



An AEP Company

BOUNDLESS ENERGY™

Appalachian Power
996 Old Franklin Turnpike
Rocky Mount, VA 24151
appalachianpower.com

APPLICATION FOR OCCUPANCY & USE PERMIT

February 4, 2022

Dear Claytor Lake Resident:

As licensee for the Claytor Lake Project (Project), Appalachian Power Company (Appalachian) has the responsibility and authority to regulate, permit, and monitor uses with the Project boundary (Reference elevation generally representing the 1850-foot contour NGVD for Claytor Lake, except in those areas defined by survey beyond the referenced contour elevation.)

Attached please find an application for an **Occupancy and Use Permit** for a boat dock or pier intended to serve a single family residential use on Claytor Lake. To streamline the permitting process, a copy of the Application for Permit, the permit's Terms and Conditions, and a blank permit form for signature are being provided to you at the beginning of the process.

Instructions for completing this application and obtaining an Occupancy and Use Permit include the following:

1. Read the entire application packet carefully.
2. To help ensure a prompt response, please include all requested information. Incomplete applications will be returned for additional information.
3. The Shoreline Management Plan (SMP) for the Claytor Project, dated June 13, 2017, as approved by the Federal Energy Regulatory Commission (FERC) Order Approving Updated Shoreline Management Plan issued November 13, 2017 can be found at www.claytorhydro.com under Shoreline Management Plan.
4. A survey, depicting existing and proposed conditions with the Project boundary, is required. **The survey must be prepared by a licensed surveyor**, and must include all the information detailed in the Application for Permit.
5. There may be additional requirements depending upon the Shoreline Classification within the Project boundary at your proposed dock site. Shoreline classification maps can be found at www.claytorhydro.com under Shoreline Management Plan. Any additional requirements can be found in the SMP.
6. If vegetation must be removed from within the Project boundary to provide access to the dock, then a Permit for Vegetation Removal must be obtained. Applications can be found at www.claytorhydro.com under Shoreline Management Plans / Forms.
7. If shoreline stabilization is part of the project, then a Permit for Shoreline Stabilization must be obtained. Applications can be found at www.claytorhydro.com under Shoreline Management Plans / Forms.
8. All property owners of the upland parcel of land which is adjacent to the 1850-foot contour elevation, or the Appalachian lessee, not an agent or contractor, are required to sign the permit application and permit. Applications with incorrect signatures will be returned.

9. Information pertaining to the parcel number and deed book can be obtained by contacting Pulaski County. On-line information is available at <http://www.pulaskicounty.org/GIS.html>.
10. Signature(s) of all property owners, or Appalachian lessees, must be notarized on the blank permit.
11. Mail the completed application and the signed and notarized permit to the following address:

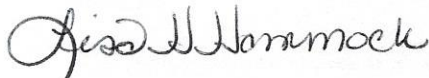
Appalachian Power Company
Shoreline Management for the Claytor Project
996 Old Franklin Turnpike
Rocky Mount, VA 24151
12. Your final permit will be recorded at the Clerk of Court's office. Please enclose a check for \$40.00 made payable to Pulaski County Clerk of the Circuit Court, for the recording fee.

If the structure complies with the SMP, an occupancy and use permit signed and notarized by Appalachian (APCO) will be issued. A copy of the permit will be mailed to the applicant. The original will be recorded at the Clerk of Court's office.

The applicant will be responsible for obtaining the necessary permits from Pulaski County. A copy of the Pulaski County permit must be forwarded to APCO by the applicant for the APCO permit to be valid.

Should you have any additional questions, you may contact me at lhammock@aep.com or 540-489-2556.

Sincerely,



Lisa H. Hammock
Real Estate Agent Senior
Appalachian Power Company

**APPLICATION FOR PERMIT
LOW DENSITY SINGLE FAMILY RESIDENTIAL USE
BOAT DOCK / PIER
Claytor Hydroelectric Project**

_____ and _____, whose address is

_____, _____, _____
hereinafter referred to as **PERMITTEE OR GRANTEE**, makes this Application for a **Use and Occupancy Permit**
("**Permit**") to **APPALACHIAN POWER COMPANY**, a Virginia corporation, hereinafter referred to as **APCO**.

WITNESSETH

THAT, WHEREAS, APCO either owns in fee, or holds easement rights over all land located within the 1850 foot contour elevation; and

WHEREAS, APCO has property rights over the land within the 1850 foot contour elevation that allow it to approve or deny the construction of structures and improvements and related activities on that land; and

WHEREAS, APCO has the authority and responsibility under its Federal Energy Regulatory Commission (FERC) license ("License") to grant permission for certain activities with the Claytor Project Boundary (all land within the 1850 foot contour elevation) (the "Project"); and

WHEREAS, Permittee submits herewith its application for a Permit for a structure ("Permitted Facility") in accordance with the following described request:

Permittee's Name(s): _____

Mailing Address: _____
(street) (city) (state) (zip code)

Telephone: _____
(day) (cell) (email)

Permit Activity Location
Address (the "Site"): _____
(street) (city) (state) (zip code)

County Parcel No.: _____

Deed Book and Page No. or Document No.: _____

Directions By Land: _____

To Be Completed by APCO

Shoreline Management Plan Shoreline Classification: _____

Applicable SMP Regulations: _____

Project boundary at this location: _____

To Be Completed by Applicant

Read the following carefully and fill in appropriate information.
Check appropriate box:

- New Low Density Single Family Residential boat dock, pier or similar structure
- Expansion or modification to existing low density single family residential boat dock, pier or similar structure
- Existing dock
- New Low Density Multi Use boat dock, pier or similar structure with no more than two slips per 100 feet of shoreline
- Expansion or modification to existing low density multi use boat dock, pier or similar structure with no more than two slips per 100 feet of shoreline
- Public Use

Note 1: A survey, prepared by a licensed surveyor, is required. The survey must include the following information [see Sample Exhibit A]:

- Location and dimensions (length, width, height and roof overhang) of the proposed structure (the “Permitted Facility”)**
- Location and dimensions of any existing structures to be retained within the Project boundary**
- Location of the Project boundary (generally the 1850-foot contour)**
- Location of the base elevation (1846-foot contour – full pond elevation)**
- Length of structure from the base elevation**
- Total length of shoreline as measured at base elevation. (If the lot is less than 100’ then documentation must be provided documenting that the lot was subdivided and recorded prior to August 14, 2003.)**
- All Property lines (side lot lines and along shoreline)**
- Extended Property Lines or Dock limitation lines (lines on a recorded plat delineating the dock construction limits between adjacent parcels)**
- Setback distances. (Distance between proposed structure to dock limitation lines or extended property lines.)**
- Size and location of enclosed areas**
- Number of slips: _____ (If slip size is greater than 12’ x 26’ then include letter explaining need for additional space)**
- Total Square Footage: _____ (including any roof overhang)**
- Location and dimensions of any existing structures to be retained within the project boundary**
- Location of and distance to adjacent structures from the closest point of the structure**
- Elevation drawings of the proposed structure which show the height from the base elevation**
- Distance across cove (as measured to the closest point on the shoreline) from the base elevation to base elevation: _____**
- If expansion, show existing and proposed**
- If expansion, include a photo of existing structure**

- **Subdivision plat on record with Pulaski County Circuit Court showing location of the lot/proposed structure. Online GIS maps printed from county tax maps do not meet this requirement. (Please note that this information can be inset into Exhibit A or can be submitted as a separate sheet.)**
- **Brief description of proposed work:**

NOTE 2: Routine maintenance to an existing structure (no new slips, no new pilings, no new personal watercraft slips, no expansion of decking, no change in size or shape of existing structure, no enclosing previously opened areas, etc.) does not require an APCO Permit unless a Pulaski County Permit is required.

NOTE 3: This APCO permit is contingent upon approved county permits. Copies of approved county permits (zoning/building) (the “County Permit”), once received, must be submitted to APCO by the Permittee for a Permit to be valid.

NOTE 4: The Permitted Facility must meet the requirements of the Claytor Project Shoreline Management Plan for the Claytor Project, dated June 13, 2017, as approved by the Federal Energy Regulatory Commission (FERC) Order Approving Updated Shoreline Management Plan issued November 13, 2017.

The Permittee acknowledges and accepts the Terms and Conditions of APCO’s Permit for Occupancy and Use as set forth in Exhibit “B” and further acknowledges the following:

APCO, as either the fee owner or easement rights owner, has property rights over the land on which the Permitted Facility is to be constructed. APCO also has the continuing responsibility under its License to supervise and control the uses and occupancies for which it has granted permission and to monitor the use of and ensure compliance with the conditions under which this Permit has been granted. As a result, the use and occupancy hereby permitted is deemed to be made under a revocable license from APCO. As such, if the use and occupancy violates any condition of the License or any other condition imposed for the protection and enhancement of the Project’s scenic, recreational or other environmental values, or upon the petition of any other permitting agency, or at APCO’s discretion as landowner or easement rights holder, APCO shall take such lawful action necessary to address the situation. Such action may include, if necessary, the cancellation of this Permit and the removal of the non-complying structures and facilities. Furthermore, any structures or other use associated with this Use and Occupancy Permit must be maintained in good repair and comply with applicable federal, state and local requirements.

In addition, the water levels at Claytor can fluctuate two feet during peaking operations and the reservoir may be lowered in anticipation of high inflow events, for maintenance, annual drawdown for dock / shoreline stabilization maintenance (if approved) or due to drought.

Mail the completed Application with Exhibits “A” and “B” and the permit signed by you to the following address:

Appalachian Power Company
Shoreline Management for the Claytor Project
996 Old Franklin Turnpike
Rocky Mount, VA 24151

I/We certify that the above information is true and correct, and that I/we have read and agree to the Terms and Conditions of the Permit as set forth on Exhibit B.

Date

Signature of Permittee

Print Name

Signature of Permittee

Print Name

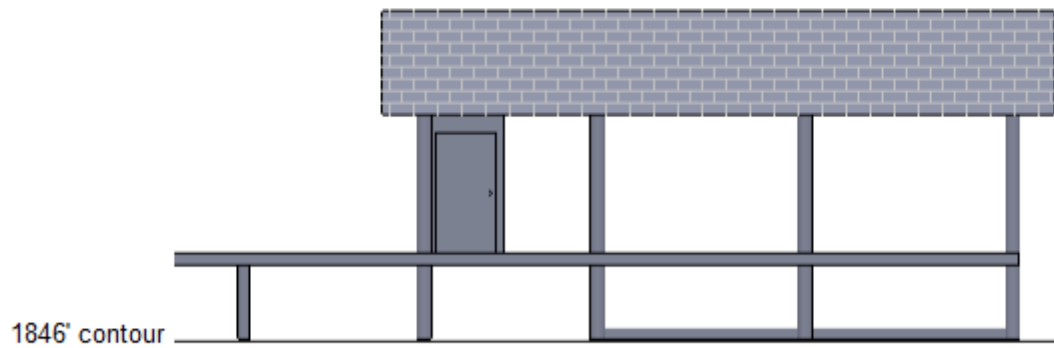
SAMPLE EXHIBIT "A" DRAWING
DISTANCE ACROSS COVE = 200'
TOTAL SQ. FT = 952 SQ. FEET (34'X28')
HEIGHT = 16 FOOT
ENCLOSURE = 40 SQ. FEET (4'X10')



**SAMPLE EXHIBIT "A"
FRONT ELEVATION**



**SAMPLE EXHIBIT "A"
SIDE ELEVATION**



OCCUPANCY AND USE PERMIT
Prepared by Appalachian Power Company

This Permit by and between **APPALACHIAN POWER COMPANY** (“Appalachian” as “APCO”), a Virginia corporation, whose address is 40 Franklin Road, S.W., Roanoke, Virginia 24011, hereinafter referred to as the **GRANTOR**; and _____, hereinafter referred to as the **GRANTEE**, whose address is _____.

WITNESSETH

THAT, WHEREAS, Grantor has the authority and responsibility under its Federal Energy Regulatory Commission (FERC) license (“License”) and its land rights to review and authorize certain activities within the Claytor Project boundary (all land within the 1850 foot contour) (the “Project”); and

WHEREAS, Grantee has received all necessary approvals from the responsible state and local authorities to install the following improvements (the "Permitted Facility") along the shoreline adjacent to their property located at _____ and referred to as Parcel _____ according to the Pulaski County Real Estate Records (the "Site"), as submitted in an application to Grantor signed and dated _____ with cover letter from APCO signed and dated _____:

- New Low Density Single Family Residential boat dock, pier, or similar structure
- Expansion or modification to existing low density single family residential boat dock, pier or similar structure
- Existing Structure(s)
- New Low Density Multi-Use dock facility
- Expansion or modification to existing low density multi-use dock facility
- Low Density Public Use
- Public Use

WHEREAS, no money has exchanged hands for this permit; and

WHEREAS, the Permitted Facility is a type of a use and occupancy of the Project's lands and waters for which a Permit may be granted under the License; and

WHEREAS, Grantor has the continuing responsibility to supervise and control the uses and occupancies for which it has granted a Permit and to monitor the use of and ensure compliance with the conditions under which the Permit has been granted; and

WHEREAS, Grantor is willing to issue this Permit to Grantee for the aforesaid use and occupancy of the Project's lands and waters upon the terms and conditions hereinafter set forth.

NOW THEREFORE, for and in consideration of the Premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee this Permit, being the right and license to enter upon the Project lands lying adjacent to and abutting Grantee's property for the purpose of installing, operating and maintaining the Permitted Facility, including the right of ingress and egress, with all materials and equipment necessary or convenient to effectively carry out the above stated activity in a good and workmanlike manner.

By acceptance of this Permit, Grantee agrees to the Terms and Conditions set forth on Exhibit "B" attached hereto and the following:

Grantor, pursuant to its License, has the continuing responsibility to supervise and control the uses and occupancies for which it has granted permission and to monitor the use of and ensure compliance with the conditions under which this Permit has been granted. As a result, the use and occupancy hereby permitted is deemed to be made under a revocable license from Grantor. As such, if the use and occupancy violates any condition of the License or any other condition imposed for the protection and enhancement of the Project's scenic, recreational or other environmental values, or upon the petition of any other permitting agency, Grantor shall take such lawful action necessary to address the situation. Such action may include, if necessary, the cancellation of this Permit and the removal of the non-complying structures and facilities. Furthermore, any structures or other use associated with this Use and Occupancy Permit must be maintained in good repair and comply with applicable federal, state and local requirements.

The dock owner shall sign an acknowledgement when obtaining his or her dock permit stating that water depths may not be adequate for accessing the lake during times of low inflow or drought or for natural conditions, siltation, or dense invasive species, or for any other reason the reservoir is drawn down.

The Grantee acknowledges that the any Permit granted shall be limited to Grantor's authority under its License and to its land rights to the property within the Project.

DATED this ____ day of _____, 20__.

GRANTOR:

APPALACHIAN POWER COMPANY

By: _____

Elizabeth B. Parcell
Process Supervisor
Appalachian Power Company
Authorized Signer

STATE OF VIRGINIA)
) To-wit:
____ OF _____)

The foregoing Permit was acknowledged before me this ____ day of _____, 20__,
by Elizabeth B. Parcell, Process Supervisor, Authorized Signer for Appalachian Power Company, on
behalf of the Company.

Notary Public
My commission expires: _____

GRANTEE:

STATE OF VIRGINIA)
) To-wit:
____ OF _____)

This foregoing Permit was acknowledged before me this ____ day of _____,
20 __, by _____,
_____, **GRANTEE.**

Notary Public
My commission expires: _____

Exhibit B

Low Density Use - Boat Dock / Pier Claytor Lake

TERMS AND CONDITIONS OF PERMIT FOR PERMITTED FACILITY

This permit is granted by APCO and accepted by Grantee, subject to the following terms and conditions:

1. Grantee is the owner or lessee of the property adjacent to the 1850 foot contour elevation surrounding Claytor Lake.
2. This Permit is granted solely for the purpose described in this Permit. No addition or design change shall be made to this Permitted Facility without prior approval from APCO.
3. Copies of the approved Pulaski County permits must be forwarded to APCO for the APCO permit to be valid.
4. Construction shall be completed within one (1) year of the Permit issuance date.
5. All shoreline distances are measured from the 1846 foot contour National Geodetic Vertical Datum (NGVD). Verifying the location of these elevations and all appropriate distances is the responsibility of the Grantee.
6. The Permitted Facility shall not be used for human or animal habitation.
7. The Permitted Facility shall not contain permanent or temporary sanitation facilities.
8. Floating facilities shall be securely anchored.
9. No attempt shall be made by the Grantee to forbid the full and free use by the public of all waters within the Project boundary, at or adjacent to the Permitted Facility, or to unreasonably interfere with that full and free use in connection with the ownership, construction, operation or maintenance of the Permitted Facility.
10. a) APCO may revoke this Permit whenever it determines at its discretion that the public interest or other considerations necessitate such revocation. The revocation notice shall be by thirty (30) days' notice, mailed to the Grantee by registered or certified letter, and shall specify the reason for such action.
b) APCO may revoke this Permit whenever it determines that the Grantee has failed to comply with the conditions of this Permit. The revocation notice shall be by thirty (30) days' notice, mailed to Grantee by registered or certified letter, and shall specify the reason for such action. The permit will not be terminated if Grantee is diligently working to cure such violations within a reasonable period after such notice.
11. The Grantee is responsible for proper design, engineering, construction, maintenance and placement of the Permitted Facility. APCO's review and approval of the plans are not

guarantee or assurance the Grantee's plans are proper or adequate for the purpose intended.

12. It is understood and agreed by and between APCO and Grantee that part of the consideration for the granting of this Permit for shoreline uses is the Grantee's agreement to keep Project lands and waters occupied by and surrounding the Permitted Facility free of all waste, garbage, and other unsightly debris and materials and is to comply with local health rules and regulations.
13. This Permit is granted to Grantee as a personal right and the parties agree that nothing herein shall be construed to create any easement or other property interest in Grantee. This Permit may be assigned to (i) a successor who shall purchase, inherit or otherwise acquire the land that is benefited by this Permit or (ii) to a property or unit owners association which shall be responsible for the maintenance of the boat slips permitted hereby and the land which is benefited by this Permit or (iii) to a bank or other licensed lending institution which shall provide a loan on the land that is benefited by this Permit or for the construction of the boat slips which are permitted hereby. In order to be effective, any assignment shall provide for the assignee's agreement in writing to comply with the terms of this Permit and APCO must give its written consent to such assignment, which consent shall not be unreasonably withheld. Any other attempted assignment or transfer shall render this Permit null and void.
14. In the event that any previously known or unknown cultural resource materials are discovered, all work associated with this permit must be stopped. APCO must be notified and consultation with the State Historic Preservation Office (SHPO) must be completed before any further work within the work area will be allowed to continue. In addition:
 - a. The Grantee shall notify APCO and SHPO immediately and follow-up with a written account of the discovery. The Grantee may be required to employ an archaeologist who meets or exceeds the qualifications described in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) to assess the eligibility of the resource for inclusion in the National Register.
 - b. If the resource is determined to be eligible for inclusion in the National Register, and the Grantee wishes to continue with the activity, the Grantee shall ensure that an archaeologist who meets or exceeds the qualifications described in the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9) shall prepare a plan for its avoidance, protection, or recovery of information. The SHPO shall approve such plan, prior to implementation.
 - c. Work in the affected area shall not proceed until either:
 - i. Appropriate data recovery or other approved mitigation procedures are developed and implemented, or
 - ii. The determination is made that the located resources are not eligible for inclusion on the National Register.
15. Any other associated work within the project boundary shall be done in accordance with the Shoreline Management Plan for the Claytor Project, dated June 13, 2017, as approved by Federal Energy Regulatory Commission (FERC) Order Approving Updated Shoreline

Management Plan issued November 13, 2017, and all associated amendment, addendum and revision thereto in effect as of the date of this Permit.

16. The Permitted Facility shall be constructed, maintained, and operated in accordance with plans heretofore submitted to and approved by APCO. No modifications to the Permitted Facility, or additions thereto, or use thereof, shall be made without first securing the written approval of APCO.
17. This Permit is granted at the sole risk of Grantee, their employees, agents, contractors, subcontractors and designees and Grantee agrees to indemnify, hold harmless, and defend APCO, and its agents, employees, officers, directors and contractors to the extent permitted by law, against all costs, expenses, suits, actions, and claims arising out of injuries to persons (including death) or damages to property, caused by Grantee, their employees, agents, contractors, subcontractors or designees attributable to the performance of work on the above described Site, the presence or use of the Permitted Facility by Grantee, their employees, agents, contractors, subcontractors, or designees, excepting any liability arising from APCO's sole negligence, or that portion of any liability attributable to APCO's contributing or concurrent negligence.
18. This Permit is granted subject to all of the terms and conditions of APCO's License for the Claytor Project No. 739, and any amendments or renewals thereof, and any orders granted by FERC pursuant to the provisions of the License; to all prior easements, rights-of-way, covenants, conditions, and servitudes whether or not of record affecting title to the Site, and to such state of facts as an accurate survey or examination of the Site may reveal.
19. Grantee shall at their expense keep and maintain the Site and the Permitted Facility thereon and appurtenances, thereof in good repair and in safe and sanitary condition, ordinary wear and tear excepted. Grantee shall conform with and do all things necessary to comply with every applicable state, federal, or local governmental statute, law, regulation, order, or requirement relating to the Permitted Facility. Grantee shall take appropriate action to guard and warn against dangerous conditions, uses, structures, or activities on the Site. At the expiration or earlier termination of this Permit, Grantee shall return the Site to APCO in substantially the same condition as when the Grantee's occupancy commenced, ordinary wear and tear excepted unless otherwise directed. Throughout the term of this Permit, APCO shall have the right to all reasonable times to enter the Site for the purpose of inspecting same.
20. Grantee shall keep and maintain the Site and the Permitted Facility thereon and appurtenances thereof free of any unapproved regulatory markers and any non-regulatory markers or buoys.
21. Grantee agrees that they will assert no interest contrary to that held by APCO with respect to the Site, and that their status hereunder shall be deemed to be that of a licensee.
22. Grantee shall make any person using the Permitted Facility aware of these conditions and ensure their compliance therewith.
23. Grantee agrees to all conditions set forth in Shoreline Management Plan, dated June 13, 2017 as approved by FERC Order Approving Updated Shoreline Management Plan

issued November 13, 2017, and all associated amendment, addendum and revision thereto in effect as of the date of this Permit.

24. Where applicable, the terms of the **FLOWAGE RIGHT AND EASEMENT DEED CLAYTOR HYDROELECTRIC PROJECT** (the “Easement”) that apply to the Permitted Facility are incorporated herein by reference. The terms and provisions of the Easement shall control wherever the same may be in conflict with this Permit.

ADDITIONAL TERMS AND CONDITIONS FOR EXISTING NONCONFORMING STRUCTURES

Any structures other than a dock, pier or wall which was constructed within the 1850-foot contour prior to the implementation of the SMP (December 27, 2011) shall not be replaced. Docks, piers or walls located within the Project boundary may only be replaced under certain circumstances (see Section 3.4.1 of the SMP).