project boundary (specifically p. 2 #1.3; p. 16 #1; p. 18 #1; p. 23 #1; p. 26 #1; p. 37 #1) could simply state, "The Project boundary generally follows the 1,850 contour, as identified in the 1929 NGVD, except where there are Boundary deviations both above and below this contour." (wording currently in the SMP (1.3 Project Area Description, p. 2) is as follows: "The Project boundary for the Claytor Project generally follows contour elevation 1850 NGVD around the perimeter of the reservoir except in those areas defined by survey beyond the referenced contour elevation.")

Facilitate shoreline stabilization against erosion through-out the SMP.

While boat wakes are the main cause of erosion at Claytor Lake, one of the SMP's goals is to maximize the public's use of the water (p. 2 #1.2). Because erosion damages other resources the SMP is tasked with protecting, FOCL believes facilitating erosion control through the SMP would help the SMP provide balanced protection of all resources and meet its goal of "minimizing impacts among contrasting uses" (p. 2 # 1.2). However, requirements in the SMP can make erosion control more difficult and expensive, if not impossible, due to limitations, mitigations and prohibitions.

Changes should be made throughout the SMP to facilitate control of erosion.

Regardless of shoreline classification, in areas experiencing active erosion due to boat traffic and highly erodible shoreline materials, priority should be given to erosion control, and regulations, limitations and mitigations for shoreline stabilization should be modified or waived to facilitate erosion control in those areas. This prioritization and modifying or waiving of limitations and mitigations should also apply to Vegetative Cover Regulations (p.57 #2.5.11) and Fallen Tree Regulations (p.60 #2.5.12) since erosion can also damage and destroy vegetative buffers

Specifically, Shoreline Stabilization Regulations (2.5.8) prohibit shoreline stabilization in Conservation/Environmental areas (p. 49, #5), though a FERC variance might be considered (p. 64, #1). **Change to Appalachian Exception from FERC variance in cases of active erosion regardless of date of lot subdivision.**

Shoreline Stabilization Regulations call for the use of no more material than the minimum needed for erosion control (p. 49 #4), and yet riprap specifications can require excess amounts of material in certain situations. **Add provision #9 allowing for alternative quantities of riprap and methods to control erosion with riprap.**

SMP Implementation Date. FOCL appreciates the consistent use of December 27, 2011 as the SMP implementation date. **The date of August 14, 2003 in #11 on p. 27 was the date Article 8 and not the SMP was developed and should be changed to December 27, 2011 to maintain consistency.**

Steep Slope (2.5.6). Steep Slope continues to be defined as 2:1 (horizontal:vertical). At 26.6 degrees, this is far too flat an incline to refer accurately to the steep slope that predominates at Claytor Lake. Discussion including arm motions at APCO's December 13, 2016 SMP meeting showed agreement that steep slope refers to a slope closer to 1:2 (horizontal:vertical), or 63.4 degrees. **Change all references to Steep Slope to 1:2 (horizontal:vertical) which is the same as 63.4 degrees or 200% grade ("Percentage of slope is vertical distance divided by horizontal distance, then multiplied by 100."-- slope definition, Glossary p. 100, Soil Survey of Pulaski, Virginia, 1980) (Steep Slope p. 11 and p. 13; p. 37 #2.5.6)**

Steep Slope regulations within the Project boundary are a punitive attempt to control actions outside the Project boundary. While we appreciate the change in consideration for up to a 1300 square foot dock adjacent to steep slope from FERC variance to Appalachian Exception, we believe dock regulations should be consistent throughout the shoreline, regardless of adjacent slope.

Docks/slips. Second slip at 500 allowed square feet has been deleted from tables on pages 19, 30, 32 and 34. What prompted that deletion?

Personal watercraft (PWC) swing lifts should not count as slips or in square footage (tables on p. 30, 32, 34, 40)

Reflectors or white reflective tape are not effective at showing location of docks at night; Troy and Clark with VDGIF recommend adding that soft, low-level lights---solar or electric--are preferred. (p. 16 #7; p. 20 #16; p. 22 #12; p.24 #14; p. 25 #10; p. 27 #10; p. 31 #16; p. 33 #14; p. 34 #15; p. 36 #12; p. 39 #11)

Thank you for allowing consideration for more than more walkway to docks in Appalachian Exceptions (p. 66 #3). **Reference needed to that exception on p. 27, # 9.**

Thank you for decrease to more than 500 linear feet of shoreline (from 1000 feet) in order to have more than one dock. (p. 27, #11) **Delete "and with a residential use" from #11 on p. 27**

Delete #12 from page 27.

Thank you for excluding cupolas from maximum height in p. 28 #16. **Please include exclusion in p. 66 #2 iv.**

Thank you for deleting new permit required for new owner (p. 62), **but #22 on p. 29 also needs deleting.**

Retaining walls deleted from Steep Slope (p. 41 #26). **Clarify p. 51 #20 which is confusing:** "Retaining walls emanating from Project lands are not allowed. However, retaining walls between the 1846 and 1850 foot contour elevations adjacent to shorelines may be considered." What is meant by "emanating from Project lands" when contour elevations 1846 and 1850 are generally within Project lands (and should be rewritten as "within the Project boundary"). **Request that retaining walls on Project lands be considered under Appalachian Exception (3.3.2 p.65) rather than FERC variance (p. 64 #3). Change waiver of drawings by licensed engineer when height of retaining wall is "2 feet or less" rather than "less than 2 feet in height" per Virginia Code.**

Riprap Specifications (2.5.8.1). Requires 2:1 slope (horizontal:vertical) which is too flat (p. 51 #1; p. 54, Figure 6). (Same discussion held at APCO December 13, 2016)

meeting regarding slope; agreement that 2:1 is too flat for riprap.) **Change slope for riprap to 1:1 (horizontal:vertical) which is the same as 45 degrees or 100% grade.**

Design Standards for Bulkheads (2.5.8.2). Slope of 2:1 is too flat for requirement before bulkheads can be allowed (p 52 #1). **Change requirement in p. 52 #1, and p. 67 #5 and #5i to allow bulkheads when a 1:1 slope (horizontal:vertical) (45 degrees or 100% grade) used for riprap cannot be obtained. Allow waiver of drawing by licensed engineer for **segmental retaining walls** that are 2 feet or less in height (p. 67 #5iii).**

Additional 300 square feet exception (3.3.2 #1). **Change wording back to additional 300 square feet "will" rather than "may" be allowed for single-family residential dock in Low Density Use area.**

Fees (3.2 p. 62). Uncertainty about the application and amount of fees is disconcerting. Appalachian's expectation that fees would be commensurate with the cost of administering the permit program and SMP implementation would require large fees due to limited permit activity at Claytor Lake.