

Mr. Peter Huber  
Pulaski County Administrator  
Pulaski County, Virginia 24301

December 21, 2016

Dear Peter,

Thank you for your letter of December 16, 2016 providing comments on the Claytor Shoreline Management Plan (SMP). As you are aware, pursuant to the SMP and the Federal Energy Regulatory Commission's (FERC) *Order Issuing New License* issued December 27, 2011, which approved and modified the SMP, Appalachian Power Company (Appalachian), as licensee of the Claytor Project (Project) is to initially review the SMP in five years following FERC approval. Your comments were provided as part of the five year review.

We have reviewed your comments and made several revisions to the draft document including the following:

1. The Steep Slope shoreline classification has been reassessed and modified. Under the draft regulations, Appalachian is proposing that under certain conditions, single family docks larger than 500 square feet be allowed with an exception from Appalachian, as opposed to requiring a variance from FERC. Additionally, an assessment conducted by Appalachian of lots adjacent to shoreline classified as Steep Slope revealed that the majority have already been subdivided into single family lots. Appalachian is not stating that no docks adjacent to the Steep Slope shoreline classification will be allowed. We are simply stating that future development adjacent to unsubdivided properties, the majority of which is owned by Appalachian, must be in the nature of shared docks.
2. The implementation date in sections 2.5.1, 2.5.2, 2.5.4, and 2.5.6 has been modified to reflect the FERC's *Order Issuing New License* issued December 27, 2011.
3. Efforts to encourage stabilization of shoreline will be addressed in Appalachian's 5 Year Erosion Study (2018) as recommendations were proposed beyond that of the SMP. However, language regarding the prohibition of shoreline stabilization adjacent to the Conservation/Environmental shoreline classification was clarified to address conditions where there is active erosion.
4. In order address property owners with special needs, Appalachian will consider an additional walkway by exception.
5. The maximum number of slips on docks adjacent to High Density Multi-Use has increased from 3 to 4 slips per 100 feet.

6. Shared docks in addition to shared piers were referenced, as suggested.
7. The size of enclosures was increased from 48 to 72 square feet, without assessing whether there are other structures outside of the Project boundary.
8. The requirement that buyers of properties with existing structures be required to obtain new permits to occupy and use Project lands and waters was eliminated.
9. Regarding maintenance to nonconforming structures, the reference to the 1846 foot contour elevation was changed to a reference to the 1850 foot contour elevation.
10. The statement, "Appalachian reserves the right to limit the size, configuration, or location of any and all structures or not to allow construction in certain location" was modified. The revised statement now provides: "Appalachian reserves the right to limit the size, configuration, or location of any and all structures or not to allow construction in certain locations, if Appalachian deems it necessary to protect and enhance the scenic recreational and environmental values of the Project."
11. The requirement for retaining walls less than 2 feet high to have engineered drawings was revised. Depending upon the circumstances, Appalachian may waive this requirement.
12. The SMP was modified to specifically allow the removal of invasive species without a permit from Appalachian.
13. Pertinent sections which stated "local or state code official" were modified to state "Pulaski County".

Many of your suggestions will be addressed through a revised website, [www.claytorhydro.com](http://www.claytorhydro.com), which is currently under construction. Specifically, and as conveyed to the Technical Review Committee, Appalachian will identify its Project boundary on this website, answer Frequently Asked Questions (FAQs), provide copies of the necessary applications, and provide instructions to lake residents on how to understand the SMP and maneuver through the various processes, including the appeals process. Appendices will be included immediately. Thank you for bringing the latter to my attention. Also, regarding FAQs, it was my understanding that Pulaski County was going to provide a list of questions frequently received. I presented a draft list at the November meeting. If there are others that you would like included, please feel free to share that information.

Other of your comments were either not incorporated or were not included in the recent draft to the Technical Review Committee and pertinent agencies because of the various explanations provided below.

For example, there is no guarantee that nonconforming structures on Project lands can be rebuilt, if destroyed. Property owners are encouraged to maintain these structures. Should the structures be destroyed in the future, Appalachian will consider replacement on a case-by-case basis. Questions to be considered will include whether or not the structure is a water-dependent use and whether or not the structure could be rebuilt outside of the Project boundary.

Shoreline classifications in the SMP were developed in consideration of Pulaski County zoning and its future plans. However, specific zoning classifications were not selected as parameters in the development of the shoreline classifications. Nonetheless, the Low Density Use category is intended to be reflective of the upland use, which is determined by the county. Likewise the shoreline classifications are based on a hierarchy and are not use specific as zoning. All uses are allowed in High Density Commercial, which is the highest category. Similarly all uses are allowed in High Density Multi-Use with the exception of High Density Commercial. The applicable regulations reflect the upland use, which again the County determines. Therefore, Appalachian firmly believes that the SMP offers a balance of development, protection of resources, and coordination with Pulaski County's adjacent land uses.

The subdivision date of August 14, 2003 on page 27 (#11) is correct. This was the date in 2003 when Appalachian coordinated with Pulaski County and the Friends of Claytor Lake in the establishment of guidelines for future developments within Claytor Lake. Likewise the June 26, 2009 date identified on page 38 is correct as that was the date that was included in the original SMP filed with FERC.

Because boat covers that are not attached to the boat, but instead are mounted on the dock, function as an enclosure or boathouse, Appalachian regulates the installation of same to address safety concerns, such as their limitations on visibility,

Regarding boat covers, boat lifts, canvas boat lift covers suitable for installation in lieu of roofs are permitted for docks that are in compliance with the above specifications for new docks. Canvas boatlift covers can be no more than ten feet in height above the deck and can be used to cover the boat only. Regarding boat covers not being attached to a roof, I believe your statement is not worded correctly. Nonetheless it is very possible to have a cover without a roof. I am aware of at least one FERC licensee that does not allow roofs on docks but allows canvas boat covers. The lake is located in a rather flat area and the licensee and its stakeholders did not want roofs to impact their viewsheds but wanted the ability to protect their boats. A quick google search will provide examples.

Regarding docks being anchored into rock, no change was made to the recent draft. Some steep rock cliffs are not appropriate for dock construction, and the resource should be protected.

Appalachian respectfully disagrees with your statement regarding the number of years a bulkhead is retained and the ability to regulate and enforce. The regulation was thoroughly vetted with the Virginia Department of Conservation and Recreation. The regulation limits, but does not prohibit, future waterward encroachments into Project waters.

With regard to fees, Appalachian does not have any current intentions to impose fees, but it doesn't hurt to have the information included in the SMP. Further, if Appalachian ever implements fees, these fees will be limited by FERC to those that reasonably cover Appalachian's expenses.

It is my understanding that your primary concern regarding review times has been with variance applications. As previously promised, Appalachian will develop a variance application following this review process. We greatly appreciate your willingness to guide the residents of Claytor Lake in completing the application. As you are aware, it is imperative that correct and consistent information and documentation be filed with the FERC and such is often challenging for the lay person. If there are other issues, please let me know.

Thank you again for providing the comments. A revised draft of the SMP has been provided to the Technical Review Committee and additional agencies along with a request to provide comments by February 1, 2017.

We have always enjoyed an excellent working relationship with Pulaski County and were not aware of any issues other than those that were discussed earlier in the year. We are working diligently to provide options to the residents of Claytor Lake so that they can obtain a permit from Pulaski County that meets the SMP. In return, we thank you for requiring compliance by the residents to construct what is permitted.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Parcell', written in a cursive style.

Elizabeth B. Parcell  
Process Supervisor Senior  
540-985-2441

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