

Tulloch Shoreline Management Plan Adequacy Assessment

1. INTRODUCTION

As part of Tri-Dam Project's 2002 relicensing of its Tulloch Hydroelectric Project, Federal Energy Regulatory Commission (FERC or Commission) Project Number 2067 (Project), the Commission approved a Tulloch Reservoir Shoreline Management Plan (SMP), which provided Tri-Dam Project discretion to permit certain types of use and occupancy of lands within the FERC Project Boundary without prior FERC approval. Activities not included in the SMP must be approved by the Commission under Article 413 of the Project license. As required by FERC, Tri-Dam Project updated the 2002 SMP and the Commission approved the updated SMP in 2015.

The 2015 SMP required that once every 10 years, Tri-Dam Project consider whether the SMP meets current needs and conditions, and if any changes to the SMP are needed. To perform this adequacy assessment, Tri-Dam Project would consult with stakeholders, including federal, State, and local agencies, and representatives of commercial marinas and homeowners associations (HOA) that have lands directly abutting Tulloch Reservoir. However, the 2015 SMP states that, regardless of this consultation, if Tri-Dam Project on its own determines that the SMP needs to be substantively updated, Tri-Dam Project must file an updated SMP for Commission approval.

To prepare for the 2026 Adequacy Assessment, in late 2025, Tri-Dam Project reviewed the 2015 SMP and determined the SMP needed substantive updates to address the issues discussed below in Section 2 as well as other issues. To streamline preparation and filing with FERC of a proposed updated SMP, Tri-Dam Project prepared and distributed to federal, State, and local agencies, representatives of commercial marinas and HOAs that have lands directly abutting Tulloch Reservoir a draft redline and clean version of Tri-Dam Project's updated SMP for 30-day review and comment. Tri-Dam Project extended the distribution to Native American tribes, local landowners and potentially-interested non-governmental organizations (NGO) and extended the comment period for an additional 30 days. The distributed redline version of the updated plan showed Tri-Dam Project's proposed changes to the 2015 SMP, including rationale for each change. For ease of review, the distributed clean version of the plan showed the plan with all Tri-Dam Project's proposed changes accepted.

Tri-Dam Project will attach and address all written comments on the draft updated SMP in the final updated SMP. Tri-Dam Project files with FERC, and if any suggested changes are not adopted, provide the reason why Tri-Dam Project did not adopt the suggested change.

The 2015 SMP will remain in effect until such time as the Commission approves the updated SMP at which time it will supersede the 2015 SMP. The Commission may modify Tri-Dam Project's proposed updated SMP prior to issuing its approval.

2. REASONS WHY TRI-DAM PROJECT DETERMINED 2015 SMP NEEDS TO BE UPDATED

Provided below are some of the major reasons why Tri-Dam Project determined the 2015 SMP needed substantive update. This list is not intended to be exhaustive or comprehensive, but to highlight some of the major reasons an updated SMP is warranted.

2.1 Permitting Process

Tri-Dam Project determined the permitting process in the 2015 SMP was significantly outdated as compared to current procedures and that actual permit process would be more efficiently managed under Tri-Dam Project's website rather than in the SMP. Over the past 10 years, Tri-Dam Project processed over XX permit applications related to shoreline development. As a result, Tri-Dam Project has identified numerous clarifications necessary to improve the efficiency and effectiveness of the permitting process. In addition, this experience has demonstrated that, over the next 10 years, additional efficiencies and modern technologies may be identified that should be included in the permitting process. Since as a public agency, the permitting process, including fees, must be approved by Tri-Dm Project's Board, the process and any changes are subject to public review and com. t. Further, including the detailed permitting process outside the SMP, changes can be made more efficiently and at a local l. l. Tri-Dam Project proposes to reference, but not include, the permitting process in the updated SMP and post the process for all permits and approvals on Tri-Dam Project's website.

2.2 Resource Plans in FERC License

Tri-Dam Project determined attempting to restate in the SMP all conditions in various resource plans that FERC has included in the Tulloch Project could result in duplication and inconsistencies and confusion among the license plans. The 2015 SMP lists and then attempts to summarize many of the XX resource plans included in the Project license. These plans include measures and nuances that, when taken out of context, are misleading and confusing. An example of such a plan is the Integrated Vegetation Management Plan, which includes provisions that are rightfully independent of the SMP. If vegetation management requirements change, only the applicable Integrated Vegetation Management Plan needs to be updated and approved by FERC rather than requiring revisions to both the Integrated Vegetation Management Plan and the SMP. Whether or not a resource plan in the license is summarized in the SMP, Tri-Dam Project's obligations remain part of the FERC license. Keeping certain plans as standalone documents allows them to be updated more efficiently without reopening the entire SMP each time. Tri-Dam Project proposes to list the relevant license plans in the updated SMP but not summarize them and refer the reader to where an interested reader can access the plan. Resource management obligations remain part of the FERC license.

2.3 Monitoring and Enforcement

Tri-Dam Project determined the 2015 SMP did not adequately describe Tri-Dam Project's monitoring and enforcement responsibilities and permittees expectations. Tri-Dam Project is

responsible for enforcing the SMP within the FERC Project Boundary. Tri-Dam Project oversees shoreline activities, processes Encroachment Permits, and takes appropriate actions to prevent and correct unauthorized uses and occupancy of Project lands and waters in accordance with this SMP, the FERC Project license, and applicable federal, State, and local requirements. Tri-Dam Project's experience over the past 10 years has made it clear that a revised SMP needs to clearly outline Tri-Dam Project's responsibility for enforcing and monitoring SMP-permitted shoreline activities and permit authorizations to ensure Tri-Dam Project's ability to meet its obligations under the FERC Project license to protect Project operations and purposes, public safety, navigation, and environmental resources. Tri-Dam Project proposes to include in the updated SMP a section on Tri-Dam Project's monitoring and enforcement.

2.4 Grandfathered Facilities

Tri-Dam Project determined the 2015 SMP did not adequately describe how "grandfathered" facilities would meet current standards related to public safety, navigation, and environmental protection. The 2015 SMP acknowledged that many unauthorized structures and facilities were constructed on Tulloch Reservoir before February 16, 2006, and many structures have been authorized by Tri-Dam Project even though they do not comply with the 2015 SMP standards (i.e., these facilities and structures are collectively referred to as "Grandfathered Facilities"). Over the past 10 years, many of these Grandfathered Facilities have reached the end of their useful life, however, Tri-Dam Project is not receiving commensurate levels of permit applications to replace or upgrade these Grandfathered Facilities. As such, Tri-Dam Project believes that landowners are constructing modified or new facilities without permit applications. Tri-Dam Project proposes to include in the updated SMP clarity regarding what constitutes this type of facility/development and the process by which permittees must apply for and obtain an Encroachment Permit from Tri-Dam Project to bring Grandfathered Facilities into compliance.

2.5 Aquatic Invasive Species

Tri-Dam Project determined the 2015 SMP did not adequately describe how aquatic invasive species (AIS) should be managed at Tulloch Reservoir. The risks of invasive mussels and other AIS entering or spreading in Tulloch Reservoir are becoming an area of increasing concern for Tri-Dam Project and California agencies as a whole. Tri-Dam Project is working with State and local agencies to coordinate a response to the widespread presence and continued spread of invasive mussels and other AIS. Private boat launches pose elevated AIS risks due to dispersed access and reduced control over vessel origin and condition. Tri-Dam Project updated its invasive mussels prevention measures at Tulloch, Beardsley, and Donnell's Reservoirs in April 2025 in consultation with State agencies. Such measures are not required by the FERC Project license and are implemented as an off-license program. Tri-Dam Project proposes to include in the updated SMP coordinated implementation, to the extent appropriate, to prevent invasive mussels and other AIS to support consistent shoreline and reservoir management practices. In particular, the updated permit terms need to be revised to reduce AIS risks or phase out authorizations for existing boat launches if AIS risks cannot be adequately managed.

2.6 Shoreline Administration and Compliance

Tri-Dam Project determined the 2015 SMP does not contain a mechanism to maintain current shoreline facility inventories, permit records, and ongoing compliance information for facilities located within the FERC Project Boundary. While the 2015 SMP primarily addresses shoreline permitting, the administration of shoreline facilities extends beyond the permitting process and includes ongoing record maintenance, compliance activities, and shoreline management responsibilities. As a result, the Tri-Dam Project has identified the need for improved administrative tools to maintain accurate records, support compliance monitoring, and administer shoreline facilities over time.

Tri-Dam Project's experience administering the shoreline program over the past 10 years has demonstrated the need for additional procedures to support ongoing shoreline administration, maintain shoreline records, support compliance activities, and administer existing shoreline facilities and authorizations.

Tri-Dam Project proposes to include in the updated SMP provisions authorizing the recovery costs associated with ongoing shoreline administration and compliance activities. Detailed administrative procedures, forms, and fee schedules would be maintained outside the SMP and administered by the Tri-Dam Project.