

**NOTIFICATION TO CONSTRUCT A LOW DENSITY SINGLE FAMILY
RESIDENTIAL USE BOAT DOCK/PIER
Smith Mountain and Leesville Lakes**

_____ and _____, whose address is
_____, _____

hereinafter referred to as **OWNER**, makes **NOTIFICATION** to **APPALACHIAN POWER COMPANY**, a Virginia corporation, hereinafter referred to as **APCO**.

WITNESSETH

THAT, WHEREAS, APCO has limited land rights to review and authorize certain activities within the Smith Mountain Project, the boundary of which includes all land within the 800 foot contour elevation at Smith Mountain Lake and the 620 foot contour elevation at Leesville Lake (the "Project"); and

WHEREAS, OWNER submits herewith its NOTIFICATION in accordance with the following:

Name(s): _____

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

Telephone: _____ (day) (night) (e-mail)

Location: _____ (lake) (county) (subdivision) (section) (lot number)

Planned Date of Piling Installation: _____

Activity Lake Address (the "Site"): _____ (street) (city) (state) (zip)

County Tax Map and Parcel No.: _____

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

Directions By Land: _____

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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 qualifying for the Legacy Program 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 100 feet of shoreline
- Public Use

NOTE 1: A drawing with the following information is provided [Exhibit A attached]:

- **Location and dimensions (length, width, height and roof overhang) of the proposed structure**
- **Elevation drawings of the proposed structure**
- **Location and dimensions of any existing structures to be retained within the project boundary (800' contour at Smith Mtn., 620' contour at Leesville)**
- **Location of the project boundary**
- **Location of the base elevation (795' contour at Smith Mtn., 600' contour at Leesville)**
- **Total length of shoreline as measured at the base elevation.**
- **All property lines and dock delineation lines**
- **Distances from the dock to lot delineation lines**
- **Location of and distance to adjacent structures from the closest point of the structure**
- **Size and location of enclosed area**
- **Number of slips: Total Square Footage**
- **Location and distance to navigational aids**

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- **Distance across the cove (as measured to the closest point on the shoreline):** _____
- **If expansion, show existing and proposed.**
- **If expansion, include photograph of existing structure**
- **Cables**
- **Location of bundled and secured woody debris if work is to be done between April 15 and June 15 (see Note 4)**
- **Brief description of proposed work:**

- **Subdivision plat showing location of the lot / proposed structure.** (Please note that this information can be inset into Exhibit A or can be submitted as a separate sheet.)

NOTE 2: Routine maintenance to an existing structure does not require an APCO notification unless a county permit is required.

NOTE 3: This notification is contingent upon approved county permits. Copies of approved county permits (zoning and building) (the "County Permit"), once received, will be forwarded to APCO by the OWNER.

NOTE 4: Extra precaution is necessary for in-water construction that occurs between April 15 and June 15 in order to protect largemouth bass nests. If work is to be conducted between April 15 and June 15, the following additional information is required.

- ___ Date of piling installation
- ___ Date shoreline stabilization to be installed, if applicable
- ___ Percentage of shoreline with vegetation overhanging the reservoir (woody debris)
- ___ Percentage of woody debris to remain
- ___ Percentage of woody debris to be bundled and secured
- ___ Location of bundled and secured woody debris
 - ___ Under docks
 - ___ Along rip rap
- ___ Is aquatic vegetation present?

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___ Type of substrate (layer below water's surface)

___ Large gravel

___ Original clay lake bottom

___ Sand

___ Silt

___ If silt, depth of silt

___ Include photographs of shoreline

If this section is not completed, the OWNER is certifying that in-water construction shall not occur between April 15 and June 15.

The OWNER acknowledges and accepts the Terms and Conditions set forth in Exhibit "B" attached hereto and further acknowledges the following:

In addition, the water levels at Smith Mountain Lake can rise up to and occasionally exceed the 800 foot contour during periods of high inflow, and fall as low as 787 feet and occasionally lower during periods of low inflow, maintenance or drought. Historically, water levels as measured at the dam reached 799.79 feet in 1978 and 787 feet in 2010. Leesville Lake can fluctuate between 613 feet and 600 feet during normal operations as measured at the dam. The project boundary at Leesville is to elevation 620 feet, because the water level has the potential for increasing upstream depending upon flows from Smith Mountain. Water levels can occasionally exceed or fall lower than these elevations due to floods, droughts, or maintenance. These elevations should be taken into consideration when designing structures. The OWNER and APCO acknowledge that conditions stated in this notification shall be limited to each party's land rights to the property within the Project.

Mail this completed NOTIFICATION along with Exhibits "A" & "B" signed by you to the following address:

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Appalachian Power Company
Shoreline Management
996 Old Franklin Turnpike
Rocky Mount, VA 24151

I / We certify that the above information is true and correct to the best of my /our knowledge and belief, and that I / we have read and agree to the Terms and Conditions NOTIFICATION as set forth on Exhibit "B."

Date: _____

Signature of OWNER: _____

Print Name: _____

Signature of OWNER: _____

Print Name: _____

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EXHIBIT "A"

Drawing to be attached by OWNER.

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SAMPLE EXHIBIT "A" PLAN VIEW

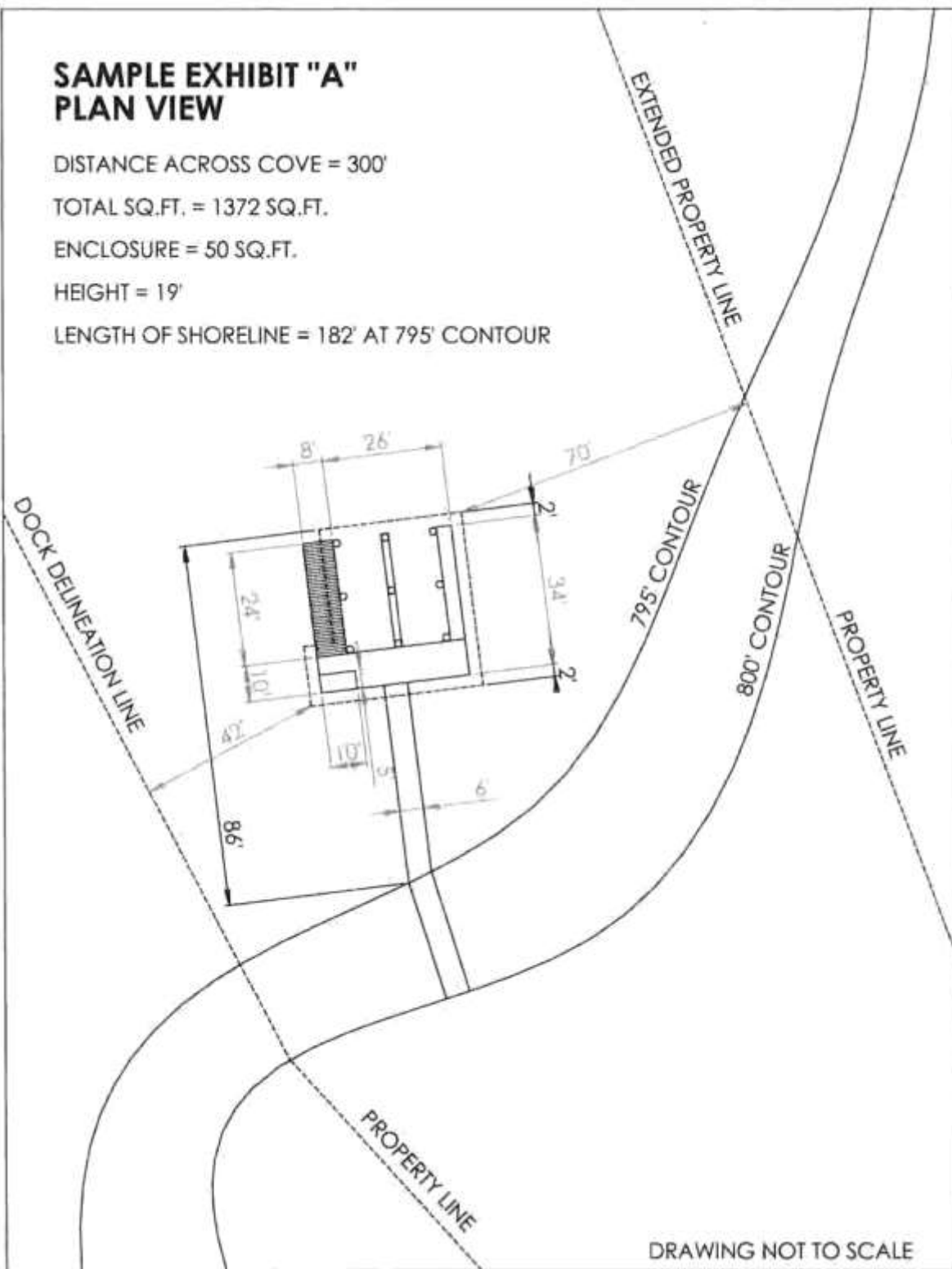
DISTANCE ACROSS COVE = 300'

TOTAL SQ.FT. = 1372 SQ.FT.

ENCLOSURE = 50 SQ.FT.

HEIGHT = 19'

LENGTH OF SHORELINE = 182' AT 795' CONTOUR

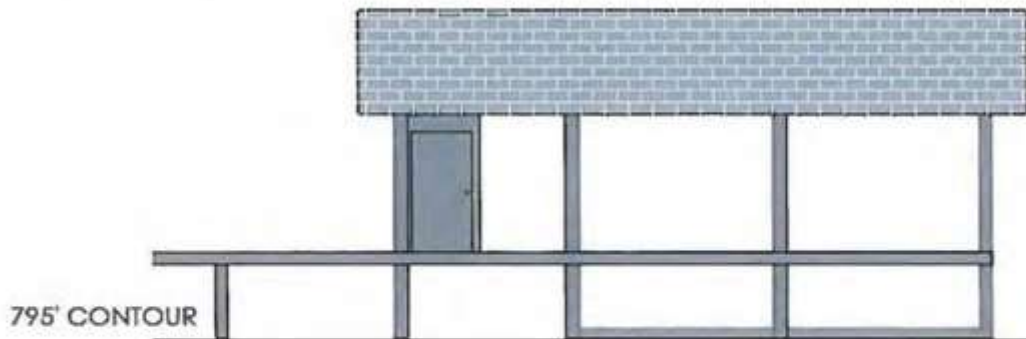


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**SAMPLE EXHIBIT "A"
FRONT ELEVATION**



**SAMPLE EXHIBIT "A"
SIDE ELEVATION**



NOTIFICATION

Modified to be Consistent with Both Parties Property Rights

This NOTIFICATION by and between **APPALACHIAN POWER COMPANY (APCO)**, a Virginia corporation, whose address is 40 Franklin Road, S.W., Roanoke, Virginia 24022; and _____ hereinafter referred to as the OWNER, whose address is _____

WITNESSETH

THAT, WHEREAS, APCO has limited land rights to control certain activities within the Smith Mountain Project, the boundary of which includes all land within the 800 foot contour elevation at Smith Mountain Lake and the 620 foot contour elevation at Leesville Lake (the "Project"); and

WHEREAS, OWNER has received all necessary approvals from the responsible state and local authorities to install the following improvements at their property located at (the "Site") and referred to as Tax Map and Parcel Number according to the _____ County Real Estate Records and as submitted in this NOTIFICATION 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 dock qualifying for the Legacy Program
- 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 dock facility with no more than two slips per 100 feet of shoreline
- Low Density Public Use

WHEREAS, no money has exchanged hands;

WHEREAS, the structure is a type of a use and occupancy of the Project's lands and waters;
and

WHEREAS, APCO has the continuing responsibility to control the uses and occupancies for which it has agreed and to monitor the use with the conditions of this agreement; and

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WHEREAS, APCO and OWNER agree with the aforesaid use and occupancy of the Project's lands under related recorded land records and instruments appended hereto 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, APCO agrees the OWNER has the right to enter upon the lands lying adjacent to and abutting OWNER's property for the purpose of installing, operating and maintaining the structure, 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, according to FLOWAGE RIGHTS AND EASEMENT DEEDS and other controlling documents appended hereto.

OWNER and APCO agree to the Terms and Conditions set forth on Exhibit "B" attached hereto and acknowledges the following:

In addition, the water levels at Smith Mountain Lake can rise up to and occasionally exceed the 800 foot contour during periods of high inflow, and fall as low as 787 feet and occasionally lower during periods of low inflow, maintenance or drought. Historically, water levels as measured at the dam reached 799.79 feet in 1978 and 787 feet in 2010. Leesville Lake can fluctuate between 613 feet and 600 feet during normal operations as measured at the dam. The project boundary at Leesville is to elevation 620 feet, because the water level has the potential for increasing upstream depending upon flows from Smith Mountain. Water levels can occasionally exceed or fall lower than these elevations due to floods, droughts, or maintenance. These elevations should be taken into consideration when designing structures.

APCO acknowledges that this NOTIFICATION is limited to APCO's authority under its land rights to the property within the Project.

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DATED this ____ day of _____, 20____.

GRANTOR:

APPALACHIAN POWER COMPANY

By: _____
Authorized Agent or Officer

STATE OF VIRGINIA)
)
____ OF _____)

To-wit:

The

foregoing agreement was acknowledged before me this ____ day of _____, by
Authorized Agent or Officer for Appalachian Power Company, on behalf of the company.

Notary Public
My commission expires: _____

OWNER:

STATE OF VIRGINIA)
)
____ OF _____)

To-wit:

The foregoing Permit was acknowledged before me this __ day of

_____, _____, by _____,
_____, OWNER.

Notary Public
My commission expires: _____

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EXHIBIT "B"

**Low Density Use
Boat Dock/Pier
Smith Mountain and Leesville Lakes**

TERMS AND CONDITIONS OF NOTIFICATION FOR BOAT DOCK / PIER

This NOTIFICATION is agreed to by APCO and accepted by the OWNER, subject to the following terms and conditions:

1. OWNER is the fee simple property owner or has the legal rights necessary to construct the structure.
2. Where applicable, the terms of the **FLOWAGE RIGHT AND EASEMENT DEED SMITH MOUNTAIN COMBINATION HYDRO ELECTRIC PROJECT UPPER AND LOWER RESERVOIRS** (the "Easement") that apply to the structure are appended hereto and incorporated herein by reference. The terms and provisions of the Easement shall control wherever the same may be in conflict with this NOTIFICATION.
3. This NOTIFICATION is solely for the purpose as described herein.
4. Copies of the approved county permits and certificate of occupancy will be forwarded to APCO when the structure is completed. Should state and/or county revisions to design and installation be required for state and county approval, documents the parties hereto agree said revised will control final documents received by APCO under this notification.
5. Construction shall be completed within one (1) year of the NOTIFICATION date unless the County building permit is extended.
6. All shoreline distances are measured from the 795 foot contour National Geodetic Vertical Datum (NGVD) at Smith Mountain Lake and the 613 foot contour NGVD at Leesville Lake. Verifying the location of these elevations and all appropriate distances is the responsibility of the OWNER.
7. The structure will not be used for human or animal habitation.
8. The structure described pursuant to this notification and final forwarded documents does not contain permanent or temporary sanitation facilities.
9. Floating structures shall be securely anchored.
10. No attempt shall be made by the OWNER to forbid the full and free use by the public of all waters within the project boundary, adjacent to the structure or to unreasonably interfere with that full and free use in connection with the ownership, construction, operation or maintenance of the structure.

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11. The OWNER is responsible for proper design, engineering, construction, maintenance and placement of the structure. APCO's receipt and review and of the plans are no guarantee or assurance the OWNER's plans are proper or adequate for the purpose intended.

12. It is understood and agreed by and between APCO and OWNER that the OWNER will keep Project lands and waters occupied by and surrounding the structure free of all waste, garbage, and other debris and materials in compliance with local health and state health statues, rules and regulations.

13. The parties agree this is a personal right and that nothing herein shall be construed to create any new easement or other property interest for APCO or the OWNER. This NOTIFICATION may be assigned to (i) a successor who shall purchase, inherit or otherwise acquire the land described in this Notification or (ii) to a property or unit owners association which shall be responsible for the maintenance of the boat slips upon the land described in this Notification or (iii) to a bank or other licensed lending institution which shall provide a loan on the land described in this Notification or for the construction of the boat slips which are the subject of this Notification. This assignment requires the assignee's agreement in writing to comply with the terms of this NOTIFICATION and APCO shall be notified to such assignment.

14. In the event that any previously known or unknown cultural resource materials are discovered, all work associated with this NOTIFICATION must be stopped. Appalachian 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 OWNER shall notify Appalachian and SHPO immediately and follow-up with a written account of the discovery. The OWNER 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 OWNER wishes to continue with the activity, the OWNER 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

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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:

- a. Appropriate data recovery or other approved mitigation procedures are developed and implemented, or
- b. The determination is made that the located resources are not eligible for inclusion on the National Register.

15. The structure shall be constructed, maintained, and operated in accordance with plans and/or building permits heretofore submitted

16. The structure and its use are the sole risk of the OWNER, their employees, agents, contractors, subcontractors and designees and the OWNER 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 damage to property, caused by the OWNER, their employees, agents, contractors, subcontractors or designees attributable to the performance of work on the above described Site, the presence or use of the structure by OWNER, 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.

17. This NOTIFICATION is subject to all of the terms and conditions of all prior easements, rights-of-way, covenants, conditions, and servitudes of record affecting title to the Site, and to such state of facts as an accurate surveyor examination of the Site may reveal.

18. OWNER shall at their expense keep and maintain the Site and the structure thereon and appurtenances thereof in good repair and in safe and sanitary condition, ordinary wear and tear excepted. OWNER shall conform with and do all things necessary to comply with every applicable state, federal, and local governmental statute, law, regulation, or requirement relating to the structure. OWNER shall take appropriate action to guard and warn against dangerous conditions, uses, structures, or activities on the Site. Throughout the life of this structure, APCO shall have the right at all reasonable times to view and inspect the structure to determine compliance with this Notification.

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19. OWNER shall keep and maintain the Site and the structure thereon and appurtenances thereof free of any unapproved regulatory markers and any non-regulatory markers or buoys in violation of applicable state, federal, and local governmental statute, laws and regulations.

20. Defined by the applicable property rights of OWNER and APCO as set forth herein and otherwise applicable, OWNER and APCO agree neither party shall assert any interest with respect to the Site contrary to the other beyond the scope of said rights.

21. OWNER shall make any person using the Permitted Facility aware of these conditions and ensure their compliance therewith.

ADDITIONAL TERMS AND CONDITIONS FOR EXISTING LEGACY DOCKS

22. Any structures other than docks or piers which are located within the 800 foot contour elevation at Smith Mountain Lake or the 620 foot contour elevation at Leesville Lake (Project boundary) in some cases cannot be replaced. Docks or piers located within the Project boundary may be replaced under certain circumstances in accordance with Virginia Code § 15.2-2307. Vested rights not impaired; nonconforming uses.

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