

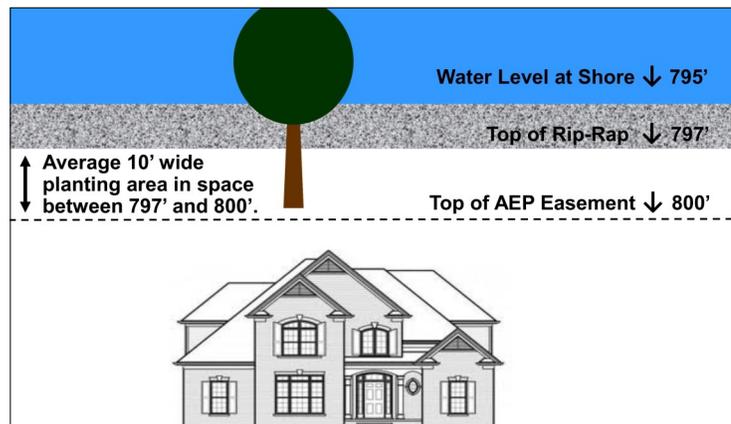
The Shoreline Mismanagement Plan

Many local folks don't understand why the Shoreline Management Plan is having such a negative impact on our property values, even catastrophic in some cases. With that in mind, here is an explanation of a few of the many problems. Keep in mind that none of this addresses the fact that AEP and FERC had no right to dictate what we do with our property in the first place. That oversight belongs to state and especially local authorities, who were doing an excellent job of using common sense and comprehensive zoning when the "plan" was unleashed on us.

Tree Pyramid Scheme

The Plan is slowly destroying many magnificent lake views. I won't labor over the loss of value that loss of view creates, since that is obvious, but here's how it happens:

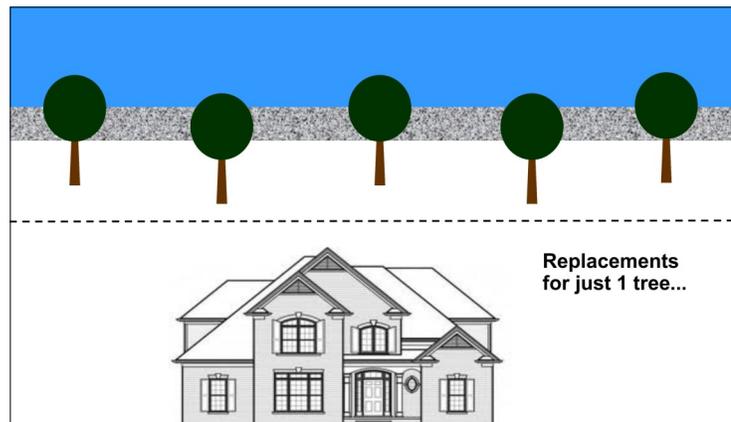
All trees wider than 1/2" removed below the 800' contour must be replaced at a 50% ratio. For example, if a 20" diameter tree is cut or dies, then you must replace half that width, so you replant 10". Here are 3 drawings that show what eventually happens.



To begin, planting a single 10" diameter tree is impossible. Such a tree would weigh tons, cost a fortune, need a wide-load permit and tractor-trailer to haul it, and then require a crane to set it in place. Even a 4" diameter tree has a root ball the size of a small car and needs a bulldozer to move it!

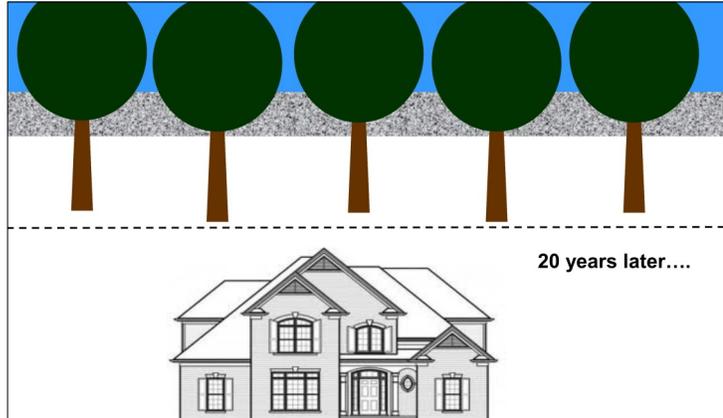
So now what?

You call a nursery, whose largest trees are 2" wide, and replant 5 trees for the 1, spreading them out in the thin ribbon of land above the riprap (797') but below the easement (800'). (They must go in this narrow zone and you may not group them.) So what will happen to your views over the years?



And note: 5 trees for 1 is nothing. Imagine the reaction when people are forced to re-plant dozens of trees when they develop their wooded lot. These owners have a lousy view from day one and it just gets worse as the years go by and the trees turn into a shore-line forest.

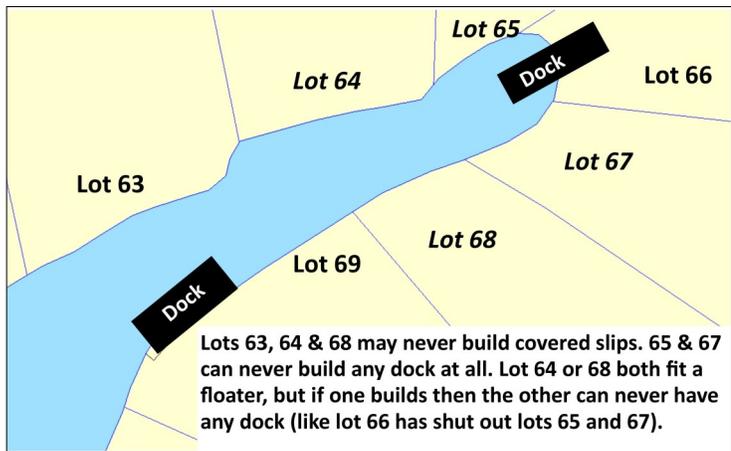
In fact, the plan now says owners are not entitled to a clear view of the water! But that's why many people bought lake property in the first place. Enough already. We are entitled to a clear view of our own waterfront from our own property!



Worthless Properties

Here is a drawing of an actual cove in High Point Subdivision. Like most small coves here, it narrows, especially towards the back. A multitude of undeveloped lots in these areas have had staggering losses in their value because you can't build docks on them now. Here's why:

For new dock construction, you begin with a survey to see if you can meet the Plan's requirements: At most, you can build up to 1/3 across the cove. After construction, your dock must be at least 15' from any other structures and a minimum 30' wide waterway must remain to pass thru the cove.



Why? Nobody knows. Cars and boats are about the same size, yet cars travel 55 mph in a 12' lane while boats suddenly need a 30' swath to travel 1 mph in the back of a cove. Covered slips and garages are the same size. Garages are literally attached to houses, but for some reason everyone's dock needs to be at least 15' from anything. These asinine setbacks and waterway width requirements have eliminated hundreds or thousands of properties from ever building a covered slip, or any dock at all.

Are there ways around this? Not likely. For example, let's say you try to build your slip parallel to the shore so it doesn't stick out as much. It probably is still disqualified because such slips are really not much smaller, requiring a minimum of about 18' width.

This much space is needed so you can have an opening for the boat, the support poles on each side, the roof overhang, and a walkway on one side for boat access. Since you can only be 1/3 across the cove and you need 18' for construction, your cove must be at least 3 times that width, meaning 54' wide to work with.

Let's say you got lucky and your cove was a little over 54' wide and there was enough space to comply with all the restrictions, so you built that small covered slip. Now your neighbor across the cove wants to build one, too... Though your dock is in compliance, and his dock would have been (if he had built it before you did), instead he is shut out and his property value is ruined. This is because he must leave a 30' waterway in the middle of the cove alongside his would be dock. But your dock already claimed 18' of the cove. So 30' + 18' equals 48', which leaves him 6' to build his dock in the 54' wide cove.

The saddest part is he's better off than many undeveloped cove property owners, because hundreds if not thousands of people can never build any dock at all now. Not even a floater is allowed.

Are you exhausted yet? Well, it's not over. After construction, you are required to pay for a second survey and submit it to AEP. Heaven help you if your builder was off a little bit.

And believe or not, we're still not done with AEP's dock requirements...

In the middle of all of this rigmarole, there's another rotten requirement that wreaks havoc with every potential dock site: The water under new docks must be at least 4' deep at the point closest to the shore. You read it right – the point closest to the shore! It doesn't matter if most of the other water is deeper. It doesn't matter if no part of your boat would be in that corner. It doesn't matter that most of our boats only draft 2' of water. And remember, you may not dredge a single inch deeper than original water depth.

So the results of this one single rule are that some shallow coves are completely banned from ever building docks, and no dock can ever again be built near the shore. All by itself, this 4' depth rule has eliminated having enough space to build a dock for another multitude of countless owners. Between this rule and the others about docks, thousands of investments became virtually worthless overnight.

Recall the previous example of needing the cove to be approximately 54' wide to fit a small covered dock, even if built parallel. This example was based on real events, but because of this 4' rule the cove needed to be much wider. We simply could not move the dock far enough into the water to get 4' of water depth where the structure would be closest to the shore. So another sale was buried by the plan, with the exasperated buyer saying goodbye and the frustrated seller lamenting they ever invested here. And add another checkmark to what likely totals 10,000 dead sales now because of the Plan.

And know this for certain: Whatever the exact losses now total, it's a number that is astronomical, and growing. Countless ratified sales contracts have fallen thru because of the Plan and additional thousands of prospective buyers decided to look elsewhere without even trying to buy a property, this latter group having been overwhelmed by all the rules, regulations and uncertainties. And all of these people tell their horror stories to friends and acquaintances, so imagine how negative Smith Mountain Lake is starting to sound in some circles.

Look again at that drawing. In this one cove alone, five of these lots can never build a covered slip. Two can never build any kind of dock at all. And as soon as another dock is built in there, then it will be three lots that can never build any kind of dock!

Swimmer Safety

Who in their right mind thinks anchoring bundles of branches underwater on your shoreline, where swimming children could get snagged, is a good idea? They could poke out an eye, too. Yet, in some cases of shoreline brush clearing, this is exactly what the Plan requires.

If you don't like it, AEP says you can install man-made fish habitat instead. However, a child could get snagged or injured with that product, as well. You could try to warn swimmers where it is, but there's just too many variables, like neighbors, visitors or boaters swimming. And none of this takes into consideration that stick bundles and artificial trees may drift or break loose as time deteriorates them.

This policy is a violation of basic common sense. You wouldn't anchor hazards in your swimming pool, would you? So how does installing this junk in lake swimming areas make sense, unless the added danger of invisibility and not knowing they are there is an improvement. This rule is blue ribbon stupid.

In closing, remember there's quite a few other problems with the Shoreline Management Plan. This was just a brief summary about a few of them. Lake residents need to understand what is slowly happening to our lake, then get involved and fight to stop the damage.

I'll summarize as follows: To create the Lake, AEP purchased the right to store water on our properties. This is all they bought. Forty years went by and then they essentially took our property rights and started telling us what we can or cannot do with our shorelines. It's over 10 years since they implemented this fiasco and the results are crystal clear: Life changing financial losses for some property owners and sorely diminished real estate values for everyone else. Enough is enough. Repeal the Shoreline Management Plan.

Please visit www.fercaep.com for info on CURB, the lake group fighting this nightmare. I estimate the Plan has already reduced our overall property values by 15-20%. Without the Plan these numbers would quickly bounce back. As it stands now, the lake is getting a bad reputation and many potential residents are looking at other lakes instead of ours. But if we all work together then we can get our property rights and values restored.

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