

Clayton Project No. 739  
Appalachian Power Company

Effected property owner comments on application

Preface: Citizens who purchase property on a major lake that has as its chief function the generation of federally regulated electrical power, and which waters are subject to the regulations of a variety of federal and state agencies enter into these arrangements knowing that the rules and regulations governing such properties must be comprehensive and thorough, and that they will necessarily impose some restrictions and limitations on property owners. They also know that as a part of the social and legal contracts and covenants governing these properties certain reasonable protections and safeguards will be afforded to them.

Our family is no different. We own a waterfront lot on Claytor Lake which has been in our family for 42 years. We have a wooden seawall protecting our shoreline and a modest uncovered stationary dock, 8' x 20'. Our property is opposite the highest rock cliffs on the lake, almost directly under the power line that crosses the lake from those cliffs.

I would comment on three aspects of the draft application that is currently being put forward:

- 1) Prohibitions and restrictions governing dock construction and repair, and
- 2) Lowering the lake periodically for needed repairs on docks and seawalls
- 3) The concern over protecting the environment of the Fringed Mountain Snail.

Comment #1 -- Dock prohibitions and restrictions: After all of the participating agencies have had an opportunity to include the restrictions they believe to be necessary under their particular areas of concern, a panel of ombudsmen/women should then be required to review these regulations to determine if, in the aggregate, these requirements is reasonable, also insuring that these rules do not inflict an undue financial burden on the property owners or impose unreasonable restrictions on the property owner's right to reasonably enjoy the benefits of his/her property.

Comment #2 -- Lowering lake level for dock and seawall repair. For property owners to be able to build, maintain, and repair docks and seawalls on the lake is critical, and to perform these functions properly, the elevation of the lake must be lowered at least two times each year. There is simply no way around this fact. In addition, the schedule for lowering the lake must be known to property owners well in advance so that those who need these repairs to their property may have time to schedule the work. Again, this is a must.

Comment #3 -- Fringed Mountain Snail (and/or other rare species): It is exciting that a previously unidentified species of snail has been discovered near the lake. When such rare discoveries have been made elsewhere, and it is determined that they need special care and protection, environmentalists, biologists, and other teams within the scientific community have usually been able to work with local citizens to develop a plan that can serve both parties. Reasonable people, working together can work out needed accommodations in this case as well.

Thank you.

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Document Content(s)

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