

DRAFT TULLOCH RESERVOIR SHORELINE MANAGEMENT PLAN

Tulloch Hydroelectric Project
FERC Project No. 2067

December 2014

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GLOSSARY

Definitions of Terms, Acronyms, and Abbreviations used in this Management Plan.

Term	Definition
Applicant Projects	Alternative term used for shoreline development projects defined below.
Application	A lease or use agreement for shoreline development. A Tri-Dam Project form upon which an applicant describes and officially requests permission of a given use or facility within the FERC Project Boundary.
BLM	United States Department of Interior, Bureau of Land Management
BMPs	Best Management Practices
Boathouse/ Covered Boat slip	A floating, roofed structure with open sides and designed for permanent or temporary watercraft storage.
Boat lift	A facility within or adjacent to a boat slip designed to lift a boat or watercraft above the normal high water level for temporary or permanent storage purposes.
Boat slip	An unroofed structure designed for temporary or permanent watercraft storage. A boat slip is normally 10 feet wide by 20 feet long and is confined by at least three sides. One boat slip can accommodate only one watercraft at a time.
Buoy	A floating waterway marker.
Cal Fish and Wildlife	California Department of Fish and Wildlife
CESA	California Endangered Species Act
Chief	Federal Energy Regulatory Commission's Chief of Land Resources Branch
Commercial/ Non-residential	A shoreline/reservoir use that involves the use of project lands and waters for facilities where boats can be launched, retrieved or moored, and where provisions for food services or convenience retailing, including petroleum dispensing, wet and dry storage of watercraft and other activities normally associated with marinas, campgrounds and yacht clubs are made.
Non-Commercial/ Residential	A shoreline/reservoir use that involves the use of project lands and waters for facilities where boats can be launched, retrieved or moored for the purpose of providing access to the reservoir for certain residential property owners, particularly off-water lots and multi-family dwellings. Residential properties associated with this classification include townhouses, condominiums and subdivision access lots.
Dock	A facility located on the reservoir which is designed to accommodate the parking and/or in water storage of watercraft.
Earthfill	The placement of fill material (soil or rock) within the FERC Project Boundary.
Encroachment Permit	A permit which provides authorization for a particular use or facility within the FERC Project Boundary.
ESA	Federal Endangered Species Act
Excavation	Removal of soil or rock material from within the FERC Project Boundary.
Facility	Any structure, use, or combination of structures that are placed within the FERC Project Boundary. A structure includes, but is not limited to a boat ramp, dock, buoy or other mooring facility, basin, retaining wall, float, access ramp, stairs or piers.
Facility Expansion	The modification of an existing facility that results in an increase of its reservoir incursion, increased decking square footage, increased dock size, an increase in the number of boats it can accommodate, or increases or decreases in water storage quantities.
Facility Maintenance or Rebuild	The reconfiguring or repairing of existing facilities in a like for like fashion. Rebuilds are minor in nature and do not result in any significant modification or expansion of project facilities.
Fee	A dollar amount paid by the applicant to the Tri-Dam Project to help offset Tri-Dam Project's costs for processing of encroachment permit applications and other reservoir use permits.

Glossary (continued)

Term	Definition
FERC or Commission	Federal Energy Regulatory Commission, the federal agency that issues permits for hydroelectric projects to non-federal entities and from whom Tri-Dam Project must obtain approval for any facilities within the FERC Project Boundary.
Float	A floating platform for use by swimmers or for docking watercraft.
Full Reservoir Elevation	The elevation, measured in feet above mean sea level, of the top of the reservoir's spillway or the top of the floodgates. This is normally referred to as the 510 foot elevation.
FERC Project Boundary	Also "project boundary", generally include the reservoir and adjoining lands to the 515 foot contour elevation.
GIS	Geographic Information System
Individual Private Facility	A facility which provides access to the reservoir for the owner or lease holder of a single waterfront lot containing one single family type dwelling. Individual private facilities may include, but are not limited to piers for structures, docks, boathouses, boatshelters, boatlifts, floats, boatslips, and boatramps.
NGOs	Non-governmental Organizations
NMWSE	Normal Mean Water Surface Elevation
OID	Oakdale Irrigation District
Project	The Tulloch Hydroelectric Project, FERC Project Number 2067
Reclamation	U.S. Department of Interior, Bureau of Reclamation
shoreline development project	Shoreline development projects are construction or land-disturbing activities within the shoreline zone proposed by Project abutters and include the placement, installation, construction, repair, maintenance or replacement of any structure, any excavation or the placement of any fill at Tulloch Reservoir at or below an elevation of 515 feet. The replacement, expansion or other alteration of any legally existing grandfathered facilities in place at the time of adoption of the Shoreline Management Plan is also included in this definition.
SMP	Tulloch Shoreline Management Plan
Tri-Dam Project or Licensee	Oakdale Irrigation District and South San Joaquin Irrigation District cooperatively operating as the joint licensees of the Tulloch Project
USACE	United States Army Corps of Engineers
USFWS	United States Department of the Interior, Fish and Wildlife Service
Waterway Marker	Any device designed to be placed in, on, or near the water to convey an official message to a boat operator on matters which may affect health, safety or well-being.

SECTION 1.0

INTRODUCTION

In a letter dated April 1, 2014, the Federal Energy Regulatory Commission's (FERC or Commission) Chief (Chief) of the Land Resources Branch of the Division of Hydropower Administration and Compliance (DHAC) directed the Tri-Dam Project to file a revised draft Tulloch Reservoir Shoreline Management Plan (SMP) by December 31, 2014 and, after consultation with resource agencies, homeowner's associations, lakefront property owners, and other stakeholders file a final revised SMP by May 1, 2015 with the Commission for approval.

The Chief's letter stated that, until the Commission approves the SMP, the Tri-Dam Project will continue operating the Project under the SMP that was included in Exhibit E of Tri-Dam Project's December 23, 2002 license application. The 2002 SMP provides to the Tri-Dam Project the authority to grant, for activities listed in the plan, permission for use of lands within the FERC Project Boundary¹ without prior approval of the Commission.² The FERC Project Boundary is defined as the area within the 515-foot (ft) elevation contour,³ which is 5 ft above the normal maximum water surface elevation (NMWSE) of Tulloch Reservoir. This is an area of approximately 1,638 acres.

Tulloch Reservoir is part of Tri-Dam Project's Tulloch Hydroelectric Project, FERC Project Number 2067 (Project). The initial license for the Project was issued by the Federal Power Commission (FERC's predecessor) to the Tri-Dam Project on January 1, 1955 for a term ending on December 31, 2004. The Commission issued a new License for the Project to the Tri-Dam Project on February 28, 2006 for a term ending on January 1, 2046.

This SMP is filed with the Commission in accordance with the Chief's April 1, 2014 letter. The SMP was prepared in conformance with Article 411 of the new license.

1.1 Description of the Tulloch Project

The Project is located in Tuolumne and Calaveras counties, California, (collectively referred to as "counties" in this SMP) on the main stem of the Stanislaus River, immediately downstream of the United States Department of the Interior (USDOI), Bureau of Reclamation's (Reclamation) New Melones Reservoir, a part of the Federal Central Valley Project. Major Project facilities include: 1) the 200-ft high Tulloch Dam, located 62 mile (mi) upstream of the Stanislaus River's confluence with the San Joaquin River. The dam has a crest elevation of 515 ft; 2) Tulloch Reservoir, with a gross storage capacity of 66,968 ft, a shoreline length of 30.9 mi, and a surface

¹ The FERC Project Boundary is the area that the Tri-Dam Project uses for normal Project operations and maintenance. The boundary is shown in Exhibit G of the new license, and may be changed by the Commission with cause from time to time during the term of a license.

² The 2002 SMP and this revised SMP recognize that there are existing, legally installed facilities within the FERC Project Boundary that do not require the Commission's approval, assuming the facilities were legally installed and installation was completed by February 16, 2006. These facilities are considered "grandfathered." However, any modifications to these facilities are subject to the provisions of the SMP in effect at that time.

³ All elevation data in this exhibit are in National Geodetic Vertical Datum of 1929 unless otherwise specified.

area at NMWSE of 1,260 acres; and 3) the 11 megawatt (MW) Tulloch Powerhouse, located on the north side of the Stanislaus River, at the base of Tulloch Dam.

Major vehicular access to Tulloch Reservoir is along State Highways 108/120 and O'Byrnes Ferry Road.

Figures 1.1-1 and 1.1-2 show the Tulloch Project location and Project features, respectively.

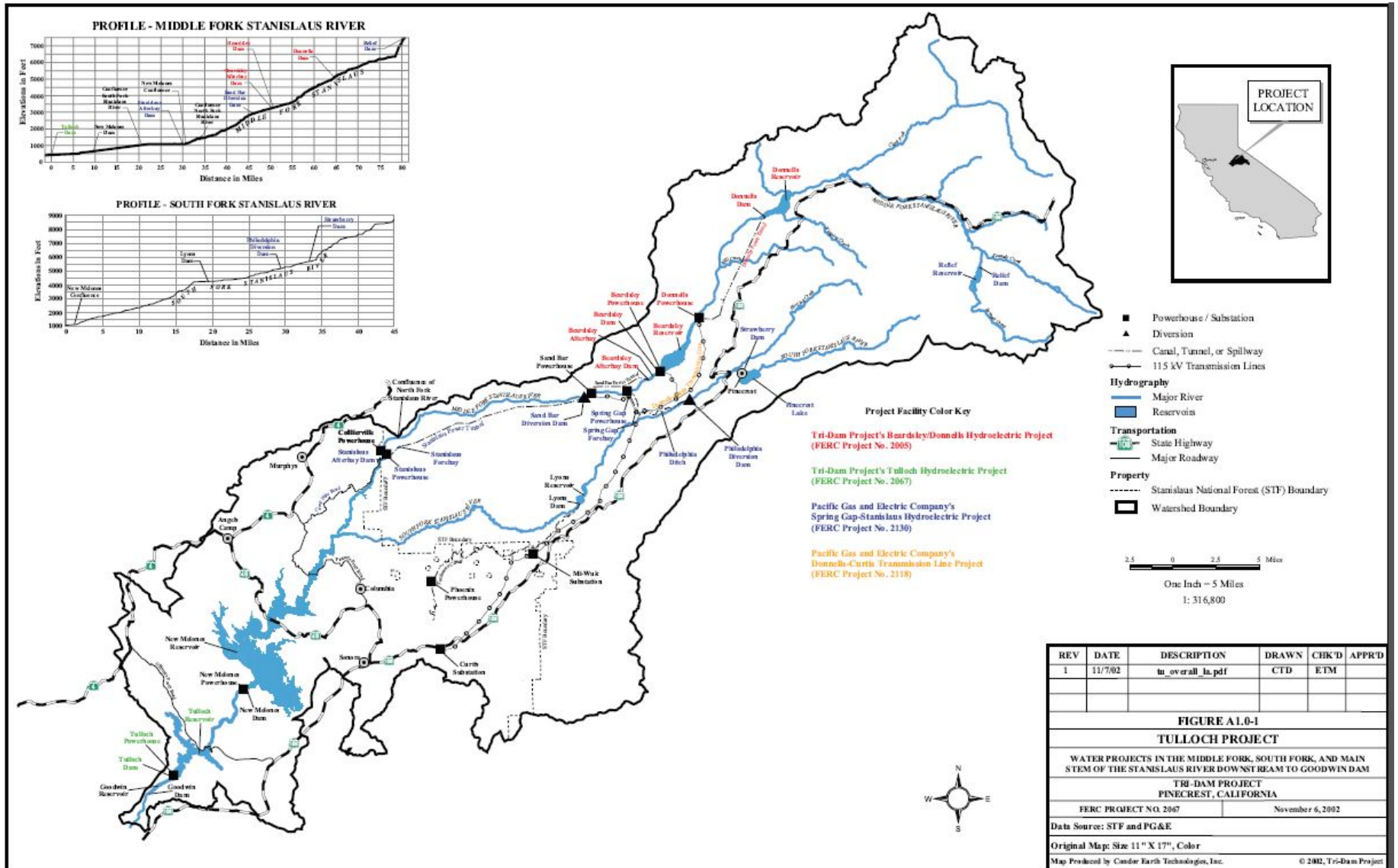


Figure 1.1-1. Water Projects in the Middle Fork, South Fork and main stem of the Stanislaus River.

Tri-Dam Project
 Tulloch Hydroelectric Project
 FERC Project No. 2067

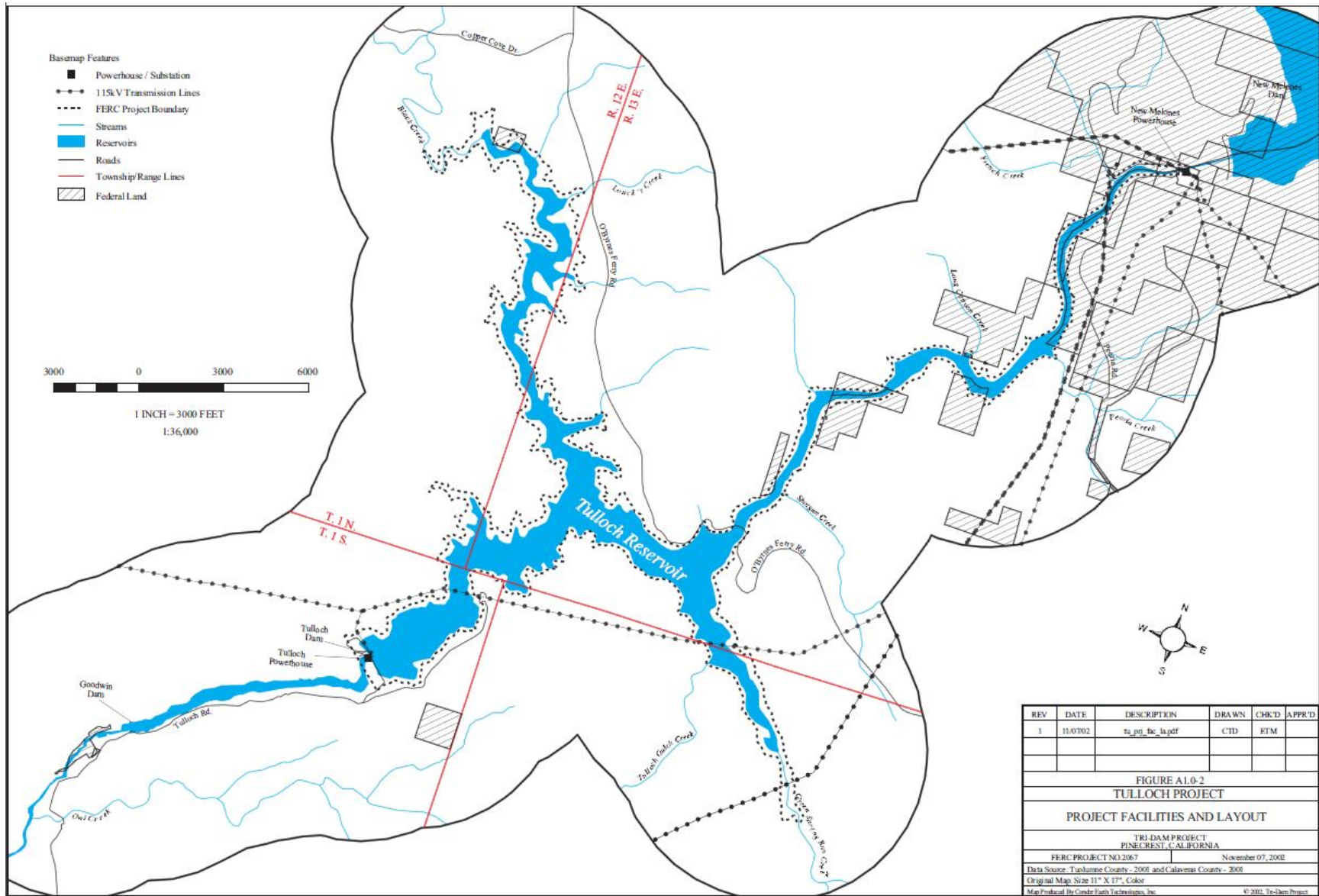


Figure 1.1-2. Tri-Dam Project’s Tulloch Hydroelectric Project facilities and features.

1.2 Purpose, Objectives and Goals of the SMP

The purpose of this SMP is to describe the minor development activities (referred to in the SMP as “shoreline development projects” and “applicant projects”) within the FERC Project Boundary for which the Commission has provided to the Tri-Dam Project the authority to grant, without prior approval by the Commission. FERC includes license conditions that require the development and implementation of shoreline management plans designed to protect sensitive resources at projects that allow shoreline development activities within the FERC project boundary. FERC’s guidance documents framing the development of SMPs require that licensees include shoreline construction and maintenance methodologies designed to protect sensitive shoreline resources and to enforce these provisions under the FERC operating license. The Tri-Dam Project intends to approve applicants’ proposed shoreline development projects by use of encroachment permits. This SMP describes how the Tri-Dam Project will issue encroachment permits to authorize proposed shoreline development projects at the Tulloch Hydroelectric Project.

The goal of the SMP is to assist applicants proposing shoreline development projects by providing a defined process to apply for an encroachment permit and describing the process the Tri-Dam Project will undertake to issue an encroachment permit. The process is designed to:

- Provide clear guidelines for shoreline development;
- Meet regulatory requirements;
- Protect the Tri-Dam Project’s power generation interests; and
- Protect and enhance the scenic, environmental, and public recreational value of the reservoir.

All proposed shoreline development projects must obtain an encroachment permit from the Tri-Dam Project prior to construction. All applicant projects may be assessed an application filing fee, user fee, and security deposit to offset reasonable costs associated with the continued operation of a comprehensive management program and to ensure compliance with the program guidelines under the SMP provisions in effect at that time. The Tri-Dam Project may amend or modify the fee program for all existing and future docks and encroachments to offset the cost of administering and managing the SMP.

This SMP also applies to any replacement, expansion or other alteration of “grandfathered” facilities, which may not be compatible with current and future guidelines. These structures may be maintained or repaired, though their use does not conform to these guidelines. When it becomes necessary to replace, expand or otherwise alter a previously approved non-complying structure, the new structure must comply with the guidelines in effect at the time of replacement. Proposed projects that are not consistent with this SMP will be rejected by the Tri-Dam Project.

It is important to note that planning, constructing, operating and maintaining the applicant’s project covered under this SMP may require obtaining local, state and federal permits and approvals in addition to an encroachment permit from the Tri-Dam Project. It is the sole

responsibility of the applicant proposing the project to identify and obtain these permits and approvals. Consulting with or obtaining an encroachment permit from the Tri-Dam Project in no way relieves the applicant from identifying and obtaining these other permits and approvals.

The Tri-Dam Project will coordinate, to the extent appropriate, the efforts required under this SMP with other Project resource management efforts, including other resource management plans and measures included in the FERC license. Some of these resource management plans include:

- Shoreline Erosion Monitoring Plan (Article 403);
- Vegetation Management Plan (Article 405);
- Western Pond Turtle Management Plan (Article 406);
- Wildlife Management Plan (Article 407);
- Valley Elderberry Longhorn Beetle Protection Plan (Article 408);
- Reservoir Recreation Plan (Article 409); and
- Historic Properties Management Plan (Article 412).

Broad descriptions of how these resource management plans support management and protection of sensitive environmental resources within the FERC Project Boundary during shoreline permitting activities are provided in Section 3 of this management plan. The current, approved versions of the resource management plans listed above contain the specific details of the management procedures being implemented under the Tulloch Project FERC license to protect sensitive resources at the project. Combined, these resource management provisions being implemented by the Tri-Dam Project in conjunction with this SMP protect sensitive areas within the FERC Project Boundary from inappropriate encroachment.

1.3 Coordination with other Parties in Implementing the SMP

Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this SMP is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the Project's primary purpose of power generation and water supply. The goal of the SMP is to balance present and future residential and land use development with the need to provide a safe and enjoyable experience for visitors and residents. Implementation and success of this SMP depends upon the ongoing commitment and cooperation of the Tri-Dam Project, United States Department of Interior, Bureau of Land Management (BLM), Reclamation, counties, resources agencies, commercial marinas and homeowners around the reservoir.

1.4 SMP Provisions to Protect Sensitive Environmental Resources

This SMP provides public outreach and management provisions designed to protect sensitive environmental resources in the following sections:

- Goal 6 in Section 2.0 describes handouts to the public and coordination with other agencies to protect sensitive environmental resources while managing recreational use and shoreline development at the Tulloch Project;
- Section 3.1 provides management measures for special status species and habitat;
- Section 3.9 includes provisions for managing noxious weeds; and
- The shoreline permitting process framed in Section 4.0 provide for oversight of shoreline development by the Tri-Dam Project in item 3 in Section 4.1.1 and in item 1 in Section 4.2.1.

1.5 Periodic Assessment of Updates to the SMP

As conditions at the Project change over time, the Tri-Dam Project will assess if amendments or revisions to the SMP are needed to respond to new, on-the-ground conditions or regulatory actions that may affect management of sensitive shoreline resources. If proposed potential changes to the SMP are identified, the Tri-Dam Project will initiate consultation by providing notice of proposed SMP revisions to Reclamation, BLM, property owner associations, counties, the California Department of Fish and Wildlife (Cal Fish and Wildlife), and the USDO, Fish and Wildlife Service (USFWS). These notices will provide for a 30-day written comment period and as appropriate, modification of the proposed changes prior to filing the updated SMP with FERC. The updated SMP will be implemented when approved by the Commission.

In addition, every 10 years following the Commission's approval of this SMP, the Tri-Dam Project will conduct an adequacy assessment of the SMP in consultation with Reclamation, BLM, owner associations, counties, Cal Fish and Wildlife, and the USFWS. This review will consider whether the SMP is meeting current needs and conditions, and if any changes are needed. The results of this periodic consultation and review process will be filed with the Commission for review and approval.

In the event that the Tri-Dam Project otherwise determines that the SMP needs to be substantively updated, the Tri-Dam Project will file an updated SMP for the Commission's approval with its 10-year adequacy assessment report. The Tri-Dam Project will include documentation of consultation and its response to any comments or recommendations not adopted in the SMP as revised. As noted above, the Tri-Dam Project will provide a 30-day written comment period for all adequacy assessment reports or updates to the SMP prior to finalizing and filing them with the Commission for approval.

1.6 History of Shoreline Management at the Tulloch Project

Article 39 of the initial license provided Tri-Dam Project with the authority to grant permission for use of lands within the FERC Project Boundary. To implement this authority, the Tri-Dam Project filed an initial Reservoir Management Plan with FERC on November 3, 1978, and amended it on December 8, 1978 and January 9, 1979.

The Tri-Dam Project also filed with FERC on November 20, 1978, an application to permit the Heart Federal Savings and Loan Association to develop and sell lands within the Lake Tulloch Shores Subdivision, Unit Numbers 1 and 2, that included a unique provision to construct housing over the reservoir.

FERC approved the 1978 Reservoir Management Plan, as amended, including the subdivision on February 2, 1979.

The Tri-Dam Project requested an additional amendment addressing shoreline erosion structures on July 8, 1998, which FERC approved on October 13, 1998.

During the Project relicensing process, the Tri-Dam Project conducted broad-focus public meetings with resource agencies, non-governmental organizations (NGOs) and other parties interested in relicensing of the Project. Several broad-focus public groups were formed in order to effectively provide comments and participate in this process. The first group formed was known as the Stanislaus Planning Action Team, and from this group, several subgroups were formed. One of these, the Tulloch Reservoir Shoreline Management Subgroup, was created to develop a new Tulloch Reservoir SMP that would become effective upon issuance of a new Project license.

The Tulloch Reservoir Shoreline Management Subgroup discussed the need to develop an overall development plan for the reservoir. Tulloch Reservoir is unique in that a significant portion of the lands surrounding the reservoir are privately-owned and subject to development pressures, which in this case consists of privately-owned lands within two counties (Calaveras and Tuolumne). Many landowners have private docks and, at present, there are approximately 500 single-family residential docks along the shoreline. Most of the docks are designed with one slip; however, it is common to see additional watercraft tied to the sides of these docks.

The Commission issued a new License for the Project to the Tri-Dam Project on February 28, 2006 for a term ending on January 1, 2046. The license specifically requires that the Tri-Dam Project: 1) obtain Commission approval of any actions that in any way would reduce the storage capacity of Tulloch Reservoir; and 2) obtain FERC approval for the use of lands within the FERC Project Boundary.

Article 411 of the new license included implementation of the 2002 SMP filed during the relicensing process, and also required the Tri-Dam Project to revise and refile the 2002 SMP. In particular, Article 411 requires the Tri-Dam Project to consult with the following parties during revision of the SMP:

- Cal Fish and Wildlife;
- USFWS;
- Counties; and;
- Representatives of homeowner's associations for land abutting Tulloch Reservoir.

To assist in the upcoming consultation on this revised Draft SMP and as a courtesy and for the convenience of the parties who were involved in earlier consultation processes following issuance of the FERC license, the consultation record from the development of the SMP filed on June 23, 2008 is included in this Draft SMP as Attachment H. The consultation record in Attachment H will be replaced with the consultation record developed during review and finalization of this SMP. This section of the SMP will be updated to summarize comments filed on this version of the Draft SMP and the Tri-Dam Project's response to them in the Final SMP filed with FERC for approval.

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SECTION 2.0

GOALS, POLICIES AND MANAGEMENT IMPLEMENTATION

This section provides the goals, policies and management implementation measures that provide the foundation of this SMP.

GOAL 1: PROVIDE AN OVERALL MANAGEMENT PLAN FOR THE RESERVOIR

Policy:

Encourage cooperative planning and management efforts among the multi-jurisdictional agencies at Tulloch Reservoir.

Implementation Measures:

Adoption of the same rules governing use of the reservoir by Calaveras and Tuolumne counties address many past issues and concerns about recreational use impacts at the Project.

Adoption of the Shoreline Management Plan, which incorporates the land use designations of Calaveras and Tuolumne counties for lands along the shoreline. (See Attachment A)

Adoption of this SMP includes provisions for periodic review and updates as necessary to ensure consistency between all applicable Tri-Dam Project and County regulations.

Conduct periodic meetings of involved agencies, as necessary, to ensure that continued cooperative efforts are achieved.

GOAL 2: PROMOTE ORDERLY GROWTH AND DEVELOPMENT IN ORDER TO ENSURE THAT BOAT DOCKS AND OTHER SHORELINE STRUCTURES ARE INSTALLED AND MAINTAINED IN A MANNER WHICH ENSURES THAT THE MAXIMUM NAVIGABLE AREA OF THE RESERVOIR IS ACHIEVED

Policy:

Use the guidelines and regulations of this SMP in the permitting process of all facilities within the FERC Project Boundary.

Implementation Measures:

Ensure that all new and replacement facilities covered by this SMP conform to the criteria established in the plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and the Tri-Dam Project.

Ensure that all new and replacement facilities covered by this SMP are located as close to the shoreline as possible in order to minimize intrusion of boat docks and other facilities onto the navigable water surface area.

Coordinate the permitting process to ensure that permits, if needed, from multiple agencies are obtained prior to installation of facilities covered by this plan.

Encourage property owners to excavate shallow shoreline areas where possible, upon permit issuance, in order to reduce intrusion of facilities into the reservoir or within congested cove areas.

GOAL 3: PROMOTE SHORELINE DEVELOPMENT WITHIN LIMITS WHICH ENSURE THAT RECREATIONAL QUALITY OF THE RESERVOIR IS MAINTAINED

Policies:

Limit the number of boat docks and other facilities by implementing spacing standards of the Tulloch Reservoir design guidelines, using California Division of Boating and Waterways' specifications and other resources. Permit one dock per existing parcel within the pre-developed subdivisions of Poker Flat, Connor Estates, Peninsula Estates, Copper Cove and those within Tuolumne County, provided that adequate separation between existing lot lines can be achieved.

Permit new docks in accordance with the density limits established by the land use designations of the counties. Allow one new dock per existing parcel, as it currently exists. Additional docks for new subdivisions shall be reviewed in conjunction with the county's subdivision approval process and draft Calaveras Tulloch Lakeshore Development policies, however, a new dock shall only be authorized when it can be demonstrated that the additional dock will not interfere with existing navigable recreational water space or adjacent parcels and conform to applicable criteria of this SMP.

Require that all shoreline structures be located on land owned in fee title by the property owner on whose land the facilities are to be located. Continue to use the adopted policies pertaining to the consideration of temporary use agreements for facilities located on the Tri-Dam Project's land.

Encourage the counties to continue enforcement of guidelines for violations of permit or other regulatory requirements.

GOAL 4: PROMOTE BOATING AND PERSONAL WATERCRAFT SAFETY

Policy:

Work cooperatively with the counties' Sheriffs Departments to ensure that boating regulations are enforced. Develop instructional programs to better educate reservoir users.

Implementation Measures:

Continue to enforce speed limitations, as required by applicable laws.

Continue to maintain the buoy and signage program in order to denote restricted speed areas.

Inform boaters and other reservoir users of the rules and regulations that pertain to boating on Tulloch Reservoir through the distribution of handouts at homeowners associations, marinas and other private and public launching facilities.

Encourage the Sheriffs Departments to strictly enforce California Division of Boating and Waterways' regulations and local regulations, and to ensure compliance with boating and safety regulations.

GOAL 5: ENHANCE THE QUALITY OF RECREATIONAL OPPORTUNITIES AT TULLOCH RESERVOIR

Policy:

Tulloch Reservoir's water recreation users are maintained, including pleasure boaters, water skiers and wake boarders, swimmers, anglers and personal watercraft users.

Implementation Measures:

Continue to conduct Form 80 periodic surveys of water recreation users and residents to determine levels of satisfaction with the quality of recreational experience, including access to facilities, crowding and overall quality of reservoir management.

Require that all new and replacement developments conform to applicable guidelines in order to maintain the maximum navigable water area possible to ensure that overcrowding does not occur.

Implement additional regulations, as necessary, to minimize congestion including access limits, use restrictions and/or other mechanisms so that a high level of satisfaction is achieved.

Encourage the counties to develop and maintain facilities, which will provide public access to the reservoir.

Support the implementation of user fees or similar programs, if necessary, to provide additional funding for law enforcement, water safety, graffiti and nuisance abatement, facility development and recreational facility management.

Consider the adoption of additional regulations, if necessary, including but not necessarily limited to, the establishment of designated areas within the reservoir for skiing, wakeboarding, fishing and personal watercraft usage.

GOAL 6: ENHANCE THE COORDINATION AND MANAGEMENT OF ACTIVITIES AT TULLOCH RESERVOIR TO ENSURE THAT ENVIRONMENTAL RESOURCE GOALS INCLUDING WATER QUALITY ARE MAINTAINED AT VERY HIGH LEVELS.

Policy:

Encourage continued implementation of regulations designed to ensure that high water quality levels are maintained.

Implementation Measures:

Provide a handout to be given to recreational users designed to promote environmentally sensitive boating practices.

Continue to enforce applicable county regulations regarding appropriate sanitation policies within the reservoir area.

Encourage the counties to prohibit boat camping along the shoreline, except within approved campground areas.

Continue to support Calaveras and Tuolumne county regulations that prohibit the usage of houseboats on Tulloch Reservoir.

Continue to provide an informational handout describing measures that lakefront property owners can utilize in order to minimize the introduction of domestic pollutants to Tulloch Reservoir.

Encourage the counties to implement regulations designed to minimize impacts from new construction, including grading plan requirements designed to prevent increased sedimentation into the water surface area.

Encourage the continued efforts of local citizens groups in organizing and conducting Tulloch Reservoir Clean-up Days.

GOAL 7: MINIMIZE SHORELINE EROSION AND INCREASED SEDIMENTATION WITHIN TULLOCH RESERVOIR.

Policy:

Encourage the development of regulations designed to control erosion and eliminate increased sedimentation.

Implementation Measures:

Use the permitting program in this SMP to encourage the proper placement and construction of erosion protection devices.

Require specific erosion control measures on all shoreline construction projects as part of the Tri-Dam Project's SMP permitting processes.

Use the permitting program established in this SMP to authorize and encourage permit requests for excavation of soil materials along shoreline and cove areas, where possible.

Develop an informational handout informing and requiring shoreline property owners to implement measures designed to prevent increased sediment and other materials from entering the reservoir, including measures designed to prevent the proliferation of non-native invasive plants throughout the reservoir area.

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SECTION 3.0

LAND USE AND SHORELINE CLASSIFICATIONS

Within the FERC Project Boundary, 22 parcels located at the upstream end of the reservoir (i.e., the northeast arm of the reservoir) are United States-owned lands administered by Reclamation as part of the New Melones Development. Another three parcels located at the lower end of the northeast arm of the reservoir are United States-owned lands administered by the BLM, as is one parcel of land located at the upper end of the northwest arm of the reservoir (Black Creek).

The Cal Fish and Wildlife owns two parcels totaling 83 acres near Tulloch Dam, which it leases to Tuolumne County, who in turn leases it to a concessionaire for operation of a public campground, boat launch and marina on the property.

The State of California owns 5 percent of all of the land within the FERC Project Boundary.

The Tri-Dam Project owns 16 parcels totaling 419 acres, or 26 percent of all of the land within the FERC Project Boundary.

Approximately 60 percent of the lands surrounding Tulloch Reservoir are in private ownership and are managed according to the General Plans of the counties. Land use along the shoreline of Tulloch Reservoir in Calaveras County is primarily designated as residential, though most of the lots have not been developed and therefore remain in near natural condition. In Tuolumne County, the majority of the land is designated agricultural or is public, with a small percentage designated as residential (see Land Designation Map in Attachment A). The majority of the residential and commercial developed parcels occur on the northwestern and southwestern arms of the reservoir.

The Black Creek arm of the reservoir is the most highly developed area consisting of Copper Cove (1,000 units), Lake Tulloch Shores of Poker Flat (600 units) and Conner Estates (169 units). The Calaveras County Planning Department estimates that jointly these developments are approximately 30 percent built-out. The County has recently approved another 300-unit subdivision, Tuscany Hills, and others are in preliminary planning stages.

On the south side of the reservoir within Tuolumne County, there is less density and less likelihood of major development. Currently there are three developed areas: South Shore, Green Springs and Black Jack Bluffs. The majority of the remaining land is in large holdings and is less likely to see development pressure.

The extent of current shoreline development is illustrated in the attached map of the shoreline ownership showing the land division (See Land Ownership Map in Attachment B).

There are seven non-Project recreation facilities on Tulloch Reservoir. Two of the facilities provide the public access to Tulloch Reservoir: 1) the South Shore Campground and Marina; and 2) Drifters Reef. The remaining five developments (i.e., Copper Cove Marina, Kiva Recreation Area, Connor Estates Recreation Area, Calypso Beach Villas and Poker Flat

Recreational Facilities) are associated with residential developments and are intended for the sole use of the residents within each development.

The Tri-Dam Project has an active program of reviewing and permitting uses of Project lands. The permitting process is guided by the shoreline development permitting process described in Section 4 of this SMP. The permitting is done concurrently with the respective counties and with consultation of Cal Fish and Wildlife and the United States Army Corps of Engineers (USACE), as appropriate.

3.1 Management Measures for Special-Status Species and Their Habitats

On December 13, 2014, the Tri-Dam Project queried the USFWS on-line request service to generate a list of Threatened and Endangered species that occur or have the potential to occur within the 7.5-minute U.S. Geological Survey (USGS) topographic quadrangles that include the vicinity of the Project (i.e., Sonora, Chinese Camp, New Melones Dam, Copperopolis, Knights Ferry, Keystone, Columbia, Salt Springs Valley, and Angels Camp). The list for the Project included eighteen species: four invertebrates, three fish, two amphibians, one mammal, and eight plants. The Tri-Dam Project also queried the California Department of Fish and Wildlife’s California Natural Diversity Data Base (CNDDDB), the California Native Plant Society’s Inventory of Rare and Endangered Plants, and the Project record for known occurrences, or information to suggest that the Project could affect special-status species.⁴ Based on these sources, Tri-Dam concluded that seven special-status species are known to occur or have the potential to occur in the Project area (Table 3.0-1). A Geographical Information System (GIS) map showing the location of special-status species identified at or near Tulloch Reservoir has been prepared and is available to resource agencies and Project applicants upon request, but not for the general public due to the sensitive nature of the information. A copy of this map will be included in the complete version of this SMP filed with FERC for review and approval in Attachment C as “Privileged” to protect these sensitive locations from public disclosure.

Table 3.1-1. Species listed as threatened or endangered under the ESA or CESA or Fully Protected under California law that occur or have a potential to occur within the Tulloch Hydroelectric Project’s FERC Project Boundary.

Species	Status ³	Habitat and Life History Notes	Known Occurrences
INVERTEBRATES			
Valley elderberry longhorn beetle ¹ <i>Desmocerus californicus dimorphus</i>	FT	Historical range throughout the Central Valley up to 3,000 ft. Dependent upon host plant, elderberry.	17 elderberry plants recorded around Tulloch Reservoir (Tri-Dam 2002)
BIRDS			
White-tailed kite <i>Elanus leucurus</i>	CDFW: FP	Common to uncommon yearlong residents in Sierra Nevada foothills, forage in undisturbed, open grasslands, meadows, farmlands and emergent wetlands. Breeds February to October, with the peak from May to August.	Near Green Springs Run (Tri-Dam 2002)

⁴ For the purpose of the Shoreline Management Plan, special-status species are those species; 1) listed as threatened, endangered, or a candidate for listing as threatened or endangered under the federal Endangered Species Act or California Endangered Species Act; 2) designated as a California Department of Fish and Wildlife Fully Protected Species; or 3) for which the U.S. Department of Fish and Wildlife has designated Critical Habitat within the FERC Project Boundary.

Table 3.1-1. (continued)

Species	Status ³	Habitat and Life History Notes	Known Occurrences
BIRDS (continued)			
Bald eagle <i>Haliaeetus leucocephalus</i>	CE, CDFW: FP	Breeds or winters throughout California. Typically nests within 1 mile of water bodies from February to July.	Nesting at Project unlikely due to lack of suitable trees and existing human disturbances. Wintering birds from nearby reservoirs may forage at Project. (Tri-Dam 2002)
MAMMALS			
Townsend's big-eared bat ² <i>Corynorhinus townsendii</i>	CCT	Caves and abandoned mines are primary roosting habitat, but roosts in buildings, bridges, rock crevices and hollow trees have been reported. Mating occurs between October and February, and a single pup is born between May and June	Northwest abutment of Tulloch Reservoir Dam (CNDDDB 2014)
PLANTS			
Chinese Camp brodiaea <i>Brodiaea pallida</i>	FT, CE	Valley and foothill grassland, cismontane woodland.	Along Black Creek, just north of Tulloch Reservoir's west arm (CDFW 2014)
Layne's butterweed (ragwort) <i>Packera laynaea</i>	FT	Chaparral, cismontane woodland, gabbro, serpentine.	Potentially present in suitable habitat
Red Hills (California) vervain <i>Verbena californica</i>	FT, CT	Valley and foothill grassland, cismontane woodland.	Potentially present in suitable habitat

¹ Management of Valley elderberry longhorn beetle is addressed in Section 3.6, Elderberry Plants (License Article 405, Condition 11).

² Management of Townsend's big-eared bat is addressed in Section 3.3, Management of Bats (License Article 407).

³ Status:

FT = ESA-listed Threatened

CE = CESA-listed Endangered

CT = CESA-listed Threatened

CCT = Candidate CESA-listed Threatened

CDFW: FP = California Fully Protected Species

Landowners initiating the submittal of an application for a shoreline development project for Tri-Dam Project approval, as framed in Section 4.1.1 of this SMP, will be advised by the Tri-Dam Project whether any known ESA-listed, CESA-listed or Fully Protected species are known to exist in the vicinity of their proposed shoreline project. These species may include, but are not limited to, those identified in Table 3.1-1 (above). If such listed species are present, the applicant will be required to enter into, and formally document, consultation with State and federal agencies responsible for the protection of ESA- or CESA-listed, or Fully Protected species. With regards to ESA-listed species, the USFWS is the responsible agency; and for CESA-listed and Fully Protected species, CDFW is the responsible agency.

3.2 Management of Western Pond Turtle

To preserve and improve the existing habitat for the western pond turtle (*Actinemys marmorata*), at Tulloch Reservoir, in accordance with the requirements in Article 406, the Tri-Dam Project is implementing the Western Pond Turtle Management Plan as modified and approved by FERC on March 28, 2008. This management plan includes provisions for monitoring the western pond turtle populations, measures for managing turtles and their habitat, and habitat enhancement measures. Encroachment permits issued under the SMP will include an assessment of impacts to western pond turtle as required by the version of this management plan approved by FERC and being implemented by the Tri-Dam Project at the time future encroachment permits are requested by abutters for proposed shoreline development activities under this SMP.

3.3 Management of Bats

Article 407 of the new Project license required the development of a Wildlife Management Plan that included measures to protect bat habitat at the Project. The Wildlife Management Plan was modified and approved by FERC on April 28, 2008. This management plan included provisions to protect bat roosting habitat at the Project, periodic training of Tri-Dam Project staff and the establishment of wildlife protection areas. Encroachment permits issued under the SMP will include an assessment of impacts to bat roosting habitat as required by the version of the Wildlife Management Plan approved by FERC and being implemented by the Tri-Dam Project at the time future encroachment permits are requested by abutters for proposed shoreline development activities under this SMP.

3.4 Management of Osprey

Article 407 of the new Project license required the development of a Wildlife Management Plan that included measures to provide and manage osprey nesting habitat. The Wildlife Management Plan was modified and approved by FERC on April 28, 2008. This approved management plan includes provisions to install and maintain osprey nesting platforms, training for Tri-Dam staff and the establishment of wildlife protection areas at the Project. Encroachment permits issued under the SMP will include an assessment of impacts to osprey nesting structures as required by the version of the Wildlife Management Plan approved by FERC and being implemented by the Tri-Dam Project at the time future encroachment permits are requested by abutters for proposed shoreline development activities under this SMP.

3.5 Coordination with Appropriate State and County Agencies to Establish Wildlife Protection Areas Where Motorized Boating is Prohibited

During relicensing, two areas were identified that could provide unique habitat conditions that should be considered for addition protection as wildlife habitat. The two sites are the upper reaches of the Black Creek and Green Springs arms. Descriptions of each of these areas are provided below.

Since issuance of the new license on February 16, 2006, Calaveras and Tuolumne counties have adopted the same rules governing use of the reservoir that includes speed limits, use limitations, and consistent permitting regulations. These revised rules address many past issues and concerns about recreational use impacts at the Project and use of Lake Tulloch.

The Wildlife Management Plan required under Article 407 discussed above in Sections 3.3 and 3.4 also included provisions to work with Calaveras and Tuolumne Counties to restrict motorized boating use in the upper reaches of the Black Creek and Green Springs Arms. The goal of this effort is to protect the unique habitat conditions in these two areas and to provide additional protection to wildlife species, as discussed in the next two subsections describing these two areas.

3.5.1 Black Creek Wildlife Area

The Black Creek arm is currently undeveloped and the surrounding lands are in 20-acre parcels. There is however increasing pressure for more development in these areas, which is being addressed by Calaveras County through broad planning efforts that are ongoing. The upper Black Creek arm represents a diverse range of wildlife and vegetative resources that warrant preservation efforts. Presently there is a 5-mile-per-hour (mph) speed limitation that receives periodic enforcement. To create a non-motorized area, Calaveras County would need to adopt a new ordinance or amend an existing ordinance to include the restriction for purposes of enforcement by County Sheriff Department patrols.



Figure 3.5-1. Black Creek Wildlife Area

3.5.2 Green Springs Wildlife Area

The Green Springs arm is undeveloped and in the holding of a large ranch. At the entrance to the upper Green Springs segment, the cove here is used by fishermen, casual boaters and sightseers. Upstream from this cove, there is more limited use primarily by fishing and kayaks. There is currently a 5 mph speed limitation that is enforced by County Sheriffs Department's patrols.

Similar to Black Creek, a new or revised ordinance would be necessary to create a non-motorized boating area here by Tuolumne County.

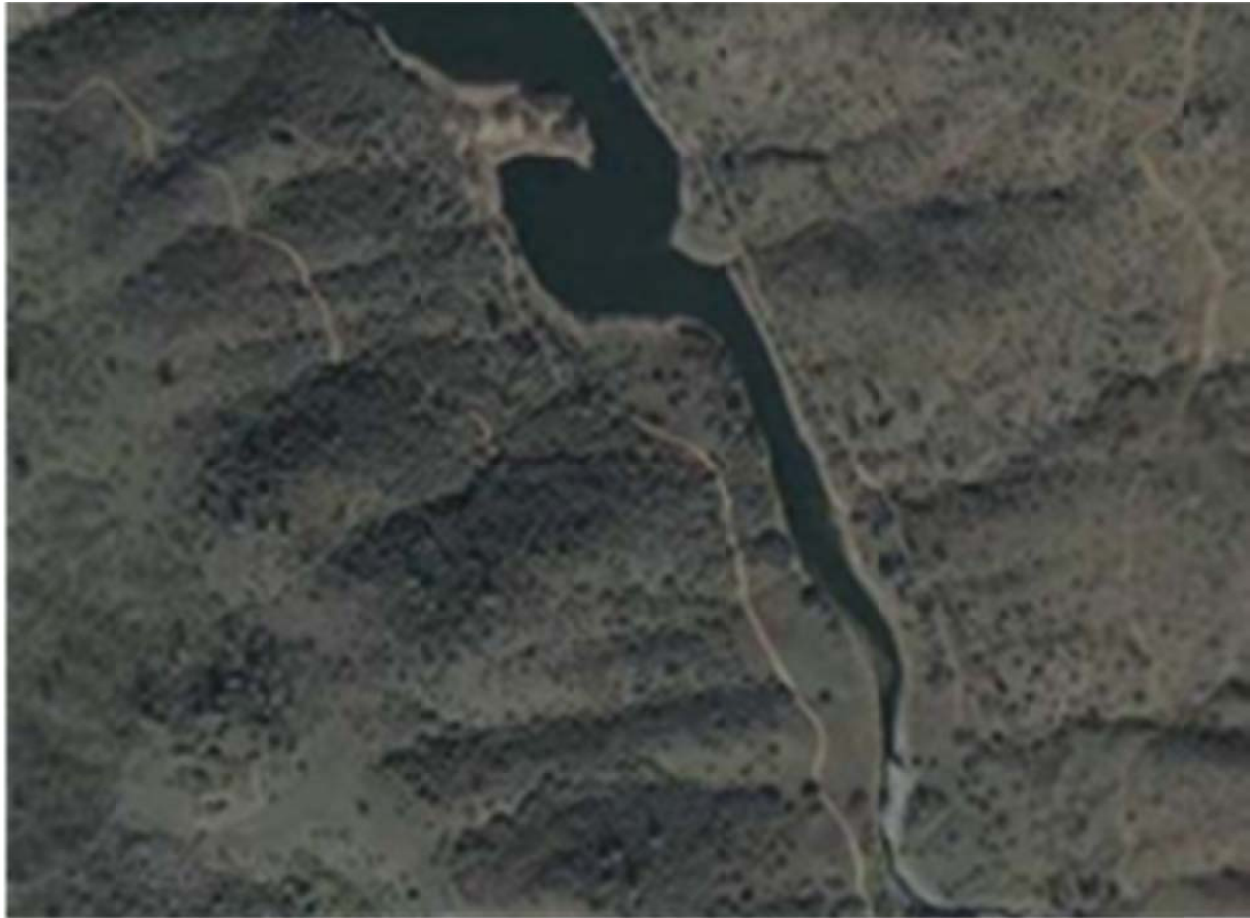


Figure 3.5-2. Green Springs Wildlife Area

3.6 Elderberry Plants (License Article 405, Condition 11)

The Tri-Dam Project supplies project applicants and land owners that have mapped or known elderberry plants on their parcels with a copy of the *Valley Elderberry Longhorn Beetle Protection Plan* at the time of a project application (See map of VELB Habitat in Attachment D). This management plan was developed pursuant to Article 408 and approved by FERC on April 30, 2008. Encroachment permits issued under the SMP will include an assessment of impacts to elderberry plants which provide habitat to longhorn beetles as required by the *Valley Elderberry Longhorn Beetle Protection Plan* approved by FERC and being implemented by the Tri-Dam Project at the time future encroachment permits are requested by abutters for proposed shoreline development activities under this SMP. In the event that elderberry plants may be affected by proposed shoreline development projects, the Tri-Dam Project will require that the project proponent consult with the USFWS for USFWS approval prior to issuance of any Tri-Dam Project permit.

Note: Consultations for potential impacts to the Valley Elderberry Longhorn Beetle habitat will be at the USFWS Sacramento Endangered Species Division, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825, phone (916) 414-6678.

3.7 Vegetative Habitat

The Tri-Dam project completed an inventory of the vegetative habitats within the FERC Project Boundary from May through August 2006. The vegetative habitat inventory was conducted utilizing boats to survey the shoreline, utilizing the existing aerial photography from the United States Geological Survey, Tri-Dam’s FERC Application, the Cal Fish and Wildlife’s oak inventory maps, and information from the CNDDDB. An updated hard copy GIS map has been prepared for the vegetative habitats at Tulloch Reservoir and is attached to this SMP (See Attachment E for the Vegetation Map and Attachment F for the Noxious Weed Map of the Tulloch Reservoir taken from the Vegetation Management Plan discussed below in Section 3.7.1).

Table 3.7-1 presents a list of the vegetative habitats that were identified at Tulloch Reservoir, with the corresponding CNDDDB numbering system, and the approximate percentage of the Tulloch Reservoir shoreline occupied by each vegetative habitat type.

Table 3.7-1. Vegetative Habitats at Tulloch Reservoir

Habitat	CNDDB#	% of Shoreline
Chamise Chaparral	37.100.00	3.7*
Non-native Grassland	42.000.00	1.3
Black Oak Forests and Woodland	71.120.00	0.3
Blue Oak / Grass-	71.140.00	
Woodland	71.020.05	11.5*
Savanna		9.7*
Blue Oak / Interior Live Oak / Grass	71.020.06	4.9*
Interior Live Oak / Blue Oak / Foothill Pine	71.080.01	2.4
Interior Live Oak / Foothill Pine	71.150.00	9.1
Mixed Oak / Foothill Pine / Grass	71.100.07	11.0
Foothill Pine / Chamise	71.000.00	4.5*
Foothill Pine / Grass / Shrub Oak	71.000.00	3.5*
Rock Outcrop / Grass / Buckeye	(n/a)	4.0*
Urban / Disturbed	(n/a)	
Industrial		8.3
Residential/Recreation		23.3
Riparian		
Willow	61.320.00	<1.0*
Cottonwood	61.410.00	1.5*
Rush/Sedge	52.000.00	2.0*

* Indicates combination of riparian with other habitat types

3.7.1 Vegetative Habitat Management

Article 405 of the new Project license required the development of a Vegetation Management Plan that included the following measures: (1) training project staff; (2) conducting fire fuels

inventories; (3) the control of sudden oak death; (4) the control or eradication of noxious weeds; (5) informing visitors and shoreline property owners about the spread of noxious weeds; (6) protection of elderberry shrubs; (7) mapping, monitoring, and management of wetlands, noxious weeds and important wildlife habitat; and (8) the use of certified weed-straw, rice straw, and native plant species. The Vegetation Management Plan was modified and approved by FERC on July 1, 2008. Encroachment permits issued under the SMP will include an assessment of impacts to the range of resources addressed by this plan as required by the version of the Vegetative Management Plan approved by FERC and being implemented by the Tri-Dam Project at the time future encroachment permits are requested by abutters for proposed shoreline development activities under this SMP.

On Tri-Dam Project land in the upper main stream, the Tri-Dam Project will continue managing to assure exiting habitats are maintained. These lands interface with federal and private lands. The Tri-Dam project monitors land use issues in the adjoining counties and provides comments and recommendations during any proceedings to minimize adverse impacts on those lands as well as direct impacts to Tri-Dam Project land within the FERC Project Boundary.

Prior to initiating any construction activity or issuing a permit for projects such as docks, retaining walls or other activities, the Tri-Dam Project will investigate the site and evaluate the potential impacts within the FERC Project Boundary using the following guidelines:

- Non-urban areas – maintain building setbacks of 100 ft on both sides of perennial streams and 75 ft on both sides of intermittent streams, and prohibit vegetation clearing within 100 ft of perennial streams and within 75 ft of intermittent streams, except to improve wildlife habitat.
- Urban areas – maintain building setbacks of 50 ft on both sides of perennial streams and 50 ft on both sides of intermittent streams.
- Minimize the number of road crossings of streams, and design crossings to be perpendicular to streams, to minimize impacts on riparian habitat. Stream crossing culverts shall be designed to handle 100-year storm water events.
- Prohibit off-road vehicles and heavy construction equipment within the setbacks of streambeds unless there is a demonstrated need and no feasible alternative.
- For proposed projects, such as bridges, pilings, seawalls, docks and channel alterations, the Tri-Dam Project will cooperate with the Cal Fish and Wildlife to obtain adequate fish and wildlife protection through individual Lake and Streambed Alteration Agreements.
- Require suitable erosion control measures and Best Management Practices (BMPs) to be implemented on-site before, during and after development activities on the shoreline or stream banks to avoid increasing sedimentation of aquatic habitats.
- The Tri-Dam Project will prohibit new structures, new or improved roads and vegetation clearing in wet meadows, including seasonally wet meadows with wetland plant species, associated stands of willows, including shrubby growth and all cottonwood groves unless there is a demonstrated need and no feasible alternatives.

- Discourage removal of native oaks with greater than 5 inches diameter (measured at a height of 4.5 ft above the ground level), except where required for public safety, and minimize removal of smaller oaks, including seedlings.

3.8 Cultural Resources

Cultural resource sites are more completely identified in the Historic Properties Management Plan (HPMP) and due to the sensitive nature of that plan; these details have not been incorporated into this SMP to protect known site locations. Article 412 required the development of an HPMP designed to manage impacts from operation and maintenance of the Tulloch Project on historic properties. The Tri-Dam Project will consider identified sites when reviewing an application for any project within the FERC Project Boundary. Maps of the sites will be provided to appropriate reviewing personnel and agencies upon request and the Encroachment permits issued under the SMP will include an assessment of impacts to identify historic properties as required by the version of the HPMP approved by FERC and being implemented by the Tri-Dam Project at the time future encroachment permits are requested by abutters for proposed shoreline development activities under this SMP.

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SECTION 4.0

SMP PERMITTING PROCESSES

This section of the SMP presents the permitting processes for shoreline development project proposals that are covered within this SMP.

4.1 General Requirements

In addition to the requirement of obtaining an encroachment permit from the Tri-Dam Project, applicants may also be required to obtain additional review and approval by other local, state and federal agencies. It is the sole responsibility of the applicant proposing the shoreline development project to identify and obtain all necessary permits and approvals. All commercial facilities applications require prior authorization from FERC, subject to license requirements. In addition, the Tri-Dam Project may require the applicant to enter into a lease or use agreement, depending upon the scope and type of the proposed shoreline development project to ensure that construction and operation of the proposed facility will not interfere with project purposes.

4.1.1 Application Procedure

- 1) An individual initiates an application request by contacting the Tri-Dam Project via phone at (209) 532-3838 or (209) 785-3838, by mail or via the internet (info@tridamproject.com).
- 2) All applications must include the following information (as a minimum) to start the review process:
 - a. Completed Tri-Dam Project Application Form;
 - b. Basic description of the proposed facility (e.g. 20-slip marina);
 - c. Intended users (e.g. subdivision lot owners and general public);
 - d. Surveyed limits of the subject property, with all property lines noted, and the 510' and the 515' contour lines clearly denoted.
 - e. Engineered site plan depicting the location of all proposed facilities with elevations and property lines shown;
 - f. Location of the proposed shoreline development project within the reservoir; and
 - g. A list of all permits and agency approvals needed for the construction, operation and maintenance of the proposed shoreline development project.
- 3) The Tri-Dam Project reviews the application to determine that the proposed activity is consistent with the SMP and FERC license requirements. If the shoreline development project is not consistent with the SMP and licenses, the applicant will have to redesign the proposed shoreline development project before the Tri-Dam Project issues the requested encroachment permit. An on-site review will normally be conducted at this stage.

- 4) The applicant will be required to obtain the necessary permits and provide them to the Tri-Dam Project. A list of the permits which may be required for a project include the following, however it is the applicants sole responsibility to identify and obtain all necessary permits and approvals: Clean Water Act (CWA) Section 404 Permit from the USACE; CWA Section 401 Permit from the Regional Water Quality Control Board; Lake and Stream Alteration Agreement from Cal Fish and Wildlife; and County Building Permit from either the Calaveras or Tuolumne county. If the proposed shoreline development project affects land administered by Reclamation or BLM, the proponent must consult with those agencies as well. If a house and/or deck are to be located below the 515 ft elevation, the County will not issue a building permit until an encroachment permit is issued by the Tri-Dam Project.
- 5) Shoreline development projects within Tuolumne County will require a use permit for all activities; Calaveras County will issue building permits in conjunction with the Tri-Dam Project's encroachment permit.
- 6) The Tri-Dam Project will coordinate with the applicant to ensure that any necessary changes or additional information can be obtained promptly.
- 7) The Tri-Dam Project then completes the permitting process, issues the permit and sends the applicant a copy of all permit documents. The applicant must execute a Hold Harmless document as a part of the final permit issuance process. The applicant may also be required to execute a lease/use agreement for the facilities, if located on lands owned by the Tri-Dam Project, depending on the nature of the shoreline development project.
- 8) All facilities must be fully contained within the applicant's property lines and may not cross private property lines.
- 9) All shoreline development projects shall be designed with the protection of the public health, safety and welfare in mind, as well as for the protection of the scenic and wildlife habitat values of the area.
- 10) The Applicant must provide the Tri-Dam project with copies of all additional permits required by other permitting agencies for the proposed shoreline development project along with as-built drawings of the constructed project when completed.

4.1.2 Construction

- 1) Construction progress will be monitored by the Tri-Dam Project as required by permit conditions. The applicant is required to contact the Tri-Dam Project prior to the initiation of excavation and construction and upon completion of construction so that compliance with the approved permit can be verified by site inspection.
- 2) All county and other required set backs shall be shown on the permit application and identified in the field prior to construction (i.e. Tuolumne County building set back of 25 ft horizontally from normal high water mark (510 ft) or 10 ft horizontally from right of way line (i.e., 515 ft) and sanitary setbacks/ controls within 100 ft of high water mark. (Ordinance No. 514)).

4.1.3 Inspection

- 1) The facility will be inspected periodically for compliance with the encroachment permit conditions and use agreements, and any other Tri-Dam Project requirements.
- 2) The construction of any facility must be completed as described in the approved permit and within 12 months from the date of permit approval by the Tri-Dam Project. A 1-year extension may be considered if the applicant files a written request with the Tri-Dam Project, prior to the original permit expiration date. If during the extension period additional guidelines are imposed, the new construction will be required to comply, to the maximum extent practicable. If warranted, a shoreline development project may be approved in phases, with approval timelines as specified in the encroachment permit. Additional conditions may be imposed as needed.

4.1.4 Tri-Dam Project's Role in Issuing Permits under the SMP

Since every possible situation cannot be anticipated, the Tri-Dam Project reserves the right to make decisions in cases not specifically covered by the SMP. Requests for variances from these guidelines will be considered on a case-by-case basis subject to demonstration that the proposed variance results from a physical constraint or other limitation which result in a substantial hardship to the applicant if imposed. Furthermore, it must be demonstrated that approval of the variance would not conflict with any other standard or create conflicts with adjoining properties or other reservoir use. Additional review and consideration by FERC may be required.

All proposed shoreline development projects are subject to the Tri-Dam Project's review and approval to ensure that the proposed project is consistent with the FERC license.

In considering requests for development approval, the Tri-Dam Project must take into consideration the various environmental constraints, development patterns, physical reservoir characteristics, and adjacent land uses which may exist. In accordance with these factors, applicants may be required to redesign or otherwise alter their proposals in order for the shoreline development project to be approved.

There are existing structures and improvements permitted under prior permits or "grandfathered" into existence, which may not be compatible with current and future guidelines. These structures may be maintained or repaired, though their use does not conform to these guidelines. When it becomes necessary to replace, expand or otherwise alter a previously approved non-complying structure, the new structure must comply with the guidelines in effect at the time of replacement.

The Tri-Dam Project reserves the right to make alterations to these guidelines should they become necessary over time, following notice and comment by interested parties and affected property owners.

4.1.5 Violations and Enforcement

The Tri-Dam Project will issue stop work notices for any violations of this SMP, an issued permit, or the FERC license that are detected within the FERC Project Boundary. Consequences for violations may include one or more of the following:

- Unwanted construction delays;
- Suspension or cancellation of approved applications;
- Increases in fees;
- Modification or removal of non-complying structures and restoration of disturbed areas at the owner's expense;
- Litigation; and/or
- Loss of any consideration for future reservoir use applications until the violation is successfully resolved.

4.2 Commercial Facilities Program

4.2.1 General

All parties desiring to construct, expand or rebuild a commercial facility any part of which lies within the FERC Project Boundary must obtain authorization from the Tri-Dam Project prior to the initiation of excavation or construction. A commercial facility is defined as any use or facility within the Project Boundary which is non-single family residential. Thus any facility, use or proposal other than that proposed for a single family residential unit is subject to the guidelines in this section.

4.2.2 Application Procedure

An applicant must complete the Application Process described in Section 4.1, General Requirements, of this SMP.

4.2.3 Criteria for Commercial Facilities

Commercial facilities include public marinas, campgrounds, parks and any other non-single family residential shoreline development project.

- 1) Facilities may not extend more than one-third the distance to the opposite shoreline or more than 100 ft from the reservoir's NMWSE, whichever is more limiting.
- 2) All flotation materials shall be puncture resistant and designed not to sink, if punctured. Steel drums are prohibited and uncoated, beaded polystyrene will not be permitted for new construction.
- 3) Reflectors shall be placed on the two furthest corners of the structure that extend into the water and along the sides of the structure from the end back to toward the shore.

- 4) All fixed pier decking must be at least 1 foot above the NMWSE.
- 5) A facility accommodating watercraft equipped with devices that can produce a wastewater discharge (e.g. marine toilet, shower, sink, kitchen fixed or portable holding tank) is required to provide sanitation facilities for pump-out and/or deposit of waste.
- 6) Structures built or used within the FERC Project Boundary must not contain sinks, toilets, showers, or any other type of devices which could cause liquid or solid waste to be discharged into the lake.

(Note: Boat fueling facilities are an exception to this requirement but must conform to all applicable federal, state and local laws and regulations).

- 7) All facilities shall be setback from the property lines in accordance with county zoning regulations for structures.
- 8) Commercial facilities that can accommodate more than 10 watercraft will also require submittal to and approval from FERC.

4.3 Private Facilities Program

4.3.1 General

All parties desiring to construct, expand or rebuild a private single-family facility within the FERC Project Boundary must obtain authorization from the Tri-Dam Project prior to the initiation of excavation or construction. All facilities must be constructed on the applicant's deeded waterfront lot for the purpose of providing private access for occupant of single family type dwellings.

4.3.2 Application Procedure

An applicant must complete the Application Process described in Section 4.1, General Requirements, of this SMP.

4.3.3 Criteria for Private Facilities

- 1) All facilities shall be designed to ensure that the facilities are located as close to the shoreline as possible, and shall not extend more than 40 feet from the reservoir NMWSE. An owner may apply for a facility that extends further than 40 feet if it can be demonstrated that the 40-foot restriction would make the facility unfeasible given environmental considerations such as topography or terrain. In addition, it must be demonstrated that the facility would not obstruct or interfere with the access of adjacent parcels and public lake use.
- 2) Reflectors shall be placed on the two furthest corners of any dock structure that extends into the water.
- 3) All fixed pier decking must be at least 1 ft above the reservoir NMWSE. No portion of the structure will be approved for habitation purposes, as this area is subject to potential inundation.

- 4) Floatation materials, if used, shall be puncture resistant and designed not to sink, if punctured.
- 5) Structures built within the FERC Project Boundary must not contain sinks, toilets, showers, or any other type of device, which could cause any liquid or solid waste to be discharged into the lake.
- 6) The sides of gazebos, boat shelters and boathouses are not to be enclosed. Handrails may be installed for safety, but must not be enclosed.
- 7) The maximum allowed docking area for single family residential facilities is 440 square feet of surface area for a slip type dock and 400 square feet of surface area for a platform dock. In addition, two personal watercraft ports not exceeding 50 square feet each may be permitted. An awning, if installed, shall not exceed the footprint of the dock area, excluding personal watercraft ports. Overhangs and/or side enclosures are not permitted.
- 8) Two story docks are not permitted.
- 9) All facilities shall be setback from the property lines in accordance with county zoning regulations for structures.
- 10) Only one non-stackable boat lift is permitted for each single family residential dock.

4.4 Excavation Program

4.4.1 General

All parties desiring to excavate or remove soil and/or materials from within the FERC Project Boundary must obtain written authorization from the Tri-Dam Project prior to beginning any such activity.

4.4.2 Application Procedure

An applicant must complete the Application Process described in Section 4.1, General Requirements, of this Plan.

4.4.3 Criteria for Excavation

- 1) All work shall be done in the “dry”, and in conformance with the permits and approvals obtained for the work by the applicant.
- 2) Any material excavated in accordance with an approved permit shall be deposited outside of the FERC Project Boundary, with sufficient protection to ensure that no material is allowed to slough off into the FERC Project Boundary. Any necessary permits or approvals for the placement of excavated material shall be included in the application and include a proposed plan for transporting the excavated material out of the FERC Project boundary.
- 3) Shoreline development projects shall be designed to preserve existing vegetation and replant with natural vegetation, use weed free straw to protect against erosion and use

best management practices to minimize erosion and siltation. Avoid any critical habitat disturbances.

- 4) The applicant must be the owner or lease holder of the land impacted or used by any proposed waterfront facility. The responsibility is considered to transfer automatically along with ownership and leases.
- 5) The excavation shall be designed to be the minimum amount necessary to accomplish the stated objective, however, in no case shall the maximum material excavated exceed 1,000 cubic yards per single family lot or applicable government regulations, whichever is less. Excavation requests exceeding this limitation may be considered, however, FERC review and approval is also required prior to approval by the Tri-Dam Project.
- 6) At all times, appropriate drainage controls and safety standards shall be employed.

4.5 Shoreline Management and Stabilization Program

4.5.1 General

All parties desiring to construct shoreline protection devices or other erosion protection devices within the FERC Project Boundary must obtain authorization from the Tri-Dam Project prior to the initiation of any activity/construction within the FERC Project Boundary. Applicants are encouraged to design all facilities so as to preserve the natural appearance of the shoreline. The installation of erosion protection devices shall balance preservation of the natural shoreline, wherever possible and the use of vertical retaining walls or similar facilities shall be prohibited, except where there is no feasible alternative. Landscape plantings are encouraged, other measures in combination with planting will be considered. The *Shoreline Erosion Plan* in the FERC Project license will be reviewed and, as appropriate, applied to each shoreline development project issued encroachment permits under this SMP.

4.5.2 Application Procedure

An applicant must complete the Application Process described in Section 4.1, General Requirements, of this Plan.

4.5.3 Criteria for Shoreline Stabilization and Erosion Protection Facilities

- 1) Shoreline stabilization or erosion protection devices that would substantially alter the FERC Project Boundary will not be permitted. Natural plantings including willows and cottonwoods are the preferred mechanism for erosion control.
- 2) Shoreline stabilization or erosion protection devices shall be designed to protect the natural appearance of the shoreline, wherever possible. Rip-rap or similar material shall be placed along the base of all walls or bulkheads subject to permit requirements based upon physical characteristics of the subject property.
- 3) The limits of shoreline stabilization or erosion protection devices shall be in accordance with this SMP, the FERC license, local ordinances and BMPs.

- 4) The use of tires, scrap metal, crush block or other types of material that are not aesthetically acceptable is prohibited for stabilization.
- 5) The applicant must be the owner or lease-holder of the land immediately adjoining any proposed waterfront facility. The Tri-Dam Project will hold the applicant fully responsible for the permitted shoreline development project. The responsibility is considered to transfer automatically along with ownership and leases.

4.6 Buoy and Signage Program

4.6.1 General

In 1999, the Tri-Dam Project implemented a new *Buoy Master Plan* in conjunction with the Calaveras and Tuolumne counties Sheriffs Departments. Development of the plan began in 1998 at the request of the Calaveras and Tuolumne boating patrol units. The plan was designed to provide the public with orderly implementation of applicable watercraft regulations to ensure greater safety of the recreational watercraft users at Tulloch Reservoir.

The *Buoy Master Plan* included the removal of all older buoys on the reservoir and replacement with new buoys in locations as specified by the Boating Patrol Units in compliance with waterway regulations. New signs were also installed in key locations to better inform the public of application 5 mph zones. Handouts were also distributed to homeowner associations, business and marina operators.

In the future, the *Buoy Master Plan* will be reviewed periodically for compliance with applicable watercraft regulations and revised as appropriate.

It is anticipated that no buoys will be placed within the reservoir without approval of the Tri-Dam Project, and other agencies as may be required. Placement of individual buoys by homeowners is discouraged, unless a specific need can be demonstrated and the Tri-Dam Project's approval is obtained.

4.6.2 Application Procedure

An applicant must complete the Application Process described in Section 4.1, General Requirements, of this Plan.

4.6.3 Criteria for Buoy Installation

- 1) Buoy installation which does not conform to the *Buoy Master Plan* shall not be approved.
- 2) The applicant must be the owner or lease holder of the land immediately adjoining any proposed waterfront facility. The Tri-Dam Project will hold the applicant fully responsible for the permitted shoreline development project. The responsibility is considered to transfer automatically along with ownership and leases.

SECTION 5.0

REFERENCES CITED

California Department of Fish and Wildlife (CDFW). 2014. California Natural Diversity Database. RareFind Version 4. Available online: <<https://nrmsecure.dfg.ca.gov/cnddb/view/query.aspx>>. Accessed December 13, 2014. Last updated December 4, 2014. California Department of Fish and Wildlife, Biogeographic Data Branch. Sacramento, CA.

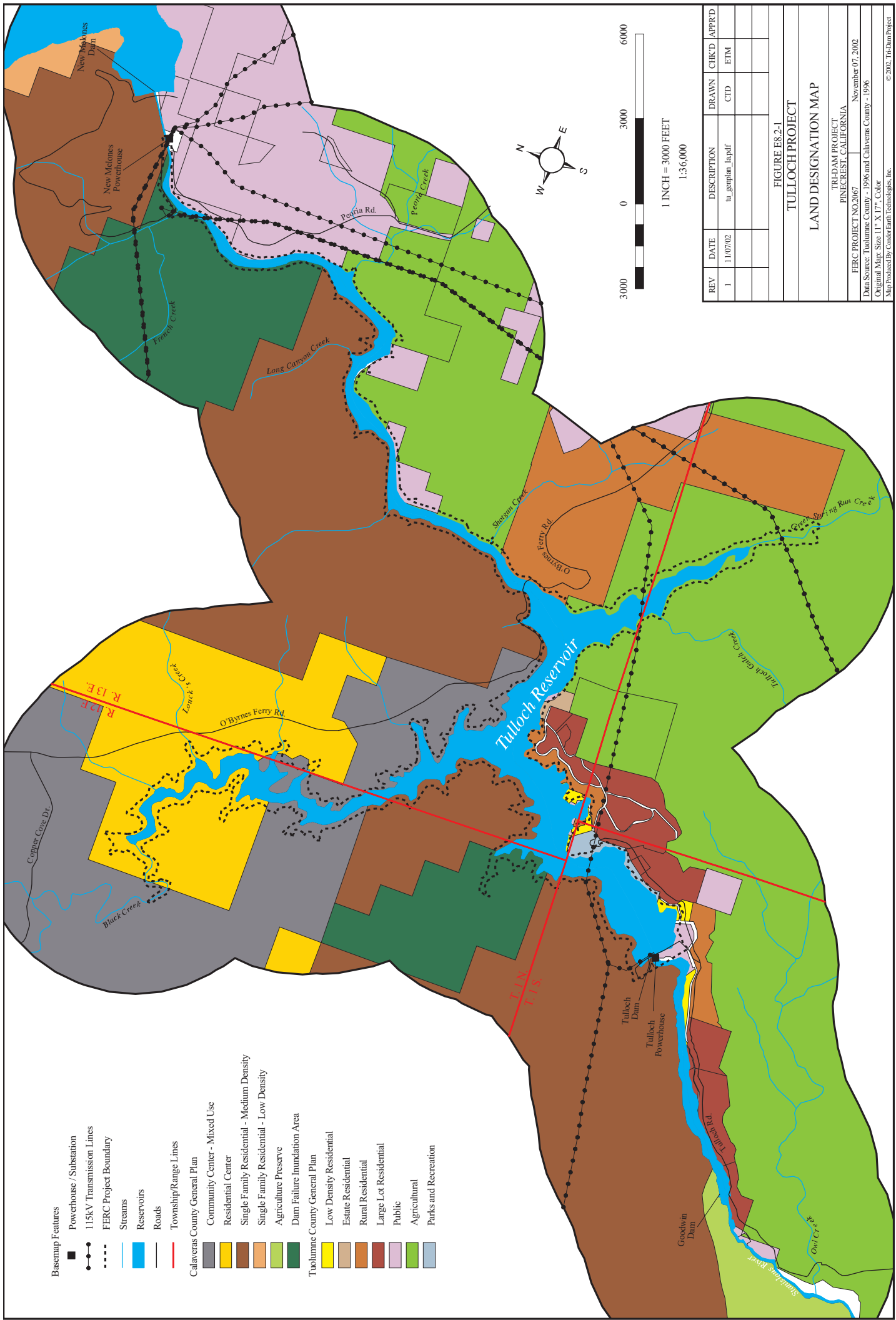
Tri-Dam Project. 2002. Final License Application, Exhibit E, Wildlife Resources. Application for New License 2002.

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TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment A

Map of County Land Use Designations
within the FERC Project Boundary



Basemap Features

- Powerhouse / Substation
- 115KV Transmission Lines
- FERC Project Boundary
- ▬ Streams
- ▬ Reservoirs
- ▬ Roads
- ▬ Township/Range Lines

Calaveras County General Plan

- Community Center - Mixed Use
- Residential Center
- Single Family Residential - Medium Density
- Single Family Residential - Low Density
- Agriculture Preserve
- Dam Failure Inundation Area

Tuolumne County General Plan

- Low Density Residential
- Estate Residential
- Rural Residential
- Large Lot Residential
- Public
- Agricultural
- Parks and Recreation

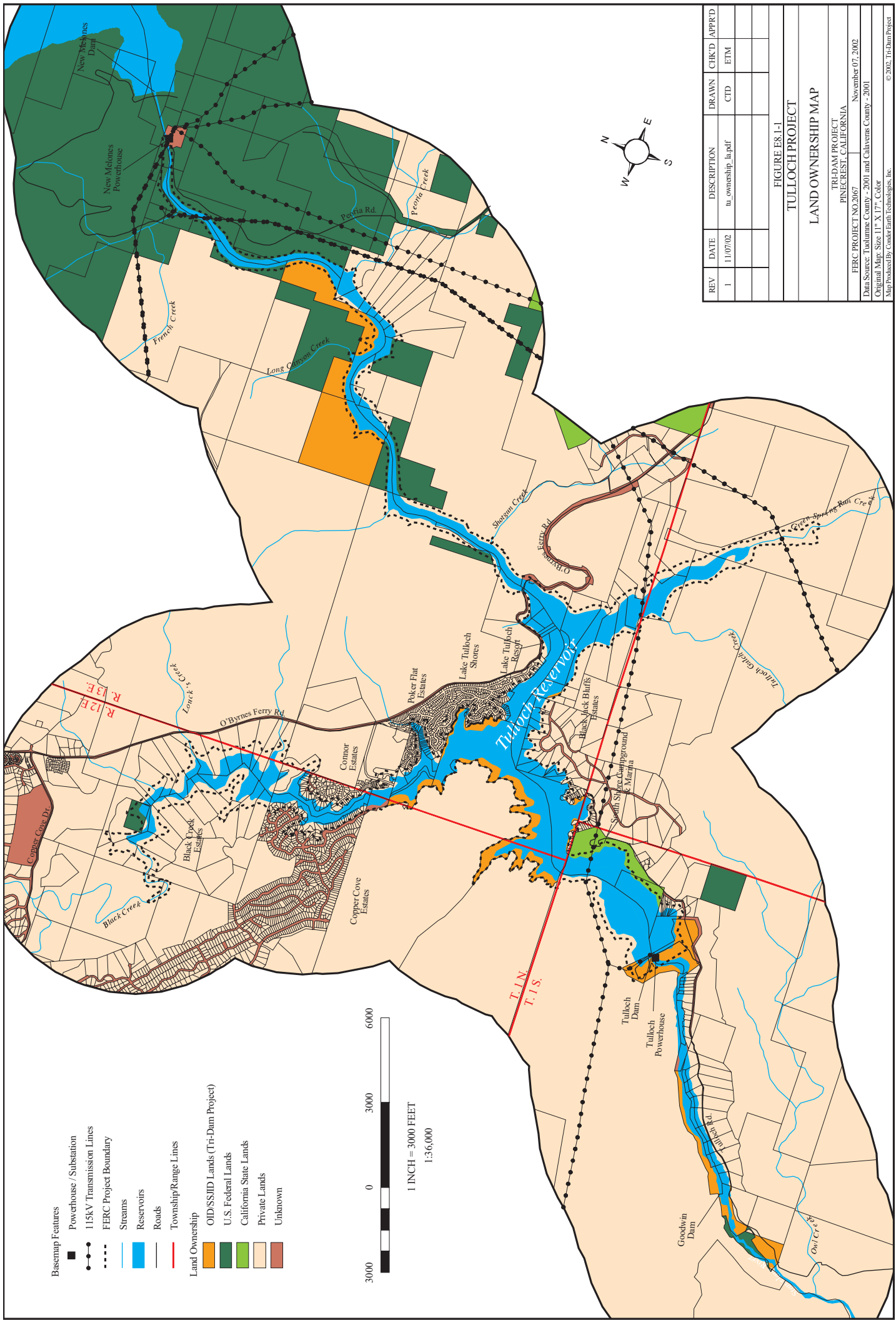


REV	DATE	DESCRIPTION	DRAWN	CHKD	APPRD
1	11/07/02	tu_gmplan_lapdf	CTD	ETM	
FIGURE E8.2-1 TULLOCH PROJECT LAND DESIGNATION MAP					
TRD-DAM PROJECT PINELAKE, CALIFORNIA FERC PROJECT NO.2067 November 07, 2002 Data Source: Tuolumne County - 1996 and Calaveras County - 1996 Original Map Size: 11" X 17", Color Map Produced By: Coastal Earth Technologies, Inc. © 2002, Tr-Dam Project					

TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment B

Map of the Land Ownership
within the FERC Project Boundary

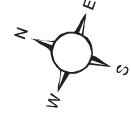


Basemap Features

- Powerhouse / Substation
- 115KV Transmission Lines
- FERC Project Boundary
- Stream
- Reservoirs
- Roads
- Township/Range Lines

Land Ownership

- OID/SSJID Lands (Tri-Dam Project)
- U.S. Federal Lands
- California State Lands
- Private Lands
- Unknown



REV	DATE	DESCRIPTION	DRAWN	CHKD	APPRD
1	11/07/02	tu_ownership_la.pdf	CTD	ETM	
FIGURE E8.1-1					
TULLOCH PROJECT					
LAND OWNERSHIP MAP					
TRI-DAM PROJECT PINECREST, CALIFORNIA					
FERC PROJECT NO.2067			November 07, 2002		
Data Source: Tuolumne County - 2001 and Calaveras County - 2001					
Original Map Size: 11" X 17", Color					
Map Produced By: Coastal Earth Technologies, Inc.					
© 2002, Tri-Dam Project					

TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment C

Maps Showing Locations of Special-status Species
within the FERC Project Boundary

PRIVILEGED – NOT FOR PUBLIC RELEASE

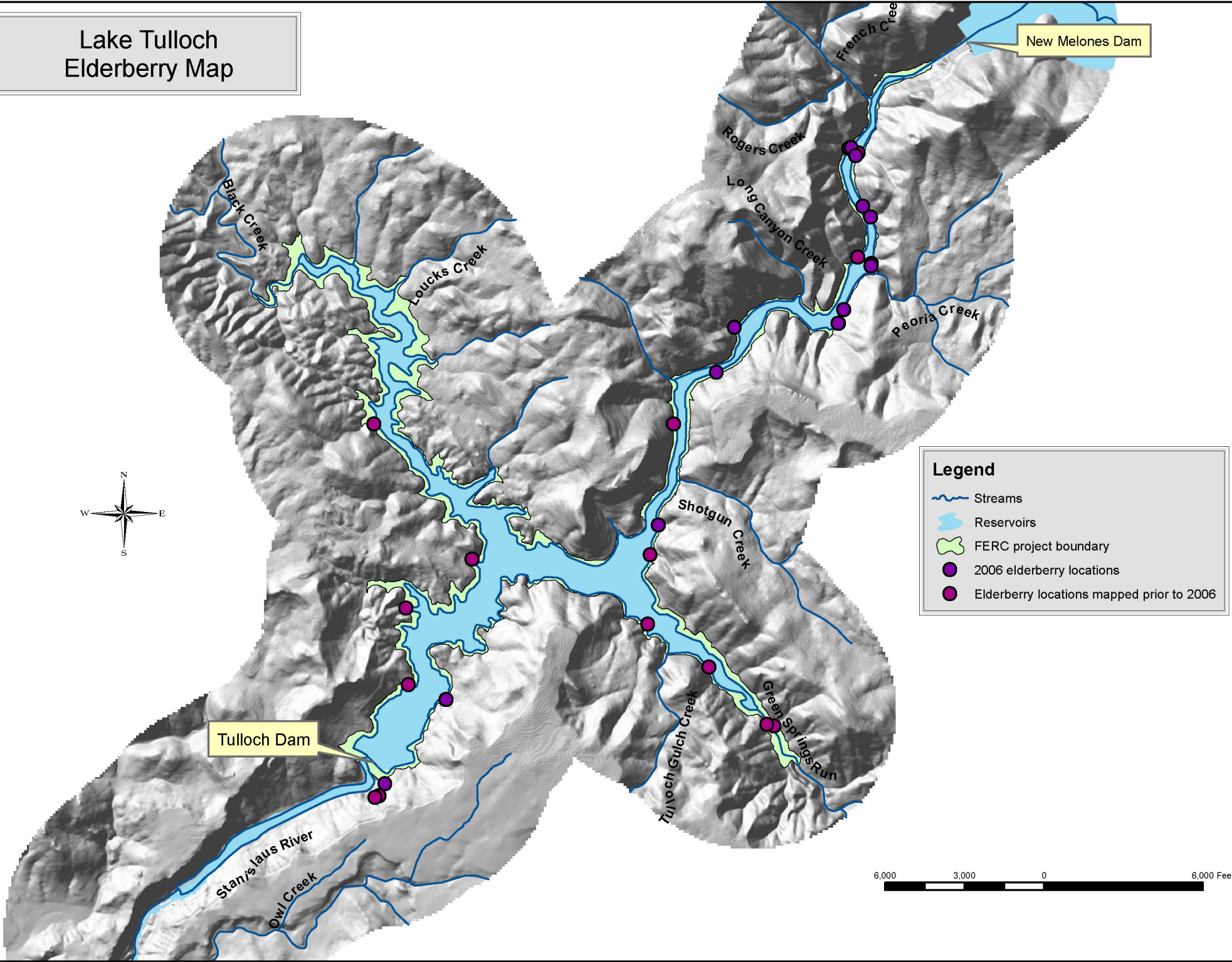
This map has been redacted from the public version of the SMP and filed with FERC as Privileged to avoid public disclosure of these sensitive resource locations. Copies of redacted maps will be provided to the resource agencies upon request.

TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment D

Map of Valley Elderberry Longhorn Beetle Habitat
within the FERC Project Boundary

Lake Tulloch Elderberry Map



Legend

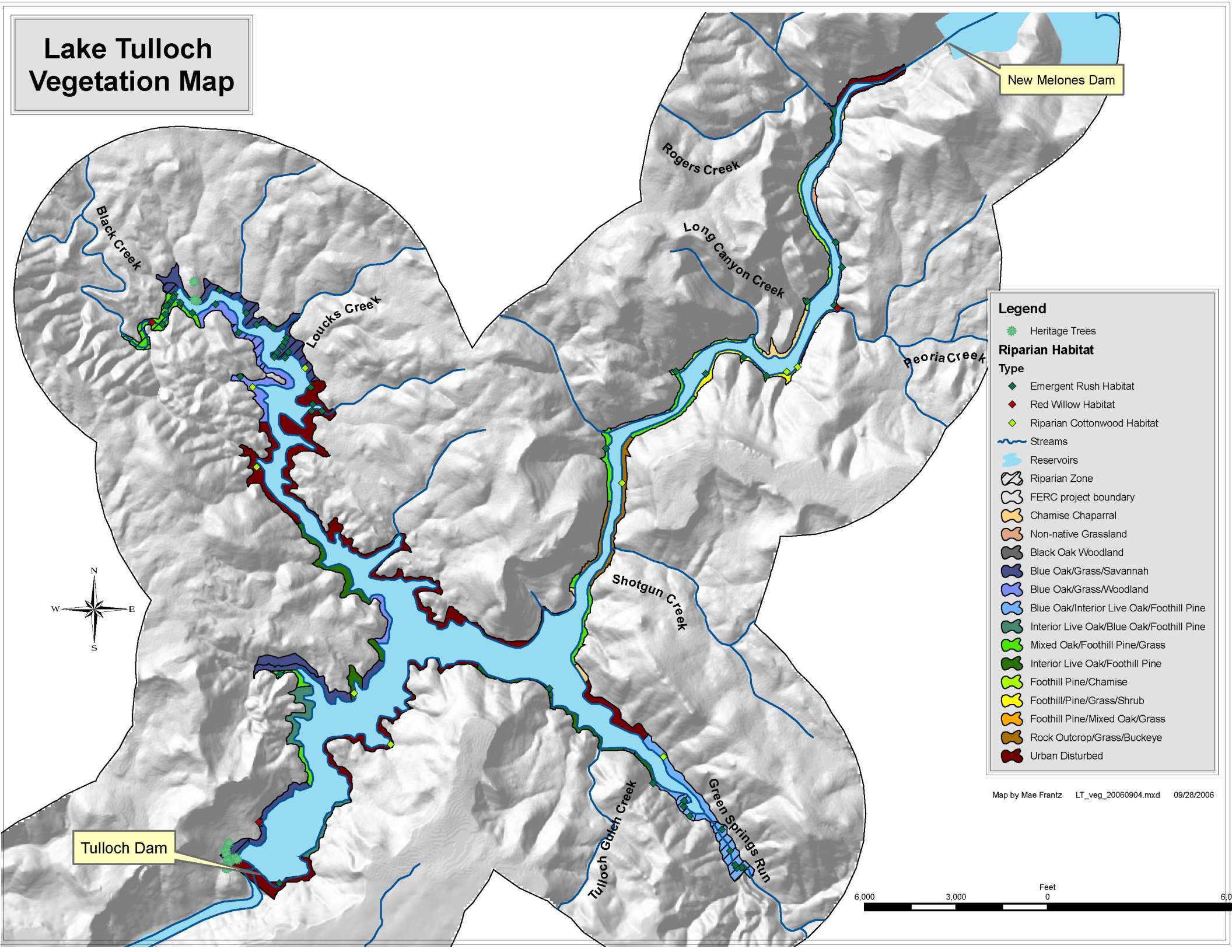
- Streams
- Reservoirs
- FERC project boundary
- 2006 elderberry locations
- Elderberry locations mapped prior to 2006

TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment E

Map of Vegetation Types
within the FERC Project Boundary

Lake Tulloch Vegetation Map



New Melones Dam

Tulloch Dam

Legend

- Heritage Trees
- Riparian Habitat**
- Type**
- Emergent Rush Habitat
- Red Willow Habitat
- Riparian Cottonwood Habitat
- Streams
- Reservoirs
- Riparian Zone
- FERC project boundary
- Chamise Chaparral
- Non-native Grassland
- Black Oak Woodland
- Blue Oak/Grass/Savannah
- Blue Oak/Grass/Woodland
- Blue Oak/Interior Live Oak/Foothill Pine
- Interior Live Oak/Blue Oak/Foothill Pine
- Mixed Oak/Foothill Pine/Grass
- Interior Live Oak/Foothill Pine
- Foothill Pine/Chamise
- Foothill Pine/Grass/Shrub
- Foothill Pine/Mixed Oak/Grass
- Rock Outcrop/Grass/Buckeye
- Urban Disturbed

Map by Mae Frantz LT_veg_20060904.mxd 09/28/2006



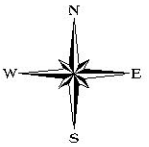
TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment F

Map of Noxious Weed Populations
within the FERC Project Boundary

Lake Tulloch Noxious Weeds Map

New Melones Dam



Legend

Noxious Weeds

- RUDI - Himalayan Blackberry
- CAPY - Italian Thistle
- CEME - Tocalote
- VETH - Woolly Mullein
- AETR - Barbed Goatgrass
- CYDA - Bermuda Grass
- BRNI - Black Mustard
- CIVU - Bull Thistle
- HOLA - Common Velvet Grass
- FICA - Edible Fig
- FOVU - Fennel
- RUDI - Himalayan Blackberry
- CAPY - Italian Thistle
- HYPE - Klamath Weed
- TACAM - Medusa Head
- COSE - Pampas Grass
- MYAQ - Parrot's Feather (aquatic)
- BRRU - Red Brome
- CATE - Slenderflower Thistle
- CEME - Tocalote
- AIAL - Tree-of-Heaven
- VETH - Woolly Mullein
- CESO - Yellow Star Thistle

Streams

Noxious Weed Succession

Reservoirs

FERC Boundary

Tulloch Dam



TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment G
Maps of Historic Property Locations
at the Tulloch Hydroelectric Project

PRIVILEGED – NOT FOR PUBLIC RELEASE

This map has been redacted from the public version of the SMP and filed with FERC as Privileged to avoid public disclosure of these sensitive resource locations. Copies of redacted maps will be provided to the resource agencies upon request.

TRI-DAM PROJECT
TULLOCH HYDROELECTRIC PROJECT
TULLOCH SHORELINE MANAGEMENT PLAN

Attachment H

Consultation Record from Development
of the SMP filed on June 23, 2008

Reviewers - The consultation record in this Attachment is provided with this draft SMP to support review and comment by the previously involved parties. This consultation record will be removed from the Final SMP and replaced with an updated consultation record reflecting comments on this Draft SMP when the Final SMP is filed with FERC for approval. Tri-Dam Project

Attachment H Consultation Record Contents:

- April 15, 2008 Letter from Susan Larson for Steve Felte, General Manager, Tri-Dam Project to Agency Distribution List
- Letter 001: August 27, 2007 Letter from Adam Paszkowski, Planner, Tuolumne County Community Development Department to Steve Felte, Tri-Dam Project
- Letter 002: September 13, 2007 Email from John Buckley, Central Sierra Environmental Resource Center to Steve Felte, Tri-Dam Project
- Letter 003: May 7, 2008 Letter from Patricia Diederich, Planner, Tuolumne County Community Development Department to Steve Felte, Tri-Dam Project
- Letter 004: May 12, 2008 Letter to Kimberly D. Bose, Secretary, FERC from Bernadette Abramson on behalf of The Resort at Lake Tulloch LLC, Tulloch Cove LLC, The Millennium Trust, and Andreas and Bernadette Abramson
- Letter 005: May 15, 2008 Letter to Tri-Dam Project from Steve Kistler on behalf of Kistler/Santo Domingo Ranches, Inc.
- Letter 006: May 16, 2008 Letter to Susan Larson, Tulloch Coordinator, Tri-Dam Project from John Buckley, Executive Director, Central Sierra Environmental Resource Center
- Letter 007: May 26, 2008 Email from Terry Clapham to Jason Reed and Steve Felte, Tri-Dam Project
- Letter 008: May 8, 2008 Letter from Peggi Brooks, Resources Manager, New Melones Lake, US DOI, Bureau of Reclamation to Steve Felte, General Manager, Tri-Dam Project
- Letter 009: June 2, 2008 Email from Dan Holsapple, Natural Resource Specialist, New Melones Lake, Eastside Division CVP, USDOI Bureau of Reclamation
- Response to Letter TSMP 001: Responses to Comments 001-1, 001-02, and 001-03
- Response to Letter TSMP 002: Responses to Comments 002-1 through 002-10
- Response to Letter TSMP 003: Response to Comment 003-1
- Response to Letter TSMP 004: Responses to Comments 004-1 through 004-6
- Response to Letter TSMP 005: Responses to Comments 005-1 through 005-04
- Response to Letter TSMP 006: Responses to Comments 006-1 through 006-13
- Response to Letter TSMP 007: Response to Comment 005-1
- Response to Letter TSMP 008: Response to Comment 008-1
- Response to Letter TSMP 009: Responses to Comments 009-1 through 009-12
- May 30, 2008 Letter from Steve Felte, General Manager, Tri-Dam Project to John Buckley Central Sierra Environmental Resource Center

TRI-DAM PROJECT

Of the South San Joaquin & Oakdale Irrigation Districts

Telephone: (209) 965-3996, ext 120 * Fax: (209) 965-4235 * Email: SJF@TriDamProject.com

April 15, 2008

Agency Distribution List:

US Department of Interior
Bureau of Reclamation
New Melones Lake
6850 Studhorse Flat Road
Sonora, CA 95370
Attn: Peggy Brooks, Resource Manager

Bureau of Land Management
Folsom Field Office
63 Natoma Street
Folsom, CA 95630

California Department of Fish and Game
San Joaquin Valley-Southern Sierra Region
1234 East Shaw Avenue
Fresno, California 93710

John Buckley
CSERC
P.O.Box 396
Twain Harte, CA 95383

Board of Supervisors
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

Community Development Agency
Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

Board of Supervisors
Tuolumne County
2 S. Green Street
Sonora, CA 95370

Community Development Department
Tuolumne County
2 S. Green Street
Sonora, CA 95370

Steve Kistler
11400 Hwy 108
Jamestown, CA 95327

Poker Flat Property Owners Association
385 Poker Flat Road
Copperopolis, CA 95228

Black Jack Bluffs Association
Copper Cove Homeowners
Peninsula Estates
Calypso Bay Homeowners
Conner Estates Master Association
M&C Management Agency
171 Town Square Drive
Copperopolis, CA 95228

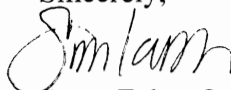
Marina Operators

RE: FERC Project 2067 (Tulloch)

Pursuant to the FERC License issued for Project 2067 Tulloch we are submitting the **Revised Reservoir Management Plan and Shoreline Plan** for your review and input. The License requires we consult with Federal and State Agencies, Calaveras County, Tuolumne County and Homeowner Associations regarding the Plan.

We welcome your input on these documents. Please send any comments you have to the Tri-Dam Project by May 20, 2008. Should you have any question or require additional information please contact myself of Tulloch Coordinator, Susan Larson at (209) 785-3838

Sincerely,



Steve Felte, General Manager
Tri-Dam Project



**COMMUNITY DEVELOPMENT
TRI - DAM PROJECT
DEPARTMENT**

BEV SHANE, AICP
Director

07 AUG 28 PM 2:05

BUILDING AND SAFETY PLANNING • GEOGRAPHIC INFORMATION SYSTEM (GIS)

48 W. Yancy Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (fax)
www.tuolumnecounty.ca.gov

August 27, 2007

Steve Felte
Tri-Dam Project
P.O. Box 1158
Pinecrest, CA 95364

Tri Dam Project	
SF	Orig. Copy
EK	Orig. Copy
DC	Orig. Copy
JR	Orig. Copy
TE	Orig. Copy
File	Orig. Copy

S. Larson

RE: Tulloch Reservoir Shoreline Management Plan

Dear Mr. Felte:

Thank you for the opportunity to comment on the Tulloch Reservoir Shoreline Management Plan for the Tri-Dam Project. After reviewing the management plan, I offer the following comments:

4.0 General Requirements:

- The portion of Lake Tulloch within Tuolumne County is zoned O (Open Space) under Title 17 of the Tuolumne County Ordinance Code. Under Section 4.2, "Application Procedure," I suggest that a sub-section be included with this section stating any person, firm or corporation must secure a use permit within any Open Space (O) District for docks, boat ramps, pilings, retaining walls, walkways and accessory structures on parcels fronting Lake Tulloch/Tulloch Reservoir within Tuolumne County.
- Under Section 4.3, "Construction," I suggest that a sub-section be included with this section about Setbacks (Tuolumne County Ordinance No. 514). This section should state no person, firm or corporation shall construct a building or structure in the County of Tuolumne, State of California, in the area of Tulloch Reservoir which said building or structure is designed or intended to be used for human habitation which shall be located within 25 feet horizontally from the normal high-water mark of Tulloch Reservoir or within 10 feet horizontally from the right-of-way line of Tulloch Reservoir, whichever distance is greater; provided, however, that no sewage disposal system shall be placed closer than 100 feet horizontally from said normal high-water mark or closer than 50 feet horizontally from said right-of-way line, whichever distance is greater; provided, that any sanitary sewage facility, sewage pump, pipe tank or treatment device which is located closer than 100 feet horizontally from said normal high-water mark shall be designed as a fully enclosed pressure-tight or otherwise secure system to effectively prevent the escape of sanitary sewage into the lake, soil or atmosphere. The "normal high-water mark" of Tulloch Reservoir, means the 510 foot elevation contour. The "right-of-way line" of Tulloch Reservoir means the 515 foot elevation contour.

001-1

001-2

I have included copies of Chapter 17.14 of the Tuolumne County Ordinance Code regarding the O (open Space) zoning district, and Tuolumne County Ordinance 514 for your information. Do not hesitate to contact me with any questions. I will be the contact person for Tuolumne County on Tri-Dam's projects involving Tulloch Reservoir.

DDP-03

Respectfully,



Adam Paszkowski
Planner II

cc: Dick Pland, Supervisor District 5, Tuolumne County Board of Supervisors
Daniel Richardson, Deputy County Administrator

TRI - DAM PROJECT
07 AUG 28 PM 2:05

ORDINANCE No. 514

AN ORDINANCE AMENDING ORDINANCE No. 397 PROVIDING FOR SETBACKS FOR BUILDINGS AND SANITARY FACILITIES AT TULLOCH RESERVOIR.

The Board of Supervisors of the County of Tuolumne do ordain as follows:

SECTION 1: Section 2 of Ordinance No. 397 of the County of Tuolumne is hereby amended to read as follows:

SECTION 2. SETBACK.

(a) No person, firm or corporation shall construct a building or structure in the County of Tuolumne, State of California, in the area of Tulloch Reservoir which said building or structure is designed or intended to be used for human habitation which shall be located within 25 feet horizontally from the normal high-water mark of Tulloch Reservoir or within 10 feet horizontally from the right-of-way line of Tulloch Reservoir, whichever distance is the greater; provided, however, that no sewage disposal system shall be placed closer than 100 feet horizontally from said normal high-water mark or closer than 50 feet horizontally from said right-of-way line, whichever distance is greater; provided, that any sanitary sewage facility, sewage pump, pipe tank or treatment device which is located closer than 100 feet horizontally from said normal high-water mark shall be designed as a fully enclosed pressure-tight or otherwise secure system to effectively prevent the escape of sanitary sewage into the lake, soil or atmosphere.

(b) For the purpose of this ordinance, a building or structure intended for use as a human habitation means both permanent and temporary structures, including but not limited to trailers, mobilehomes, campers and tents.

(c) The "normal high-water mark" of Tulloch Reservoir means the 510 foot elevation contour. The "right-of-way line" of Tulloch Reservoir means the 515 foot elevation contour.

SECTION 2: This Ordinance shall take effect and be in full force thirty (30) days after its passage. The Clerk of the Board of Supervisors is hereby authorized and directed to cause this Ordinance to be published once in the Sonora Daily Union Democrat, an official newspaper of general circulation, printed and published in the County of Tuolumne, State of California, prior to fifteen (15) days after passage.

The foregoing Ordinance passed this 16th day of April, 1968, by the following vote:

AYES: Adelbert A. Nicholls, Edw. C. Pfeiffer, Robert W. Ingalls, Ralph P. Thiel, Warne F. Keagy.

NOES: None.

ABSENT: None.

s/Robert W. Ingalls
Chairman of the
Board of Supervisors,
County of Tuolumne

ATTEST:

CARLO M. DeFERRARI
County Clerk

By s/Carlo M. De Ferrari
Publication date: Apr. 26,
1968. Sonora Daily Union
Democrat, Sonora, Calif.

Steve Felte

From: John Buckley [johnb@cserc.org]
Sent: Thursday, September 13, 2007 1:09 PM
To: Steve Felte
Cc: tomh@cserc.org; brendaw@cserc.org; Russ Kanz; Steve Boyack; Stephanie Moreno; RHoughton@co.calaveras.ca.us; Russ Thomas; Dick Pland
Subject: CSERC comments on Tulloch Shoreline Plan

To Steve Felte:

The comment letter submitted (below) highlights CSERC's concerns about a few important points in the revised Tulloch Shoreline Management Plan now out for public and agency input. Please note our Center's strong requests for changes concerning the amount of excavation that can take place at the shoreline under the "minor development" permit and the matter of marinas or docks being allowed to extend so far out into the reservoir.

002-01

Thank you for the opportunity to share these comments.
 John Buckley

September 13, 2007

Central Sierra Environmental Resource Center
 Box 396
 Twain Harte, CA 95383

To Steve Felte
 The Tri-Dam Project
 P.O. Box 1158
 Pinecrest, CA 95364

Tulloch Shoreline Management Plan

Dear Steve:

The following comments from CSERC respond to the revised Tulloch Shoreline Management Plan distributed for public comment. As amended in August of this year, the revised plan provides Tri-Dam's attempt to develop a plan that will meet the license condition tied to the FERC application, as well as to provide clear direction for how the FERC Project Boundary will be managed (the area within the 515 foot elevation contour and the reservoir surface on lands surrounding the reservoir). Specifically, the Plan describes its purpose as the facilitation of minor development activities within the Project Boundary and to avoid the need for obtaining FERC approval for each and every individual development activity.

002-02

Overall, CSERC applauds the document. However, in addition to some edits or corrections that are needed, the plan contains a number of issues that we believe need additional scrutiny. One such issue is how Tri-Dam identifies "minor" development activities. The bottom of page 3-2 lists six so-called

6/17/2008

“minor development activities” that range from private and commercial facilities to miscellaneous reservoir uses.

002-03

Commercial Facilities Program

On page 5-1 of the draft plan, item 5.3 (1) would allow facilities such as marinas or any other non-single family residential project to extend not more than 1/3 the distance to the opposite shoreline or not more than 100 feet from the project's shoreline, whichever is more limiting.

CSERC does not believe that a marina that extends 100 feet from shore or 1/3 of the distance across the reservoir is a “minor” development project. On the contrary, any such project has significant potential to affect recreational boating use, scenic values, biological values, and other resources. Accordingly **CSERC recommends reducing the definition limit of a “minor” commercial facility to those that extend no more than perhaps 50’ from the project’s shoreline.**

002-04

Private Facilities Program

Likewise, on page 6-1, similar to the commercial project definition, the current draft of the Shoreline Plan would allow private dock facilities to be considered minor if they do not extend 40’ or more from the shoreline at high-water elevations. **CSERC suggests that the definition limit for a “minor” private residential dock facility be limited to extend no more than 30’ from the project’s shoreline**

002-05

Lower down on page 6-1, item 7 would allow the maximum allowed docking area for single family residential facilities to be considered “minor” development at 440 square feet of surface area for a slip type dock and 400 square feet for a platform dock. Again, **CSERC recommends a reduction in the maximum limit (perhaps down to 300 square feet)** if the goal is to truly only allow minor development within the shoreline management zone under the shoreline plan.

002-06

Excavation Program

CSERC's greatest concern ties to the proposal to consider “minor” the excavation of up to 1000 cubic yards per single family lot within the shoreline management zone. This is a major amount of excavation. **CSERC strongly urges that the excavation limit be changed to no more than 100 cubic yards.** Calaveras and Tuolumne County both set requirements for grading review at 50 cubic yards. Major sediment impacts, major biological impacts, and major scenic impacts are all associated with excavation along a shoreline.

CSERC urges that the final Tulloch Shoreline Management Plan allow no more than 100 cubic yards to be excavated as “permitted minor development”.

002-07

Shoreline Management & Stabilization Program

On page 8-1, applicants are “encouraged” to design all facilities so as to preserve the natural appearance of the shoreline. Encouraging something does absolutely nothing to ensure that the encouraged action will be done. **CSERC asks that the wording be changed to require: “In order to receipt permits for construction of shoreline protection devices or other erosion protection devices within the FERC Project Boundary, all applicants shall design facilities so as to preserve the natural appearance of the shoreline to the maximum degree feasible.”**

002-08

Note: In that same top paragraph on page 8-1, the word “exhibit” on line seven should be replaced with “except”. Also, on page 7-1, the wording in 7.3 (3) needs to be revised to provide sentence structure that makes sense.

002-09

Thank you for considering these comments. Please share with us the final version of the Plan when it is submitted for FERC approval/consideration.

02-10

John Buckley, executive director

6/17/2008

LETTER 003



COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, AICP
Director

BUILDING AND SAFETY • PLANNING • GEOGRAPHIC INFORMATION SYSTEM (GIS)

48 W Yancy Avenue, Sonora
Mailing 2 S Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (fax)
www.tuolumnecounty.ca.gov

May 7, 2008

Steve Felte
Tri-Dam Project
P.O. Box 1158
Pinecrest, CA 95364

RE: Tulloch Reservoir Shoreline Management Plan

Dear Mr. Felte:

Thank you for the opportunity to comment on the Revised Tulloch Reservoir Shoreline Management Plan for the Tri-Dam Project. After reviewing the management plan, the Tuolumne County Community Development Department would like to thank you for having included our previous review comments in this revised draft. We have no other comments at this time.

003-01

Respectfully,

Patricia Diederich
Planner I

cc: Dick Pland, Supervisor District 5, Tuolumne County Board of Supervisors
Daniel Richardson, Deputy County Administrator

TRI - DAM PROJECT
08 MAY - 8 AM 11:35

LETTER 004

May 12, 2008

Kimberly D. Bose
Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

FILED
OFFICE OF THE
SECRETARY
2008 MAY 19 P 3:51
FEDERAL ENERGY REGULATORY COMMISSION

Dear Ms. Bose,

I am sending you this letter in regards to Project number 2067 (Tri Dam Project). I recently became aware that this project's Shoreline Management Plan had been rejected by FERC for deficiencies.

004-01

I would like to request that before the Commission approves anything further on Project 2067 SMP that we as property owners that are affected by the entire SMP are allowed to make written comments that will be included in your review.

004-02

Article 411 requires that representatives of homeowner's associations for land that abuts Tulloch Reservoir be allowed to comment. The flaw in article 411 is that Tulloch Reservoir is unique in that the majority of the shoreline property is privately owned. An HOA does not hold fee title to any land other than a common area and therefore, in addition to all HOAs' being notified, I believe that every waterfront property owner should be notified and be allowed to comment. This would include all currently unimproved vacant land, single family residential, multi family residential as well as commercial properties that abut the shoreline.

004-03

I am a partner in four commercial parcels as well as the owner of two single family residences and one single family vacant buildable waterfront lot. Two of these properties are located within the Black Jack Bluff's HOA and one is located within the Peninsula Estates HOA. Between all seven of these properties, I was never made aware that there was an opportunity to comment.

004-04

I can guarantee that I am not the only property owner that has been left out or that has the same concerns that I do.

004-05

In closing, I ask that as a Secretary of FERC, to please contact me and let me know how we can resolve the injustices that the Tri Dam Project continually inflicts on the shoreline property owners of Tulloch Reservoir.

004-06

Respectfully submitted,



Bernadette Abramson
83 Sanguinetti Court
Copperopolis, CA 95228

Representing:
The Resort at Lake Tulloch LLC
Tulloch Cove LLC
The Millennium Trust
Andreas and Bernadette Abramson

LETTER 005

Kistler/Santo Domingo Ranches Inc.
 Steve Kistler
 11400 Hwy 108
 Jamestown, CA 95327

TRI - DAM PROJECT
 08 MAY 20 PM 4:55

Tri-Dam Project
 P.O. Box 1158
 Pinecrest, CA 95364

May 15, 2008

Tri-Dam Staff and Board Members:

After reviewing the **Revised Reservoir Management Plan and Shoreline Plan**, I would like to comment on two particular goals. The first is the goal to **Enhance the Quality of Recreation Opportunities at Tulloch Reservoir**. The implementation measures put into place are supposed to prevent overcrowding. The lake is already overcrowded. All the development that has occurred in areas other than the Green Springs arm has resulted in more and more boats and personal watercrafts flocking to our cove to play their music load and leave behind garbage both in the water and along the shoreline. The concentration of boats and people pose a threat to the Western Pond Turtle habitat, as well as the extensive fish and wildlife populations that water and feed in this environmentally sensitive area. The second goal is **Enhance the Coordination and Management of Activities at Tulloch Reservoir to Ensure that Environmental Resource Goals Including Water Quality are Maintained at Very High Levels**. I recommend implementing a non-motorized boating area beginning where the lake narrows (existing 5 mph buoy) all the way back to the Green Springs inlet. I suggest allowing electric trolling motors since their use does not pose a threat. The concentration of gas powered boats that now are allowed to enter the cove and beyond pose a huge threat to water quality in this area. On busy weekends there may be as many as 50 to 75 boats in the cove and back in the narrow area. The trash that lines the shore on a given Sunday evening is disgusting. Furthermore, the sunken beer bottles and cans, as well as the contamination from boat engine exhaust pollute this limited flowing riparian area.

005-01

The revised plan states that the existing 5 mph area is enforced by Sheriff patrol. Unfortunately, the lack of appropriate funding has limited their presence and therefore allowed many unlawful activities to occur. The frequency of which has increased dramatically over the last 5 years. From boaters and wave runners speeding in and out of the cove to drunks trespassing and threatening the safety of my family and friends, the occurrence of people with no values and respect has escalated to a level of utter frustration. The time has come to limit access or heighten law enforcement for the protection of all the natural resources in this area.

005-02

A final comment: My family and I have maintained the ranch as a working landscape for 53 years because we love the ranch life and believe it is our responsibility to be stewards of the land. Our efforts on our private land to manage the ranch for the benefit

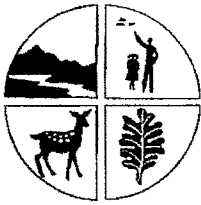
005-03

of all it's natural resources and creatures that inhabit it should not be jeopardized because
of the shared waterway with those who value money above all else.

005-04

Thank You,

Steve Kistler
Kistler/Santo Domingo Ranches Inc.



Central Sierra Environmental Resource Center

Box 396 • Twain Harte, CA 95383 • (209) 586-7440 • FAX (209) 586-4986

May 16, 2008

Susan Larson, Tulloch Coordinator
 Tri-Dam Project
 P.O. Box 1158
 Pinecrest, CA 95364-0158
 cc: Robert Fletcher

Comments on Reservoir Management Plan and Shoreline Plan FERC Project 2067 (Tulloch)

The following comments are submitted relative to the revised Reservoir Management Plan and Shoreline Plan. These comments are based upon many years of participation in the FERC relicensing sessions related to Tulloch Reservoir, as well as many years of participation by CSERC staff in development matters and recreation policy and project input for both Calaveras County and Tuolumne County.

Lack of any substantial changes in response to our previous input

It is always positive to have the opportunity to provide public input on plans and policies. It is negative and frustrating, however, when carefully considered input and general support for a plan lead to relatively few suggests for changes – and then absolutely none of the suggested changes are incorporated into the document.

000-01

In the original draft shoreline plan, the plan described facilities to be considered minor if they extended no more than 1/3 across to the opposite shoreline or no more than 100 ft. out from shore. CSERC asked that such facilities not be considered minor and that instead a definition limit for a commercial facility be limited to 50' from shore. Tri-Dam simply dropped any distinction for "minor" and now all facilities have the 1/3 across the lake or 100' distance limit. That neither responded to CSERC's concern nor reduced the footprint of development out into the lake.

000-02

Likewise, CSERC made a number of clear suggestions for reducing the extent that private docks could stick out into the lake, as well as what would be considered minor development at 440 square feet of a slip type dock or 400 square ft for a platform dock. CSERC recommended a lowering of the square footage to perhaps 300 square ft. Now in the final Shoreline Plan, the definition of minor has disappeared, and all private interests have the opportunity to have the large size that CSERC opposed.

000-03

Similarly, CSERC expressed concern about a definition of minor for excavation of up to 1,000 cubic yards, and suggested that an excavation limit be set at perhaps 100 cubic yards for such private single family lot excavation projects. As with the previous

comments we submitted, Tri-Dam simply removed the definition of "minor" and now everyone can excavate up to 1,000 yards.

006-04

• It would appear that instead of the revisions moving to improve the shoreline management plan or to improve protection for aquatic or scenic values, the changes simply make it easier for all those seeking to develop along the shore of the reservoir to do so with the least possible restrictions or limits. CSERC respectfully asks for those broad, open-ended allowances to be tightened as suggested in our previous comments.

006-05

Additional substantive comments on the shoreline plan

• On page iii of the Shoreline Plan, the third paragraph acknowledges that roughly 70% of the Copper Cove, Lake Tulloch Shores, and Conner Estates lots are not yet built out, and that the 300-unit Tuscany Hills project is also not yet built. The combination of these approximately "still to be built out" 1,450 lots will be a tremendous environmental impact along the shoreline of the reservoir. Nowhere in the document does the Shoreline Plan either discuss the cumulative impacts of past, present, and foreseeable future development impacts on the aquatic, scenic, and water quality resources of the reservoir, nor is there mitigation for those expected impacts.

006-06

• Throughout the Shoreline Plan, Tri-Dam Project relies upon mitigation measures, policies, or implementation measures that are based upon non-binding, weak, or meaningless words such as "encourage" or "recommend."

006-07

On page viii, the plan directs Tri-Dam to "encourage" the Counties to implement regulations designed to minimize impacts from new construction. That could lead to zero improvements for affected resources, since encouragement does nothing substantive. In contrast, over on page ix, there is a firmly worded direction to "Adopt" specific guidelines for erosion control measures on all shoreline construction projects... but nowhere are those guidelines mandated to be adopted nor is there any timeline connected with a date when those guidelines are going to be required to be adopted.

006-08

On page xii, similarly, Tri-Dam plans to "encourage" the establishment of non-boating areas by jurisdictional agencies. Encouragement does not necessarily result in any clear mitigation benefit for a significant impact. Encouragement cannot be relied upon to meet NEPA or CEQA or FERC requirements. Encouragement without any clear timeline, requirement, or specific measurable step is meaningless. CSERC asks that the word "encourage" be removed from the document in all places where it provides no clear measurable outcome.

006-09

Likewise, on page xiii, Tri-Dam agrees to "recommend" to agencies that they maintain areas as good habitat, and "recommend" the agencies exclude livestock grazing during certain time periods. Local county governments are notorious for ignoring recommended suggestions from outside entities. Accordingly, for any shoreline plan to have teeth and substance, it is essential that not only are timelines included in any such objective policy or implementation measure, but it is essential that there be clarity as to what Tri-Dam will do if other managing agencies simply ignore Tri-Dam's encouragements.

006-10

Another example is on page xxi, where Tri-Dam commits to "discourage" removal of native oaks. What is discouragement does zero to cause oaks to be retained? There needs to be greater clarity of how the shoreline plan will actually result in protection for oaks and other important habitat values.

DD10-11

- One of the biggest flaws with the Shoreline Plan is the failure of the document to lead to any assured action towards the establishment of non-motorized boating areas to benefit affected wildlife species ranging from pond turtles to osprey to herons to other aquatic species. Page xv of the shoreline plan describes the value of the unique habitat conditions in the upper reaches of the Black Creek and Green Springs arms of the reservoir and in the upper reaches of the main stem from New Melones down to the intersection of the Peoria Creek.

DD10-12

CSERC strongly, strongly agrees that there would be high environmental (and social) benefit from establishing non-motorized boating in those three areas and in enforcing such a limit. Yet the shoreline plan provides absolutely no assurance that even the most minor non-motorized boating area will ever be established. Instead of simply stating that one of the two counties would need to adopt a new or revised ordinance to create such a non-motorized boating area, the shoreline plan should lay out the consequences if such ordinances are not adopted by a specific date. For instance, Tri-Dam could spell out that if non-motorized boating limits are not established by the jurisdictional county within three years of adoption of the shoreline plan, then Tri-Dam will withhold approval for any new construction with FERC boundary properties, any new docks to be constructed on the reservoir, and any other permits to be granted to applicants in the county that has failed to adopt the non-motorized boating ordinance.

DD10-13

- CSERC strongly supports the guidelines for evaluating potential impacts of construction based upon the non-urban area setbacks of 100' both sides of perennial streams and 75 ft both sides of intermittent streams and 50' both sides of streams in urban areas. We believe the setbacks should be more, but we accept them as the middle ground compromise. However, there is nothing in the shoreline plan that provides any clear consequence if a county chooses to allow construction closer to streams.

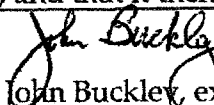
DD10-14

- Likewise, CSERC is greatly concerned that the shoreline plan does not openly address the issue of development of structures being allowed in the FERC boundary either to the edge of the water or even protruding out over the reservoir. CSERC believes that the SPLAT group clearly espoused agreement that there should be setbacks for all development, both private and commercial, from the reservoir's highwater line. CSERC asks that the shoreline plan clarify that Tri-Dam will not provide permits or accept applications for projects that do not provide buffers of at least 25' back from the high water line of the reservoir.

DD10-15

In closing, CSERC respectfully points out the lack of teeth or clarity in this shoreline plan and urges that it be pulled back, revised again to provide more realistic implementation measures to achieve objectives, and that it then be considered for adoption.

DD10-16


John Buckley, executive director

Steve Felte

From: Terry Clapham [tncllc@yahoo.com]
Sent: Monday, May 26, 2008 1:34 PM
To: Jason Reed; Steve Felte
Subject: Re: Tulloch Shoreline Management Plan

Jason/Steve; one of the most serious causes of erosion (and dock damage) is the new "wakeboard" boats. These boats pump 1500 to 4000 pounds of water into compartments in the hull to "bury" the stern and make very large wakes for the boarders. These wakes have several times more energy in them than conventional wakes. There is a lot of info on the Web; check out http://www.nanticokeriver.net/Boat_Wake_Damage_Links.html. 007-01

I think Tri-Dam should look into this, with a possible outcome (in conjunction with the two counties) that filling the tanks on such a small lake is prohibited.

Regards

Terry Clapham

Jason Reed <jason@tridamproject.com> wrote:

Wednesday, April 30th

Mr. Clapham

Here is the PDF file for the 'plan'. I'll send the map attachments separately.

**Jason Reed
Tri-Dam Project**

On Tue, Apr 29, 2008 at 8:12 PM, Terry Clapham <tncllc@yahoo.com> wrote:
Jason- Frank said you might be able to email me the PDF file on the plan.

My contact info is:

Terry Clapham
tncllc@yahoo.com

Thanks

--
Jason Reed
Chief Financial Officer
Tri-Dam Project
www.TriDamProject.com

5/27/2008

LETTER 008



United States Department of the Interior

BUREAU of RECLAMATION
New Melones Lake
6850 Studhorse Flat Road
Sonora, Ca 95370

TRI - DAM PROJECT
08 MAY -8 AM 11:33

IN REPLY
REFER TO:

CC-460
LND 8.00

Mr. Steve Felte
General Manager
Tri-Dams Project
P.O. Box 1158
Pinecrest, CA 95364

Subject: FERC Project 2067 Revised Reservoir Management Plan and Shoreline Plan for Lake
Tulloch.

Dear Mr. Felte:

Thank you for providing a copy of the FERC Project 2067 Revised Reservoir Management Plan and
Shoreline Plan for Lake Tulloch. As you are aware, activities at Lake Tulloch affect not only New
Melones, but also the lower Stanislaus River for which Reclamation has ongoing resource
responsibilities.

Reclamation is requesting a two week extension to June 3, 2008, for review of these documents. The
extension of time will permit our Central California Area Office in Folsom to review and provide
comments into these plans along with the New Melones Resource Office.

008-01

Thank you for your time and consideration of this request. If you have questions concerning the above
information please contact Dan Holsapple at (209) 536-9094, ext. 220.

Sincerely,

Peggi Brooks
Resource Manager
New Melones Lake

Steve Felte

From: Dan Holsapple [dholsapple@mp.usbr.gov]
Sent: Monday, June 02, 2008 2:48 PM
To: SJF@TriDamProject.com
Cc: Elizabeth Vasquez; Peggi Brooks
Subject: Comments on Lake Tulloch Plan

Steve;

I would like to thank you for providing Reclamation with an opportunity to respond to the Lake Tulloch shoreline Plan. Comments are included from both the New Melones Field Office and the Folsom Central California ARea Office.

Again, Thank you for the opportunity to review and respond to this plan.

Dan Holsapple
Natural Resource Specialist
New Melones Lake
Eastside Division CVP

pg. 111; Plan Objectives. Please include information on what agencies have jurisdiction. also describe framework of shoreline management currently and whether this will change in the future.

009-01

pg. 111; Plan Objectives. What portion of the adjacent land is considered shoreline? Is this a bathtub ring of land around the lake or does this plan target the full FERC project area? Inclusion of a map would be helpful. Is this solely private land, is there government land? wher are the boundaries?

009-02

pg.vi; Promote orderly growth, Implementation (4th paragraph). Encourage property owners to excavate shallow shoreline areas, where possible...." What about the water quality issues surrounding such activities? Who is responsible for USACE, DF&G permits, etc. for such an action? this proposal should be eliminated from the plan. it will create more issues than will be solved, expecially water quality.

009-03

pg. vi; Promote Shoreline Development. Why even consider new facilities near the navigable water surface? Won't this just provide more impacts to an already impacted area? Given the existing and future constraints from current levels of development and use? Suggest rewording this goal to "Shoreline development shall be limited to that which ensures that recreational quality of the reservoir is maintained".

009-04

pg. vi; Promote Shoreline Development. First paragraph says "limit the number of boat docks and other facilities..... Permit one dock per existing parcel within the pre-developed subdivisions of....." Secondf paragraph says "Permit new docks in accordance with the density limits established by the land use designations of the counties. Allow one new dock per existing parcel, as it currently exists" are "spacing standards" for docks somehow tied in with "density limits"? How do density limits in the county land use designations pertain to docks and waterways? Paragraphs seem somewhat vague and any relationship to one and another are not clear. suggest clarifying

009-05

pg.vii; promote Shoreline Development (2nd paragraph). "Encourage the counties to adopt enforcement guidelines for violations of permits or other regulatory requirements" reclamation has a similar need for counties to adopt kmirror ordinances for enforcement of Reclamation regulations. In order to effectively enforce them at a local level. An opportunity may exist forTri-Dam and Reclamation to work collaboratively with Tuol. and Calaveras counties on this issue. As a Special District it may be advantageous to adopt your own guidleines and for violation enforcement. Ranger staff can enforce your agency regulaticns, should the powers be granted by the district.

009-06

pg.vii; Enhance the quality of Recreational Activities. Suggest including non-motorized boaters as well. OID and SSJID would seem to be more appropriate entities to ensure public access as they are managing part of the public trust. How are these entities enhancing

the quality of recreational opportunities at Lake Tulloch? How would other public entities be able to enhance recreational opportunities without OID and SSID assistance?

009-07

pg.viii; Enhance Coordination of management of activities at Lake Tulloch to Ensure Environmental Resources goals.....; There should be applicable state and Federal regulations on sanitation and water quality. A listing of applicable regulations would be helpful. Is There any monitoring of downstream water quality and should a sanitation problem arise how would those infractions be resolved? Suggest implementing regulations prohibiting shoreline construction within xx feet of the shoreline to minimize erosion and protect water quality.

009-08

pg.xii; Western Pond Turtle Plan (#6).. where is proposed non-motorized area to begin? where will it end (buoy line)?

009-09

pg.xv; Provisions for coordinating with appropriate state and county agencies..... Reclamation is a landowner in this area, coordination as to management of wildlife habitat within these reaches needs to include Reclamation and possibly Bureau of Land Management (also possible landowner). Reclamation manages lands within this region as a wildlife habitat area, must be included in any coordination that is proposed or will affect Federal lands.

009-10

pg.xvii; Green Springs Wildlife Area. Discussion of management actions affecting lands owned by Reclamation are noted here. Since Reclamation is also updating its Resource Management Plan for New Melones Lake Area, timing is optimal to coordinate among agencies to include mutually desirable management actions in the appropriate alternatives for both plans.

009-11

pg.xx; Management measures (2nd sentence) Suggest changing to read:

'The Bureau of Reclamation is currently updating its" Resource Management Plan for New Melones Lake". this Draft plan contains several alternatives with actions which may, if adopted, encourage open space, vegetation, and wildlife protection near Tulloch Reservoir.'

009-12

Chapter 8.50

TULLOCH RESERVOIR

Section:

8.50.010	Purpose & Scope.
8.50.020	Definitions.
8.50.030	General Provisions.
8.50.040	Reservoir Authority.
8.50.050	Boating.
8.50.060	Swimming.
8.50.070	Fishing.
8.50.080	Speed Limitation.
8.50.090	Sanitation.
8.50.100	Miscellaneous Regulations.
8.50.110	Enforcement.

8.50.010 Purpose & Scope.

This chapter shall establish regulations for vessels operating on the reservoir, recreational users and related construction activities on Tulloch Reservoir that are supplemental to California Boating Law. The purpose of this chapter is to provide consistent policies for the regulation, operation and enforcement activities at Tulloch Reservoir. The goal is to ensure that the quality of Tulloch Reservoir as a resource for homeowners, public, recreation, fisheries, power generation and drinking supply is maintained. This chapter shall apply only to Tulloch Reservoir. Should a conflict exist between the regulations contained in this chapter and other sections of the Tuolumne County Ordinance Code, the more stringent shall apply. (Ord. 2920 § 1; 2008)

8.50.020 Definitions. The following words and phrases when used in this chapter are to be construed to have the following meaning:

A. "Aquaplane" means any device, including skis, used for the transportation of one or more persons upon the surface of the water, and which is pulled or towed by any boat, vessel or other motive power by means of a rope, chain, cable, wire or other connection.

B. "Boat" means any water vessel.

C. "Boathouse/Covered Boatlip" means a floating or fixed roofed structure with open or closed sides and designed for permanent or temporary watercraft storage.

D. "Boatlift" means a facility within or adjacent to a boatlip designed to lift a boat or

watercraft above the normal water level for temporary or permanent storage purposes.

E. "Buoy" means a floating waterway marker.

F. "California Boating Law" means the provisions of law, adopted by the State of California for the purposes of regulating the operation of boats and other watercraft, including but not limited to relevant portions of Harbors and Navigation Code, Fish and Game Code, Health and Safety Code, Penal Code, Vehicle Code, Title 14 of the California Code of Regulations and applicable sections of Federal Inland Navigation Rules.

G. "County" means Tuolumne County.

H. "Dock" means a facility located on the reservoir, which is designed to provide access to waterfront properties and accommodate the launching of non-motorized vessels and parking and/or in water storage of watercraft.

I. "Encroachment Application" means the form upon which an applicant describes and officially requests permission for a given use or facility within the FERC Project Boundary and submitted to the County, Tri Dam and/or both agencies for processing.

J. "Encroachment permit" means a permit issued by the Tri-Dam Project, which provides authorization for a particular use of facility within the FERC Project Boundary.

K. "Encroachment Project" means the placement, installation, construction, repair, maintenance or replacement of any structure, any excavation or the placement of any fill, at Tulloch Reservoir within the FERC Project Boundary.

L. "Excavation" means the removal of soil or rock material from within the FERC boundary.

M. "Facility" means any structure, use, or combination of structures that are placed within the FERC Project Boundary. A structure includes, but is not limited to, a boat ramp, dock, buoy or other mooring facility, basin, retaining wall, erosion protection system, float, access ramp, stairs or piers.

N. "Facility Expansion" means the modification of an existing facility that results in an increase of its reservoir extension, increased decking square footage, increased dock size, an increase in the number of boats it can accommodate, or increases or decreases water storage quantities.

O. "Facility Maintenance" means the reconfiguring or repairing of existing facilities in a like for like fashion. Rebuilds are minor in nature and do not result in any significant modification or expansion of project facilities.

P. "FERC" means the Federal Energy Regulatory Commission, the federal agency that issues permits for hydroelectric projects to non-federal entities and from whom Tri-Dam Project must obtain approval for any facilities within the FERC Project Boundary.

Q. "FERC Project Boundary" or "Project Boundary" generally includes the reservoir surface and adjoining lands to the 515-foot contour elevation.

R. "Float" means a floating platform for use by swimmers or for docking watercraft.

S. "Full Reservoir Elevation" means the elevation, measured in feet above mean sea level, to the top of the reservoir's spillway or the top of the floodgates. This is normally referred to as the 510-foot contour elevation.

T. "Motorboat" means any boat propelled in whole or in part by a motor, engine, or mechanical device of any kind except oars or sails. The term also includes boats temporarily equipped with detachable outboard motors.

U. "Personal watercraft" means any motorized watercraft commonly known, as Jet Ski, West Bike, Wave Runner, Surf Jet or Motorized Ski or any similar device on top of which, rather than within, the operator rides.

V. "Reservoir Authority" means the General Manager or designee of the Tri-Dam Project for lands within the FERC Project Boundary.

W. "Tri-Dam" or "Tri-Dam Project" means the operating authority of the Oakdale and South San Joaquin Irrigations Districts for the Tri-Dam facilities, including Tulloch Reservoir.

X. "Vessel" means any vessel or device, except an aquaplane, water ski or functional equivalent, in or upon which persons or property may be transported upon, under or over the surface of water including, but not confined to, any boat, raft, barge, canoe, skiff, dinghy, personal watercraft, rowboat, sailboat, sailing vessel, yacht, motorboat, motor vessel, houseboat, pontoon, commercial boat, launch and ship or equivalent regardless of name.

Y. "Waterway marker" means any device designed to be placed in, on, or near the water to convey an official message to a boat operator on matters, which may affect health, safety or well-being. (Ord. 2920 § 1; 2008)

8.50.030 General Provisions.

A. All facilities installed, constructed or maintained within the reservoir and FERC Project Boundary shall be in full compliance with appropriate permitting regulations of the County and Tri-Dam.

B. No facility shall be installed, constructed or maintained within the FERC Project Boundary unless a permit has been issued by the County and an encroachment permit has been issued by the Tri-Dam Project.

C. The County and Tri-Dam Project shall work in concert to ensure the safe and efficient operation of Tulloch Reservoir.

D. Any dock, building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of this Chapter is unlawful and constitutes a public nuisance, and the fully constituted authorities of the County may immediately commence action or actions, enjoinder thereof in the manner provided by law, and may apply to such court or courts as may have jurisdiction to grant such relief as will abate and remove such facilities or structures or use and restrain and enjoin any person, firm or corporation from setting up. All docks and facilities installed within the FERC Project Boundary shall be concurrently reviewed and permitted by the County and the Tri-Dam Project prior to installation. The County shall not issue a permit without prior approval from the Tri-Dam Project. Any dock or other facility installed prior to 1979 shall be considered

“grandfathered” into legal existence. Any expansion, reconstruction or other alteration shall be subject to full compliance with current regulations. (Ord. 2920 § 1; 2008)

8.50.040 Reservoir Authority. Lands within the unincorporated County areas are subject to regulatory control of the County. The County acknowledges that the lands within the FERC Project Boundary are also subject to the permitting review and authority of the Tri-Dam Project. For the purposes of this Chapter, Tri-Dam is considered the Reservoir Authority. (Ord. 2920 § 1; 2008)

8.50.050 Boating.

A. All boat travel shall be in a counterclockwise direction.

B. All boats shall be in full compliance with California Boating Law, in terms of operation and equipment.

C. Except in an emergency situation, no person shall land any aircraft on Tulloch Reservoir, or parachute any person or object within the FERC Project Boundary, except as part of a scheduled program with specific approval of the County and concurrence of the Reservoir Authority.

D. No person shall operate on any portion of Tulloch Reservoir a boat towing a parasail or other type of parachute or sail capable of lifting a person or object above the surface of the reservoir.

E. It is unlawful to discharge or dump any waste of any kind into the reservoir.

F. It is unlawful to trailer launch a boat at other sites not designated and posted for launching, pursuant to rules adopted by the County, in conjunction with the Reservoir Authority.

G. It is unlawful to land, moor or dock a boat at sites designated, posted or restricted for other uses.

H. It is unlawful to offer to operate any boat for hire, or to take passengers upon a boat for a fee, without a written permit issued by the Reservoir Authority as authorized by FERC, or a contract or concession agreement with the Reservoir Authority or designee.

I. Prohibition of Houseboats: No watercraft, which is utilized for human habitation may be placed or operated on the reservoir, moored at a fixed or permanent mooring point

without approval from the County and Reservoir Authority or designee. Water craft so operating and containing toilets or galleys will not use such toilets or galleys without prior written approval of the Reservoir Authority and County health department or to place on the reservoir any boat containing marine sanitation devices which, are not in conformity with federal or state laws, regulations or rules.

J. Operation of boat near dam or within non-motorized boat areas: It is unlawful to operate a boat within two hundred feet of a dam or within a buoy line designating the area as such. It is unlawful to operate a motorized boat in a non-motorized boat area.

K. Boat Trailers: It is unlawful for any person after unloading his/her boat to leave any boat trailer in public waters or to leave any boat trailer unattended within fifty feet of the waterline at Tulloch Reservoir, except within designated areas or facilities.

L. Personal Floatation Device(s): The number of personal floatation devices on board must be equivalent to the number of passengers onboard the watercraft as specified by California Boating Law.

M. Capacity: At no point shall the number of passengers aboard a watercraft exceed the listed capacity of the watercraft as established by the watercraft manufacturer. (Ord. 2920 § 1; 2008)

8.50.060 Swimming.

A. Areas designated and posted as exclusive swimming beaches and areas of the lake buoyed as exclusive swimming areas by the Reservoir Authority shall be used only for the purposes of swimming, bathing, wading and diving. It is unlawful for any person, except in an emergency, to swim in any area designated as a "no swimming" area, or more than two hundred feet from the shore, or outside the boundaries of a marked swimming area, or to swim in a location, or in such a manner, as to create a hazardous or dangerous condition to the swimmer or any other person.

B. It is unlawful to use a beach designated and posted as an exclusive swimming area by the Reservoir Authority, for purposes of boating, aquaplaning, fishing or similar activities.

C. No person shall jump or dive from a public highway bridge. (Ord. 2920 § 1; 2008)

8.50.070 Fishing.

A. Shore fishing and fishing while wading is permitted along any shoreline within open areas of the reservoir where no conflict exists with private property ownership, except in exclusive swimming areas designated and posted pursuant to Section 8.50.060 and except where posted "No Fishing" pursuant to rules adopted by the Reservoir Authority, in cooperation with the California Department of Fish & Game.

B. Fishing from boats is permitted everywhere except where posted "No Fishing" pursuant to a rule adopted by the Reservoir Authority, in cooperation with the California Department of Fish & Game.

C. No person shall fish from or upon a public highway bridge. (Ord. 2920 § 1; 2008)

8.50.080 Speed Limitation.

A. No person shall operate any boat in excess of forty-five (45) miles per hour at any time on any portion of Tulloch Reservoir or, if in a restricted speed zone, in excess of five (5) miles per hour unless at special events as authorized by the County.

B. The maximum speed at Tulloch Reservoir is five (5) miles per hour between sunset and sunrise the following day.

C. Restricted speed zones may be established by the Reservoir Authority. Such restricted speed zone areas shall be reasonably marked or delineated by buoy markers. Restricted speed laws established by this section are in addition to general speed limits established by State Law. (Ord. 2920 § 1; 2008)

8.50.090 Sanitation.

A. All boats operating on the reservoir shall be sufficiently equipped and maintained such that there is no degradation to the quality of water within the reservoir.

B. It is unlawful for any person to dump or place into the reservoir any human or other animal waste, garbage, trash, gasoline, oil, sawdust, debris or other foreign matter whether from a boat, the shore or any other place.

C. It is unlawful for any person to wash, rinse or otherwise clean cooking or eating utensils, food, clothing, camping equipment or other articles in the reservoir. (Ord. 2920 § 1; 2008)

8.50.100 Miscellaneous Regulations.

A. Supervised boat races and water shows: Special events require application for and approval by the County subject to agreement of the Reservoir Authority. The provisions of this chapter and the regulations adopted pursuant to this Section shall not be construed to prohibit or restrict the operation of any boat actually competing in a race or regatta over a marked racing course or the operation of any boat, aquaplane or water skier actually participating in a water show, when such race, regatta or water show is previously authorized and actively supervised by the County with prior agreement by the Reservoir Authority.

B. Transport of noxious plants or wildlife: It is unlawful for any person to transport noxious plants or wildlife to the reservoir. All vessels shall be inspected by the owner and/or operator prior to launching said vessels and appropriate action taken to prohibit the introduction of noxious plants or wildlife from foreign reservoirs being introduced and/or imported to Tulloch Reservoir. (Ord. 2920 § 1; 2008)

8.50.110 Enforcement. The Sheriff and his/her deputies, public officers and employees shall have the authority to enforce the provisions of this Chapter and the provisions of any other statute, ordinance or regulations relating to boating safety or sanitation. (Ord. 2920 § 1; 2008)

Response to Letter TSMP 001

Commenter: **Tuolumne County Community Development Department**
August 27, 2007

Response to Comment 001-1

Comment Summary:

This comment requests inclusion of a provision which states that Tuolumne County regulations require that property owners with property zoned O (Open Space) shall obtain a use permit prior to installation of docks, boat ramps, pilings, retaining walls, walkways and accessory structures on parcels front Lake Tulloch/Tulloch Reservoir within Tuolumne County.

Response:

Both the Reservoir Management Plan and Shoreline Plan include provisions that all property owners within both Tuolumne and Calaveras County obtain all of the required permits from each County in addition to the permitting requirements of Tri-Dam. Both documents all include provisions for coordination of the permitting process to ensure the continued multi-agency cooperation. In addition to obtaining permits from Tri-Dam and the respective County, it may also be necessary for a property owner to secure a permit from other agencies including the California Department of Fish & Game, US Army Corps of Engineers, etc. and Tri-Dam coordinates these approvals through its permitting process as well.

Specific provisions include but are not limited to the following, Shoreline Management Plan, Section 4.0 General Requirements: "In addition to the requirement of obtaining an encroachment permit from the Tri-Dam Project, application may require addition review by other local, state and federal agencies."

Section 4.2 Application Procedure, Item 4: "The applicant will be required to obtain the necessary permits and provide them to Tri-Dam. A list of the permits which may be required for a project include the following: Section 404 Permit-US Army Corps of Engineers, County Building Permit, Fish & Game Permit, Regional Water Quality Control Board Permit. If a house and/or deck are to be located below the 515' elevation, the County will not issue a building permit until an encroachment permit is issued by Tri-Dam. This list is not exclusive and it is the applicant's responsibility to investigate necessary permit requirements and obtain all necessary permits."

Section 4.2 Application Procedure, Item 5: "Projects within Tuolumne County will require a use permit for all activities; Calaveras County will issue building permits in conjunction with any Tri-Dam permit."

Response to Comment 001-02

Comment Summary:

This comment requests that an additional provision be added to state that setbacks contained within the Tuolumne County Code, specifically Tuolumne County Ordinance No. 514, be added to the documents to state that no person, firm or corporation shall construct a building or structure in the County of Tuolumne, State of California, in the area of Tulloch Reservoir which said building or structure is designed or intended to be used for human habitation which shall be located within 25 feet horizontally from the right-of-way line of Tulloch Reservoir, whichever distance is greater; provided, that no sewage disposal system shall be placed closer than 100 feet horizontally from said normal high-water mark or closer than 50 feet horizontally from said

right-of-way line, whichever distance is greater; provided, that any sanitary sewage facility, sewage pump, pipe tank or treatment device which is located closer than 100 feet horizontally from said normal high-water mark shall be designed as a fully enclosed pressure-tight or otherwise secure system to effectively prevent the escape of sanitary sewage into the lake, soil or atmosphere.

Response:

Tulloch Reservoir is situated with lands located in both Tuolumne and Calaveras Counties. Tri-Dam coordinates permit requests, as submitted, with each county to ensure that applicable regulations of each county are met prior to the issuance of a permit by Tri-Dam. As specific regulations within each county are not identical, rather than include the actual language as noted above, the comment has been addressed by the inclusion of language within the Reservoir Management Plan and Shoreline Plan to specifically require that property owners comply with all applicable codes and regulations of the respective county and applicable state and federal agencies, as well, including but not necessarily limited to the California Department of Fish & Game, US Fish and Wildlife, US Army Corps of Engineers, etc. This will ensure that the goal of Tuolumne County is met.

Specifically, Tulloch Shoreline Management Plan, Plan Objective, page iii, states as follows: "Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this plan is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the project's primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

Implementation Measure, page vi, states as follows: "Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam."

Response to Comment 001-03

Comment Summary:

Copies of Chapter 17.14 of Tuolumne County Ordinance Code regarding Open Space zoning district and Tuolumne County Ordinance were included with this comment letter.

Response:

As noted in the answer to Comment 001-02, the following provisions were included within the Tulloch Shoreline Management Plan. Specifically, Tulloch Shoreline Management Plan, Plan Objective, page iii, states as follows: "Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this plan is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the project's primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

Implementation Measure, page vi, states as follows: "Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to

utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam.”

Response to Letter TSMP 002

**Commenter: Central Sierra Environmental Resource Center (CSERC)
September 13, 2007**

Response to Comment 002-1

Comment Summary:

This comment notes that the letter submitted electronically highlights CSERC's concerns about the revised Tulloch Shoreline Management Plan (TSMP). Specifically highlighted are the Center's concerns about the amount of excavation, which can be authorized and the extension of facilities into the reservoir under a "minor development" permit.

Response:

Both the Reservoir Management Plan and Shoreline Plan include provisions to regulate future development along the entire reservoir area and to balance the sometimes competing desires of landowners, recreational users and various agencies. Specifically, Tulloch Shoreline Management Plan, Plan Objective, page iii, states as follows: "Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this plan is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the project's primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

Specific policy, page v, states as follows: "Encourage cooperative planning and management efforts among the multi-jurisdictional agencies at Tulloch Reservoir."

The provision which allows landowners to apply as part of the permitting process, to excavate up to 1,000 cubic yards of material is identical to that which was included in the previously approved license and order issued by the Federal Energy Regulatory Commission (FERC). Implementation Measure, page vi, states: "Encourage property owners to excavate shallow shoreline areas where possible, upon permit issuance, in order to reduce intrusion of facilities into the reservoir or within congested cove areas".

Whenever excavation is allowed, it is required to be conducted in strict conformance with County, State and Federal guidelines, including those of the California Department of Fish & Game and US Army Corps of Engineers. As such, all work must be done in "the dry" with no equipment entering or touching the reservoir surface. Policy, page xxi states, "Require suitable erosion control measures and Best Management Practices (BMP's) to be implemented on-site before, during and after development activities on the shoreline or stream banks to avoid increasing sedimentation of aquatic habitats.

In addition, the Shoreline Management Plan, permitting regulations establish the following requirements:

7.3 Criteria for Excavation

- 1) All work shall be done in the "dry", under limits prescribed by the applicable state and local agencies, including the California Department of Fish & Game,

California Regional Water Quality Control Board, US Army Corps of Engineers and any other agencies as may be required.

- 2) Any material excavated in accordance with an approved permit shall be deposited outside of the FERC Project boundaries, with sufficient protection to ensure that no material is allowed to slough off into the FERC Project Boundary. Any necessary permits or approvals for the placement of excavated material shall be included in the application.
 - 3) Projects shall be designed to preserve existing vegetation and replant with natural vegetation, use of weed free straw to protect against erosion and use of best management practices to minimize erosion and siltation. Avoid any critical habitat disturbances.
 - 4) The applicant must be the owner or leaseholder of the land impacted or used by any proposed waterfront facility. The responsibility is considered to transfer automatically along with ownership and leases.
 - 5) The excavation shall be designed to be the minimum amount necessary to accomplish the stated objective, however, in no case shall the maximum material excavated exceed 1,000 cubic yards per single-family lot or applicable government regulations, whichever is less. Excavation requests exceeding this limitation may be considered, however, FERC review and approval is also required prior to approval by Tri-Dam. Additional permits from other agencies may be required as well and it is the applicant's sole responsibility to investigate necessary permit requirements and to obtain required permits
- 6) At all times, appropriate drainage controls and safety standards shall be employed.

Response to Comment 002-02

Comment Summary:

This comment restates the purpose of the TSMP designed to meet the license condition which requires the development of specific policies guidelines for all shoreline and other development within the FERC Project Boundary.

Response:

Tulloch Reservoir is situated with lands located in both Tuolumne and Calaveras Counties. Tri-Dam coordinates permit requests, as submitted, with each county to ensure that applicable regulations of each county are met prior to the issuance of a permit by Tri-Dam. As specific regulations within each county are not identical, rather than include the actual language as noted above, the comment has been addressed by the inclusion of language within the Reservoir Management Plan and Shoreline Plan to specifically require that property owners comply with all applicable codes and regulations of the respective county and applicable state and federal agencies, as well, including but not necessarily limited to the California Department of Fish & Game, US Fish and Wildlife, US Army Corps of Engineers, etc. This will ensure that the goal of Tuolumne County is met.

Specifically, Tulloch Shoreline Management Plan, Plan Objective, page iii, states as follows:

“Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this plan is to develop a comprehensive policy for managing the reservoir’s shoreline and water surface that is consistent with the project’s primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to

provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

Implementation Measure, page vi, states as follows: "Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam."

Response to Comment 002-03

Comment Summary:

This comment notes that the types of development activities classified as "minor development activities" includes items that range from private and commercial facilities to miscellaneous reservoir uses.

Response:

The term "minor development activities" was used as this is the same term used by the Federal Energy Regulatory Commission (FERC) when the original license for operation of Tulloch Reservoir was issued. The term was used by FERC to identify those types of activities that Tri-Dam as the licensee was required to review and regulate. The reference to "minor" is intended to apply to the FERC terminology, which is defined to those activities that Tri-Dam is authorized to review and approve at the staff level rather than a multi-level approval process through FERC. The term "minor" in no way is meant to imply that the facilities are always minor, just to provide a distinction that the application may be acted upon by Tri-Dam rather than both Tri-Dam and FERC.

Response to Comment 002-04

Comment Summary:

This comment notes that CSERC questions the regulations contained within the Commercial Facilities Section of the TSMP pertaining to the potential allowance of a commercial project to a distance of 1/3 of the distance to the opposite shoreline or not more than 100 feet from the project's shoreline, whichever is more limiting. In addition, CSERC questions the definition of a commercial marina as a "minor" facility and suggests a 50' limitation from the project's shoreline.

Response:

One of the basic and most fundamental goals of the TSMP is the promotion of orderly development along the reservoir and that all facilities, whether they be commercial or residential are as close to the shoreline as possible. The TSMP states, as follows:

GOAL: PROMOTE ORDERLY GROWTH AND DEVELOPMENT IN ORDER TO ENSURE THAT BOAT DOCKS AND OTHER SHORELINE STRUCTURES ARE INSTALLED AND MAINTAINED IN A MANNER WHICH ENSURES THAT THE MAXIMUM NAVIGABLE AREA OF THE RESERVOIR IS ACHIEVED

Policies:

Use the guidelines and regulations of the Tulloch Reservoir Shoreline Management Plan in the permitting process of all facilities within the project area.

Implementation Measures:

Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam.

Ensure that all new and replacement facilities are located as close to the shoreline as possible in order to minimize intrusion of boat docks and other facilities onto the navigable water surface area.

The 100 foot from shore regulation was developed after reviewing all of the existing homeowners/common area docks and commercial marinas around the lake. Ultimately, the 100' maximum distance seem to offer protection from negative intrusion into the reservoir, while still allowing reservoir operations to occur. In addition, pursuant to the TSMP, any commercial marina involving ten (10) or more dock slips would also require approval by FERC, in addition to Tri-Dam, as follows:

Criteria for Commercial Facilities, Section 5.3 item 8 states: Commercial facilities that can accommodate more than 10 watercraft will also require submittal to and approval from FERC.

Response to Comment 002-05

Comment Summary:

This comment suggests a reduction in the maximum limit a single-family dock may extend into the reservoir from 40 feet to 30 feet.

Response:

As noted in response to comment 002-04, the TSMP was formulated on the goal that all new and replacement facilities are located as close to the shoreline as possible in order to minimize intrusion of boat docks and other facilities onto the navigable water surface area. The forty-foot standard is established as a maximum limit, and is not approved in each and every circumstance. Dock locations must be reviewed on a case-by-case basis with specific consideration given to steepness of shoreline, adjacent land uses and other topographical constraints. In many cases, the extension of the dock into the reservoir is, in fact, less than the forty-foot maximum limit. This maximum limitation was developed in 2002, after extensive input from local landowners, business owners and other interested member of the public along with agencies and is intended to provide a maximum limitation rather than a goal.

Response to Comment 002-06

Comment Summary

This comment requests that the maximum dock size limitation for single-family residential docks be reduced from 440 square feet to 300 square feet.

Response:

The criteria for single-family residential docks as contained within the TSMP is as follows:

6.3 Criteria for Private Facilities

- 1) All facilities shall be designed to ensure that the facilities are located as close to the shoreline as possible, and shall not extend more than forty feet from the shoreline, at high-water (510 water level) elevations. An owner may apply for a

facility that extends further than forty feet if it can be demonstrated that the forty feet restriction would make the facility unfeasible given environmental considerations such as topography or terrain. In addition, it must be demonstrated that the facility would not obstruct or interfere with the access of adjacent parcels and public lake use.

- 2) Reflectors shall be placed on the two furthest corners of any dock structure that extends into the water.
- 3) All fixed pier decking must be at least one foot above the normal high water elevation (510'). No portion of the structure will be approved for habitation purposes, as this area is subject to potential inundation.
- 4) Floatation materials, if used, shall be puncture resistant and designed not to sink, if punctured.
- 5) Structures built within the FERC Project Boundary must not contain sinks, toilets, showers, or any other type of device, which could cause any liquid or solid waste to be discharged into the lake.
- 6) The sides of gazebos, boat shelters and boathouses are not to be enclosed. Handrails may be installed for safety, but must not be enclosed.
- 7) The maximum allowed docking area for single family residential facilities is four hundred forty square feet of surface area for a slip type dock and four hundred square feet of surface area for a platform dock. In addition, two personal watercraft ports not exceeding 50 square feet each may be permitted. An awning if installed shall not exceed the footprint of the dock area, excluding personal watercraft ports. Overhangs and/or side enclosures are not permitted.
- 8) Two story docks are not permitted.
- 9) All facilities shall be setback from the property lines in accordance with county zoning regulations for structures.
- 11) Only one non-stackable boatlift is permitted for each single-family residential dock.

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The dock size limits are the maximum allowable dock sizes, and these are often limited by the lot size, shape and topography. The dock sizes were considered appropriate for existing single-family residential lots. These size requirements are set forth as a maximum, depending on lot size, shape of property, etc and cannot be achieved in all cases. The size regulations were developed after extensive consultation with area homeowners, dock-builders and research of similar reservoir dock sizes.

Response to Comment 02-007

Comment Summary:

This comment requests a reduction in the amount of allowable grading subject to permit requirements be reduced from a maximum of 1,000 cubic yards to 100 cubic yards.

Response:

This provision is intended to set forth the maximum amount of material that could be excavated from individual, single family parcels, however, all requests for excavation require that a permit be issued by the Tri-Dam Project. Tri-Dam regulations, as contained within the TSMP are, in fact, more restrictive than Tuolumne County and Calaveras County as any proposed excavation of any amount requires a permit.

In addition, as noted in response to comment 02-001, specific provisions of these regulations state: The provision which allows landowners to apply as part of the permitting process, to excavate up to 1,000 cubic yards of material is identical to that which was included in the previously approved license and order issued by the Federal Energy Regulatory Commission (FERC). Implementation Measure, page vi, states: "Encourage property owners to excavate shallow shoreline areas where possible, upon permit issuance, in order to reduce intrusion of facilities into the reservoir or within congested cove areas".

Whenever excavation is allowed, it is required to be conducted in strict conformance with County, State and Federal guidelines, including those of the California Department of Fish & Game and US Army Corps of Engineers. As such, all work must be done in "the dry" with no equipment entering or touching the reservoir surface. Policy, page xxi states, "Require suitable erosion control measures and Best Management Practices (BMP's) to be implemented on-site before, during and after development activities on the shoreline or stream banks to avoid increasing sedimentation of aquatic habitats.

All criteria for excavation requests are listed in the response to comment 002-01.

Response to Comment 002-08

Comment Summary:

This comment request that all property owners be required to design facilities to preserve the natural appearance of the shoreline to the maximum degree feasible.

Response:

This comment is addressed in Chapter 8.0 of the TSMP, which establishes the guidelines that must be met in order to obtain a permit from Tri-Dam.

8.0 SHORELINE MANAGEMENT & STABILIZATION PROGRAM

8.1 General

All parties desiring to construct shoreline protection devices or other erosion protection devices within the FERC Project Boundary of Tulloch Reservoir must obtain authorization from the Tri-Dam Project prior to the initiation of any activity/construction within the FERC Project Boundary. Applicants are encouraged to design all facilities so as to preserve the natural appearance of the shoreline. The installation of erosion protection devices shall balance preservation of the natural shoreline, wherever possible and the use of vertical retaining walls or similar facilities shall be prohibited, except where there is no feasible alternative. Landscape plantings are encouraged; other measures in combination with planting will be considered. Tri-Dam's FERC approved "Shoreline Erosion Plan" will be reviewed and as appropriate applied to each project.

8.2 Application Procedure

An applicant must complete the Application Process described in Section 4.0, General Requirements, of this Plan.

8.3 Criteria for Shoreline Stabilization and Erosion Protection Facilities

- 1) Shoreline stabilization or erosion protection devices that would substantially alter the FERC Project Boundary will not be permitted. Natural plantings including willows and cottonwoods are the preferred mechanism for erosion control.
- 2) Shoreline stabilization or erosion protection devices shall be designed to protect the natural appearance of the shoreline, wherever possible. Riprap or similar material shall be placed along the base of all walls or bulkheads subject to permit requirements based upon physical characteristics of the subject property.
- 3) The limits of shoreline stabilization or erosion protection devices shall be in accordance with all related Tulloch plans, local ordinances and best practices.
- 4) The use of tires, scrap metal, crush block or other types of material that are not aesthetically acceptable is prohibited for stabilization.
- 5) The applicant must be the owner or leaseholder of the land immediately adjoining any proposed waterfront facility. Tri-Dam will hold the applicant fully responsible for the permitted project. The responsibility is considered to transfer automatically along with ownership and leases.

These regulations, specifically items one, two and three require applicants to meet the objectives as requested by the CSERC. Additionally, the applicants also have to conform to the recorded agreement with the California Department of Fish & Game, which includes identical requirements.

Response to Comment 002-09

Comment Summary:

This comment requests a minor edits to the document to change the word "exhibit" to "except" on page 8-1 and to modify language on page 7-1, provision 7.3 (3).

Response:

Requested changes have been incorporated into the document.

Response to Comment 002-10

Comment Summary

This comment expresses appreciation for the opportunity to review and comment and requests the opportunity to review the final version of the document when it is submitted to FERC.

Response:

CSERC is included on the agency and public notification list and will receive all notices associated with this document.

Response to Letter TSMP 003

Commenter: **Tuolumne County Community Development Department**
May 7, 2008

Response to Comment 003-1

Comment Summary:

This comment expresses the appreciation of Tuolumne County Community Development Department for the opportunity to provide comments on the TSMP. Additionally, this letter notes that all previous submitted comments have been included in the revised document and no further comments exist.

Response:

Tri-Dam is committed to ensuring that a high level of multi-jurisdictional agency cooperation is achieved. In furtherance of that goal, Tuolumne County has just adopted an ordinance in conjunction with Tri-Dam, which further expresses the spirit of cooperation that exists between the two agencies.

A copy of the recently adopted ordinance is attached to this FERC submittal.

Response to Letter TSMP 004

Commenter: **Bernadette Abramson, representing
The Resort at Lake Tulloch LLC
Tulloch Cove LLC
The Millenium Trust
Andreas and Bernadette Abramson
May 12, 2008**

Response to Comment 004-1

Comment Summary:

This comment notes the awareness of FERC comment to Tri-Dam relative to the prior submittal of the TSMP regarding the need to submit and assemble all of the technical and environmental studies within the TSMP document.

Response:

Tri-Dam is committed to full compliance with FERC license requirements. Tri-Dam is assembling the documents and studies, as required by FERC for adoption. We note that the original version of the Shoreline Management Plan dated 2002, was in fact, adopted for utilization by Tri-Dam in the license renewal as issued by FERC. The update effort, which is currently in process will simply provide additional refinements and include additional environmental studies.

Response to Comment 004-2

Comment Summary:

This comment requests that property owners have the ability to comment on the TSMP.

Response:

Tri-Dam welcomes and encourages input on all reservoir-planning documents. In fact the original Shoreline Management Plan formulated in 2002, was developed in conjunction with local landowners, marina operators and agencies. Calaveras County also convened a Lake Tulloch Task Force to provide additional input into the document. Additionally, as each version of the TSMP is prepared, an advisory notice is sent to local agencies, marina operators and area property owner's associations. A copy of the recent notice dated April 15, 2008 is attached. In addition the Shoreline plan out for review has been posted on the Tri-Dam Project web site and the Tulloch Alliance web site (A local public interest group) www.laketulloch.org. We also note that Mrs. Abramson has been commenting on the development of specific projects at Tulloch Reservoir, specific guidelines and the original draft Shoreline Management Plan since approximately 2001, so it is presumed that some form of notification such as individual notice or that provided to Homeowners Associations is effectively providing notice.

Response to Comment 004-3

Comment Summary:

This comment requests individual notice for all vacant land, single family residential, multi family residential as well as commercial properties that abut the shoreline.

Response.

As noted in response to comment 004-2, Tri-Dam welcomes and encourages public and agency input. All documents included as part of the FERC license process are distributed to as wide a distribution list as is practicable. In addition, Tri-Dam participated with the SPLAT committee to ensure wide public and agency participation throughout the relicensing process. Mrs. Abramson, in addition to receiving notice through her homeowners' association and marina, will be added to receive individual notice pursuant to her request, as noted.

Response to Comment 004-4

Comment Summary:

This comment indicates that she was not made aware of the ability to comment on the TSMP

Response.

Refer to response to comment 004-2 and 004-3. Tri-Dam welcomes the input of Mrs. Abramson into the current version of the TSMP. As previously indicated, previous comments and suggestion made by Mrs. Abramson and other members of the public as well as agencies were considered in the adopted Shoreline Management Plan, included by FERC with the license renewal.

Response to Comment 004-5

Comment Summary:

This comment states that Mrs. Abramson believes that other property owners have not been afforded the ability to comment.

Response.

As noted in response to comment 004-2, Tri-Dam welcomes and encourages public and agency input. All documents included as part of the FERC license process are distributed to as wide a distribution list as is practicable. In addition, Tri-Dam participated with the SPLAT committee to ensure wide public and agency participation throughout the relicensing process. Tri-Dam has not been contacted by any other persons requesting the ability to comment or asserting that notice has not been provided.

Response to Comment 004-6

Comment Summary:

This comment requests FERC to resolve issues at Tulloch.

Response.

The regulations enforced at Tulloch Reservoir, as required by FERC are designed to encourage orderly development along the shoreline, while promoting habitat preservation and recreational opportunities. These regulations, as included within the Shoreline Management Plan were adopted only after extensive public and agency input. Tri-Dam is generally aware that most property owners are supportive of these regulations and we are unaware of specific conflicts.

Response to Letter TSMP 005

Commenter: Kistler/Santo Domingo Ranches Inc.
Steve Kistler
May 15, 2008

Response to Comment 005-1

Comment Summary:

This comment indicates that the lake is crowded and that development has resulting in the concentration of boats within the cove adjacent to K-Arrow ranch, which could pose a threat to the Western Pond Turtle.

Response:

Tri-Dam is committed to full compliance with FERC license requirements. In conformance with one of the directives of license renewal was the preparation of a comprehensive study to evaluate the Western Pond Turtle. This study was prepared by Registered Biologist, Terry Strange and is included within the FERC submittal documents. This study recommends the installation of ten (10) habitat enhancement areas surrounding the reservoir. Mr. Strange has identified various areas around the reservoir which will provide the optimal habitat enhancement areas, however, none are proposed within this cove. There are two proposed in the vicinity, one further east along the Green Springs arm and one along the northern portion of the Green Springs arm. A significant factor in this selection is the western Pond Turtle's preference for seclusion that is not compatible with the cove due to boaters and the campground recreation activities.

Habitat restoration and enhancement shall include the following:

- 1) A larger, suitable foothill grey pine tree will be fallen into or near the lake shore. The tree will be selected based upon characteristics including a single trunk with few large branches, leaning over the lake, and proximity to secondary escape cover material. The
- 2) Each fallen log will be secured at two different elevational locations to insure that the log does not move or rotate position. The logs will be secured above water using cable and epoxy into drilled rock or attached to metal "T" fence posts if suitable rock is not present. The lower submerged portion of each log will be secured below waterline with either cable or ½ inch truck rope and large submerged rock or cinder block weights, depending on availability of submerged rock.
- 3) Each log basking structure will also have 2 submerged escape habitat structures on each side of the log adjacent to the shoreline. The escape habitat will be constructed with manzanita, California buckeye, or oaks tree branches (whichever of the three are closest in proximity) and are woven together and secured to form dense structures. The branches are secured together using ½ truck rope, cable clamps, and cinder block weights. The structures are floated out into position next to the basking structure and sunk into place.

Enhancement of existing turtle structures will also occur, to include the enhancement of either basking or escape habitat or both. The enhancement action will most likely include the securing of additional wood or brush habitat to existing structures.

The monitoring will require annual observations for turtle use over a period of 5 years for each structure with a 5th year monitoring plan submitted to FERC.

Response to Comment 005-2

Comment Summary:

This comment cites a concern for the water quality within the Green Springs arm due to the concentration of boaters and the trash that is left behind.

Response:

Both the Reservoir Management Plan and Shoreline Plan include provisions to regulate future development along the entire reservoir area and to balance the sometimes competing desires of landowners, recreational users and various agencies. Specifically, Tulloch Shoreline Management Plan, Plan Objective, page iii, states as follows: "Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this plan is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the project's primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

As stated in the Reservoir Management Plan, these are primary goals, designed to address this specific comment:

GOAL: ENHANCE THE COORDINATION AND MANAGEMENT OF ACTIVITIES AT TULLOCH RESERVOIR TO ENSURE THAT ENVIRONMENTAL RESOURCE GOALS INCLUDING WATER QUALITY ARE MAINTAINED AT VERY HIGH LEVELS.

Policies:

Encourage continued implementation of regulations designed to ensure that high water quality levels are maintained.

Implementation Measures:

Develop a handout to be given to recreational users designed to promote environmentally sensitive boating practices.

Continue to enforce applicable County regulations regarding appropriate sanitation policies within the reservoir area.

Encourage the Counties to prohibit boat camping along the shoreline, except within approved campground areas.

Prepare an informational handout describing measures that lakefront property owners can utilize in order to minimize the introduction of domestic pollutants or noxious weeds from entering Tulloch Reservoir.

Encourage the Counties to implement regulations designed to minimize impacts from new construction, including grading plan requirements designed to prevent increased sedimentation into the water surface area.

Encourage the continued efforts of local citizens groups in organizing and conducting Tulloch Reservoir Clean-up Days.

Thus far, the reservoir clean up days have been quite successful and have resulted in significant public participation. It is anticipated that the results of the above stated implementation measures will address this concern and help to ensure that a high level of water quality is maintained.

Response to Comment 005-3

Comment Summary:

This comment cites the need for additional law enforcement to patrol the reservoir and maintain boater safety.

Response.

One of the key provisions of the Reservoir and Shoreline Management Plan is preservation of the continued cooperative working relationship with both the Calaveras and Tuolumne County Sheriff's Marine Safety Units. In fact, both documents were developed in conjunction with each County with specific input from the Marine Safety Units as the reservoir is patrolled by both Counties.

In order to achieve these goals, the following policies were included within the documents, along with corresponding implementation measures stating precisely how these goals are to be achieved.

GOAL: PROMOTE BOATING AND PERSONAL WATERCRAFT SAFETY

Policies:

Work cooperatively with the Sheriff's Department to ensure that boating regulations are enforced and develop instructional programs to better educate reservoir users.

Implementation Measures:

Continue to enforce speed limitations, as required by applicable laws.

Continue to maintain the buoy and signage program in order to denote restricted speed areas.

Inform boaters and other reservoir users of the rules and regulations at Tulloch through the distribution of handouts at Homeowners Associations, Marinas and other private and public launching facilities.

Encourage the Sheriff's Department to cite persons who violate boating and safety regulations.

One of the key components is the consideration and adoption by each County of a pollution prevention fee or similar user fee designed to provide watercraft inspections, boater education and fund law enforcement activities to a greater degree. Tri-Dam has conducted a series of meetings with each county and it appears that this concept will be given serious consideration in the very near future. Another key component is the adoption of an ordinance by each County adopting standard boating practices and regulations that are the same throughout the reservoir. Tuolumne County adopted this document on May 20, 2008 and Calaveras County will consider its adoption in August 2008.

Response to Comment 005-4

Comment Summary:

This comment cites the need for strong stewardship of the reservoir.

Response.

Tri-Dam is committed to the preservation of the reservoir for all users of the lake, including homeowners and visitors alike so that recreational activities, water quality and natural resources can be preserved. The creation and enhancement of the natural environment is a fundamental component of reservoir management, and Tri-Dam is committed to the enhancement of natural habitat of reservoir and shoreline species, as delineated throughout the document.

Response to Letter TSMP 006

Commenter: **Central Sierra Environmental Resource Center (CSERC)**
May 16, 2008

General Response:

Tri-Dam has prepared a specific response to this letter and has transmitted this response in the form of written correspondence, dated May 30, 2008, which is attached specifically as a part of this document. Tri-Dam appreciates the input received from CSERC relative to this plan but throughout the relicensing process through their participation in the SPLAT focus groups and their continuing review of reservoir planning and development activities.

Response to Comment 006-1

Comment Summary:

This comment provides an acknowledgement of the positive opportunity to review and comment on the document.

Response:

As previously stated, Tri-Dam is appreciative of the active role that CSERC has played in the management of Tulloch Reservoir and looks forward to working cooperatively in the future to ensure the appropriate management of this resource.

Response to Comment 006-02

Comment Summary:

This comment notes that CSERC questions the regulations contained within the Commercial Facilities Section of the TSMP pertaining to the potential allowance of a commercial project to a distance of 1/3 of the distance to the opposite shoreline or not more than 100 feet from the project's shoreline, whichever is more limiting. In addition, CSERC questions the definition of a commercial marina as a "minor" facility and suggests a 50' limitation from the project's shoreline.

Response:

See letter of May 30, 2008, paragraph a.

One of the basic and most fundamental goals of the TSMP is the promotion of orderly development along the reservoir and that all facilities, whether they be commercial or residential are as close to the shoreline as possible. The TSMP states, as follows:

GOAL: PROMOTE ORDERLY GROWTH AND DEVELOPMENT IN ORDER TO ENSURE THAT BOAT DOCKS AND OTHER SHORELINE STRUCTURES ARE INSTALLED AND MAINTAINED IN A MANNER WHICH ENSURES THAT THE MAXIMUM NAVIGABLE AREA OF THE RESERVOIR IS ACHIEVED

Policies:

Use the guidelines and regulations of the Tulloch Reservoir Shoreline Management Plan in the permitting process of all facilities within the project area.

Implementation Measures:

Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam.

Ensure that all new and replacement facilities are located as close to the shoreline as possible in order to minimize intrusion of boat docks and other facilities onto the navigable water surface area.

The 100 foot from shore regulation was developed after reviewing all of the existing homeowners/common area docks and commercial marinas around the lake. Ultimately, the 100' maximum distance seem to offer protection from negative intrusion into the reservoir, while still allowing reservoir operations to occur. In addition, pursuant to the TSMP, any commercial marina involving ten (10) or more dock slips would also require approval by FERC, in addition to Tri-Dam, as follows:

Criteria for Commercial Facilities, Section 5.3 item 8 states: Commercial facilities that can accommodate more than 10 watercraft will also require submittal to and approval from FERC.

Response to Comment 006-03

Comment Summary

This comment requests that the maximum dock size limitation for single-family residential docks be reduced from 440 square feet to 300 square feet.

Response:

See letter of May 30, 2008, paragraph b.

The criteria for single-family residential docks as contained within the TSMP is as follows:

6.3 Criteria for Private Facilities

- 1) All facilities shall be designed to ensure that the facilities are located as close to the shoreline as possible, and shall not extend more than forty feet from the shoreline, at high-water (510 water level) elevations. An owner may apply for a facility that extends further than forty feet if it can be demonstrated that the forty feet restriction would make the facility unfeasible given environmental considerations such as topography or terrain. In addition, it must be demonstrated that the facility would not obstruct or interfere with the access of adjacent parcels and public lake use.
- 2) Reflectors shall be placed on the two furthestmost corners of any dock structure that extends into the water.
- 3) All fixed pier decking must be at least one foot above the normal high water elevation (510'). No portion of the structure will be approved for habitation purposes, as this area is subject to potential inundation.
- 4) Floatation materials, if used, shall be puncture resistant and designed not to sink, if punctured.
- 5) Structures built within the FERC Project Boundary must not contain sinks, toilets, showers, or any other type of device, which could cause any liquid or solid waste to be discharged into the lake.

- 6) The sides of gazebos, boat shelters and boathouses are not to be enclosed. Handrails may be installed for safety, but must not be enclosed.
- 7) The maximum allowed docking area for single family residential facilities is four hundred forty square feet of surface area for a slip type dock and four hundred square feet of surface area for a platform dock. In addition, two personal watercraft ports not exceeding 50 square feet each may be permitted. An awning if installed shall not exceed the footprint of the dock area, excluding personal watercraft ports. Overhangs and/or side enclosures are not permitted.
- 8) Two story docks are not permitted.
- 9) All facilities shall be setback from the property lines in accordance with county zoning regulations for structures.
- 11) Only one non-stackable boatlift is permitted for each single-family residential dock.

The dock size limits are the maximum allowable dock sizes, and these are often limited by the lot size, shape and topography. The dock sizes were considered appropriate for existing single-family residential lots. These size requirements are set forth as a maximum, depending on lot size, shape of property, etc and cannot be achieved in all cases. The size regulations were developed after extensive consultation with area homeowners, dock-builders and research of similar reservoir dock sizes.

Response to Comment 006-04

Comment Summary:

This comment requests a reduction in the amount of allowable grading subject to permit requirements be reduced from a maximum of 1,000 cubic yards to 100 cubic yards.

Response:

See letter of May 30, 2008, paragraph c. This provision is intended to set forth the maximum amount of material that could be excavated from individual, single family parcels, however, all requests for excavation require that a permit be issued by the Tri-Dam Project. Tri-Dam regulations, as contained within the TSMP are, in fact, more restrictive than Tuolumne County and Calaveras County as any proposed excavation of any amount requires a permit.

In addition, as noted in response to comment 02-001, specific provisions of these regulations state: The provision which allows landowners to apply as part of the permitting process, to excavate up to 1,000 cubic yards of material is identical to that which was included in the previously approved license and order issued by the Federal Energy Regulatory Commission (FERC). Implementation Measure, page vi, states: "Encourage property owners to excavate shallow shoreline areas where possible, upon permit issuance, in order to reduce intrusion of facilities into the reservoir or within congested cove areas".

Whenever excavation is allowed, it is required to be conducted in strict conformance with County, State and Federal guidelines, including those of the California Department of Fish & Game and US Army Corps of Engineers. As such, all work must be done in "the dry" with no equipment entering or touching the reservoir surface. Policy, page xxi states, "Require suitable erosion control measures and Best Management Practices (BMP's) to be implemented on-site before, during and after development activities on the shoreline or stream banks to avoid increasing sedimentation of aquatic habitats.

Response to Comment 006-05

Comment Summary:

This comment asserts that adoption of the shoreline plan will make development easier.

Response:

See letter of May 30, 2008, paragraph d.

Response to Comment 006-06

Comment Summary:

This comment cites the concern about the cumulative impact of development by Calaveras County.

Response:

See letter of May 30, 2008, paragraph e.

Response to Comment 006-07

Comment Summary:

This comment cites a concern relative to the use of words such as “encourage” or “recommend”.

Response:

See letter of May 30, 2008, paragraph f.

Response to Comment 006-08

Comment Summary:

This comment states a concern relative to follow up actions to be taken by Tuolumne County and Calaveras County.

Response:

See letter of May 30, 2008, paragraph g.

Response to Comment 006-09

Comment Summary:

This comment cites a concern about the adoption of non-motorized boating areas within certain areas of the reservoir.

Response:

See letter of May 30, 2008, paragraph h.

Response to Comment 006-10

Comment Summary:

This comment cites a concern about the need for additional agencies to pursue cooperative planning process in order to ensure that the resource value of the reservoir is preserved.

Response:
See letter of May 30, 2008, paragraph i.

Response to Comment 006-11

Comment Summary:
This comment cites a concern relative to use of “discourage” in terms of the ability to preserve native oaks.

Response:
See letter of May 30, 2008, paragraph g.

Response to Comment 006-12

Comment Summary:
This comment cites the concern again about the establishment of non-motorized boating areas within specific regions of the lake.

Response:
See letter of May 30, 2008, paragraph j.

Response to Comment 006-13

Comment Summary:
This comment cites the concern again about the establishment of non-motorized boating areas within specific regions of the lake.

Response:
See letter of May 30, 2008, paragraph k.

Response to Comment 006-14

Comment Summary:
This comment cites the concern about the need for Tuolumne County and Calaveras County to estate addition setbacks for upland areas.

Response:
See letter of May 30, 2008, paragraph l.

Response to Comment 006-15

Comment Summary:
This comment cites the concern again about the establishment of additional setbacks along the shoreline to prevent development from occurring along the reservoir edge.

Response:

See letter of May 30, 2008, paragraph m.

Response to Comment 006-13

Comment Summary:

This comment cites the need for additional strength within the document.

Response:

Tri-Dam is committed to the successful management of Tulloch Reservoir and the protection of the reservoir as an important resource. Both the Reservoir Management Plan and Shoreline Plan include provisions to regulate future development along the entire reservoir area and to balance the sometimes competing desires of landowners, recreational users and various agencies. Specifically, Tulloch Shoreline Management Plan, Plan Objective, page iii, states as follows: "Several agencies have jurisdictional authority at Tulloch Reservoir. The purpose of this plan is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the project's primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

Response to Letter TSMP 007

Commenter: **Terry Clapham**
 May 26, 2008

Response to Comment 005-1

Comment Summary:

This comment cites a concern about “wakeboard” boats as a potential cause of erosion.

Response:

Both the Reservoir Management Plan and Shoreline Plan include provisions to provide policies for the protection of the shoreline from the pressure of increasing erosion. Wave action is a contributing factor to shoreline erosion, however regulating “wakeboard” boats would be difficult. In discussions with the Sheriff’s marine safety units, it is anticipated that such regulations would be very difficult to enforce because the “wake” may be affected by placing any form of additional ballast, including people, within the boat. The reservoir shoreline erosion has stabilized over the years and efforts are being implemented to reduce and reverse the impacts.

As stated in the Reservoir Management Plan, these are primary goals, designed to address this specific comment:

**GOAL: MINIMIZE SHORELINE EROSION AND INCREASED SEDIMENTATION
 WITHIN TULLOCH RESERVOIR**

Policies:

Encourage the development of regulations designed to control erosion and eliminate increased sedimentation.

Implementation Measures:

Use the permitting program establishing in the Shoreline Management Plan to encourage the proper placement and construction of erosion protection devices.

Encourage the Counties to require the implementation of erosion control measures for all shoreline construction projects.

Use the permitting program established in the Shoreline Management Plan to authorize and encourage permit requests for excavation of soil materials along shoreline and cove areas.

Prepare an informational handout informing shoreline property owners of measures designed to prevent increased sediment and other materials from entering the reservoir, including measures designed to prevent the proliferation of weed species throughout the reservoir area.

In the continuing management of the reservoir, Tri-Dam will evaluate the means for preventing further erosion and will consider implementation of restrictions, as noted, wherever necessary.

Response to Letter TSMP 008

Commenter: **United States Department of the Interior**
 Bureau of Reclamation
 May 8, 2008

Response to Comment 008-01

Comment Summary:

This comment requests a two week extension to review and provide comments on the documents to June 3, 2008

Response:

Tri-Dam welcomes the input to be provided by the Bureau of Reclamation and has no objection to the extension.

Response to Letter TSMP 009

Commenter: **United States Department of the Interior
Bureau of Reclamation
June 2, 2008**

Response to Comment 009-01

Comment Summary:

This comment requests additional narrative on agency jurisdiction, and describe the framework of shoreline management activities.

Response:

Both the Reservoir Management Plan and the Shoreline Plan state repeatedly that Tulloch Reservoir is a multi-jurisdictional reservoir with a variety of land ownership situations including the Bureau of Reclamation, Bureau of Land Management, Tri-Dam, California Department of Fish & Game along with privately owned lands. The purpose of this plan is to develop a comprehensive policy for managing the reservoir's shoreline and water surface that is consistent with the project's primary purpose of power generation and water supply. The goal will be to balance present and future residential and recreational development with the need to provide a safe and enjoyable experience for visitors and residents. The Plan has been developed with input from Tuolumne and Calaveras County, Sheriff's Marine Safety Departments and local residents, landowners and other interested parties."

Specific policy, page v, states as follows: "Encourage cooperative planning and management efforts among the multi-jurisdictional agencies at Tulloch Reservoir." Specific shoreline management activities are included throughout the planning documents, described to include erosion management, shoreline development management, protection of fisheries and species habitats, preservation of water quality, and development of recreational opportunities, in addition to the power generation and water supply objectives.

GOALS, POLICIES AND IMPLEMENTATION MEASURES:

GOAL: PROVIDE AN OVERALL MANAGEMENT PLAN FOR THE RESERVOIR

Policies:

Encourage cooperative planning and management efforts among the multi-jurisdictional agencies at Tulloch Reservoir.

Implementation Measures:

Pursue formation of a Tulloch Reservoir Management Group to more effectively allow Tri-Dam to operate Tulloch Reservoir in conjunction with Calaveras and Tuolumne Counties.

Adopt the Reservoir Management Plan, which incorporates the land use designations and zoning districts of Calaveras and Tuolumne Counties for lands along the shoreline. (See Appendix A)

Adoption of this Plan shall include provisions for periodic review and updates as necessary to ensure consistency between all applicable Tri-Dam and County regulations.

Conduct periodic meetings of involved agencies, as necessary, to ensure that continued cooperative efforts are achieved.

Response to Comment 009-02

Comment Summary:

This comment requests additional narrative on agency jurisdiction, and describe the framework of shoreline management activities.

Response:

The Reservoir Management Plan and Shoreline Plan address those issues and management topics within the jurisdiction of Tri-Dam. As stated in these documents, "The Reservoir Management Plan addresses shoreline uses from the FERC project boundary, which is the 515' elevation. The plan also addresses the boating and recreational uses of the lake's water surface area." Depending upon the topographical features of various properties, the 515' contour can extend many feet or just a few feet in the case of steep properties. To extend beyond the 515' elevation would extend beyond the limits of the FERC project boundary and the jurisdictional limits of Tri-Dam authority.

Response to Comment 009-03

Comment Summary:

This comment concerns the potential water quality impacts associated with allowance of excavation activities and the need to obtain permits from local, state and federal agencies.

Response:

There are many specific provisions contained within the plan for preservation of water quality. The allowance of excavation, subject to review and discretionary permitting is an attempt to balance the need for ensuring that development along the shoreline is kept as close to the shoreline as possible, while adopting regulations designed to ensure that the integrity of the reservoir is maintained.

The provision which allows landowners to apply as part of the permitting process, to excavate up to 1,000 cubic yards of material is identical to that which was included in the previously approved license and order issued by the Federal Energy Regulatory Commission (FERC). Implementation Measure, page vi, states: "Encourage property owners to excavate shallow shoreline areas where possible, upon permit issuance, in order to reduce intrusion of facilities into the reservoir or within congested cove areas".

Whenever excavation is allowed, it is required to be conducted in strict conformance with County, State and Federal guidelines, including those of the California Department of Fish & Game and US Army Corps of Engineers. As such, all work must be done in "the dry" with no equipment entering or touching the reservoir surface. Policy, page xxi states, "Require suitable erosion control measures and Best Management Practices (BMP's) to be implemented on-site

before, during and after development activities on the shoreline or stream banks to avoid increasing sedimentation of aquatic habitats.

In addition, the Shoreline Management Plan, permitting regulations establish the following requirements:

7.3 Criteria for Excavation

- 1) All work shall be done in the “dry”, under limits prescribed by the applicable state and local agencies, including the California Department of Fish & Game, California Regional Water Quality Control Board, US Army Corps of Engineers and any other agencies as may be required.
- 2) Any material excavated in accordance with an approved permit shall be deposited outside of the FERC Project boundaries, with sufficient protection to ensure that no material is allowed to slough off into the FERC Project Boundary. Any necessary permits or approvals for the placement of excavated material shall be included in the application.
- 3) Projects shall be designed to preserve existing vegetation and replant with natural vegetation, use of weed free straw to protect against erosion and use of best management practices to minimize erosion and siltation. Avoid any critical habitat disturbances.
- 4) The applicant must be the owner or leaseholder of the land impacted or used by any proposed waterfront facility. The responsibility is considered to transfer automatically along with ownership and leases.
- 5) The excavation shall be designed to be the minimum amount necessary to accomplish the stated objective, however, in no case shall the maximum material excavated exceed 1,000 cubic yards per single-family lot or applicable government regulations, which ever is less. Excavation requests exceeding this limitation may be considered, however, FERC review and approval is also required prior **to** approval by Tri-Dam. Additional permits from other agencies may be required as well and it is the applicant’s sole responsibility to investigate necessary permit requirements and to obtain required permits
- 6) At all times, appropriate drainage controls and safety standards shall be employed.

Response to Comment 009-04

Comment Summary:

This comment questions whether or not new facilities should be allowed near the navigable surface of the reservoir.

Response:

The purpose of the Reservoir Management Plan is to protect the reservoir and all of the activities which are presently in place, including the generation of power, water supply, recreation, fisheries, species habitat and development of residential properties within private ownership. The lands surrounding the reservoir that are privately owned, as existing properties have an expectation of some level of development subject to conformance with applicable regulations.

Implementation Measure, page vi, states as follows: “Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam.”

GOAL: PROMOTE ORDERLY GROWTH AND DEVELOPMENT IN ORDER TO ENSURE THAT BOAT DOCKS AND OTHER SHORELINE STRUCTURES ARE INSTALLED AND MAINTAINED IN A MANNER WHICH ENSURES THAT THE MAXIMUM NAVIGABLE AREA OF THE RESERVOIR IS ACHIEVED

Policies:

Use the guidelines and regulations of the Tulloch Reservoir Shoreline Management Plan in the permitting process of all facilities within the project area.

Implementation Measures:

Ensure that all new and replacement facilities conform to the criteria established in the Shoreline Management Plan. Continue to utilize a permitting process, which integrates the requirements of Tuolumne County, Calaveras County and Tri-Dam.

Ensure that all new and replacement facilities are located as close to the shoreline as possible in order to minimize intrusion of boat docks and other facilities onto the navigable water surface area.

Tri-Dam’s goal is to cooperative manage the reservoir is such a fashion that results in an orderly balance of the different activities that take place along the shoreline and on the reservoir surface areas.

Response to Comment 009-05

Comment Summary:

This comment requests clarification of the relationship between land use designations and dock/spacing limits.

Response:

The limits of the Reservoir Management Plan and Shoreline Plan are consistent with the limits of the FERC project boundary, which is the 515’ contour elevation. The adjoining lands are within the jurisdictional control of Tuolumne County and Calaveras County as these agencies are designated as the “lead agency” with respect to the adoption of land use regulations, density and development limits. The Tri-Dam documents are intended to describe the multi-jurisdictional relationship between the County land use agencies and the Reservoir Plan and Tri-Dam’s goal is to provide restrictive policies which will protect the reservoir while conforming to the County’s land use preferences.

Response to Comment 009-06

Comment Summary:

This comment discussed the enforcement options and multi-jurisdictional approach.

Response:

Tri-Dam continues to pursue the development and continued operation of a multi-jurisdictional approach to project review and enforcement issues. Tri-Dam works cooperatively with both the Tuolumne County and Calaveras County Sheriff's marine safety units for buoy administration and boating enforcement. We have prepared and pursued the adoption of a joint ordinance between Tri-Dam and both Counties, which ensures consistent standards for safety boating, swimming and other activities occurring on the reservoir surface. In addition to its adoption by Tri-Dam, the ordinance was adopted by Tuolumne County on May 20, 2008 and scheduled for consideration by Calaveras County in August 2008.

Long term operations at Tulloch will involve the successful continuation of a cooperative, multi-jurisdictional approach, both in terms of planning and enforcement and Tri-Dam welcomes the participation and assistance of the Bureau.

Response to Comment 009-07

Comment Summary:

This comment asks a question about the enhancement of public access.

Response:

Development of public access around the reservoir is somewhat limited, due to the high percentage of lands held in private ownership. Tri-Dam is in the process of applying for use of the Bureau of Land Management property within the Black Creek Arm for a passive, day-use recreational area and as additional opportunities are available to provide public access, Tri-Dam will investigate all feasible options. In addition, pursuant to the California Subdivision Map Act, as properties fronting the reservoir are proposed for development, the County as lead agency is mandated to require the provision of additional public access unless it can be determined that sufficient public access exists. In the case of Tulloch reservoir, additional public access is needed, thus Tri-Dam will continue to work with the counties to ensure the provision and development of public access. A recently approved project within Calaveras County, Tuscany Hills will provide an additional public access trail and swim area adjoining the subdivision and golf course areas.

Response to Comment 009-08

Comment Summary:

This comment provides a question about the need to possibly implement greater setbacks for new development.

Response:

As previously noted, the limits of Tri-Dam's jurisdictional authority within which the agency has the authority to establish regulations is consistent with the FERC project boundary, the 515' contour elevation. This type of regulation would extend beyond the limits of the 515' contour, which are within the land use authority of Tuolumne and Calaveras Counties. Tri-Dam provides specific comments on each development proposal and we seek implementation of protections for the reservoir including additional setbacks. In fact, it appears as though Tuolumne County has adopted policies, which would accomplish greater setbacks from the reservoir, while the Calaveras County Board of Supervisors has provided policy direction to staff as well.

Response to Comment 009-09

Comment Summary:

This comment questions the limits of the non-motorized boating areas for the Western Pond Turtle's protection.

Response:

Tri-Dam is committed to full compliance with FERC license requirements. In conformance with one of the directives of license renewal was the preparation of a comprehensive study to evaluate the Western Pond Turtle. This study was prepared by Registered Biologist, Terry Strange and is included within the FERC submittal documents. This study recommends the installation of ten (10) habitat enhancement areas surrounding the reservoir. Mr. Strange has identified various areas around the reservoir which will provide the optimal habitat enhancement areas, however, none are proposed within this cove. There are two proposed in the vicinity, one further east along the Green Springs arm and one along the northern portion of the Green Springs arm

Habitat restoration and enhancement shall include the following:

- 1) A larger, suitable foothill grey pine tree will be fallen into or near the lake shore. The tree will be selected based upon characteristics including a single trunk with few large branches, leaning over the lake, and proximity to secondary escape cover material. The
- 2) Each fallen log will be secured at two different elevational locations to insure that the log does not move or rotate position. The logs will be secured above water using cable and epoxy into drilled rock or attached to metal "T" fence posts if suitable rock is not present. The lower submerged portion of each log will be secured below waterline with either cable or ½ inch truck rope and large submerged rock or cinder block weights, depending on availability of submerged rock.
- 3) Each log basking structure will also have 2 submerged escape habitat structures on each side of the log adjacent to the shoreline. The escape habitat will be constructed with manzanita, California buckeye, or oaks tree branches (whichever of the three are closest in proximity) and are woven together and secured to form dense structures. The branches are secured together using ½ truck rope, cable clamps, and cinder block weights. The structures are floated out into position next to the basking structure and sunk into place.

Enhancement of existing turtle structures will also occur, to include the enhancement of either basking or escape habitat or both. The enhancement action will most likely include the securing of additional wood or brush habitat to existing structures.

The monitoring will require annual observations for turtle use over a period of 5 years for each structure with a 5th year monitoring plan submitted to FERC. Non-motorized boating areas are currently being considered in both the upper reaches of the Green Springs and Black Creek arms of the reservoir and would be marked with signage and buoy markings.

Response to Comment 009-10

Comment Summary:

This comment indicates that the Bureau of Reclamation, as a landowner within the project area will participate in mutually desirable management options.

Response:

Tri-Dam is committed to the successful long-term operation of Tulloch Reservoir and welcomes the opportunity to continue to cooperatively pursue and implement such management options at Tulloch.

Response to Comment 009-11

Comment Summary:

This comment indicates that the Bureau of Reclamation, as a landowner within the project area will participate in mutually desirable management options, particularly through the coordination of both plans.

Response:

See response to comment 008-10. Tri-Dam is committed to the successful long-term operation of Tulloch Reservoir and welcomes the opportunity to continue to cooperatively pursue and implement such management options at Tulloch.

Response to Comment 009-12

Comment Summary:

This comment suggests a change in wording of Management Measures (2nd sentence, page xx), to read: "The Bureau of Reclamation is currently updating its "Resource Management Plan for New Melones Lake" This Draft plan contains several alternatives with actions which may, if adopted encourage open space, vegetation and wildlife protection near Tulloch Reservoir".

Response:

Proposed change will be included in the updated document.

TRI-DAM PROJECT

Of the South San Joaquin & Oakdale Irrigation Districts

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May 30, 2008

John Buckley
Central Sierra Environmental Resource Center
PO Box 396
Twain Harte, CA 95383

Re: Project No. 2067-036 Tulloch Project
Comments on Reservoir Management Plan and Shoreline Plan

Dear Mr. Buckley

This letter is written in response to your letter dated May 16, 2008, which provided comments on the Draft Reservoir Management Plan and Shoreline Plan. We appreciate your review of the documents and thank you for your comments.

The following are responses to your letter designed to provide additional clarification of the policies and provisions proposed for inclusion within these documents. While we did give your comments careful consideration, we wish to provide these comments so that you might fully understand the thought behind these guidelines.

- a. The first paragraph of comments pertains to the regulations designed to apply to commercial and/or public marinas. The reference to "minor" is intended to apply to the FERC terminology, which is defined to those activities that Tri-Dam is authorized to review and approve at the staff level rather than a multi-level approval process through FERC. The term "minor" in no way is meant to imply that the facilities are always minor, just to provide a distinction that the application may be acted upon by Tri-Dam rather than both Tri-Dam and FERC. The 100 foot from shore regulation was developed after reviewing all of the existing homeowners/common area docks and commercial marinas around the lake. Ultimately, the 100' maximum distance seem to offer protection from negative intrusion into the reservoir, while still allowing reservoir operations to occur.
- b. The next paragraph of your letter applies to the single-family residential docks for private, existing single family parcels. The dock sizes were considered appropriate for existing single-family residential lots. These size requirements are set forth as a maximum, depending on lot size, shape of property, etc and cannot be achieved in all cases. The size regulations were developed after extensive consultation with area homeowners, dock-builders and research of similar reservoir dock sizes.
- c. The next restrictions intend to set forth the maximum amount of material that could be excavated from individual, single family parcels, however, all requests for excavation require that a permit be issued by the Tri-Dam Project. In an

earlier letter you compared the Tuolumne permit requirement of excavations less than 100 cu yds require a permit and Tri-Dam should be at least that restrictive. We are in fact more restrictive in that all excavation requires a Tri-Dam permit. Deletion of the term minor was only meant to clarify that the permit requirements would be met with Tri-Dam, rather than both Tri-Dam and FERC.

- d. The proposed changes to the Shoreline Management Plan are in no way designed to make it easier for development to occur along the shoreline, rather to codify the regulations that apply when properties apply for shoreline development.
- e. The Shoreline Plan provides a narrative of projects approved by Calaveras County, as delineated in this letter. Calaveras County is the lead agency with authority to establish policies within the General Plan, which regulate and guide growth. Tri-Dam does not have the authority to provide approval for subdivision development within either Calaveras or Tuolumne County. We do provide comments, when requested about the potential impacts of various projects and we do urge the Counties to ensure that the impacts of these projects, both direct and cumulative be evaluated in the Counties environmental impact reports prior to any approval by the County. Tri-Dam then relies upon these development reviews prior to taking action on specific development approval along the shoreline.
- f. The Reservoir Management Plan is a broad-based policy level document, similar to that of a County's General Plan. It is the purpose of this document to establish policies and goals, which are appropriately drafted using words like "encourage" and "recommend". The implementation of this document is the Shoreline Permitting Plan, where the regulations require clear and strong compliance with language directives clearly mandated by words like "shall".
- g. Tri-Dam has adopted policies for inclusion of conditions for all permits that are designed to minimize the impacts of new construction. While we cannot compel either County to adopt regulations, we include these types of conditions on all permits issued by Tri-Dam in order to protect the shoreline resources.
- h. Relative to the establishment of non-boating areas, Tri-Dam was required by our FERC license to conduct the special species and habitat studies in order to determine the ultimate need for such areas and the limits of these zones. Tri-Dam does intend to ensure that the appropriate non-boating zones are implemented wherever protection of the resources is mandated. It is important to remember, however, that preservation of the recreational resources and public benefits are also required by FERC so this is an important part of the balancing which must be done in the operation of the reservoir.
- i. On page xiii, you have aptly noted that Tri-Dam has the authority to regulate activities occurring within the FERC project boundary, up to the 515' contour elevation but not beyond that which is within the authority of both Calaveras and Tuolumne Counties. We are committed to working with both agencies to ensure that the proper resource management policies are enacted and have received assurances that both counties will cooperate wherever possible.
- j. The Shoreline Plan only sets forth policies, which can be regulated by Tri-Dam for areas at the 515' contour and below, which are the limits of the project's authority. As noted above, however, we continue to work cooperatively with

both counties to seek additional policies implementation for upland areas, where supported by scientific study.

- k. Comments are noted about inclusion of policies, which would withhold permit approval in the event that boating limits or other policies are not enacted by either County within a specified length of time. Tri-Dam will re-evaluate this section of the document.
- l. Again, most of the policies that you are seeking are beyond the limits of the 515' contour elevation and within the control of both counties. As noted above, we provide specific comments on each development proposal and seek implementation of the protections noted in your letter for the setbacks along perennial and intermittent streams, which could impact the reservoir.
- m. Comment noted relative to the establishment of additional setbacks from the shoreline, and specifically within the limits of the FERC boundary. It appears as though Tuolumne County has adopted policies, which would accomplish greater setbacks from the reservoir, while the Calaveras County Board of Supervisors had provided policies direction to staff as well. Staff will follow up on further evaluation of this issue as well.

We sincerely appreciate the comments that you have provided and believe that a meeting would provide an additional forum to review and clarify these issues in greater detail. I will contact you to arrange a meeting.

Sincerely,



Steve Felte
General Manager
TRI-DAM PROJECT