

**APPALACHIAN POWER COMPANY  
CLAYTOR PROJECT NO. 739  
SHORELINE MANAGEMENT PLAN  
WORK GROUP MEETING  
FEBRUARY 18, 2009  
NOTES**

**I. INTRODUCTION:**

On February 18, 2009 the work group involved in the development of the Shoreline Management Plan (SMP) related to the relicensing of the Claytor Project met at American Electric Power's Pulaski County Service Center. The purpose of the meeting was to present an update on the progress of the SMP, to review modifications made since the last meeting and to discuss future related activities. The meeting began at 9:30 AM and adjourned at approximately 12:45.

Meeting participants included the following:

<u>Name</u>	<u>Representing</u>
John Copeland	Virginia Department of Game and Inland Fisheries (VDGIF)
Mike McLeod	Virginia Department of Environmental Quality (VDEQ)
Ron Powers	Friends of Claytor Lake (FOCL)
Chuck Dietz	Virginia Department of Conservation and Recreation (VDCR)
Dave Collett	VDCR
Mary Rhoades	Resident
Melody Taylor	Pulaski County
Beth Obenshain	New River Land Trust (NRLT)
Steve Scheckler	NRLT
Laura Bullard	FOCL and Resident
Dean Jackson	FOCL
Christopher Barbour	
Larry Bandolin	Resident
Teresa Rogers	Appalachian Power Company (Appalachian)
Mark McGlothlin	Appalachian
Wayne Alexander	Appalachian
Liz Parcell	Appalachian

Liz Parcell welcomed the group and participants introduced themselves. Bob Munson with the VDCR participated via conference call.

**II. SUMMARY:**

At the January 7, 2009 work group meeting, Appalachian agreed to do three things: 1) determine how much shoreline would be IMZ because of slope, 2) review erosion maps, and 3) assemble a scenic team. Following the January 7, 2009 meeting, a study update meeting was held on January 29, 2009.

Since the January meetings, Appalachian has incorporated the changes to the parameters regarding upland use and slope. With regards to slope, a 2:1 slope was mapped and classified as IMZ as shown on draft maps. As a result, there are 280,000 feet total of IMZ, 160,000 feet of which is IMZ because of slope. Chuck Dietz noted that the Standard Construction for stable slope is 2:1 (2 horizontal and 1 vertical.) This is 30 degrees. This is the same thing as 50 percent (%). Appalachian's mapping uses 50% or greater slope.

Liz shared that if we include slope into IMZ, FERC may require that we obtain FERC approval before issuing a permit. This would decrease local control. She suggested that it may be better to come up with a new classification instead of IMZ to include slope and possibly scenic areas to retain the local control. A new classification for slope/scenic would also require new guidelines for the area within the project boundary. Ex. Grouping of docks, no roofs in scenic areas, etc.

With regards to the suggested scenic team, Liz Parcell indicated that she has talked with Elizabeth Gilboy Community Design Assistance Center (CDAC) with VA Tech and we have set up a site visit so that they can view the lake and give us a proposal.

Discussion on slope resumed. Ronnie Powers noted that FOCL is working to seek changes in the county's regulations regarding slope above the project boundary. Laura Bullard indicated that there may need to be more engineering done based on slope and type of soils. Mary Rhoades suggested that the land owner show that they have contacted the county and have submitted more information for the site plan. Larry Bandolin suggested that before a permit is provided by AEP, the applicant may need to show that they have received a county permit for what they are proposing to do. Dave Collett indicated that the landowner should provide what their plan is for accessing the water.

The existing process for obtaining a dock permit was reviewed. The new process will require that the applicant will need to come to AEP first. Laura Bullard suggested that when someone comes to Appalachian for a dock in a steep slope, they may need to show how they plan to access the dock. Larry Bandolin suggested that AEP issue a conditional permit based on the applicant meeting county's requirements.

Liz asked if everyone is in agreement that we take slope out of IMZ and make it a separate classification or an overlay zone and the group agreed. It was clarified that Appalachian can only control what is within the project boundary.

Laura Bullard asked about erodible soils within project boundary. She showed areas where there is highly erodible shoreline on her property that is also habitat (woody debris). She suggested that Appalachian overlay the highly erodible soils into the IMZ

so that a property owner can stabilize their shoreline without having to go through a bunch of hoops and getting FERC approval.

Liz explained that there also needs to be protection of habitat and suggested that we go back out on the lake to make sure that the debris that has been classified as habitat is not debris that is along the shoreline that can float away. John Copeland noted that it naturally fallen or cut trees were mapped separately.

Larry Bandolin noted that there may be unintended consequences of IMZ and not having a drawdown. These may be at cross purposes to each other. In addition, he asked about page 30 of the habitat study – what is the definition of naturally fallen? Liz to get definition of naturally fallen tree.

### **Regulations:**

The regulations were reviewed.

### High Density Commercial:

Item I and J. Rocks do not include riprap. This needs to be clarified. There needs to be some exclusion for approved shoreline stabilization e.g. “except as authorized under a shoreline stabilization permit”.

Bob Munson: Item 10 – “consider” is OK.

Larry Bandolin: Item 15. Should keep 200 but take out “may be considered” and change to “may be approved.” There was discussion about whether there needs to be an item 15 or does the amount of shoreline limit that number of slips. Liz suggested that item 15 be revised to “may be approved at one time”

Item 16 needs to be in line with County’s special use permit time line which is one year. Liz explained that our permit requires that they be in compliance with all state, local and federal regulations.

Item 18 – delete.

### High Density Multi-Use:

Liz explained how parcels and docks need to be connected.

Item 7 –may need to increase 300 ft. typical boat slip is 12 x 24.

Item 10 – the way it is written now, you can have screening but screening is considered an enclosure. Delete item 10 – if gazebos are unscreened then they can be located anywhere within the base elevation.

Item 12 – they have to meet Health Dept. requirements. If they need a pump out, then they will be required to have a pump out. If they can get an agreement with a marina, the Health Dept. may allow that instead.

Item 18 – Melody Taylor noted that County’s existing ordinance has language about non-conforming and has 49%. How does AEP figure out 50% or great? Liz explained that Appalachian calculates square footage (adding upper and lower of structure) and figure out the 50%. Non-conforming aspect may not be increased. You can expand the dock but not its non-conforming nature. “Non-conforming structures may be expanded but the non-conforming aspect may not be increased.” The work group was in favor of this interpretation instead not allowing non-conforming structures.

Item 19. Lateral Aid instead of channel marker.

Item 20. Does this apply to Claytor Lake? Be more specific to Claytor Lake. It does put people on notice that lake levels can change.

Item 21 Laura Bullard asked about properties with gentle slopes? Dean Jackson asked about boardwalks? Boardwalks need to be above project boundary.

Melody Taylor: What about jet ski slips and seadoo docks? These are things that occur now and aren’t really addressed in current regulations. Liz explained that these would be counted as a slip and the square footage is counted in the dock. Need to look at Item 22 again to make sure that this is the right number because a family may have a boat and a personal watercraft and increase the square footage.

Consider building docks in conjunction with housing units so that there are bathroom facilities.

Item 25: Enclosures have to be on lower level of dock.

Larry Bandolin asked that enclosed be defined and suggested that we allow for screening.

Item No 26 – maximum height same as commercial – 24 feet. Add pitch of roof.

Clarification: there are no enclosures in high density multi-use.

Wayne Alexander noted that for community docks, some existing subdivisions lack homeowners association and there is a question on who has authorization to use the docks. Need to clarify how this will work, who has authority to apply for a dock and who permit is issued to. Liz responded that the permit would have to be given to the property owner and if that is 50 property owners, then that is who the permit would be given to – all 50 would have to agree to the terms and conditions. It is in the property owners’ interest to enter into an association.

Boat Ramp and Courtesy Pier Option –

Item 4 – change to  $\frac{1}{4}$  of the cove.

Review No. 6. regarding water levels.

The courtesy pier is not to be covered.

The next meeting was scheduled for March 11, 2009 at 9:00. Liz will provide track changes of future editions of the plan. Page numbers will be added. Slope will be pulled out. Look at sapprolite vs. habitat – look at debris (woody vs. trees)