

**APPLICATION FOR PERMIT NOTIFICATION TO CONSTRUCT A
LOW DENSITY SINGLE FAMILY RESIDENTIAL USE BOAT
DOCK/PIER-DOCK/PIER**

Smith Mountain and Leesville Lakes

_____ and _____, whose address is
_____.

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

WITNESSETH

THAT, WHEREAS, APCO has ~~the authority and responsibility under its Federal Energy Regulatory Commission (FERC) license ("License") and its 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, ~~Permittee~~ **OWNER** submits herewith its ~~application for a Permit~~ **NOTIFICATION** in accordance with the following ~~described request~~:

~~Permittee's~~ Name(s): _____

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

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

~~Permit Activity~~ Location: _____ (lake) (county) (subdivision) (section) (lot number)

Planned Date of Piling Installation: _____

~~Permit~~ 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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~~Shoreline Management Plan Shoreline Classification (to be completed by APCO): _____, /Applicable SMP Regulations (to be completed by APCO): _____~~

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 ~~must be provided with the application before a Permit will be issued-is provided~~ [Exhibit A attached]:

- **Location and dimensions (length, width, height and roof overhang) of the proposed structure** ~~(the "Permitted Facility")-~~
- **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. ~~(If the lot is less than 100' then documentation must be provided documenting that the lot was created prior to September 2, 2003.)-~~**
- **All property lines and dock delineation lines**
- **Distances from the Permitted Facility dock to dock 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: ~~(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 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 24)**
- **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 (~~no new slips, no new pilings, 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 notification unless a county permit is required.

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

~~**NOTE 4:** The Permitted Facility must meet the requirements of the Smith Mountain Pumped Storage Project updated Shoreline Management Plan (SMP) and the Order Modifying and Approving Updated Shoreline Management Plan issued by the FERC on January 30, 2014. For docks serving low density single family use structures and for docks serving low density multi-use structures please refer to Section 2.5.4 of the SMP. For existing docks qualifying for the Legacy Program please refer to Section 2.6 of the SMP.~~

NOTE 54: 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 ~~Permittee~~ **OWNER** acknowledges and accepts the Terms and Conditions ~~of Permit For Occupancy and Use as~~ set forth in Exhibit "B" attached hereto and further acknowledges the following:

~~APCO, 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 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, 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 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 ~~Grantee~~ **OWNER and APCO** acknowledges that ~~any Permit granted conditions stated in this notification~~ shall be limited to ~~APCO's authority under its License and to its~~ each party's land rights to the property within the Project.

Mail this completed ~~Application~~ **NOTIFICATION** along with Exhibits "A" & "B" ~~and the permit~~ 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 of the Permit 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 ~~Permittee~~ OWNER. _____

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SAMPLE EXHIBIT "A" PLAN VIEW

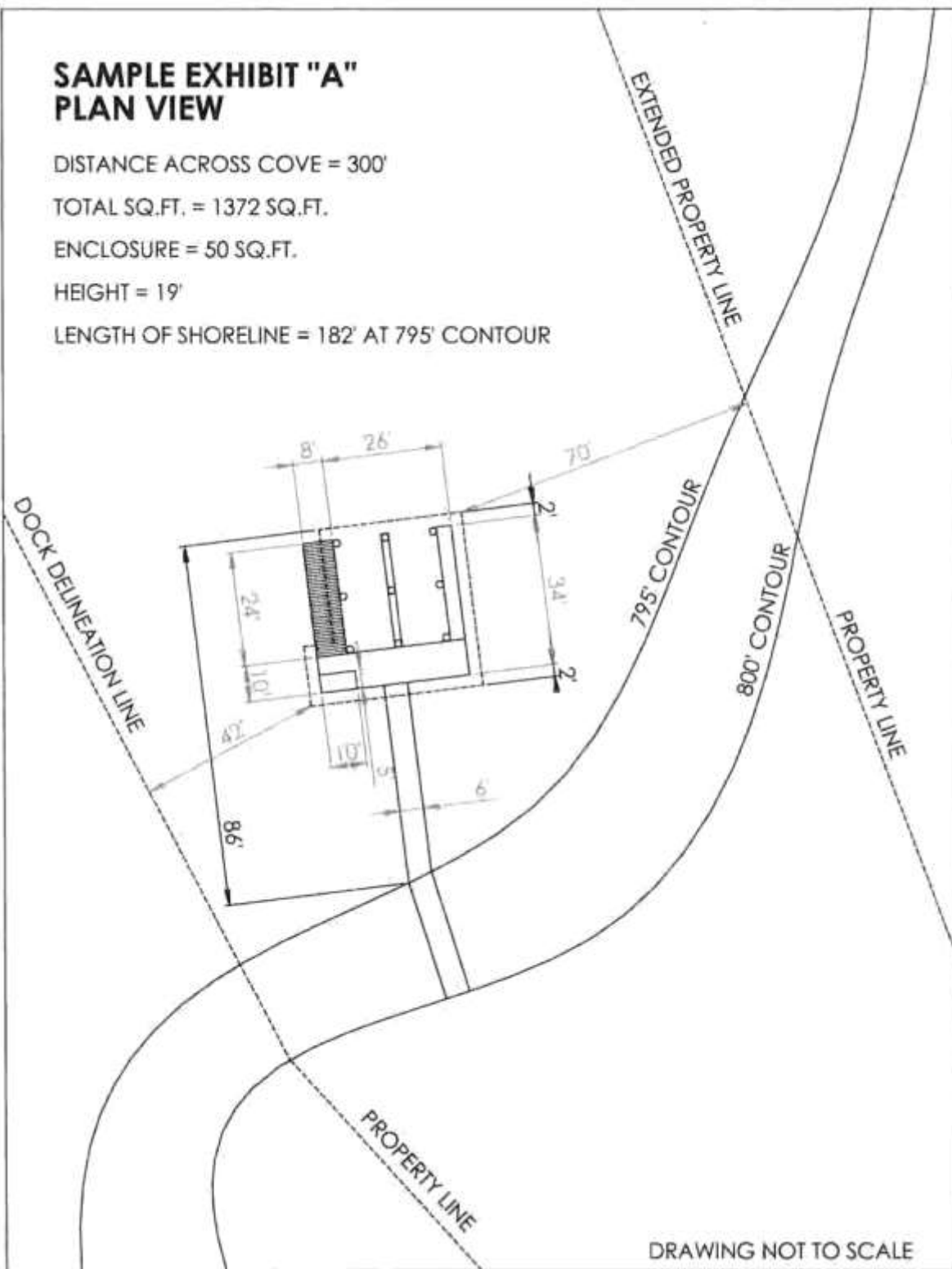
DISTANCE ACROSS COVE = 300'

TOTAL SQ.FT. = 1372 SQ.FT.

ENCLOSURE = 50 SQ.FT.

HEIGHT = 19'

LENGTH OF SHORELINE = 182' AT 795' CONTOUR

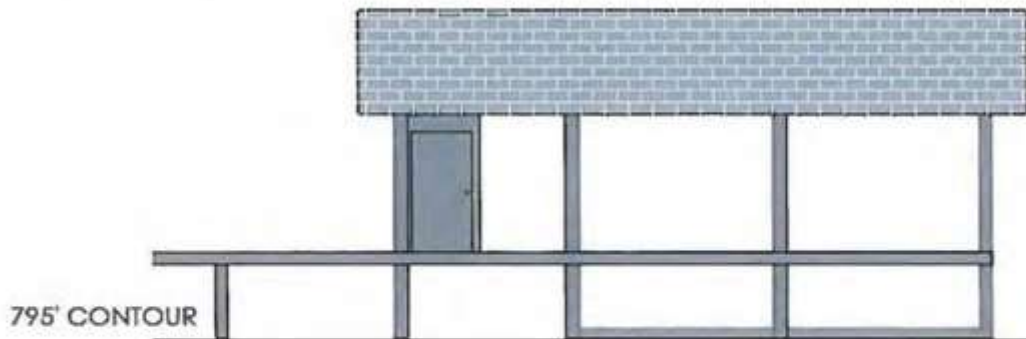


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**SAMPLE EXHIBIT "A"
FRONT ELEVATION**



**SAMPLE EXHIBIT "A"
SIDE ELEVATION**



NOTIFICATION

~~Prepared by Appalachian Power Company~~Modified to be Consistent with Both Parties Property Rights

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

WITNESSETH

THAT, WHEREAS, ~~APCO Grantor~~ has ~~the authority and responsibility under its Federal Energy Regulatory Commission (FERC) license ("License") and its limited~~ land rights to ~~review and authorize 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, ~~Grantee OWNER~~ has received all necessary approvals from the responsible state and local authorities to install the following improvements (~~the "Permitted Facility"~~) 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 ~~an application to Grantor~~this NOTIFICATION 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 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; ~~for this permit.~~

WHEREAS, the Permitted Facility structure 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

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

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WHEREAS, ~~Grantor APCO is willing to issue this Permit to Grantee and~~ OWNER agree ~~for 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~~ premises and other good and valuable consideration, the receipt of which is hereby acknowledged, ~~Grantor grants to~~ APCO agrees ~~the~~ OWNER ~~Grantee this Permit, being has~~ the right ~~and license~~ to enter upon the ~~Project~~ lands lying adjacent to and abutting ~~Grantee's~~ OWNER's property for the purpose of installing, operating and maintaining the ~~Permitted Facility~~ 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.

~~By acceptance of this Permit, Grantee~~ OWNER and APCO agrees to the Terms and Conditions set forth on Exhibit "B" attached hereto and acknowledges 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.~~

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 Grantee~~ APCO acknowledges that ~~the any Permit granted this NOTIFICATION shall be~~ is limited to ~~Grantor's~~ APCO's authority under ~~its License and to~~ 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

Frank M. Simms

Plant Manager II

American Electric Power Service Corporation

Authorized Signer

STATE OF VIRGINIA)

) To-wit:

____ OF _____)

The foregoing Permit agreement was acknowledged before me this ____ day of _____, by Frank M. Simms, Plant Manager II, American Electric Power Service Corporation, Authorized Signer Agent or Officer for Appalachian Power Company, on behalf of the company.

Notary Public

My commission expires: _____

OWNER:

STATE OF VIRGINIA)

) To-wit:

____ OF _____)

The foregoing Permit was acknowledged before me this __ day of

_____, _____, by _____, GRANTEE/OWNER.

Notary Public

My commission expires: _____

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| _____

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EXHIBIT "B"

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

TERMS AND CONDITIONS OF ~~PERMIT~~ NOTIFICATION FOR BOAT DOCK /
PIER (~~"Permitted Facility"~~)

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

1. ~~Grantee-OWNER~~ is the fee simple property owner or has the legal rights necessary to ~~obtain this Permit~~ 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 Permit is ~~granted~~ solely for the purpose as described ~~by the applicant in this Permit. No herein addition or design change shall be made to this Permitted Facility without prior approval from APCO.~~

4. Copies of the approved county permits and certificate of occupancy must will be forwarded to APCO ~~for the APCO permit to be valid when he 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 Permit issuance~~ 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 ~~Grantee~~ OWNER.

7. The ~~Permitted Facility~~ structure ~~shall~~ will not be used for human or animal habitation.

8. The ~~Permitted Facility~~ structure described pursuant to this notification and final forwarded documents ~~does shall~~ not contain permanent or temporary sanitation facilities.

9. Floating ~~facilities~~ structures shall be securely anchored.

10. No attempt shall be made by the ~~Grantee-OWNER~~ to forbid the full and free use by the public of all waters within the project boundary, ~~at or~~ adjacent to the ~~Permitted Facility~~ structure or to unreasonably interfere with that full and free use in connection with the ownership, construction, operation or

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maintenance of the ~~Permitted Facility~~structure.

~~10. a) APCO may revoke this Permit whenever it determines that the public interest necessitates 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.~~

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~~b) APeO 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 the 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 violation within a reasonable period after such notice.~~

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

12. It is understood and agreed by and between APCO and Grantee-OWNER that ~~the OWNER part of the consideration for the granting of this Permit for shoreline use is the Grantee's agreement to will~~ keep Project lands and waters occupied by and surrounding the Permitted Facility structure free of all waste, garbage, and other unsightly debris and materials ~~and is to comply in compliance~~ with local health and state health statues, rules and regulations.

13. ~~This-The parties agree this is a Permit is granted to Grantee as a personal right and the parties agree that nothing herein shall be construed to create any new easement or other property interest in Grantee for APCO or the OWNER. This Permit NOTIFICATION may be assigned to (i) a successor who shall purchase, inherit or otherwise acquire the land described in this Notification that is benefitted by this Permit or (ii) to a property or unit owners association which shall be responsible for the maintenance of the boat slips permitted upon hereby and the land described in this Notification which is benefitted by this Permit or (iii) to a bank or other licensed lending institution which shall provide a loan on the land described in this Notification that is benefitted by this Permit or for the construction of the boat slips which are the subject of this Notification permitted hereby. In order to be effective, any This assignment shall provide for requires the assignee's agreement in writing to comply with the terms of this Permit NOTIFICATION and APCO must give its written consent shall be notified, 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 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 Grantee-OWNER shall notify Appalachian and SHPO immediately and follow-up with a written account of the discovery. The Grantee-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 applicant-OWNER wishes to continue with the activity, the Grantee-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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| _____

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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. Any other associated work within the project boundary shall be done in accordance with the Shoreline Management Plan for the Smith Mountain Pumped Storage Project as approved by FERC Order Modifying and Approving Updated Shoreline Management Plan issued January 30, 2014 and all associated amendment, addendum and revision thereto in effect as of the date of this Permit.~~

~~1615. The Permitted Facility structure shall be constructed, maintained, and operated in accordance with plans and/or building permits 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 approval of APCO.~~

~~1716. This The Permit is granted at the structure and its use are the~~ sole risk of ~~Grantee the OWNER~~, their employees, agents, contractors, subcontractors and designees and ~~Grantee 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 ~~Grantee 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 ~~Permitted Facility structure~~ by ~~Grantee 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.

~~1817. This Permit is granted NOTIFICATION is~~ subject to all of the terms and conditions of ~~APCO's License for the Smith Mountain Combination Project FERC No. 2210, and any amendments or renewals thereof, and any orders granted by Federal Energy Regulatory Commission 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 surveyor examination of the Site may reveal.

~~1918. Grantee OWNER shall at their expense keep and maintain the Site and the Permitted Facility structure thereon and appurtenances thereof in good repair and in safe and sanitary condition, ordinary wear and tear excepted. Grantee OWNER shall conform with and do all things necessary to comply with every applicable state, federal, or and local governmental statute, law, regulation, order, or requirement relating to the Permitted Facility structure. Grantee OWNER 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 APCa in substantially the same condition as when Grantee's occupancy commenced, ordinary wear and tear excepted unless otherwise directed.~~ Throughout the term

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life of this Permit structure, APCO shall have the right at all reasonable times to view and inspect the structure to determine compliance with this Notification. enter the Site for the purpose of inspecting same.

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~~19. Grantee-OWNER shall keep and maintain the Site and the Permitted Facility 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.~~

~~21-20. 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. 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.~~

~~22-21. Grantee-OWNER 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 the Smith Mountain Pumped Storage Project Shoreline Management Plan as approved by FERC Order Modifying and Approving Updated Shoreline Management Plan issued on January 30, 2014 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 SMITH MOUNTAIN COMBINATION HYDRO-ELECTRIC PROJECT UPPER AND LOWER RESERVOIRS (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 LEGACY NONCONFORMING AND LEGACY PROGRAM DOCKS

~~25-22. 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) shall in some cases cannot be replaced. Docks or piers located within the Project boundary may only be replaced under certain circumstances in accordance with Virginia Code § 15.2-2307. Vested rights not impaired; nonconforming uses. (see Section 2.7 a. of the SMP).~~

~~26. Walkways which are located between the base elevation and the Project boundary, that exceed the width requirements of the Shoreline Management Plan shall not be replaced.~~

~~27. Enclosures exceeding the size or location specifications set forth in the Shoreline Management Plan shall not be rebuilt.~~

~~28. Any future replacement dock or pier will be placed within the buildable area to the greatest extent possible considering setbacks to dock delineation lines and the application of one third of the cove methodology.~~

~~29. If the structure is located adjacent to shoreline classified as a Resource Protection Area, then any future replacement structure shall maintain, to the greatest extent possible, a setback if at least thirty (30) feet from the Resource Protection Area.~~

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~~30. Any replacement structure shall not include habitation or sanitation facilities.~~

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