

August 14, 2017

Subject: Brookfield Smoky Mountain Hydro Project (BSMH)
FERC Project No. 2169 – NC & TN
Specifications for Private Recreations Facilities at Santeetlah

To whom it may concern,

I am writing as follow up to a meeting held earlier this year, wherein Brookfield representatives discussed with representatives of the Town of Santeetlah and other stakeholders, the minimum qualifications necessary for a lot to be eligible for a private pier. Rules pertaining to existing recreational facilities were also discussed. Specifically, the discussion included “grandfathering”, as detailed in the Shoreline Management Plan (SMP) and the prerequisite that one must be an adjoining property owner to meet the minimum requirements as set forth in the Specifications for Private Use Facilities and in BSMH’s Shoreline Stewardship Policy.

The goals for the BSMH SMP are summarized as:

1. To balance the protection of the important environmental, cultural, recreational, and aesthetic resources unique to the BSMH Project with the provision of recreation opportunities.
2. To establish a process for reviewing and approving shoreline development uses and activities that encourage stewardship of environmental, cultural, recreational, and aesthetic resources by avoiding, offsetting, or mitigating impacts to the resources

The more contentious issue that surfaced during the meeting between BSMH and the Town of Santeetlah was Brookfield’s position on the “grandfather” clause. Brookfield at that time interpreted the, “grandfather” clause to correspond with the adjoining owners permit rather than the facilities themselves. The stakeholders at the meeting voiced opposition to our position.

Existing, licensed private recreation facilities that pose no environmental or public safety hazards are “grandfathered” if the facilities existed on the date of the filing of the BSMH Project SMP on Oct. 1, 2004. The facilities are allowed to remain in place so long as (i) the owners comply with their current license, the Shoreline Stewardship Policy, and all other applicable BSMH procedures and requirements, and (ii) the facilities are maintained in good condition and comply with all applicable state and local health and safety requirements.

BSMH uses the SMP as a tool to protect valuable resources, guide future development, and monitor shoreline conditions at the Project. In addition, the SMP is not only a tool for its permitting personnel, but also adjacent property owners, developers, and state and federal resource agencies who have an interest in shoreline management at the Project. **Consequently, BSMH has re-evaluated our position in regards to “grandfathering”.**

BSMH agrees that existing structures, including “grandfathered” facilities, are transferrable, so long as (i) the facilities have been maintained in good condition and comply with all applicable state and local health and safety standards, and (ii) the current property owner (seller) has complied with the current license or permit, the Shoreline Stewardship Policy, and all other applicable BSMH procedures and requirements, and (iii) the new property owner (purchaser) has signed a new permit.

When deciding whether an adjacent property qualifies for an individual pier, certain requirements must be met. Not all adjacent lots to Santeetlah Reservoir may be eligible for a pier. However, **adjoining** property owners may be eligible for a private recreation facility permit from BSMH. An adjoining property owner is defined as: (i) having land immediately adjacent to the Santeetlah Reservoir shoreline, defined as the normal full-pool elevation of the reservoir, (ii) having land immediately adjacent to BSMH-owned lands and BSMH has granted permission to access the reservoir across BSMH-owned lands. These specifications should be read in conjunction with BSMH’s Shoreline Stewardship Policy, which outlines the rights and responsibilities of BSMH and other property owners along the BSMH Project reservoirs.

In the case of the Town of Santeetlah, we have recently become aware that many of the property owners do not own adjoining property to the Reservoir. The Town of Santeetlah owns a strip of property in front of a number of lot owners. Our understanding is that the Town of Santeetlah and adjacent property owners are working together to resolve this matter.

BSMH will also be communicating this message in writing to those impacted parties who own less than 50 feet of adjacent waterfront property but have facilities that were permitted prior to the filing of the SMP. **Our hope is to work with you along with all impacted parties to coordinate a town-hall style forum within the next month to address this issue and answer any questions that may have arisen.**

Thank you for your continued interest in the BSMH Project. If you have any questions, please do not hesitate to call me at (617) 838-2658.

Best Regards,

Brian P. Noonan

Brian P. Noonan
Community Relations Manager