

TULLOCH RESERVOIR SHORELINE MANAGEMENT PLAN

2026 Update

Revised Draft for Review
(Clean Version/No Track Changes)

Tulloch Hydroelectric Project
FERC Project No. 2067

May 2026

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ATTACHMENTS

Attachment A	Map of County Land Use Designations within the FERC Project Boundary
Attachment B	Map of the Land Ownership within the FERC Project Boundary
Attachment C	Consultation Record

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SECTION 1.0

INTRODUCTION

Tri-Dam's FERC license requires it to evaluate its Shoreline Management Plan (SMP) every 10 years and to file a revised SMP, for FERC approval, should that assessment determine that a revised SMP is warranted.¹ Tri-Dam performed a SMP adequacy assessment in early 2026 and determined that a revised SMP is necessary. A complete history of Tri-Dam's shoreline management program is detailed in Section 1.6, History of Shoreline Management at the Tulloch Project.

In a letter dated April 1, 2014, FERC directed Tri-Dam Project to file a revised draft Tulloch Reservoir Shoreline Management Plan (SMP) by December 31, 2014 and, after consultation with United States Department of the Interior (DOI), Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), Tuolumne and Calaveras counties, and representatives of homeowners associations that have land that directly abut Tulloch Reservoir, file an updated SMP by May 1, 2015, with FERC for approval.

FERC's letter stated that, until FERC approves the SMP, 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, relicensing application. The 2002 SMP provides to Tri-Dam Project the authority to grant, for activities listed in the plan, permission for use of lands within the FERC Project Boundary² without prior approval of FERC. This revised SMP was developed in consultation with *[will insert stakeholders following consultation]*. A record of the consultation is included in Attachment C.

The new FERC Project License issued in 2006 included FERC's standard land use and occupancy article as Article 413. This article provides Tri-Dam Project with the discretion to permit certain types of use and occupancy of lands within the FERC Project Boundary without prior FERC approval. The provisions of this standard land use and occupancy article, which parallel many of the procedures incorporated into this SMP, are repeated below as additional support for approval and implementation of this revised SMP.

Article 413. Standard Land Use and Occupancy.

(a) In accordance with the provisions of this article, the licensee shall have the authority to grant permission for certain types of use and occupancy of project lands and waters and to convey certain interests in project lands and waters for certain types of use and occupancy, without prior Commission approval. The licensee may exercise the authority only if the proposed use and occupancy is

¹ See Order Modifying and Approving Revised Shoreline Management Plan, Article 411, 156 FERC ¶ 62,181, FERC Accession No. [20160908-3031](#) (Sept. 8, 2016); Errata Notice re: Order Modifying and Approving Revised Shoreline Management, FERC Accession No. [20160928-3025](#) (Sept. 28, 2016).

² The boundary for the Project is defined in the FERC Project License, which generally includes the Tulloch Reservoir and adjoining lands to the 515-foot contour that the Tri-Dam Project uses for normal Project operations and maintenance. The boundary is shown in Exhibit G of the new license.

consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the project. For those purposes, the licensee shall also have continuing responsibility to supervise and control the use and occupancies for which it grants permission, and to monitor the use of, and ensure compliance with the covenants of the instrument of conveyance for, any interests that it has conveyed under this article. If a permitted use and occupancy violates any condition of this article or any other condition imposed by the licensee for protection and enhancement of the project's scenic, recreational, or other environmental values, or if a covenant of a conveyance made under the authority of this article is violated, the licensee shall take any lawful action necessary to correct the violation. For a permitted use or occupancy, that action includes, if necessary, canceling the permission to use and occupy the project lands and waters and requiring the removal of any non-complying structures and facilities.

(b) The types of use and occupancy of project lands and waters for which the licensee may grant permission without prior Commission approval are: (1) landscape plantings; (2) non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 water craft at a time and where said facility is intended to serve single-family type dwellings; (3) embankments, bulkheads, retaining walls, or similar structures for erosion control to protect the existing shoreline; and (4) food plots and other wildlife enhancement. To the extent feasible and desirable to protect and enhance the project's scenic, recreational, and other environmental values, the licensee shall require multiple use and occupancy of facilities for access to project lands or waters. The licensee shall also ensure, to the satisfaction of the Commission's authorized representative, that the use and occupancies for which it grants permission are maintained in good repair and comply with applicable state and local health and safety requirements. Before granting permission for construction of bulkheads or retaining walls, the licensee shall: (1) inspect the site of the proposed construction, (2) consider whether the planting of vegetation or the use of riprap would be adequate to control erosion at the site, and (3) determine that the proposed construction is needed and would not change the basic contour of the reservoir shoreline. To implement this paragraph (b), the licensee may, among other things, establish a program for issuing permits for the specified types of use and occupancy of project lands and waters, which may be subject to the payment of a reasonable fee to cover the licensee's costs of administering the permit program. The Commission reserves the right to require the licensee to file a description of its standards, guidelines, and procedures for implementing this paragraph (b) and to require modification of those standards, guidelines, or procedures.

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by Tri-Dam Project at Tulloch Reservoir.

No person or entity may withdraw water from the Project reservoir for any private, commercial, industrial, or irrigation purposes, or construct or operate any water-withdrawal or intake facility

within the Project boundary. Diversions may result in enforcement actions by Tri-Dam Project, including but not limited to filing an enforcement complaint with the SWRCB or litigation.

Tri-Dam Project is obligated under the FERC Project License to protect Project operations and purposes, public safety, navigation, and environmental resources. Therefore, not all applicants seeking Encroachment Permits will be able to achieve the maximum facility sizes that can be permitted under this SMP. In all cases, the size, configuration, and number of facilities authorized for a given property, and in the aggregate, will be determined at Tri-Dam Project's sole discretion based on site-specific conditions, including but not limited to: (i) maintaining adequate navigable waterway width and avoiding encroachment into Project waters that would interfere with safe vessel maneuvering; (ii) preventing overcrowding and excessive density of structures within a cove or shoreline reach; (iii) avoiding interference with existing permitted uses and adjacent properties; and (iv) protecting sensitive environmental resources consistent with the shoreline classifications established in this SMP. Where these factors so warrant, Tri-Dam Project may approve facilities that are smaller or fewer in number than the maximums otherwise allowed under this SMP.

1.1 Description of the Tulloch Project

Tulloch Reservoir is part of the Project. The initial license for the Project was issued by the Federal Power Commission (FERC's predecessor) to Tri-Dam Project on January 1, 1955, for a term ending on December 31, 2004. FERC issued the current FERC Project License for the Project to Tri-Dam Project on February 16, 2006, with a term ending on December 31, 2045.

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 DOI, Bureau of Reclamation's (Reclamation) New Melones Reservoir, which is a part of the Federal Central Valley Project. The Project is owned and operated by Tri-Dam Project, a joint venture of the Oakdale Irrigation District and South San Joaquin Irrigation District.

Major Project facilities include: 1) Tulloch Dam, a 200-ft high dam, located approximately 62 miles (mi) upstream of the Stanislaus River's confluence with the San Joaquin River. The dam has a crest elevation of 515 feet (ft); 2) Tulloch Reservoir, with a gross storage capacity of 66,968 acre-feet, a shoreline length of approximately 30.9 mi, and a surface area of about 1,260 acres at the normal maximum water surface elevation (NMWSE); and 3) the Tulloch Powerhouse, located on the north side of the Stanislaus River at the base of Tulloch Dam, which consists of three units (two 11.7 megawatt [MW] units and one 6.8 MW unit).

The FERC Project Boundary is defined as the area within the 515-foot elevation contour, which is 5 ft above the NMWSE of Tulloch Reservoir. This is an area of approximately 1,638 acres. Tulloch Reservoir supports multiple authorized uses, including hydropower generation, recreation, and shoreline development subject to the provision of this SMP and the Project license. Primary vehicular access to Tulloch Reservoir is along State Highways 108/120 and O'Byrnes Ferry Road.

Figure 1.1-1 shows the Tulloch Project features.

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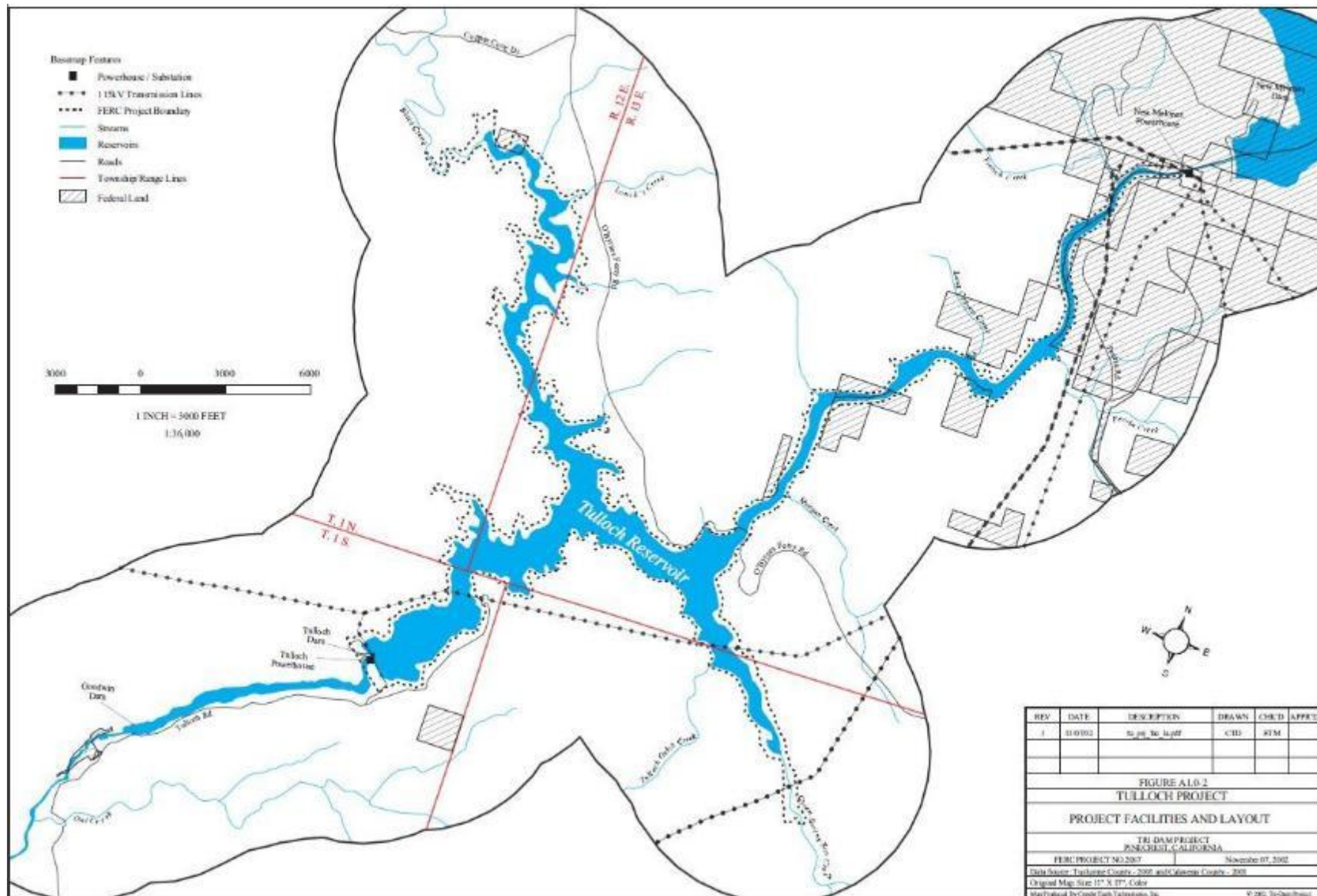


Figure 1.1-1. Tri-Dam Project's Tulloch Hydroelectric Project facilities and features.

1.2 Purpose and Objectives of the SMP

This SMP establishes a comprehensive tool for managing requests for shoreline uses and occupancies within the Project Boundary. The SMP is designed to ensure that all shoreline uses and occupancies authorized by Tri-Dam Project: (a) are consistent with FERC Project License requirements, purposes, and operations, and (b) enhance the Project's scenic, recreational, and environmental values. The specific goals of the SMP are discussed in Section 2.0 below.

This SMP establishes the detailed procedures and criteria by which Tri-Dam Project will evaluate and authorize requests for shoreline uses and occupancies through four programs:

1. Commercial Facilities Program
2. Private Facilities Program
3. Excavation Program
4. Shoreline Management and Stabilization Program

Tri-Dam Project will authorize Applicants' proposed minor shoreline development projects by use of Encroachment Permits or other written authorization consistent with the Standard Land Use Article (Article 413), of the FERC Project License, as described herein. To that end, the purpose of the SMP is to assist Applicants proposing minor shoreline development projects by providing a defined process to apply for an Encroachment Permit and describing the process Tri-Dam Project will undertake to issue an Encroachment Permit. The process is designed to:

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

All proposed minor shoreline development projects must obtain an Encroachment Permit or other authorization from Tri-Dam Project prior to construction. **Consistent with Article 413, non-Project use and occupancy of the shoreline and lands within the Project Boundary are not allowed without: (a) an Encroachment Permit, or (b) other written authorization from Tri-Dam Project that is consistent with the Standard Land Use Articles of the FERC Project License.**

This SMP also applies to any replacement, expansion or other modification of Grandfathered Facilities, which may not be compatible with current and future guidelines. Modifications include but are not limited to any changes to the footprint (horizontal or vertical), layout, design, or construction material of the Grandfathered Facility. Existing Grandfathered Facilities may be maintained or repaired, even though their use does not conform to the design criteria in this SMP.

Tri-Dam Project has an existing enforcement policy that it uses to identify those Grandfathered Facilities that have been repaired, upgraded, or replaced in such a manner that they no longer qualify as being a Grandfathered Facility. Tri-Dam Project will require such facilities to comply with these guidelines or be removed (See Section 4.1.4 below).

When it becomes necessary to replace, expand or otherwise alter a Grandfathered Facility, the responsible party must obtain an Encroachment Permit, and the new structure must comply with the design criteria in effect at the time of replacement. Tri-Dam Project will reject proposed minor shoreline development projects that are not consistent with this SMP, the Project License, or other legal or regulatory requirements will be rejected by the Tri-Dam Project. If proposed new minor shoreline developments are outside the scope of this SMP, Tri-Dam Project may refer the proposed shoreline development project to FERC for resolution.

It is important to note that planning, constructing, operating, and maintaining an Applicant's project covered under this SMP may require obtaining local, state, and federal permits and approvals in addition to an Encroachment Permit from Tri-Dam Project. It is the sole responsibility of the Applicant proposing the project to identify and obtain these permits and approvals and meet all requirements of such permits and approvals. Consulting with or obtaining an Encroachment Permit from Tri-Dam Project in no way relieves the Applicant from identifying and obtaining these other permits and approvals or adhering to the requirements in those other permits and approvals. Furthermore, all Encroachment Permits will be conditioned on the Applicant demonstrating to Tri-Dam Project's satisfaction that all other applicable permits and approvals have been obtained for their project.

This SMP also establishes Tri-Dam Project's monitoring and enforcement program (Section 5). Tri-Dam Project regularly monitors Project shorelines to ensure activities comply with the SMP. Inspections are conducted after permitted facility construction is complete. Periodic inspections of the work in-progress will generally be conducted for larger projects.

1.3 Coordination with other Parties in Implementing the SMP

Several agencies have jurisdictional authority at Tulloch Reservoir. Implementation and success of this SMP depends upon the ongoing commitment and cooperation of Tri-Dam Project, counties, land and resource agencies, commercial marinas, and homeowners around the reservoir.

1.4 SMP Coordination with Other FERC and Non-FERC Conditions

Tri-Dam will coordinate, to the extent appropriate, the efforts required under this SMP with other resource management plans and conditions required by the FERC license. Some of these resource management plans include and can be found within the FERC eLibrary on their website:

- Shoreline Erosion Monitoring Plan (Article 401 & 403);
- Vegetation Management Plan (Article 405);
- Aquatic Nuisance Vegetation Management Plan (Article 409);

- 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);
- Public Notification of Tulloch Reservoir Drawdowns (Article 410); and
- Historic Properties Management Plan (Article 412).

In addition, Tri-Dam Project is working with State and local agencies to coordinate a response to the widespread presence and continued spread of invasive mussels. 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 will coordinate implementation of this SMP, to the extent appropriate, with its plan to prevent invasive mussels to support consistent shoreline and reservoir management practices.

Tri-Dam Project will also coordinate implementation of this SMP, as appropriate, with the Buoy Master Plan to ensure consistency between shoreline authorizations and navigational safety measures within the Tulloch Reservoir.

The above-referenced license resource management plans include sensitive environmental resource inventories, maps, and strategies Tri-Dam implements to protect such sensitive areas from inappropriate encroachment. These plans are periodically updated and approved by FERC. To avoid any duplication, repetition or confusion between these plans, this updated SMP does not include sensitive environmental resource inventories, maps, and measures but refers the reader to the above plans.

1.5 Periodic Assessment of Updates to the SMP

As conditions at the Project change over time, Tri-Dam Project will assess whether additional 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 potential changes to the SMP are identified, Tri-Dam Project will initiate consultation by providing notice of proposed SMP revisions to the United States Army Corps of Engineers (USACE), California State Water Resources Control Board (SWRCB), USFWS, CDFW, the counties, commercial marinas, and representatives of homeowners associations that have land that directly abut Tulloch Reservoir. These notices will provide for a 30-day written comment period. Tri-Dam will consider all timely submitted public comments prior to filing the updated SMP with FERC. The updated SMP will be implemented upon approval by FERC.

As required by FERC, every 10 years following FERC's approval of this SMP, Tri-Dam Project will conduct an adequacy assessment of the SMP in consultation with the USACE, SWRCB, USFWS, CDFW, the counties, commercial marinas, and representatives of homeowners

associations that have land that directly abut Tulloch Reservoir. This review will consider whether the SMP is meeting current needs and conditions, and if any changes are needed. The results of this 10-year adequacy assessment process will be filed with FERC for review and approval.

If Tri-Dam Project otherwise determines that the SMP needs to be substantively updated, Tri-Dam Project will file an updated SMP for FERC's approval in conjunction with its 10-year adequacy assessment report. Documentation of consultation and Tri-Dam Project's response to comments or recommendations, including those not adopted will be included with the filing. As noted above, Tri-Dam Project will provide to the USACE, SWRCB, USFWS, CDFW, counties, commercial marinas, and representatives of homeowners associations that have land that directly abut Tulloch Reservoir a 30-day written comment period for all adequacy assessment reports or updates to the SMP prior to finalizing and filing them with FERC 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, 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.

FERC approved the 1978 Reservoir Management Plan, as amended, on February 2, 1979. Tri-Dam Project requested an additional amendment addressing shoreline erosion structures on July 8, 1998, which FERC approved on October 13, 1998.

Tulloch Reservoir SMP (Original)

During the Project relicensing process, Tri-Dam Project developed an original SMP, which was superseded by the 2015 SMP. Development of the original SMP included broad-focus public meetings with resource agencies, non-governmental organizations 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 (i.e., SPLAT), 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 FERC 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). **While many shoreline properties are privately owned, portions of these properties, shoreline facilities, and activities may occur within or directly adjacent to the FERC Project Boundary and are therefore subject to applicable FERC license requirements and Tri-Dam Project shoreline management oversight.** Many landowners have private docks, and, at present, there are approximately 670 single-family residential docks along the shoreline.

FERC issued a new License for the Project to Tri-Dam Project on February 28, 2006 for a term ending on January 1, 2046. The license specifically requires that 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 FERC Project License requires Tri-Dam Project to implement the 2002 SMP filed during the relicensing process on an interim basis. Article 411 also required Tri-Dam Project to revise and refile the SMP for FERC approval. In particular, Article 411 required Tri-Dam Project to consult with the following parties during revision of the SMP:

- CDFW;
- USFWS;
- Tuolumne and Calaveras counties;
- Commercial marinas; and
- Representatives of homeowner's associations with land abutting Tulloch Reservoir.

Article 413 of the FERC Project License includes the FERC's standard land use and occupancy article, which provides Tri-Dam Project with the discretion to grant permission for certain, but not all, types of uses and occupancy of lands within the FERC Project Boundary without prior FERC approval.

2015 Tulloch Reservoir SMP (Update)

To update the existing Tulloch Reservoir SMP, on December 31, 2014, Tri-Dam Project filed a Draft Updated Tulloch Reservoir SMP with FERC and distributed it to the USFWS, CDFW, the counties, commercial marinas, and representatives of homeowners associations that have land that directly abut Tulloch Reservoir asking for written comments by February 2, 2015. Additionally, at the same time Tri-Dam Project provided the Draft Updated SMP to Reclamation, Bureau of Land Management (BLM), and Central Sierra Environmental Resource Center (CSERC) and requested written comments by February 2, 2015.

In response to its consultation and outreach, Tri-Dam Project was contacted via e-mail or letter by 14 parties interested in the Draft Updated SMP and received written comments from ten parties. In addition, Tri-Dam Project received phone calls from a few individuals, primarily asking procedural questions about the document and process. FERC approved Tri-Dam Project's 2015 SMP by order issued September 8, 2016, with an errata on September 28, 2016.³

2026 Tulloch Reservoir SMP (Update)

Tri-Dam performed an adequacy assessment and determined a revised SMP is warranted. On May 18, 2026, Tri-Dam Project distributed a Draft Updated SMP to the USFWS, CDFW, Tuolumne and Calaveras

³ See Order Modifying and Approving Revised Shoreline Management Plan, 156 FERC ¶ 62,181, FERC Accession No. [20160908-3031](#) (Sept. 8, 2016); Errata Notice re: Order Modifying and Approving Revised Shoreline Management, FERC Accession No. [20160928-3025](#) (Sept. 28, 2016).

counties, commercial marinas, and representatives of homeowners associations that have land that directly abut Tulloch Reservoir asking for written comments by June 17, 2026. Tri-Dam Project also provided the Draft Updated SMP to Reclamation, BLM, and CSERC and requested written comments by June 17, 2026. Subsequently, Tri-Dam Project received written comments from *<will insert #>* parties and received phone calls from *<will insert #>* individuals. Attachment C provides documentation of Tri-Dam Project's consultation, and a response to each comment received by Tri-Dam Project.

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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: DEVELOP A SMP PROGRAM THAT CAN BE EFFECTIVELY IMPLEMENTED

Policy:

Adequately fund the SMP program to effectively implement this SMP's goals, policies, and implementation measures.

Implementation Measures:

The SMP program includes provisions for administrative fees related to program implementation, permitting, compliance, and enforcement.

GOAL 2: 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:

Encourage the adoption of the consistent rules by Calaveras and Tuolumne counties governing the use of Tulloch Reservoir that address many past issues and concerns about recreational use impacts at the Project.

Adoption of the SMP, 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 resource agencies and the counties, as necessary, to ensure that continued cooperative efforts are achieved.

GOAL 3: 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 permitted 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 Tri-Dam Project.

Ensure that all new and replacement facilities permitted 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 all required federal, state, and local permits and authorizations are obtained prior to installation of facilities covered by this plan.

Implement management controls for the authorization of new private boat docks where necessary to address safety, capacity, inspection capability, or resource protection concerns.

Restrict the authorization of new private launching ramps such that new privately owned ramps for individual use are not permitted unless certain conditions are met, and launching access is limited to designated facilities operated by homeowners associations, marinas, or other approved entities subject to inspection and applicable aquatic invasive species prevention requirements.

GOAL 4: PROMOTE SHORELINE DEVELOPMENT WITHIN LIMITS WHICH ENSURE THAT RECREATIONAL QUALITY OF THE RESERVOIR IS MAINTAINED

Policy:

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 FERC Project Boundary, provided that adequate separation between existing lot lines can be achieved and all applicable SMP criteria are met, and that the dock conforms to the current SMP standards unless a previously approved variance remains in effect.

Implementation Measures:

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 Tri-Dam Project's land.

Encourage the counties to continue enforcement of guidelines for violations of permits or other regulatory requirements. Docks are intended for access and short-term use associated with active recreation; long-term mooring, anchoring, or storage of vessels within the reservoir or at docks is prohibited. Temporary tie-up of vessels for loading, unloading, or immediate recreational use is allowed.

GOAL 5: PROMOTE BOATING AND PERSONAL WATERCRAFT SAFETY

Policy:

Prioritize the safety of reservoir users by supporting consistent enforcement of boating laws, maintaining navigational controls, and reducing conditions that contribute to congestion, conflicts, or unsafe operation.

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 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 installation of signage and distribution of handouts at homeowners associations, marinas, and other private and public launching facilities with emphasis on safe operation and avoidance of navigational hazards.

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

GOAL 6: ENHANCE THE QUALITY OF RECREATIONAL OPPORTUNITIES AT TULLOCH RESERVOIR

Policy:

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

Implementation Measures:

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 Tulloch 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 adopting additional regulations, if necessary, including but not limited to, the establishment of designated areas within Tulloch Reservoir for skiing, wakeboarding, fishing and personal watercraft usage.

GOAL 7: ENHANCE THE COORDINATION AND MANAGEMENT OF ACTIVITIES AT TULLOCH RESERVOIR TO ENSURE THAT ENVIRONMENTAL RESOURCE GOALS INCLUDING WATER QUALITY ARE MAINTAINED.

Policy:

Encourage continued implementation of regulations designed to ensure that water quality levels are maintained through coordinated shoreline and reservoir management activities.

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.

Coordinate shoreline facility authorization and management actions under this SMP to avoid negative impacts on water quality or nearshore environmental conditions.

**GOAL 8: 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 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 CLASSIFICATION

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 State owns two parcels totaling 83 acres (5 percent of all the land within the FERC Project Boundary) 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. Tri-Dam Project owns 22 parcels totaling 501 acres, or 30 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 multiple HOAs. While additional residential development may occur consistent with county land use approvals, Tri-Dam Project does not intend to increase the number or density of private shoreline facilities or docks within the reservoir. Shoreline facility authorization under this SMP is independent of county land use approvals.

On the south side of the reservoir within Tuolumne County, there is less density and less likelihood of major development. Currently there are several developed areas but 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 multiple non-Project recreation facilities on Tulloch Reservoir. Several facilities provide public access to the reservoir, including public campgrounds, day-use areas, and commercial marinas. Other shoreline recreation facilities, including launch ramps, docks, and recreation areas, are operated by homeowners associations or similar entities and are intended for use by residents within those developments.

Tri-Dam Project maintains an active program of reviewing and permitting uses and occupancy within the FERC Project Boundary. The permitting process is guided by the shoreline development

permitting process described in Section 4 of this SMP. The permitting is done concurrently with, but separately from, the respective counties and with consultation of federal and state land and resource agencies.

SECTION 4.0

SMP PERMITTING PROCESSES

This section of the SMP presents the permitting processes for obtaining an Encroachment Permit from Tri-Dam Project for minor 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 Tri-Dam Project, applicants may also be required to obtain additional review and approval by other local, state, and federal land and resource agencies. It is the sole responsibility of the applicant proposing the project to identify and obtain these permits and approvals, and meet all requirements of such permits and approvals. Consulting with or obtaining an encroachment permit from Tri-Dam Project in no way relieves the applicant from identifying and obtaining these other permits and approvals, or adhering to the requirements in those other permits and approvals. All Encroachment Permits will be conditioned on the Applicant demonstrating to Tri-Dam Project's satisfaction that all other applicable permits and approvals have been obtained and are maintained for their project. Failure to maintain all applicable permits and approvals constitutes grounds for Tri-Dam Project to revoke an Encroachment Permit, previously approved variance, or other authorization.

In addition, Tri-Dam Project may require the Applicant to enter into a lease or use agreement, depending upon the scope and type of the proposed minor shoreline development project to ensure that construction and operation of the proposed facility will not interfere with Project purposes. Such lease or use agreement may require prior approval from FERC.

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by Tri-Dam Project at Tulloch Reservoir. However, these guidelines also include provisions to address overcrowding, navigability and other development concerns and therefore, not all applicants seeking Encroachment Permits will be able to achieve the maximum facility sizes that can be permitted under this SMP.

Tri-Dam Project reserves the right, in its sole discretion, to approve, modify, or deny an Encroachment Permit application to protect the scenic, recreational, and other environmental values of the Project reservoir in accordance with its FERC Project License.

Authorization of shoreline facilities under this SMP is provided pursuant to Tri-Dam Project's authority under the FERC Project License and is separate from, and in addition to, any county land use approvals or permits. County land use approval does not confer authorization to construct or maintain shoreline facilities within the FERC Project Boundary. All shoreline facilities remain subject to ongoing compliance with: (a) this SMP, (b) the conditions of any Encroachment Permit or other authorization under this SMP, and (c) the conditions of any other permit.

In circumstances involving an imminent threat to public safety, significant environmental harm,

or interference with Project operations, the Licensee may suspend or revoke a permit immediately, with written notice and an opportunity to be heard to follow as soon as practicable.

4.1.1 Application Procedure

- 1) An individual initiates an application request by visiting Tri-Dam Project's website (www.tridamproject.com)
- 2) Complete a Tri-Dam Project Application Form as detailed on Tri-Dam Project's website (www.tridamproject.com), which includes the following types of applications:
 - a. Private facilities
 - b. Commercial/HOA/public facilities
 - c. Excavation projects
 - d. Shoreline management and stabilization projects
- 3) Tri-Dam Project reviews the application to determine whether the proposed activity is consistent with the SMP and requirements of the FERC Project License. An on-site review will normally be conducted at this stage. Tri-Dam reserves the right to require additional information, technical studies, or design modifications to ensure compliance with navigational safety, environmental protection, and reservoir management objectives.
- 4) The applicant will be required to obtain all necessary permits and provide them to Tri-Dam Project. A list of the permits which may be required for a project include the following, however it is the Applicant's sole responsibility to identify and obtain all necessary permits and approvals: Clean Water Act (CWA) Section 404 Permit from the United States Army Corps of Engineers (USACE); CWA Section 401 Permit from the Regional Water Quality Control Board and, where applicable, a storm water permit; a Lake and Stream Alteration Agreement from CDFW; 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 Tri-Dam Project. It is the sole responsibility of the Applicant to: (a) identify and obtain all required federal, state, county, and local permits and approvals prior to commencing work; and (b) fully comply with the terms of all required federal, state, county, and local permits and approvals while the authorized shoreline facility remains in place.
- 5) Shoreline development projects within Tuolumne County and Calaveras County are subject to permit requirements as specified by each county.
- 6) Tri-Dam Project will coordinate with the applicant to ensure that any necessary changes or additional information can be obtained promptly.
- 7) Tri-Dam Project then completes the permitting process. If Tri-Dam Project issues the permit Tri-Dam Project will send 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 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) The Applicant is responsible for ensuring the facilities remain within authorized project boundary limits, provide for safe navigation, and county setback requirements.
- 10) 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, environmental, and wildlife habitat values of the area.
- 11) The Applicant must provide 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. The effectiveness of the Encroachment Permit will be conditioned on the Applicant demonstrating to Tri-Dam Project's satisfaction that all other applicable permits and approvals have been obtained for their project.

4.1.2 Construction

- 1) Construction progress will be monitored by Tri-Dam Project as required by conditions in encroachment permit. The applicant is required to contact 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) It is the sole responsibility of the applicant proposing the project to coordinate with other agencies that issued a permit or approval for the project if that agency's permit or approval requires construction monitoring, filings or inspections during or after construction.
- 3) All county and other required setbacks shall be shown on the permit application and identified in the field prior to construction.

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 Tri-Dam Project. A 1-year extension may be considered if the applicant files a written request with 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. Tri-Dam Project will cancel any permit that has not started construction within 24 months of the permit issuance date. Applicants with a

cancelled permit must reapply for a new permit and follow all existing SMP rules.

- 3) Facilities that do not achieve compliance with the issued permit within an established compliance period may be required to be modified or removed at the owner's expense.

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

Since every possible situation cannot be anticipated, Tri-Dam Project reserves the right to make decisions in cases not specifically covered by the SMP. Additional review and approval by FERC may be required for proposals that do not qualify for an Encroachment Permit.

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

In considering requests for development approval, 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. If the development cannot be redesigned in a manner that is consistent with this SMP, the permit will be denied.

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 Grandfathered / Non-Compliant Facilities

There are existing unauthorized structures and facilities constructed before February 16, 2006, and existing structures that were authorized by Tri-Dam Project but do not comply with 2016 SMP standards (collectively referred to as Grandfathered Facilities).

Article 413 of the FERC Project License gives Tri-Dam Project the discretion to grant permission for non-project uses and occupancies of Project lands. Tri-Dam Project, however, may authorize non-project uses and occupancies "only if the proposed use and occupancy is consistent with the purposes of protecting and enhancing the scenic, recreational, and environmental values of the project. Article 413 obligates Tri-Dam Project to "supervise and control the use and occupancies for which for which it grants permission."

In light of Tri-Dam Project's regulatory obligation to ensure all non-Project uses and occupancies are consistent with Project purposes, Tri-Dam Project is implementing a program for bringing Grandfathered Facilities into compliance with the SMP.

Grandfathered Facilities

Grandfathered Facilities may remain during a five-year compliance period (the Compliance Period). The Compliance Period will run from five years from the date FERC approves this 2026 SMP.

By the end of the Compliance Period, each Grandfathered Facility must apply for and obtain an Encroachment Permit from Tri-Dam Project using the Encroachment Permit application process described in Section 4. Tri-Dam Project will review each application to determine whether the Grandfathered Facility complies with the 2016 SMP and other applicable federal, state, and local standards and codes. Consistent with Sections 4.1.1 through 4.1.4, Tri-Dam Project may issue an Encroachment Permit for any Grandfathered Facility that complies with then-current SMP and is otherwise consistent with Project values.

Grandfathered Facilities that do not obtain an Encroachment Permit by the end of the Compliance Period will be considered unauthorized encroachments subject to the enforcement provisions of Section 5. The responsible party must remove an unauthorized Grandfathered Facility in a timely manner (not to exceed 5 years) and restore the site to pre-existing conditions. Within one year of the end of the Compliance Period, the party responsible for an unauthorized Grandfathered Facility must submit a compliance plan to Tri-Dam Project detailing its plans for removing the unauthorized structure and restoring the site.

Tri-Dam Project recognizes that it may not be feasible to remove non-compliance structures in the near-term due to site-specific circumstances or hardship, and that later removal of the non-compliant structure may be warranted. If Tri-Dam Project determines that site-specific circumstances or hardship warrant delayed removal and restoration, Tri-Dam Project will work with the responsible party to develop a written plan and schedule that provides for future removal and restoration of the unauthorized development. Failure to comply with the plan and schedule will subject the responsible party to potential enforcement under Section 5.

During the Compliance Period, an Encroachment Permit must be obtained for any replacement, expansion, or other modification of a Grandfathered Facility as provided for in Section 4. Modifications include, but are not limited to, any changes to the footprint (horizontal or vertical), layout, design, or construction material of the Grandfathered Facility. Tri-Dam Project will require such facilities to comply with current design criteria or be removed.

4.2 HOA/Public/Commercial Facilities Program

HOA, public and commercial shoreline facilities are reviewed and authorized under distinct procedural and compliance requirements within this SMP, reflecting differences in facility type, scope, and operational complexity. Such review may require additional documentation, updated design standards, construction modifications, or supporting studies necessary to demonstrate compliance with current SMP standards and applicable regulatory requirements. Upon approval, applicable shoreline facility authorizations and updates will be filed with FERC by Tri-Dam Project.

4.2.1 General

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

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by Tri-Dam Project at Tulloch Reservoir. However, these guidelines also include provisions to address overcrowding, navigability, and other development concerns and therefore, not all applicants seeking shoreline development permits for their properties will be able to achieve the maximum facility sizes that can be permitted under this SMP.

4.2.2 Application Procedure

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

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 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 occupants of single-family type dwellings.

Temporary recreational water structures, including but not limited to inflatable water trampolines, large floating platforms, anchored recreational inflatables, climbing structures, swim platforms, or similar water-based recreational devices, may be permitted within the Project Boundary provided they remain consistent with applicable manufacturer specifications, navigation safety, shoreline management requirements, and public safety considerations. Tri-Dam Project reserves the right to require review, modification, relocation, or removal of such structures if determined to interfere with navigation, public safety, environmental resources, Project operations, or adjacent property use. Refer to Tri-Dam Project's website (www.tridamproject.com) for the most current information on the types of private facilities that may require an Encroachment Permit.

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by Tri-Dam Project at Tulloch Reservoir. However, these guidelines also include provisions to address overcrowding, navigability, and other

development concerns and therefore, not all applicants seeking shoreline development permits for their properties will be able to achieve the maximum facility sizes that can be permitted under this SMP.

4.3.2 Application Procedure

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

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 Tri-Dam Project prior to beginning any such activity. If an emergency situation arises that requires excavation, reach out directly to Tri-Dam Project to expedite the application and approval process.

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by Tri-Dam Project at Tulloch Reservoir. However, these guidelines also include provisions to address overcrowding, navigability, and other development concerns and therefore, not all applicants seeking shoreline development permits for their properties will be able to achieve the maximum facility sizes that can be permitted under this SMP.

4.4.2 Application Procedure

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

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 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 will be considered on a case-by-case basis following applicant demonstration that 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.

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by Tri-Dam Project at Tulloch Reservoir. However, these guidelines also include provisions to address overcrowding, navigability, and other development concerns and therefore, not all applicants seeking shoreline development permits for their properties will be able to achieve the maximum facility sizes that can be permitted under this SMP.

Tri-Dam will consider authorizing the installation of new retaining walls, bulkheads, or similar hardened shoreline structures on a case-by-case basis, taking into consideration Tri-Dam's obligation under the FERC Project License to ensure shoreline uses are consistent with the purposes of protecting and enhancing the scenic, recreational, and other environmental values of the Project. Tri-Dam's decision to authorize shoreline stabilization will prioritize preservation of the natural shoreline through the use of native vegetation, bioengineering methods, and natural rock (riprap) materials.

Existing legally permitted retaining walls may be repaired or replaced in-kind, provided the replacement does not expand the original footprint, height, or encroachment into the reservoir.

4.5.2 Application Procedure

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

4.6 Buoy and Signage Plan

In 1999, Tri-Dam Project implemented a new *Buoy Master Plan* in conjunction with the Calaveras and Tuolumne counties Sheriff's 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 Sheriff Department's Marine Division 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 homeowners associations, business and marina operators. Information is also available on the Tri-Dam Project website, on kiosks throughout the reservoir, and within HOA and public access areas.

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 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 Tri-Dam Project's approval is obtained.

4.7 Private Boat Launches

Private boat launches within the FERC Project Boundary pose elevated aquatic invasive species (AIS) risks due to dispersed access and reduced control over vessel origin and condition. Accordingly, no new private boat launches will be authorized by Tri-Dam Project under this SMP unless Tri-Dam Project determines that: (a) the launch can be fully integrated into, and operated consistently with Tri-Dam Project's AIS Protocols (available at <https://www.tridamproject.com/aquatic-invasive-species-ais-protocols-updates>), and (b) adequate inspection, banding, and operational controls can be maintained to ensure AIS risk is not increased relative to use of designated public launch facilities.

Tri-Dam Project reserves the right to evaluate existing private boat launches to determine whether they are compatible with Tri-Dam Project's AIS Protocols. Based on such evaluation, Tri-Dam Project may revise permit terms for private boat launches to reduce AIS risks or phase out authorizations for existing boat launches if AIS risks cannot be adequately managed.

Tri-Dam Project retains discretion to prohibit private launches entirely if necessary to fulfill its obligations under the FERC Project License, its AIS Protocols, or other legal or regulatory obligations.

4.8 Application, Annual, and Renewal Fees

Article 413(b) of the FERC Project License authorizes Tri-Dam Project to charge reasonable fees to cover the costs of administering its shoreline management program. To help defray the cost of administering and enforcing its shoreline management program, Tri-Dam Project maintains a separate Fee Schedule, which is incorporated by reference into this SMP.

Tri-Dam Project may review and update the Fee Schedule from time to time to reflect changes in program administration costs, license conditions, or other relevant factors, provided that all fees remain reasonable and consistent with the FERC Project License. The current Fee Schedule will be made available to the public upon request and posted on Tri-Dam Project's website. The Fee Schedule includes, but is not limited to, the following types of fees:

HOA/Public/Commercial Facilities Program Fees

- Application for Encroachment Permit
- Annual Encroachment Permit
- Application to Modify Encroachment Permit

Private Facilities Program Fees

- Application for Encroachment Permit
- Annual Encroachment Permit
- Application to Modify Encroachment Permit

Grandfathered Facilities Fees

- Initial Grandfathered Facilities Registration Fee
- Annual Grandfathered Facilities Fee

Excavation Authorization Fees

- Application for Excavation Authorization
- Application to Modify Excavation Authorization

Shoreline Stabilization Fees

- Application for Shoreline Stabilization Application
- Application to Modify Shoreline Stabilization Authorization

SECTION 5.0

SMP MONITORING AND ENFORCEMENT

Tri-Dam Project is responsible for enforcing the SMP within the FERC Project Boundary. Tri-Dam Project oversees shoreline activities, processes Encroachment Permit, 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.

Compliance with the SMP is a condition of any Encroachment Permit or other authorization granted by Tri-Dam Project for the use and occupancy of Project lands and waters. Failure to comply with the SMP, or with conditions of an Encroachment Permit, previously approved variance, or other authorization issued under this SMP, constitutes a failure to comply with Tri-Dam Project's land use and occupancy authority under the FERC Project License and may result in enforcement action by Tri-Dam Project or FERC.

Unauthorized or non-compliant improvements will not be tolerated and may result in enforcement fees, legal action, and permanent revocation of Encroachment Permits, previously approved variances, and other authorizations issued by Tri-Dam Project.

5.1 Monitoring and Inspection

Tri-Dam Project will monitor shoreline conditions through periodic inspections, review of aerial imagery or other remote sensing, and site visits associated with permit review and construction monitoring. Tri-Dam Project may enter onto Project lands and waters, at reasonable times and in a reasonable manner, to inspect shoreline uses and structures for compliance with this SMP and any associated permits.

5.2 Public Complaints and Reports of Non-Compliance

Tri-Dam Project will maintain a process by which adjoining property owners, agencies, and members of the public may submit complaints or reports of suspected violations of this SMP. Tri-Dam Project will document each complaint, investigate the alleged violation, and maintain a record of the findings and any enforcement actions taken.

5.3 Recordkeeping and Reporting

Tri-Dam Project will maintain records of shoreline permits issued, complaints received, compliance reviews, and enforcement actions. Where required by the FERC Project License or other requirements, Tri-Dam Project will provide periodic summaries to FERC describing shoreline permitting activities, complaints, compliance issues, and the measures taken to resolve them.

5.4 Enforcement Tools and Remedies

Tri-Dam Project reserves the right to take lawful action to correct any violation of the SMP, the FERC Project License, or any other legal requirement including but not limited to:

- Use or occupancy of the shoreline within the FERC Project Boundary without an Encroachment Permit, previously approved variance, or other written authorization from Tri-Dam Project;
- Use or occupancy of the shoreline within the FERC Project Boundary that violates the SMP, an Encroachment Permit, previously approved variance, or other written authorization from Tri-Dam Project;
- Use or occupancy of the shoreline within the FERC Project Boundary that violates the FERC Project License or conditions imposed by Tri-Dam Project for the protection and enhancement of the Project’s scenic, recreational, cultural, or environmental values;
- Failure to pay required fees pursuant to Tri-Dam Project’s fee schedule; and
- Use or occupancy of the shoreline within the FERC Project Boundary that violates federal, state, or local laws, regulations, or ordinances.

Tri-Dam Project prefers to work cooperatively with the shoreline community to ensure that all authorized shoreline uses and occupancies are consistent with this SMP and other applicable requirements. Tri-Dam Project reserves the right to take any lawful action necessary to enforce the terms of the SMP, including but not limited to, cancelling Encroachment Permits or other written authorizations, requiring the removal of any non-complying structures and facilities, and litigation. Any person who fails to obtain an Encroachment Permit, fails to comply with the terms of an Encroachment Permit, previously approved variance, or other written authorization issued by Tri-Dam Project, or fails to comply with the SMP or other Tri-Dam Project policies or directives shall be liable for all enforcement costs – including but not limited to attorney’s fees and interest – incurred by Tri-Dam Project.

In addition to any other remedies available under the FERC Project License, this SMP, or applicable law, Tri-Dam Project may take one or more of the following actions in response to non-compliance with this SMP or with any Encroachment Permit, previously approved variance, or authorization issued under it.

5.4.1 Notice of Violation and Cure Period

Upon determining that a violation has occurred, Tri-Dam Project will provide written notice to the responsible party describing the nature of the violation and the corrective actions required. Except in cases involving an imminent threat to public safety, significant environmental harm, or interference with Project operations, the notice will provide a period of 90 days from the date of the notice (the “Cure Period”) for the responsible party to cure the violation to Tri-Dam Project’s satisfaction. Tri-Dam Project may suspend construction or use authorized under any Encroachment

Permit, previously approved variance, or other authorization during the Cure Period if necessary to prevent further non-compliance.

5.4.2 Failure to Cure, Permit Suspension, Modification, or Revocation

If the violation is not cured within the Cure Period, or if the responsible party fails to diligently pursue corrective action, Tri-Dam Project may issue a stop work order, or suspend, modify, refuse to renew, or revoke any Encroachment Permit, previously approved variance, or other authorization issued under this SMP. In circumstances involving an imminent threat to public safety, significant environmental harm, or interference with Project operations, Tri-Dam Project may issue a stop work order, or suspend or revoke a permit immediately, with written notice and an opportunity to be heard to follow as soon as practicable.

5.4.3 Denial of Future Approvals

If a violation is not cured within the Cure Period, Tri-Dam Project may decline to process or approve new or additional permit applications for the affected property or responsible party until all outstanding violations are resolved to Tri-Dam Project's satisfaction.

5.4.4 Removal and Restoration at Responsible Party's Expense

If a violation is not cured within the Cure Period, Tri-Dam Project may require the responsible party, at its sole cost, to remove or modify any unauthorized or non-complying structures or uses and to restore affected lands and waters to a condition acceptable to Tri-Dam Project and consistent with this SMP. If the responsible party fails to undertake or complete such corrective actions within any additional time specified by Tri-Dam Project, Tri-Dam Project may undertake such measures itself and recover all associated costs from the responsible party.

5.4.5 Enforcement Fees and Cost Recovery

If a violation is not cured within the Cure Period, Tri-Dam Project may assess enforcement fees and charges reasonably designed to deter non-compliance and to reimburse Tri-Dam Project for the costs of inspections, administrative processing, enforcement activities, and removal/disposal or site restoration associated with the violation. The obligation to reimburse such costs is in addition to, and not in lieu of, any requirement to cure the violation.

5.4.6 Referral to Regulatory Authorities

In cases of significant or repeated violations, including failures to cure within the Cure Period, Tri-Dam Project may refer the matter to FERC and/or other governmental authorities having jurisdiction for further enforcement action.

5.4.7 Legal Action

If a violation is not cured within the Cure Period, or in situations requiring immediate judicial

relief, Tri-Dam Project may initiate litigation or other legal proceedings, including actions for injunctive relief, specific performance, and recovery of damages, costs, and attorneys' fees, to enforce compliance with this SMP, the FERC license, and any permits or agreements entered into under this SMP.

5.5 Immediate Action in Urgent Situations

In situations involving an imminent threat to public safety, significant environmental harm, or interference with Project operations, Tri-Dam Project may require immediate cessation of the offending activity and may take prompt action to stabilize the site. Tri-Dam Project will follow such emergency measures with written notice and an opportunity for the responsible party to be heard, as appropriate.

5.6 Coordination with Governmental Authorities

In enforcing this SMP, Tri-Dam Project will coordinate, as appropriate, with federal, state, and local agencies having jurisdiction over land use, environmental protection, public safety, and other relevant matters. Enforcement of this SMP does not limit the authority of any governmental entity to enforce its own laws, regulations, or ordinances.

5.7 Appeals of Enforcement Decisions

An Applicant or affected shoreline owner may request reconsideration of an enforcement decision by submitting a written request to Tri-Dam Project within 15 calendar days of the decision. The request shall state the basis for reconsideration and provide any supporting information. Tri-Dam Project will review the request and issue a written determination affirming, modifying, or rescinding the enforcement decision.

5.8 No Waiver of SMP Requirements

Tri-Dam Project's decision not to take enforcement action in a particular case shall not be construed as a waiver of its right to enforce this SMP in other circumstances, or against future violations of the same or similar provisions.

SECTION 6.0

REFERENCES CITED

None.

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