

**Vegetation Permit**  
**Appalachian Power Company**  
**Smith Mountain Lake and Leesville Lake**

Appalachian Power Company (APCO) has the authority and responsibility under its Federal Energy Regulatory Commission (FERC) license and its land rights to review and approve activities within the Smith Mountain Project boundary which includes both Smith Mountain and Leesville lakes (all land within the 800 foot contour for Smith Mountain and 620 foot contour for Leesville).

Property Owner's (Permittee's) Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
(street) (city) (state) (zip)

Telephone: \_\_\_\_\_  
(day) (night) (e-mail)

Location: \_\_\_\_\_  
(lake) (county) (subdivision) (lot number) (section)

Lake Address: \_\_\_\_\_  
(street) (city) (state) (zip)

County Tax Map and Parcel No. \_\_\_\_\_ Deed Book and Page No. \_\_\_\_\_

Directions By Land: \_\_\_\_\_

Shoreline Management Plan Shoreline Classification: (To be completed by APCO) \_\_\_\_\_

**Read the following carefully and fill in appropriate information.**

Vegetation within the project boundary must be preserved if present. Ground disturbing activities in this area must be minimal in order to maintain the function of the buffer. All parties desiring to remove vegetation within the project boundary must obtain written authorization from APCO prior to beginning any removal and must agree replace the function of buffer. Work conducted in the project boundary without the benefit of a permit requires the planting of vegetation as mitigation.

- 1) **Check appropriate box describing the purpose for requesting removal and or planting of vegetation:**
  - Provide for reasonable view of the water
  - Construct access path to the shoreline and/or dock
  - Construct erosion control measures along the shoreline
  - General maintenance to the vegetated area
  - Mitigation
  - Other: \_\_\_\_\_
- 2) **Attach a map showing the general location of the proposed work (Example: Lake Map).**
- 3) **Attach a drawing showing the location of the project boundary and base elevation, property lines and the vegetation to be removed or attach photographs of the area showing the project boundary and base elevation, property lines and the vegetation to be removed, if applicable. Date photographs were taken: \_\_\_\_\_**
- 4) **Attach a landscape plan showing how the property is to be landscaped and a description on how the function of the buffer is going to be retained once the proposed vegetation is removed or if no removal is required, how the vegetative buffer is going to be maintained, once planted.** (If trees or shrubs are removed, then they shall be replaced with other vegetation as detailed in Table 2.5-2 of the Shoreline Management Plan dated August 29, 2003 and modified by FERC orders issued on July 5, 2005 and February 23, 2007. The trees or shrubs that are removed must be replaced with native plants. A list of native plants can be found in Appendix E of the Shoreline Management Plan.)
- 5) **Date the vegetation removal will be started, if applicable: \_\_\_\_\_ completed: \_\_\_\_\_**  
**Date vegetation replacement will be started: \_\_\_\_\_ completed: \_\_\_\_\_**
- 6) **See the "Terms and Conditions Of Permit For Occupancy and Use" listed on the back of this page.**

**By signing this permit, the Permittee is accepting the Terms and Conditions herein and acknowledging 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.

I certify that the above information is true and correct, and that I have read and agree to the Terms and Conditions of the permit listed on the back of this form.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Print Name

**To Be Completed by Authorized APCO Representative – Permit is Invalid without a Signature.**

This permit is granted solely for the purpose described by the permittee in this permit:

\_\_\_\_\_  
Date Issued      Date of Site Visit (if applicable)

\_\_\_\_\_  
Signature / Title of APCO Representative

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**TERMS AND CONDITIONS OF PERMIT**

This permit is granted by APCO and accepted by the Permittee, subject to the following terms and conditions:

1. This permit is granted solely for the purpose of removing vegetation from within the project boundary or for planting vegetation for mitigation for work done within the project boundary without the benefit of a permit. No addition or design change shall be made to this permit without prior approval from APCO.
2. Plantings will be installed one (1) year of the date of the Permit.
3. Routine maintenance to the existing vegetation within the project boundary is allowed without a permit in order to keep the vegetation healthy and ensure the buffer functions properly. Call APCO if you are uncertain whether your project falls into this category.
4. Dead, diseased or dying trees or shrubbery and non-native invasive weeds may be removed. In addition, trees that are a hazard to life or property may be removed. If the trees or shrubs are removed, they shall be replaced with other vegetation as detailed in Table 2.5-2 of the Shoreline Management Plan dated August 29, 2003. The trees or shrubs that are removed should be replaced with native plants. A list of native plants can be found in Appendix E of the Shoreline Management Plan. Individuals may be required to plant or pay for the planting of vegetative materials within the project boundary in the event that vegetation is removed without a permit.
5. The activity described in this permit is part of a single and complete project.
6. Under this permit, modifications shall not alter the project boundary (800 foot contour at Smith Mountain and 620 foot contour at Leesville). If alteration of the project boundary is proposed, additional information will need to be submitted to APCO for review.
7. This permit does not include the removal of wetland vegetation.
8. By thirty (30) days' notice, mailed to the Permittee by registered or certified letter, APCO may revoke this permit whenever it determines that the public interest necessitates such revocation or when it determines that the Permittee has failed to comply with the conditions of this permit. The revocation notice shall specify the reason for such action.
9. The Permittee is responsible for proper design, engineering, construction, maintenance and placement of any proposed revegetation or vegetation measures. APCO's review and approval of the plans are no guarantee or assurance the Permittee's plans are proper or adequate for the purpose intended.
10. The Permittee shall ensure that erosion and sedimentation (E & S) control devices are in place prior to clearing and grading and that they are maintained in good working order to minimize impacts to all waters and wetlands in accordance with the current edition of the Virginia Erosion and Sedimentation Handbook. Any deposition of graded materials in upland areas shall be carried out in such a manner as to prevent the erosion of these materials and preclude their entry into all waters and wetlands. These controls shall remain in place until the area stabilizes. Soil stabilization practices shall be applied to all denuded areas **within seven (7) days** after final grade is reached within any impact area.
11. Success of the revegetated buffer shall be based upon the following criteria:
  - i) 80% of the vegetation survives. Plantings that do not survive shall be replaced by the Permittee by the beginning of the next growing season
  - ii) Plantings shall be made between March 30 and October 15. No plantings shall occur in frozen soils.
12. If restoration of the vegetated buffer fails, then the reasons for this failure shall be determined and a corrective action plan submitted to APCO. The corrective action plan shall be implemented by the Permittee upon receipt of written approval from APCO.
13. It is understood and agreed by and between APCO and Permittee that part of the consideration for the granting of this permit for lakeshore use is the Permittee'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.
14. It is understood that 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 during periods of low inflow or drought. Historically, water levels as measured at the dam reached 799.79 feet in 1978 and 787.6 feet in 1970. Leesville Lake can fluctuate between 613 feet and 600 feet during normal operations as measured at the dam. However, the flowage easement is to elevation 620 feet, because the water levels have the potential for increasing upstream depending upon flows from Smith Mountain. These elevations should be taken into consideration when designing revegetation plans.
15. 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 applicant shall notify Appalachian and SHPO immediately and follow-up with a written account of the discovery. The applicant 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 applicant 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.
16. Permittee agrees to all conditions set forth in the Smith Mountain Pumped Storage Project Shoreline Management Plan dated August 29, 2003 and as modified by FERC orders issued on July 5, 2005 and February 23, 2007.

Mail this completed form to:

Appalachian Power Company  
Shoreline Management  
996 Old Franklin Turnpike  
Rocky Mount, VA 24151