



An **AEP** Company

BOUNDLESS ENERGY™

## APPLICATION FOR OCCUPANCY & USE PERMIT

Dear Smith Mountain and Leesville Lake Property Owners:

As licensee for the Smith Mountain Pumped Storage Project (Project), Appalachian Power Company (Appalachian) has the responsibility and authority to regulate, permit, and monitor uses within the Project boundary (800-foot elevation contour at Smith Mountain Lake; 620-foot elevation contour at Leesville Lake.)

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 either Smith Mountain Lake or Leesville Lake. Instructions for completing this application and obtaining an Occupancy and Use Permit include the following:

1. Read the entire application carefully.
2. To help ensure a prompt response, please include all requested information. Incomplete applications will be returned for additional information.
3. The Smith Mountain Pumped Storage Project updated Shoreline Management Plan (SMP) and the Federal Energy Regulatory Commission's Order Modifying and Approving Updated SMP issued January 30, 2014 can be found at [www.smithmountainproject.com](http://www.smithmountainproject.com). The proposed dock and any other related improvements within the project boundary (e.g. shoreline stabilization) must meet the requirements of the SMP and the final order before they can be approved.
4. A **survey**, depicting existing and proposed conditions within the Project boundary, is required. **The survey must be prepared by a licensed surveyor**, and must include all of the information detailed in the Application for Permit.
5. If vegetation must be removed to provide access to the dock, then a Vegetation Permit must be obtained. Applications can be found at [www.smithmountainproject.com](http://www.smithmountainproject.com) (click on Forms).
6. The deeded property owner(s), not an agent or contractor, is required to sign:
  - a. the **Application for Permit**. The signature blank is located on Application, Page 5. The signature(s) on this page do not need to be notarized.
  - b. the blank **Occupancy and Use Permit**. The deeded property owner(s) must sign as the "Grantee." The signature(s) on the blank Occupancy and Use Permit **must be notarized**.
7. Information pertaining to the deed book or document number can be obtained by contacting the appropriate county. On-line information is available at [www.bedfordcountyva.gov](http://www.bedfordcountyva.gov) (Quick Reference, Geographic Information Systems), [www.franklincountyva.gov](http://www.franklincountyva.gov) (Quick Links, GIS Search), [www.pittsylvaniacountyva.gov](http://www.pittsylvaniacountyva.gov) (Services, Real Estate/GIS), or [www.campbellcountyva.gov](http://www.campbellcountyva.gov) (Online GIS).

8. Mail the completed application and the signed and notarized permit to the following address for processing:

Appalachian Power Company  
Shoreline Management  
P.O. Box 2021  
Roanoke, VA 24022-2121

9. Enclose a check made payable to one of the following Clerks of Court in the amount shown below depending upon the county in which the property is located.
  - a. Clerk of the Circuit Court of Bedford County ..... \$45.00
  - b. Clerk of the Circuit Court of Franklin County ..... \$40.00
  - c. Clerk of the Circuit Court of Campbell County ..... \$40.00
  - d. Clerk of the Circuit Court of Pittsylvania County ..... \$45.00
10. If the structure meets the SMP, an occupancy and use permit signed and notarized by Appalachian Power Company (APCO) will be issued. A copy of the permit will be mailed to the applicant. The original will be recorded at the appropriate Clerk of Court's office.
11. In order to obtain a building permit, the applicant must take copies of the Occupancy and Use Permit and the approved drawings to the appropriate county.
12. Copies of these approved county permits must be forwarded to APCO for the APCO permit to be valid.

Should you have any additional questions, you may contact Appalachian's Shoreline Management staff at 540-985-2579.

Sincerely,



Neil Holthouser  
Plant Environmental Coordinator Sr.

**APPLICATION FOR PERMIT  
LOW DENSITY SINGLE FAMILY RESIDENTIAL USE  
BOAT DOCK/PIER  
Smith Mountain and Leesville Lakes**

\_\_\_\_\_ 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 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 Smith Mountain Project, the boundary of which includes all land within the 800 foot elevation contour at Smith Mountain Lake and the 620 foot elevation contour at Leesville Lake (the "Project"); and

**WHEREAS**, Permittee submits herewith its application for a Permit 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: \_\_\_\_\_

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 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 of the project boundary (800' contour at Smith Mtn., 620' contour at Leesville)**
- Location of the base elevation (795' contour at Smith Mtn., 600' contour at Leesville)**
- Length of the structure from the base elevation**
- 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 proposed structure to dock delineation lines**
- 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**

- ❑ **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 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 5)**
- ❑ **Subdivision plat on record with 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:** \_\_\_\_\_

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**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 unless a county permit is required.

**NOTE 3:** This APCO permit is contingent upon approved county permits. Copies of approved county permits (zoning and 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 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 5: 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 riprap
- \_\_\_\_\_ Is aquatic vegetation present?
- \_\_\_\_\_ 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 Permittee is certifying that in-water construction shall not occur between April 15 and June 15.**

**The Permittee acknowledges and accepts the Terms and Conditions of Permit For Occupancy and Use as set forth in Exhibit "B" 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 acknowledges that any Permit granted shall be limited to APCO's authority under its License and to its land rights to the property within the Project.

Mail this completed Application with Exhibits "A" & "B" and the permit signed by you to the following address:

Appalachian Power Company  
Shoreline Management  
P.O. Box 2021  
Roanoke, VA 24022-2121

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

EXHIBIT "A"

Drawing to be attached by Permittee.



# SAMPLE EXHIBIT "A" PLAN VIEW

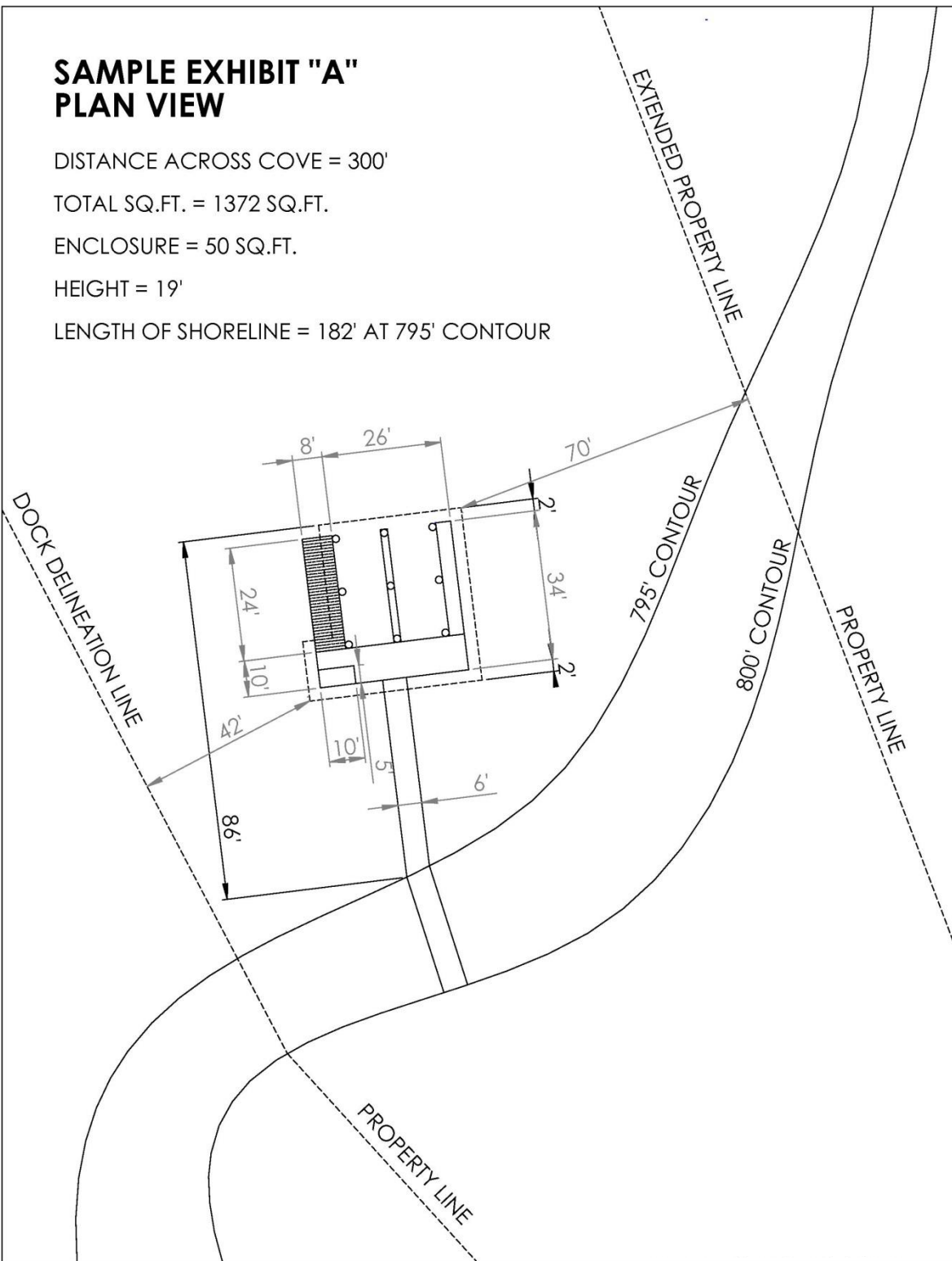
DISTANCE ACROSS COVE = 300'

TOTAL SQ.FT. = 1372 SQ.FT.

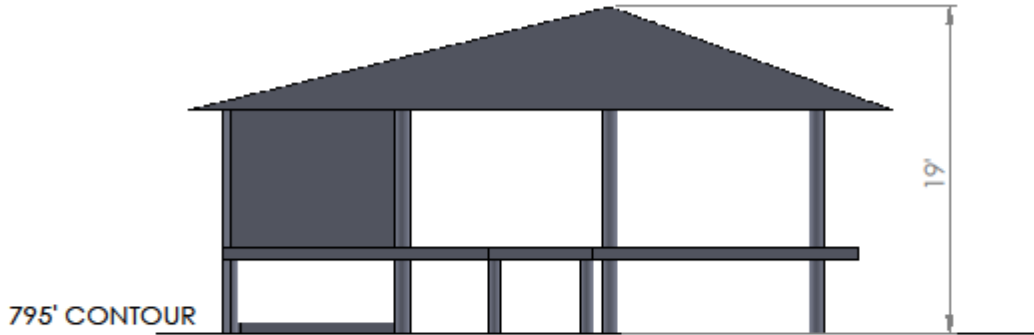
ENCLOSURE = 50 SQ.FT.

HEIGHT = 19'

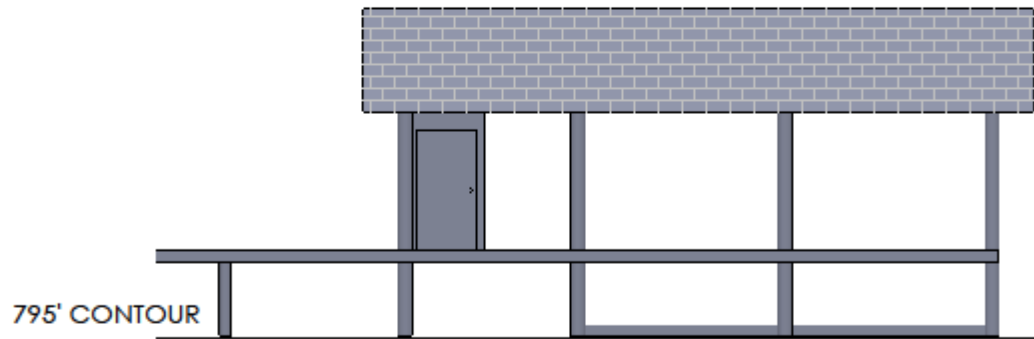
LENGTH OF SHORELINE = 182' AT 795' CONTOUR



**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 (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 Smith Mountain Project, the boundary of which includes all land within the 800 foot elevation contour at Smith Mountain Lake and the 620 foot elevation contour at Leesville Lake (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") 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 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 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.

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 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  
Authorized Signer

STATE OF VIRGINIA )

) To-wit:

\_\_\_\_\_ OF \_\_\_\_\_ )

The foregoing Permit was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by Elizabeth B. Parcell, Authorized Signer for Appalachian Power Company, on behalf of the Company.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

GRANTEE:

\_\_\_\_\_

\_\_\_\_\_

STATE OF \_\_\_\_\_ )

) To-wit:

\_\_\_\_\_ OF \_\_\_\_\_ )

The foregoing Permit was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by \_\_\_\_\_, GRANTEE.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

EXHIBIT "B"

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

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

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

1. Grantee is the property owner or has the legal rights necessary to obtain this Permit.
2. This Permit is granted solely for the purpose described by the applicant 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 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 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.
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 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.

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 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 is responsible for proper design, engineering, construction, maintenance and placement of the Permitted Facility. APCO's review and approval of the plans are no 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 use 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 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 hereby and the land which is benefitted by this Permit or (iii) to a bank or other licensed lending institution which shall provide a loan on the land that is benefitted 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. 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 shall notify Appalachian 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 applicant 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:

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.
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 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 damage 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 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 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 Grantee's occupancy commenced, ordinary wear and tear excepted unless otherwise directed. Throughout the term of this Permit, APCO shall have the right at 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 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 NON- CONFORMING AND LEGACY PROGRAM DOCKS**

25. 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 not be replaced. Docks or piers located within the Project boundary may only be replaced under certain circumstances (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.
30. Any replacement structure shall not include habitation or sanitation facilities.