

Brookfield

Application for Santeetlah Reservoir Private Recreational Facility (Pier) Permit

This application applies to private recreation facilities for either a single lot or two adjoining lots on Santeetlah Reservoir. Please refer to Brookfield Smoky Mountain Hydropower LLC's Specifications for Private Recreation Use Facilities for additional information.

BSMH will permit private recreation facilities (piers) on Santeetlah Reservoir only.

The only new facilities permitted are (i) a stationary pier, ramp and floating dock combination, (ii) a ramp and floating dock combination or (iii) a floating dock (all three are referred to as a pier).

Summary of application process:

1. Print or type all information in Sections One – Three below and return completed application to Brookfield Smoky Mountain Hydropower LLC, (Calderwood Service Center, 314 Growdon Boulevard, Tallassee, Tn. 37878). Please call (865) 207-7902 with any questions.
2. Contact BSMH to arrange an on-site visit.
3. BSMH will review application and if application is complete, BSMH may issue a construction permit for a one-year term.
4. If the construction or activity applied for requires a building permit from the County Building Inspector, then, within one year of the issuance date of the Construction Permit, the permittee shall provide BSMH with the Building Permit (see page 6 of this application) issued by the County Building Inspector stating that the County has inspected the structure or activity and that the construction is in compliance with County requirements.
5. Permittee shall notify BSMH of completion of construction and arrange for BSMH to inspect the completed construction.
6. Once constructed, a private pier requires a private recreation facility permit from Brookfield Smoky Mountain Hydropower LLC.

Application

Section One - Background Information *(to be completed by Applicant)*

1. Full Name: _____
2. Permanent Mailing Address: _____
3. Local Address (if different): _____
4. Telephone (Business): _____ (Permanent): _____ (Local): _____
5. Email: _____ 6. County: _____
7. Development: _____ 8. Section: _____ 10. Lot No.: _____
11. Parcel No.: _____ 12. Permit No. (for replacement pier): _____
13. Attach copies of the following:
 Deed plat showing location of dwelling and location and dimensions of proposed pier
 if applicable, copy of USFS Special Use Permit (or other necessary permit)
14. Permit request is for type of activity (check as many as apply):
 Construction of New/Replacement Pier Construction of Steps/Walkways Electrical Installations

Brookfield

Section Two - Information Needed for Electrical Installations *(to be completed by Applicant)*

1. Attach diagram showing location of electrical installation, including service pole, shoreline breaker box, and receptacle, to be installed by a state-licensed electrician.
2. After installation, the county's inspection certificate must be provided to BSMH.
3. Notes: _____

Section Three *(to be completed by Applicant)*

I hereby apply for a permit to construct the above-described facilities or structures in the reservoir, along the shoreline or on Brookfield Smoky Mountain Hydropower LLC owned lands and agree to abide by all applicable requirements of BSMH's Specifications, Shoreline Stewardship Policy, the conditions of the CONSTRUCTION PERMIT and other BSMH procedures and requirements. I also agree that NO WORK will begin until I receive a CONSTRUCTION PERMIT signed by Brookfield Smoky Mountain Hydropower LLC.

Date

Signature of Applicant

Brookfield

Section Four - Information Needed for Construction of New or Replacement Pier (to be completed by BSMH)

1. Copy of deed and plat showing location of dwelling and location/dimensions of proposed pier (circle one):
Yes No
2. Width of lot: _____ 3. Width of cove (if applicable): _____
5. Pier Dimensions: a. Total square footage: _____ b. Overall length: _____
b. Stationary section: _____ c. Ramp: _____
d. Floating section: _____
6. Construction materials: _____
7. Unique or important environmental resources proximate to proposed site (circle one): Yes No
(If yes, attach any consultation with NCWRC, NCDENR, USFWS, or USFS.)
8. Known archaeological site proximate to proposed site (circle one): Yes No
(If yes, attach consultation with NCDCR and EBCI THPO.)
9. Notes: _____

Section Five - Information Needed for Construction of Steps or Walkways (to be completed by BSMH)

1. Brief statement describing proposed activity: _____

2. Attach sketch or diagram of proposed steps or access pathway and the location on lot. Show location of trees and other vegetation to be removed.
3. Approximate area of or number of trees to be removed: _____
4. Approximate area of other vegetation to be removed: _____
5. Construction Materials: _____
6. Notes: _____

Construction Permit No. _____

This Construction Permit is issued by Brookfield Smoky Mountain Hydropower LLC this ___day of ____, 20__ and authorizes the construction of the above-described facilities or activities in compliance with the information provided in the Application for Santeetlah Reservoir Private Recreational Facility Permit, the terms of this Permit, and all applicable requirements of BSMH's Specifications, Shoreline Stewardship Policy and other BSMH procedures and requirements.

_____ Date

_____ Signature of Brookfield Smoky Mountain Hydropower LLC

Brookfield

Conditions of Construction Permit No. _____

1. The permit is granted solely to the adjoining property owner for the purposes described in the Application for Santeetlah Reservoir Private Recreational Facility (Pier) Permit.
2. The adjoining property owner represents that he is the owner of the land described in the Application for Santeetlah Reservoir Private Recreational Facility (Pier) Permit.
3. The adjoining property owner shall immediately notify BSMH of a change in permanent mailing address
4. Unless otherwise stated herein, the term of the Construction Permit shall be for one year from the date of its issuance.
5. If the construction of the structure or activity permitted herein requires a building permit from the County Building Inspector, then, within one year of the issuance date of the Construction Permit, the adjoining property owner shall obtain and deliver to BSMH, the Building Permit issued by the County Building Inspector which states that the County has inspected the structure or activity and that the construction of the structure or activity is in compliance with County requirements. The Construction Permit shall become null and void if BSMH has not received from the adjoining property owner said County Building Permit within that period.
6. Further, the adjoining property owner agrees to construct, maintain and operate any permitted activity or structure in a manner so as to minimize any adverse impact on fish and wildlife habitat, natural, environmental or cultural resources values and in a manner so as to minimize adverse impact to water quality. The permitted activity or structure must not interfere with navigation or ingress and egress to adjoining property's, or in any manner present a safety hazard or nuisance and must be consistent with BSMH Specifications for Private Recreation Use Facilities and BSMH Shoreline Stewardship Policy and other environmental values of the reservoir.
7. BSMH may terminate the Construction Permit at any time upon 30 days notice mailed to the adjoining property owner at the permanent address shown on the Application.
8. The Construction Permit may not be assigned, in whole, or in part by the adjoining property owner. It will become automatically void upon any attempted assignment, foreclosure on the land or the death of an adjoining property owner. Any work permitted herein shall be completed prior to any assignment, in whole or in part, by the adjoining property owner.
9. The Construction Permit may be transferable to a subsequent purchaser of the adjoining property owner's land so long as (i) the activities or structures have been maintained in good repair and comply with all applicable federal, state and local health and safety requirements; (ii) the adjoining property owner (seller) has complied with the Construction Permit, BSMH's Specifications, BSMH's Shoreline Stewardship Policy and all other applicable BSMH procedures and requirements; and (iii) the purchaser signs a new permit in the form required by BSMH.
10. Failure to abide by these conditions, the Construction Permit, BSMH's Specifications, BSMH's Shoreline Stewardship Policy and any other applicable BSMH procedures and requirements may be cause for termination of the Construction Permit. The primary sanctions for violations are loss of eligibility for: (i) a private recreation facility permit or multi-use facility within the Project Boundary (i.e. on a reservoir); and (ii) where applicable, use of, or private access to the reservoir and/or Brookfield Smoky Mountain Hydropower LLC-owned lands. BSMH also may terminate any existing licenses or permits; erect a barrier to restrict access to the reservoir or Brookfield Smoky Mountain Hydropower LLC-owned lands; and may require the adjoining property owner, at the adjoining property owner's expense, to cease construction, remove the structure or Activity and perform appropriate restoration and mitigation, up to and including restoring the lands and waters to their original condition. In addition, if the adjoining property owner fails to take the required action after notice from BSMH, at the adjoining property owner's sole expense, BSMH may remove the structures and treat the structures as its own.

Brookfield

Conditions of Construction Permit No. _____ continued

property without liability to adjoining property owner for payment and perform the required restoration and mitigation. BSMH may also pursue any other rights or remedies, including damages they may have hereunder, at law or in equity.

11. BSMH shall in no case be liable for any damage or injury to the activity or structure, to the adjoining property owner's property or to the adjoining property owner or those claiming through or under the adjoining property owner or of those enjoying the privileges granted by the Construction Permit, arising or resulting from the construction, maintenance or operation of BSMH's facilities or the use of, or operations upon, Brookfield Smoky Mountain Hydropower LLC-owned lands.
12. Adjoining property owner assumes and agrees to indemnify, defend and hold harmless Brookfield Smoky Mountain Hydropower LLC, including without limitation their employees, agents, contractors and representatives, from and against, any and all injury (including death), loss, damage, claims or causes of action of any kind whatsoever including, without limitation, damage or injury (including death) to person or property and damage to natural resources, arising from, connected with, or growing out of the existence, construction, reconstruction, repair, maintenance, modification, replacement, use or other activities related to the activity, the structure, Brookfield Smoky Mountain Hydropower LLC- owned lands, the reservoirs, or the use of enjoyments of any right or privileges granted to in the Construction permit.
13. The grant of the Construction Permit will not in any manner or to any extent limit the rights of BSMH or Brookfield Smoky Mountain Hydropower LLC with respect to the Project lands or waters, or Brookfield Smoky Mountain Hydropower LLC-owned lands. BSMH will not assert or attempt to assert any right or claim to any of the Project lands or waters, Brookfield Smoky Mountain Hydropower LLC-owned lands or other property or rights of BSMH or Brookfield Smoky Mountain Hydropower LLC, whether or not use of the same is granted in the Permit, and the grant of the Permit will not be deemed to vest title thereto in the adjoining property owner.
14. The structures and activities will be subject to periodic inspection by authorized personnel of BSMH. BSMH's authorized representatives shall be allowed to cross the adjoining property owner's property, as necessary, to inspect the structures or activities.
15. The Construction Permit shall be encased in a waterproof sheath and posted on the adjoining property owner's property in a location visible from the water so that it can be visually checked with ease by BSMH authorized representatives. The adjoining property owner shall remove the Construction Permit upon the issuance by BSMH of a Private Recreational Facility Permit.
16. The adjoining property owner shall notify BSMH of completion of construction and arrange for BSMH to inspect the completed construction to ensure that (i) the activities or structures have been maintained in good repair and comply with all applicable federal, state and local health and safety requirements; (ii) the adjoining property owner has complied with the Construction Permit, BSMH's Specifications, BSMH's Shoreline Stewardship Policy and all other applicable BSMH procedures and requirements; and (iii) the adjoining property owner signs a new permit in the form required by BSMH.
17. Other Conditions.

Brookfield

Application for Santeetlah Reservoir Private Recreational Facility (Pier) Permit

Re: Construction Permit No. _____

County Building Permit No. _____

This Building Permit is issued by _____ County this ____ day of _____, 20___. I certify that I have inspected the facilities referenced in the aforementioned Application for Private Recreational Facility Permit/Construction Permit and that as of the date of my inspection the facilities are in compliance with applicable County regulations, codes and ordinances.

Signature of County Building Inspector