

TULLOCH RESERVOIR SHORELINE MANAGEMENT PLAN

2026 Update
(Revised Draft for Review)

Tulloch Hydroelectric Project
FERC Project No. 2067

Commented [TD1]: Note to Reviewers: substantive revisions in this updated SMP include a rationale statement in the comment bubble. Minor or editorial revisions do not include a rationale statement.

May 2026

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GLOSSARY

~~Definitions of terms, acronyms, and abbreviations used in this Tulloch Reservoir Shoreline Management Plan.~~

Commented [TD3]: ~~Rationale:~~ removed for simplicity; key terms are defined in the main body of the document.

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
CNDDDB	California Department of Fish and Wildlife's California Natural Diversity Data Base
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.
counties	Calaveras and Tuolumne
CSERC	Central Sierra Environmental Resource Center
CWA	Clean Water Act
DHAC	Division of Hydropower Administration and Compliance
Dock	A facility located on the reservoir which is designed to accommodate the parking and/or in water storage of watercraft.
DOI	Department of Interior
Earthfill	The placement of fill material (soil or rock) within the FERC Project Boundary.
Encroachment Permit	A permit which provides authorization by Tri-Dam Project 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

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	processing of encroachment permit applications and other reservoir use permits.
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.
ft	feet
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
HPMP	Historic Properties Management Plan
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, boatlifts, floats, boatslips, and boat ramps.
mph	Miles per hour
MW	megawatt
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
SPLAT	Stanislaus Planning Action Team
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

~~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.~~

Commented [TD4]: Rationale: updated introductory paragraphs to reflect the 2026 SMP update and state the requirement to do so in its FERC license.

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)~~ FERC directed ~~the~~ 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 ~~Cal Fish and Wildlife~~), 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 ~~the Commission~~ FERC for approval.

Commented [TD5]: Rationale: simplified text.

~~The Chief's~~ FERC's letter stated that, until ~~the Commission~~ FERC 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 relicensing 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 Boundary² without prior approval of ~~FERC the Commission~~.³ ~~This revised SMP was developed in consultation with~~ insert. A record of the consultation is included in Attachment C.

Commented [TD6]: Note to Reviewers: Tri-Dam will update the text and Attachment C once the review/consultation process is complete.

~~The~~ FERC Project Boundary is defined as the area within the 515-foot (ft) elevation contour, which is 5 ft above the normal maximum water surface elevation (NMWSE) of Tulloch Reservoir. ~~This is an area of approximately 1,638 acres.~~

Commented [TD7]: Rationale: These 2 paragraphs were moved to Section 1.1

~~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~~

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. 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.

³ 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.

~~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 16, 2006 for a term ending on December 31, 2045. The new license FERC Project License issued in 2006 included the Commission FERC's standard land use and occupancy article as Article 413. This article provides Tri-Dam Project with the authority discretion to grant permission for permit certain types of use and occupancy of lands within the FERC Project Boundary without prior Commission FERC approval. The provisions of this standard land use and occupancy article, which that 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 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 the 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.~~

Commented [TD8]: Rationale: restating/clarifying FERC regulations that restrict any diversion of water from the Project 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 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.~~

Commented [TD9]: Rationale: replaced text with added detail on Tri-Dam Project's obligations to protect operational, environmental, safety and navigation under the FERC Project License and the evaluation considerations for each Encroachment Permit.

~~This SMP is filed with the Commission in accordance with the Chief's April 1, 2014 letter and was prepared in conformance with Articles 411 and 413 of the license.~~

1.1 Description of the Tulloch Project

~~The FERC Project Boundary is defined as the area within the 515-foot (ft) elevation contour, which is 5 ft above the normal maximum water surface elevation (NMWSE) of Tulloch Reservoir. This is an area of approximately 1,638 acres.~~

Commented [TD10]: Rationale: text moved to end of this section (bottom of page)

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.

Commented [TD11]: Rationale: relocated text from Section 1.0 with clarifying edits.

The Project is located in Tuolumne and Calaveras eCounties, 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.

Commented [TD12]: Rationale: clarification/added detail

Major Project facilities include: 1) Tulloch Dam, a the-200-ft high damTulloch 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 at NMWSE of about 1,260 acres; at the normal maximum water surface elevation (NMWSE); and 3) the three units (two 11.7 megawatt [MW] units and one 6.8 MW unit) at 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 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 shows the Tulloch Project location and Project features, respectively.

Commented [TD13]: Rationale: relocated text from start of Section 1.1

Commented [TD14]: Rationale: Figure 1.1-2 (general location map) was removed as the zoomed in Project map is the critical figure for this plan.

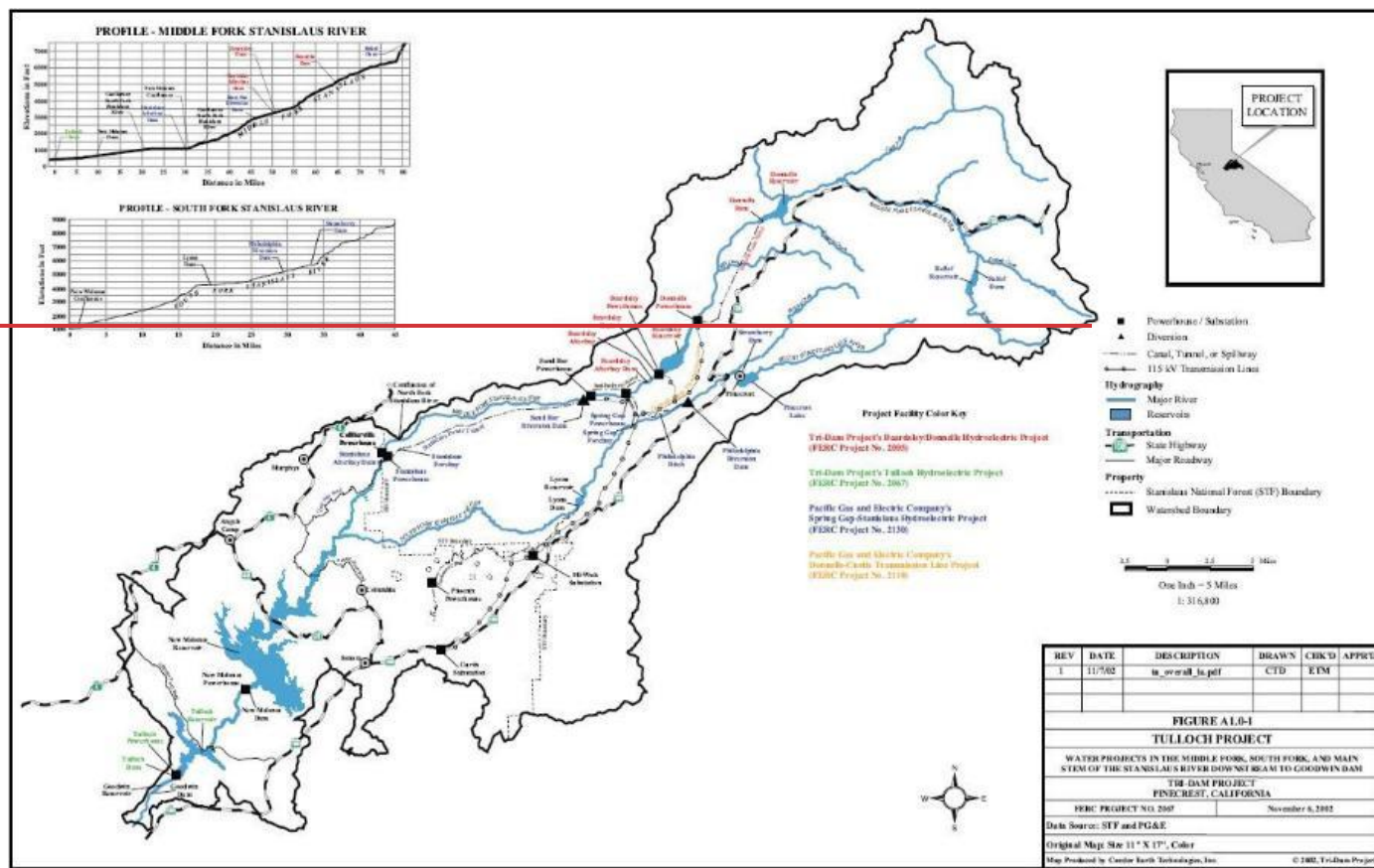
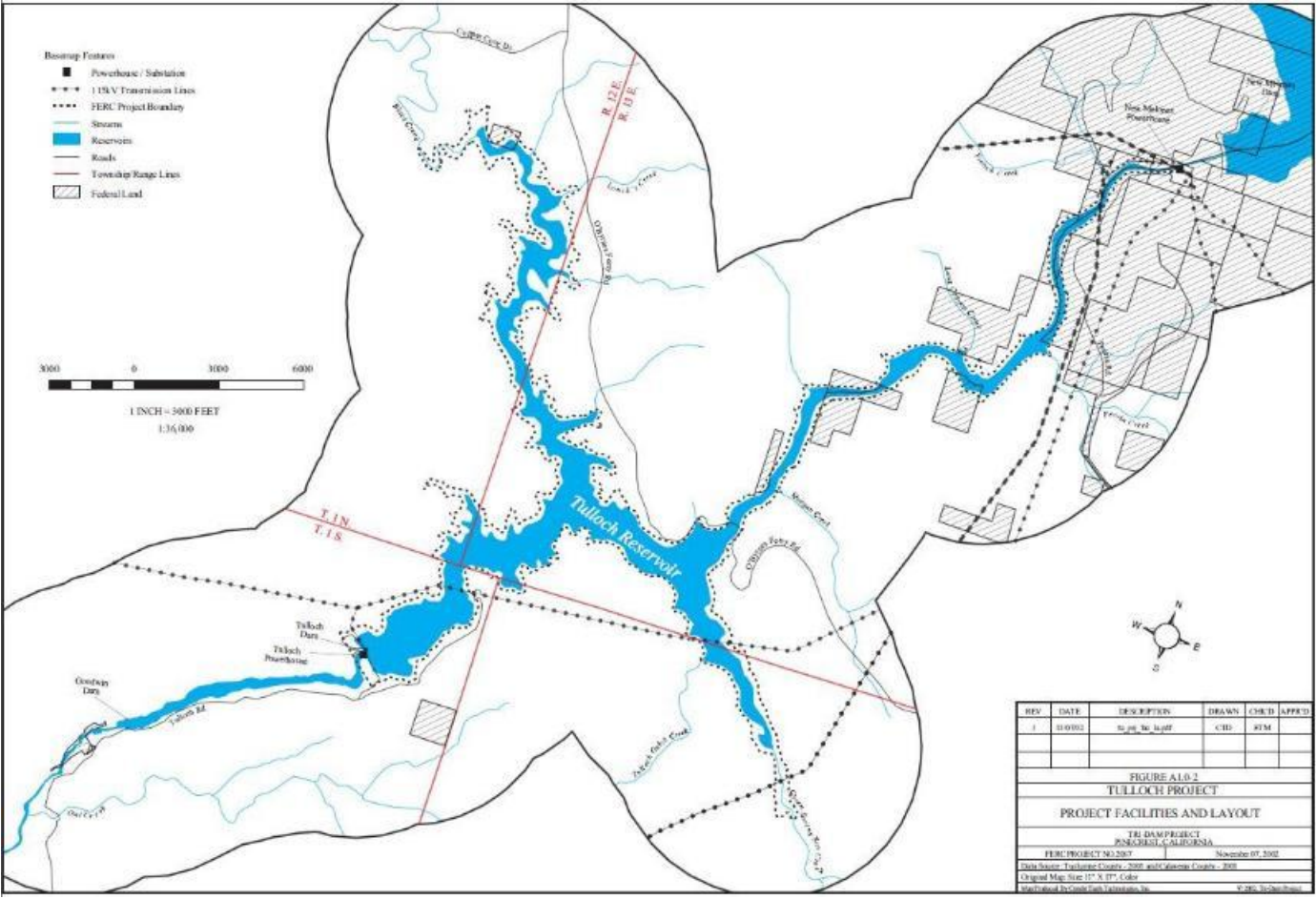


Figure 1.1-1. Water Projects in the Middle Fork, South Fork and main stem of the Stanislaus River.

Commented [TD15]: Rationale: this figure is not needed for context in this SMP. The next figures is adequate.



1.2 Purpose, ~~and~~ Objectives ~~and Goals~~ of the SMP

~~The purpose of this SMP establishes to describe the minor shoreline development activities (referred to in the SMP as “shoreline development projects” and “applicant projects”) within the FERC Project Boundary for which the Commission in the license has provided to the Tri-Dam Project the authority to grant, without prior approval by the Commission (see Articles 411 and 413). 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 minor shoreline development projects by use of encroachment permits. This SMP describes how the Tri-Dam Project will issue encroachment permits to authorize proposed minor shoreline development projects at the Tulloch Hydroelectric Project, 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.~~

Commented [TD16]: Rationale: Clarification- revised text clarifies the intent of the SMP.

~~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~~

~~The goal of the SMP is to assist Tri-Dam Project will authorize ~~a~~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 ~~e~~Encroachment ~~p~~Permit and describing the process the Tri-Dam Project will undertake to issue an ~~e~~Encroachment ~~p~~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, and public recreational values of the reservoir.~~

All proposed minor shoreline development projects must obtain an ~~e~~Encroachment ~~p~~Permit ~~or other authorization~~ from ~~the~~ 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.

Commented [TD17]: Rationale: clarifies authorizations needed for non-project use.

~~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.~~

Commented [TD18]: Rationale: new stand-alone section added (Section 4.8) that identifies the types of fees associated with implementation of the SMP

This SMP also applies to any replacement, expansion or other ~~alteration-modification of "Grandfathered"~~ Facilities ~~minor shoreline development 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 ~~These structures~~ may be maintained or repaired, even though their use does not conform to the design criteria in this SMP ~~these guidelines~~.

Commented [TD19]: Rationale: detail added to this paragraph on Grandfathered Facilities and what constitutes a "modification"

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).

Commented [TD20]: Rationale: clarification of Tri-Dam's existing policy related to grandfathered facilities and non-compliance.

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 ~~previously approved non-complying structure, the new structure must comply with the guidelines 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. ~~or, if they~~ If proposed new minor shoreline developments are outside the scope of this SMP, Tri-Dam Project may referred the proposed shoreline development project to the Commission FERC for resolution.

It is important to note that planning, constructing, operating, and maintaining ~~the~~ an ~~a~~Applicant's project covered under this SMP may require obtaining local, state, and federal permits and approvals in addition to an ~~e~~Encroachment ~~p~~Permit from ~~the~~ Tri-Dam Project. It is the sole responsibility of the ~~a~~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 ~~e~~Encroachment ~~p~~Permit from ~~the~~ Tri-Dam Project in no way relieves the ~~a~~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

Commented [TD21]: Rationale: clarifies the Applicant's responsibilities around other applicable permits.

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.~~

Commented [TD22]: Rationale: introduces the new SMP section detailing Tri-Dam Project's SMP monitoring and enforcement.

~~The Tri-Dam Project will coordinate, to the extent appropriate, the efforts required under this SMP with 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 minor shoreline permitting activities are provided in Section 3 of this SMP. 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.~~

Commented [TD23]: Rationale: This text was moved down to a new section below - "SMP Coordination with Other FERC and Non-FERC Conditions"

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 as it relates to the FERC license for managing the reservoir's shoreline and water surface that is consistent with the Project's primary purpose, under the license, of power generation. The goal of the SMP is to balance present and future minor shoreline development with the need to provide a safe and enjoyable experience for visitors and residents, and to protect and enhance natural resources in and around the reservoir.~~ Implementation and success of this SMP depends upon the ongoing commitment and cooperation of the Tri-Dam Project, counties, land and resource agencies, commercial marinas, and homeowners around the reservoir.

Commented [TD24]: Rationale: deleting repetitive text from Section 1.2 above

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 minor~~

Commented [TD25]: Rationale: Tri-Dam removed this section in lieu of the new Section 1.4 below whereby other FERC license resource plans/measures (articles) are referenced. These are not provisions of the SMP but rather measures in separate license conditions (plans or measures).

shoreline development at Tulloch Reservoir;

- ~~Section 3.1 references management measures in other plans included in the FERC license for managing special-status species and habitat;~~
- ~~Section 3.9 references management measures in other plans included in the FERC license for managing noxious weeds; and~~
- ~~The shoreline permitting process framed in Section 4.0 provide for oversight of minor shoreline development by the Tri-Dam Project in item 3 in Section 4.1.1 and in item 1 in Section 4.2.1.~~

1.4 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 Donnels 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

Commented [TD26]: Rationale: relocated text from Section 1.2

Commented [TD27]: Rationale: paragraph provides additional Tri-Dam Project measures related to aquatic invasive species

Commented [TD28]: Rationale: update to clarify additional coordination with Tri-Dam's Buoy Master Plan document.

Commented [TD29]: Rationale: Tri-Dam added this language to clarify why sensitive environmental and cultural resource inventories and measures are no longer summarized in this SMP.

~~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

Commented [TD30]: Rationale: editorial updates to this section

As conditions at the Project change over time, ~~the~~ Tri-Dam Project will assess whether ~~additional 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 the United States Army Corps of Engineers (USACE), California State Water Resources Control Board (SWRCB), USFWS, CDFW~~Cal Fish and Wildlife~~, 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 and as appropriate, modification of the proposed changes prior to~~ filing the updated SMP with FERC. The updated SMP will be implemented ~~when approved upon approval by the Commission~~ FERC.

~~In addition~~As required by FERC, every 10 years following ~~the Commission~~ FERC's approval of this SMP, ~~the~~ Tri-Dam Project will conduct an adequacy assessment of the SMP in consultation with the USACE, SWRCB, USFWS, CDFW~~Cal Fish and Wildlife~~, 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 ~~periodic consultation and review 10-year adequacy assessment~~ process will be filed with ~~the Commission~~ FERC for review and approval.

~~In the event that the~~ If 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~~ FERC's approval in conjunction with its 10-year adequacy assessment report. ~~The Tri-Dam Project will include documentation~~ Documentation of consultation and ~~its Tri-Dam Project's~~ response to any comments or recommendations, including those not adopted ~~in the SMP as revised will be included with the filing~~. As noted above, ~~the~~ Tri-Dam Project will provide to the ~~parties listed above~~ 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 ~~the Commission~~ FERC for approval.

1.6 History of Shoreline Management at the Tulloch Project

Article 39 of the initial license provided ~~the~~ 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~~

Commented [TD31]: Rationale: this is no longer relevant

~~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.

Tulloch Reservoir SMP (Original)

During the Project relicensing process, ~~the~~ Tri-Dam Project ~~developed an original SMP, which was superseded by the 2015 SMP. Development of the original SMP included~~ ~~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 (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 500-670 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.~~

Commented [TD32]: Rationale: clarification

~~The Commission~~ FERC 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 FERC Project License~~ included—requires Tri-Dam Project to implementation of the 2002 SMP filed during the relicensing process on an interim basis. Article 411, and also required ~~the~~ Tri-Dam Project to revise and refile the 2002-SMP for FERC approval. In particular, Article 411 requires ~~the~~ Tri-Dam Project to consult with the following parties during revision of the SMP:

- CDFW Cal Fish and Wildlife;
- USFWS;

- Tuolumne and Calaveras Counties;
- Commercial marinas; and;
- Representatives of homeowner's associations for with land abutting Tulloch Reservoir.

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

2015 Tulloch Reservoir SMP (Update)

To update the existing Tulloch Reservoir SMP, on December 31, 2014, ~~the~~ Tri-Dam Project filed a Draft Updated Tulloch Reservoir SMP with FERC and distributed it to the USFWS, CDFW, ~~California Fish and Wildlife~~, the counties, commercial marinas, and representatives of homeowners associations that have land that directly abut Tulloch Reservoir⁴ asking for written comments by February 2, 2015. ~~In a~~ 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.

~~Tri-Dam Project extended its outreach beyond the requirement in the FERC license. On January 14, 2015, Tri-Dam Project distributed a notice of the Draft Updated Tulloch Reservoir SMP availability to all landowners with property adjoining Tulloch Reservoir for review and, requested written comments by February 15, 2015. At the request of a couple of landowners, Tri-Dam Project extended the written comment deadline to March 15, 2015.~~

Commented [TD33]: Rationale: consolidated the summary from past efforts.

~~In a further outreach effort, Tri-Dam Project held a public meeting on April 11, 2015 at Tulloch Reservoir to discuss the Draft Updated Tulloch Reservoir SMP. The meeting was advertised in local periodicals and Tri-Dam Project provided direct mail notification of the meeting to each waterfront landowner.~~

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~~10~~. 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, 2016.⁵

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

Commented [TD34]: Rationale: new section summarizing the current 2026 SMP update effort.

⁴ ~~Representatives of homeowners associations that have land that directly abut Tulloch Reservoir include at this time Copper Cove at Lake Tulloch Owners' Association, Lake Tulloch Alliance, Connor Estates Master Association, Black Jack Bluffs Association, Peninsula Estates Association, Lake Tulloch Shores Subdivision, and Calypso Bay Property Owners Association~~

⁵ 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).

and Calaveras 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 <insert #> parties and received phone calls from <insert #> individuals. Attachment CH includes provides documentation of Tri-Dam Project's consultation, and a response to each comment received by Tri-Dam Project either in writing or at the April 11 public meeting.

Commented [TD35]: Note to Reviewers: Tri-Dam Project will update this text once the review period is complete.

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 12: 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 same-consistent rules by Calaveras and Tuolumne counties governing the use of the Tulloch Reservoir by Calaveras and Tuolumne counties 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.

Commented [TD36]: Rationale: new goal added to ensure adequate funding to effectively implement the SMP. Reasonable fee schedules for SMP implementation, permitting, compliance, etc. is common in FERC SMPs. A new section (Section 4.8) identifies the types of fees associated with SMP implementation. Note that the fee schedule is on Tri-Dam Project's website (not in this SMP).

GOAL 32: 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 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 ~~permitted 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 all required federal, state, and local permits and authorizations ~~if needed, from multiple agencies~~ 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 43: 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 ~~pre-developed subdivisions of Poker Flat, Connor Estates, Peninsula Estates, Copper Cove, Black Jack Bluffs and those within Tuolumne County~~ 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.

Commented [TD37]: Rationale: private boat dock and boat ramp restrictions are needed to meet these SMP objectives particularly related to water quality/aquatic invasives and navigational safety.

Commented [TD38]: Rationale: since specific entities may change over time, Tri-Dam revised the language to be general

Commented [TD39]: Rationale: added detail on criteria that needs to be met

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 ~~the~~ 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.

Commented [TD40]: Rationale: additional detail provided on allowable uses at docks (temporary vs long-term storage)

GOAL 54: 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.

Commented [TD41]: Rationale: additional policy added.

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.

Commented [TD42]: Rationale: removed measures as Tri-Dam is not responsible for and cannot enforce speed limits. This is a county law enforcement responsibility.

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 ~~65~~: ENHANCE THE QUALITY OF RECREATIONAL OPPORTUNITIES AT TULLOCH RESERVOIR

Policy:

Tulloch Reservoir's water recreation ~~users~~opportunities are maintained, including ~~for~~ 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.~~

Commented [TD43]: Rationale: FERC amended its regulations to eliminate the Form 80 requirement (Licensed Hydropower Development Recreation Report), effective March 28, 2019.

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

GOAL ~~76~~: 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 ~~through coordinated shoreline and reservoir management activities.~~

Commented [TD44]: Rationale: detail added to clarify the SMP's FERC Project focus of the shoreline and reservoir

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 eCounty 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.

Commented [TD45]: Rationale: measure added that focuses on key objective of SMP re: water quality and environmental conditions.

GOAL 87: 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 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 of California~~ Fish and Wildlife 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.

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

The Tri-Dam Project owns ~~22~~16 parcels totaling ~~501~~419 acres, or ~~30~~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 ~~multiple HOAs~~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 also approved a 300-unit subdivision, Tuscan Hills, which received preliminary map approval, but is not yet developed. 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 ~~three-several~~ developed areas: ~~South Shore, Green Springs, and Black Jack Bluffs, 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

Commented [TD46]: Rationale: consolidated in text above.

Commented [TD47]: Rationale: outdated information

Commented [TD48]: Rationale: Tri-Dam Project's updated intent related to shoreline development based on current shoreline development.

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. There are seven non-Project recreation facilities on Tulloch Reservoir. At present, there are two facilities that provide the public with the opportunity to access to Tulloch Reservoir for a fee: 1) the South Shore Campground and Marina which is a public marina; and 2) Drifters Reef which is a private commercial marina. There are also six developments (Black Jack Bluffs, Copper Cove Marina, Kiva Recreation Area, Connor Estates Recreation Area, Calypso Beach Villas and Poker Flat Recreational Facilities) that provide launch ramps, docks and recreational areas, and these are intended for the sole use of the residents within each development.~~

~~The Tri-Dam Project has~~maintains an active program of reviewing and permitting uses and occupancy within the FERC Project Boundary 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, but separately from, the respective counties and with consultation of federal and state land and resource agencies.

~~3.1~~ Management Measures for Special Status Species and Their Habitats

~~The Tri-Dam Project performed special-status species surveys within the FERC-Project Boundary as part of relicensing. In addition, 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 (CNDDB), 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 3.1-1). Based on Tri-Dam Project's surveys and recent reviews of databases, Tri-Dam Project prepared a Geographical Information System (GIS) map showing the location of sensitive areas for special-status species identified at or near Tulloch Reservoir. The map is available to FERC and resource agencies, but is not for the general public due to the sensitive nature of the information. A copy of this map is included in Attachment C, and is considered Privileged.~~

~~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 ^a	Habitat and Life History Notes	Known Occurrences
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Commented [TD49]: Rationale: since specific entities may change over time, Tri-Dam revised the language to be general.

Commented [TD50]: Rationale: deleted remainder of Section 3 (to avoid any duplication, repetition or confusion between these plans & the SMP). Rather, this SMP references (Section 1.4 of this SMP) these other Project resource management plans that are periodically updated. These other plans provide the most up-to-date sensitive environmental and cultural resource inventories and strategies to minimize impacts to these resources.

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

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 ; no occurrence of valley elderberry longhorn beetle (Tri-Dam 2002)

Table 3.1-1. (continued)

Species	Status ²	Habitat and Life History Notes	Known Occurrences
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 arm; no nesting observed (Tri-Dam 2002)
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	Roost site near northwest abutment of Tulloch Reservoir Dam (CNDDB 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, but none observed.
Red Hills (California) vervain <i>Verbena californica</i>	FT, CT	Valley and foothill grassland, cismontane woodland.	Potentially present in suitable habitat, but none observed.

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 sensitive special status species habitat is known to occur in the vicinity of their proposed shoreline project based on the map in Appendix C. If such sensitive habitat is present, the applicant will be required to enter into, and formally document, consultation with State and federal agencies responsible for the protection of the species. With regards to ESA-listed species, the USFWS is the responsible agency; and for CESA-listed and Fully Protected species,

Cal Fish and Wildlife is the responsible agency. Note that if the proposed shoreline development requires the applicant obtain permits and approvals for federal or state agencies, those agencies may require the applicant perform surveys specific to their proposed development.

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

Two areas within Tulloch Reservoir have been 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 and coordinated law enforcement strategies at the Project and use of Tulloch Reservoir.~~

~~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 consider additional restrictions of 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. Tri-Dam has had a biological report prepared regarding potential species considerations, and has requested that Calaveras County provide input regarding the potential need to implement a non-motorized boating zone in the upper reach of the Black Creek arm of the reservoir.~~



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 Sheriff's Department's patrols. Similar to Black Creek, input from Tuolumne County has been obtained regarding the county regulation of a non-motorized boating zone within this area.



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 Valley Elderberry Longhorn Beetle 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	CNDDDB#	% of Shoreline
Chemise Chaparral	27-100.00	2.7%
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 / Chemise	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		2.2%
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. Enroachment 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 enroachment 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. Attachment G includes a map of known historic properties within the FERC Project Boundary. The map is considered Privileged due to the nature of the material.~~

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 eEncroachment pPermit from ~~the~~ 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 ~~the~~ 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.

Commented [TD51]: Rationale: detail added to clarify that Applicant must address all other permits/approvals beyond the SMP permits and approvals.

In addition, ~~the~~ Tri-Dam Project may require the ~~a~~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~~shoreline development p~~Permits ~~for their properties~~ 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.

Commented [TD52]: Rationale: clarifies Tri-Dam Project's permit options in order to comply with SMP objectives to protect resources per FERC 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.

Commented [TD53]: Rationale: added language to clarify Tri-Dam Project's authority separate from other authorities/permits/approvals.

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) contacting the Tri-Dam Project via phone at (209) 532-3838 or (209) 785-3838, by mail or via the internet contact us on our website: (info@tridamproject.com).
- 2) ~~All applications must include the following information (as a minimum) to start the review process:~~
- 3)2) Completed 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
Basic description of the proposed facility (e.g. 20 slip marina);
 - a. Intended users (e.g. subdivision lot owners and general public);
 - b. Surveyed limits of the subject property, with all property lines noted, and the 510 ft and the 515 ft contour lines clearly denoted.
 - c. Engineered site plan depicting the location of all proposed facilities with elevations and property lines shown;
 - d. Location of the proposed shoreline development project within the reservoir; and
 - e. A list of all permits and agency approvals needed for the construction, operation and maintenance of the proposed shoreline development project.
- 4)3) ~~The Tri-Dam Project reviews the application to determine that whether the proposed activity is consistent with the SMP and FERC license requirements of the FERC Project License. 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. 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.~~
- 5)4) ~~The applicant will be required to obtain the all 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 a) 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~~

Commented [TD54]: RATIONALE: the complete and up-to-date application process is detailed on Tri-Dam Project's website. As such, this revision sends applicants to this location for all application details rather than stating them in the SMP Section 4.2 through Section 4.5 below (avoids duplication of information and confusion between SMP and Tri-Dam Project's website).

Commented [TD55]: Rationale: Addressed in Section 4.1.4 below

Commented [TD56]: Rationale: language added based on experience with previous applications and often needing additional information or changes before progressing through the application process.

Permit from the Regional Water Quality Control Board and, where applicable, a storm water permit; a Lake and Stream Alteration Agreement from CDFW 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. 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.

Commented [TD57]: Rationale: reiterating the Applicant's responsibilities for obtaining all other permits and approvals outside of this SMP process.

6)5) Shoreline development projects within Tuolumne County and Calaveras County are subject to permit requirements as specified by each county.

7)6) ~~The~~ Tri-Dam Project will coordinate with the applicant to ensure that any necessary changes or additional information can be obtained promptly.

8)7) ~~The~~ Tri-Dam Project then completes the permitting process. If Tri-Dam Project issues the permit and sends 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 ~~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) The Applicant is responsible for ensuring the facilities remain within authorized project boundary limits, provide for safe navigation, and county setback requirements.

Commented [TD58]: Rationale: based on experience, further detail was added on applicant responsibilities around project siting/boundaries.

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 ~~the~~ Tri-Dam ~~p~~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.

Commented [TD59]: Rationale: reiterating the Applicant's responsibilities for obtaining all other permits and approvals outside of this SMP process.

4.1.2 Construction

1) Construction progress will be monitored by ~~the~~ Tri-Dam Project as required by conditions in encroachment permit. 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) 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 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).~~

Commented [TD60]: Rationale: the county set backs are specific for each county and subject to change so this level of detail was removed.

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. 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.

Commented [TD61]: Rationale: based on experience, Tri-Dam added this detail to ensure projects are completed in a timely manner.

Commented [TD62]: Rationale: clarifies that compliance with the permit is required and identifies consequences of non-compliance.

4.1.4 Tri-Dam Project's Role in Issuing Encroachment 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 approval by FERC may be required for proposals that do not qualify for an Encroachment Permit.~~

Commented [TD63]: Rationale: moving forward, the process will require an Encroachment Permit or other authorization. Variances will no longer be permitted.

All proposed minor 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 Project License and other applicable requirements.

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

~~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.~~

Commented [TD64]: Rationale: a separate, stand-alone section addressing Grandfathered Facilities was added below.

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.

4.1.5 Violations and Enforcement

The Tri-Dam Project will issue stop work notices for any violations of: this SMP; a Tri-Dam Project issued encroachment permit; or the FERC license. 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 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,

Commented [TD65]: Rationale: enforcement provisions now detailed in a new stand-alone section below (Section 5)

Commented [TD66]: Rationale: introductory text added for HOA, Public and Commercial facilities to highlight the difference from other Private facilities.

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 ~~the~~ 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 ~~the~~ 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.

4.2.3 ~~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 furthestmost 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 ft 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~~

Commented [TD67]: INTERNAL: Add reference to website; same for

Commented [TD68]: Rationale: criteria removed as this is addressed in the Application Form on Tri-Dam Project's website.

~~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 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 ~~the~~ 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.

4.3.3 ~~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 ft from the reservoir NMWSE. An owner may apply for a facility that extends further than 40 ft if it can be demonstrated that the 40-ft 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~~

Commented [TD69]: Rationale: criteria removed as this is addressed in the Application Form on Tri-Dam Project's website.

- ~~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 70 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. If an emergency situation arises that requires excavation, reach out directly to Tri-Dam Project to expedite the application and approval process.

Commented [TD70]: Rationale: criteria removed as this is addressed in the Application Form on Tri-Dam Project's website

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by ~~the~~ 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.

4.4.3 ~~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 or issued permit for the work, 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.~~

Commented [TD71]: Rationale: criteria removed as this is addressed in the Application Form on Tri-Dam Project's website

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

Commented [TD72]: Rationale: updated SMP direction related to these types of shoreline stabilization measures

The permitting standards and guidelines included in this SMP generally describe the maximum sizes of the facilities that can be permitted by ~~the~~ 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.

Commented [TD73]: Rationale: further detail on process for new and existing retaining walls, bulkheads, etc.

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.

4.5.3 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.~~

Commented [TD74]: Rationale: criteria is addressed in the Application Form on Tri-Dam Project's website.

4.6 Buoy and Signage PlanProgram

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~~ 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 ~~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.~~

~~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.

Commented [TD75]: Rationale: removed as there isn't a formal application for buoys and signage

Commented [TD76]: Rationale: criteria removed as this is addressed in the Application Form on Tri-Dam Project's website

Commented [TD77]: Rationale: additional detail on private boat launches to consistent with Tri-Dam Project's ongoing AIS protocols; consistent with SMP objectives to protect environmental resources.

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

Commented [TD78]: Rationale: new section to address fees related to the SMP. Note that this section highlights types of fees, however fee structure is located on Tri-Dam Project's website.

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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.

Commented [TD79]: Rationale: new section to clearly state Tri-Dam Project's monitoring and enforcement under this SMP.

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 ~~65.0~~

REFERENCES CITED

None.

~~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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