

June 9, 2026

Debbie-Anne Reese, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

Re: Tulloch Hydroelectric Project

FERC Project No. 2067-062

Supplemental Allegations and Request for Enforcement Action (License Article 405)

Response to Licensee's June 3, 2026 Process Plan and Schedule (Accession No. 20260603-5132)

Dear Secretary Reese:

Enclosed for filing in the above-captioned docket, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.206, please find the Lake Tulloch Weed Alliance's Supplemental Allegations and Request for Enforcement Action concerning the licensee's compliance with License Article 405 of the Tulloch Hydroelectric Project license.

This submission supplements the record established by the Commission's Notice of Violation issued February 3, 2026 (Accession No. 20260203-3060), and responds to two subsequent licensee actions: the vegetation-management materials the licensee circulated on May 28, 2026; and the Process Plan and Schedule the licensee filed on June 3, 2026 (Accession No. 20260603-5132) in response to the Commission's 120-day compliance directive. As set out in the enclosed pleading, these materials defer the licensee's substantive aquatic remediation obligations rather than perform them, and the Alliance respectfully requests that the Commission act on the relief requested therein.

Copies of this filing have been provided to the persons identified below. Please contact the undersigned with any questions regarding this submission.

Respectfully submitted,

Brian Bowman, Organizer

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Enclosure: Supplemental Allegations and Request for Enforcement Action

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UNITED STATES OF AMERICA
BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION

South San Joaquin Irrigation District, and Oakdale Irrigation District, cooperatively the Tri-Dam Project
Tulloch Hydroelectric Project | **Project No. 2067-062**

SUPPLEMENTAL ALLEGATIONS AND REQUEST FOR ENFORCEMENT ACTION

Submitted pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 C.F.R. § 385.206

I. Introduction

1. The Lake Tulloch Weed Alliance (“Alliance”), by and through its organizer Brian Bowman, submits these supplemental allegations in support of the Commission’s ongoing review of the Tri-Dam Project’s compliance with License Article 405 of the license for the Tulloch Hydroelectric Project, FERC Project No. 2067-062. These allegations supplement the Alliance’s prior submissions and the record established by the Commission’s Notice of Violation issued February 3, 2026 (“FERC’s Notice of Violation”).
2. This supplement is occasioned by new conduct. On May 28, 2026, six days before the licensee’s 120-day compliance plan was due on June 3, 2026, and approximately two weeks after the Alliance’s May 15, 2026 demand for a published application process, the licensee published a vegetation-management webpage and a “2026 Application TDP Vegetation Management” form, and circulated the same materials by email. Separately, the licensee has circulated for stakeholder comment a “Tulloch Reservoir Shoreline Management Plan, 2026 Update (Revised Draft for Review)” dated May 2026 (the “2026 Draft SMP”), with a stakeholder comment deadline of June 17, 2026. And on June 3, 2026, the licensee filed its “120-Day Response to February 3, 2026, Compliance Letter (Article 405) — Aquatic Nuisance Vegetation Management Process Plan and Schedule” (the “Process Plan,” Accession No. 20260603-5132). As set out below, none of these materials cure the violations identified in FERC’s Notice of Violation. They re-enact them, and they introduce additional, independently verifiable deficiencies.
3. The Alliance respectfully requests that the Commission treat the May 28, 2026 materials, the 2026 Draft SMP, and the June 3, 2026 Process Plan not as evidence of compliance, but as further evidence that the licensee is performing the appearance of compliance — now by converting a 120-day compliance deadline into a planning process concluding nearly a year later — while the underlying Article 405 obligations remain unmet and shoreline homeowners absorb the cost of the licensee’s inaction during the 2026 recreational season.

II. The Governing Obligations

4. The Tulloch Project license was issued February 16, 2006. Article 405 required the licensee to file, for Commission approval, a vegetation management plan addressing non-native invasive terrestrial and aquatic vegetation.
5. By order issued July 1, 2008, the Commission modified and approved the licensee’s Vegetation Management Plan pursuant to Article 405. By order issued March 25, 2016 (“2016 Order”), the Commission modified and approved the licensee’s Aquatic Nuisance Vegetation Management Plan (“Plan”), which governs management of the two dominant aquatic nuisance species in Tulloch Reservoir, Eurasian watermilfoil (*Myriophyllum spicatum*) and Brazilian elodea (*Egeria densa*). The 2016 Order is captioned “Order Modifying and Approving Aquatic Nuisance Vegetation Management Plan,” recites that the Plan was filed pursuant to Article 405, and finds that the Plan “fulfills the requirements of paragraph (D) of the Order Modifying and Approving Vegetation Management Plan Pursuant to Article 405.” The Aquatic Nuisance Vegetation Management Plan is therefore, on the face of the Commission’s own order, an Article 405 obligation.
6. The 2016 Order and the approved Plan impose, among others, the following obligations relevant here: (a) to conduct a baseline survey mapping the locations and concentrations of aquatic nuisance vegetation, and to conduct subsequent surveys using consistent methodology, filing the results with the Commission in monitoring reports that include the data and a map; (b) to implement the four approved control methods, Diver-Assisted Suction Harvesting (“DASH”), bottom barriers, hand-pulling, and mechanical harvesting, for facilities within the project boundary; and (c) to make available to property owners a “quick form” application that the licensee itself would receive and process.
7. FERC’s Notice of Violation establishes that the licensee is authorized to perform aquatic nuisance vegetation control measures on lands below the 515-foot elevation contour under the terms of the flowage easement held by the licensee. The licensee therefore possesses the legal authority to perform the work the Plan requires.

III. Supplemental Allegations

A. The licensee substituted a stale, off-topic map for the current aquatic survey Article 405 requires.

8. The Plan requires current, mapped, methodology-consistent aquatic survey data filed with the Commission. FERC's Notice of Violation found that the licensee never established a valid baseline and that the infestation expanded unchecked: the 2024 survey documented approximately 145 infestation locations, 752,968 square feet of plant beds, and a newly identified invasive species, curly-leaf pondweed (*Potamogeton crispus*), not previously reported.
9. In its May 28, 2026 materials, the licensee circulated a "Tulloch Noxious Weeds Map" that is, on its face, a 2006 terrestrial-weed map (depicting thistles, Klamath weed, and similar upland species, with a single aquatic notation). The accompanying "Noxious Weeds of Tulloch" file is a non-text image. Neither document constitutes a current aquatic survey or map of Eurasian watermilfoil and *Egeria*, and neither addresses the 2024 conditions documented in FERC's Notice of Violation.
10. Circulating a roughly twenty-year-old terrestrial map in a 2026 "vegetation management" package, at the moment a current aquatic survey is overdue, is not a good-faith step toward compliance. It is documentary confirmation of the survey-and-mapping gap that FERC's Notice of Violation identified.
11. I attended Tri-Dam's April 16, 2026 Board Meeting (held at 9:00 AM, 11011 E. Highway 120, Manteca, CA). The Alliance submitted questions that went unresolved. At that meeting, the licensee acknowledged that it had engaged a consultant to perform an aquatic vegetation survey; the results of that survey have not been produced to the Alliance or filed with the Commission. The Alliance subsequently submitted a California Public Records Act request for the Board meeting notes and was informed that the Board does not record its meetings and does not maintain detailed notes.

Questions submitted to Tri-Dam's Board (April 16, 2026 meeting):

- (a) Responsibility and cost recovery. Does the Board accept FERC's finding that Tri-Dam, not individual homeowners, is solely responsible for remediation; has it reviewed the Copperopolis Fire Department's safety letter and the April 13 demand; and is the Board prepared to accept full cost-recovery liability if Ms. Nicotero does not respond by April 17?
- (b) FERC Notice of Violation — pattern of noncompliance. Has the Board received a full briefing on these findings, what specific corrective actions has it authorized, and who is accountable to the Board for remediation and on what timeline?
- (c) No functioning application process. When will a compliant application process be published, and who on staff is accountable for that deadline?
- (d) Board oversight and Ms. Nicotero's authority. Has the Board been briefed on this correspondence, has it authorized Ms. Nicotero to respond within the stated deadlines, and does the Board have a formal policy for responding to written complaints from property owners and the public?

B. The licensee published an application form that provides no functional pathway for the only methods capable of remediating the infestation.

12. The four control methods are not the licensee's to redefine; they are the methods the Commission approved in the 2016 Order. The "quick form" is likewise a Plan commitment: under the 2016 Order, the licensee would make the quick-form application available to property owners and process it, and "may charge an application fee... commensurate with the level of effort required to process the quick form application."
13. The licensee's May 28, 2026 form provides a complete, completable pathway for bottom-barrier mats only—specifying an 800-square-foot cap, a site-plan requirement, property-boundary limits, a \$300 encroachment-permit fee, and a hold-harmless agreement.
14. For mechanical harvesting and DASH, the only two approved methods capable of addressing infestation at the documented scale of 752,968 square feet across 145 locations, the form provides nothing but a checkbox and a single sentence stating that the method "requires authorization from applicable regulatory agencies." The form identifies no agency, specifies no submission requirements, states no timeline, sets no fee, and does not indicate that the licensee will receive, process, sponsor, or facilitate any such application.

15. The form thereby advertises a process it does not contain: it states “Permit Required, See below for application” for both DASH and mechanical harvesting, yet contains no application content for either method. This is the precise deficiency FERC’s Notice of Violation already identified, permitting materials “missing required content (especially DASH, hand-pulling, mechanical harvesting)” left uncorrected.

C. The licensee made its public materials vaguer than the Plan the Commission approved.

16. The “applicable regulatory agencies” language is a downgrade from the licensee’s own approved Plan. The 2016 Order ties DASH to a named agency: DASH may be used “if approved by the Central Valley Regional Water Quality Control Board,” because DASH may cause a temporary rise in turbidity requiring water-quality authorization.
17. The licensee’s 2026 form erases the named agency, erases the quick-form processing role, and erases the licensee’s own responsibility, leaving property owners with only a generic instruction to locate unnamed regulators on their own. A comparison of the 2016 Order against the May 28, 2026 form demonstrates the licensee moving backward from the standard the Commission set.

D. The licensee continues the burden-shift that FERC’s Notice of Violation already condemned.

18. The Plan requires the licensee not merely to approve homeowner applications, but to implement the approved control methods for facilities within the project boundary. FERC’s Notice of Violation found no evidence that the licensee implemented any approved control method on project-boundary lands; cited the State Water Board’s statement that control measures are “only performed by private landowners on their property” as a deficiency; and held that reliance on private landowners alone does not satisfy the license—the licensee remains responsible.
19. The May 28, 2026 form repeats that conduct. By routing DASH and mechanical harvesting back onto homeowners and unnamed agencies, the licensee re-commits, in writing and six days before its compliance deadline, the precise failure the Commission condemned on February 3, 2026. Because the licensee holds flowage-easement authority to perform the work itself, this is not an inability to comply; it is a refusal to comply. This centralization of authority is independently confirmed by county law: under Calaveras County Code § 20.10.120(D), no facility or activity within the project boundary may be permitted without the licensee’s approval. The party holding exclusive approval authority cannot satisfy its own implementation obligation by referring the work to those it regulates.
20. Relatedly, the licensee now lists DASH as an approved method on its public website while having never retracted its September 2023 cease-and-desist communication directed at the Peninsula Estates Association concerning that association’s use of DASH. The licensee’s public position and its unretracted enforcement threat are irreconcilable. The licensee’s authority to issue that cease-and-desist derives from its designation as the “Reservoir Authority” under Calaveras County Code, Title 20, Chapter 20.10, which makes the Tri-Dam Project the permitting authority for activities within the project boundary (§ 20.10.130) and bars the County from issuing a permit without the licensee’s prior approval (§ 20.10.120(D)). The licensee thus holds gatekeeping authority over shoreline remediation under both its FERC license and county law, and has used that authority to restrain homeowner DASH operations while declining to perform DASH itself. The burden-shift the Commission condemned is therefore not a gap in authority but a choice in its exercise.

E. The licensee’s inaction is imposing direct, ongoing costs on shoreline homeowners during the 2026 season.

21. The 2026 recreational boating season has arrived. Shoreline homeowners are paying out of pocket to clear aquatic vegetation around their lots—performing the remediation the license assigns to the licensee. By way of example, an April 18, 2026 hand-pulling event removed approximately five tons of vegetation from three lots.
22. During the same period, the licensee has (a) declined invitations to attend community town-hall meetings convened to address the infestation, (b) declined to perform vegetation removal on project-boundary lands, and (c) declined homeowner requests for reimbursement of out-of-pocket removal costs. The licensee will not do the work, will not engage the affected community, and will not reimburse those performing the work in its place.
23. This is the real-world consequence FERC’s Notice of Violation anticipated when it held that offloading aquatic vegetation management onto private landowners does not satisfy the license. The harm is concurrent, accruing, and documentable through homeowner invoices, receipts, and declarations.

F. The licensee's own public materials remain internally contradictory.

24. The licensee's formal "Tulloch Reservoir Permitting Process" page lists only "Vegetation Management – Bottom Barrier Mats" as a vegetation application item, while the separate vegetation-management page links a broader combined form. The licensee's own pages do not agree with one another, reinforcing the "confusing and contradictory" permitting-materials finding in FERC's Notice of Violation.

G. The licensee's 2026 Draft SMP miscites the regulatory basis of the Aquatic Nuisance Vegetation Management Plan, reassigning it from Article 405 to Article 409.

25. On or about May 18, 2026, the licensee circulated for stakeholder comment its 2026 Draft SMP, with comments due June 17, 2026. The Draft SMP is the licensee's foundational document governing all use and occupancy of the project boundary, and is filed with the Commission pursuant to Articles 411 and 413 of the license.
26. A new section of the Draft SMP, titled "SMP Coordination with Other FERC and Non-FERC Conditions" (Section 1.4), lists among the license resource management plans an "Aquatic Nuisance Vegetation Management Plan (Article 409)." On the same list, the licensee separately attributes the "Reservoir Recreation Plan" to Article 409, so that Article 409 is listed twice. The superseded text of the prior SMP did not list the Aquatic Nuisance Vegetation Management Plan at all; the licensee therefore affirmatively inserted this plan into the 2026 Draft SMP under the wrong article.
27. The attribution is incorrect on the face of the Commission's own record. As set out in Paragraph 5 above, the 2016 Order is captioned "Order Modifying and Approving Aquatic Nuisance Vegetation Management Plan," recites that the Plan was filed pursuant to Article 405, and finds that the Plan fulfills the requirements of the Order Modifying and Approving Vegetation Management Plan Pursuant to Article 405. FERC's Notice of Violation is likewise captioned and grounded in Article 405. The Aquatic Nuisance Vegetation Management Plan is an Article 405 obligation, not an Article 409 (Reservoir Recreation Plan) item.
28. This is not a harmless typographical matter. In the document that governs its entire shoreline program, and at the precise moment its Article 405 compliance is under Commission review, the licensee has recharacterized the mandatory environmental-compliance plan that is the subject of FERC's Notice of Violation as a discretionary recreation-plan item. Left uncorrected in an approved SMP, the misattribution would furnish the licensee a future argument that aquatic nuisance vegetation management is an Article 409 recreation matter rather than a mandatory Article 405 duty. At a minimum, it confirms that the licensee either misapprehends or is obscuring the legal basis of the very obligation it has failed to perform.
29. The licensee's own June 3, 2026 Process Plan confirms that the Article 409 attribution is an error. That filing — submitted the same day the 2026 Draft SMP was out for stakeholder comment — repeatedly and correctly grounds the Aquatic Nuisance Vegetation Management Plan in Article 405: it is captioned a "Compliance Letter (Article 405)" response; its attached consultation record is captioned the "Tri-Dam Article 405 Process Plan and Schedule"; and a participating Resource Agency's logged comment refers to "the Article 405 program." The licensee therefore cannot maintain that the Draft SMP's attribution of the same plan to Article 409 reflects a considered position; its own compliance staff correctly identified the plan as an Article 405 obligation in a separate filing on the same date. The Article 409 attribution in the Draft SMP should be corrected to Article 405.

H. The 2026 Draft SMP confirms the burden-shift by imposing aquatic-invasive-species obligations on homeowners while the licensee disclaims the aquatic-vegetation remediation the license assigns to it.

30. The Draft SMP imposes aquatic-invasive-species ("AIS") burdens directly on shoreline homeowners. Section 4.7 (Private Boat Launches) declares that private boat launches "pose elevated aquatic invasive species (AIS) risks," authorizes no new private launches unless they are fully integrated into the licensee's AIS protocols with inspection and banding controls, and reserves to the licensee the right to revise permit terms, phase out existing private launch authorizations "if AIS risks cannot be adequately managed," or "prohibit private launches entirely." Goal 3 of Section 2.0 similarly restricts new private launching ramps subject to AIS prevention requirements.
31. At the same time, the Draft SMP characterizes the licensee's own invasive-mussel prevention program as voluntary, stating that such measures "are not required by the FERC Project License and are implemented as an off-license program." The licensee thus demonstrates both the institutional capacity and the willingness to mount an AIS-prevention program when it elects to do so on a voluntary, off-license basis, while simultaneously pleading non-responsibility for the on-license Article 405 aquatic-plant remediation that is mandatory.
32. This is the same burden-shift the Commission condemned in FERC's Notice of Violation, now embedded in the licensee's foundational shoreline document: AIS prevention risk and cost are loaded onto homeowners through

conditioned and revocable launch authorizations, while the licensee's mandatory AIS remediation duty under Article 405 goes unperformed. The Draft SMP confirms that the licensee's posture is a policy choice, not a limitation of authority or capacity.

33. This concern is shared by a Resource Agency. In the consultation record attached to the licensee's June 3, 2026 Process Plan, Calaveras County's written comment (WC-5) urges the licensee "to ensure shoreline property owners are not unduly burdened by permitting requirements or associated costs," and the County's transmittal letter cautions against shoreline owners being "hindered by sole responsibility, the process or financial burden" of vegetation management. The licensee did not resolve that concern in the Process Plan; it deferred the comment to the revised SMP it intends to file on September 8, 2026. An agency partner thus identified the same offloading the Commission condemned, and the licensee's response was to defer it.

I. The 2026 Draft SMP incorporates the same stale 2006 vegetation inventory and removes the resource information that previously surfaced aquatic vegetation management.

34. Section 3.7 of the Draft SMP recites that the licensee's vegetative-habitat inventory was "completed... from May through August 2006" and attaches a Noxious Weed Map "taken from the Vegetation Management Plan." This is the same roughly twenty-year-old data the Alliance identified in the May 28, 2026 materials (Section A above), now formally incorporated by reference into a 2026 SMP filed with the Commission. The staleness is therefore systemic and recurring, not a single lapse confined to the May 28 package.
35. The licensee simultaneously deleted the portions of the SMP that previously summarized sensitive environmental resources and noxious-weed management, replacing them with cross-references directing readers to "other plans" said to be available "within the FERC eLibrary." The drafter's own rationale annotations state that the licensee "deleted remainder of Section 3 (to avoid any duplication, repetition or confusion between these plans & the SMP)." The plans to which the SMP now redirects include the very Article 405 Aquatic Nuisance Vegetation Management Plan that FERC's Notice of Violation found non-compliant. The net effect compounds the "confusing and contradictory" materials finding: the licensee's foundational shoreline document no longer contains current aquatic-vegetation information and instead points homeowners to a non-compliant plan in a repository that is not practically accessible to them.
36. The deficiency is further confirmed by the state of the Draft SMP itself. The consultation paragraph of the Draft SMP's Introduction states that the plan "was developed in consultation with <insert>," leaving a literal placeholder where the consultation record should appear, with a note that the licensee "will update the text and Attachment C once the review/consultation process is complete." Circulating a draft for stakeholder comment with the consultation record left blank corroborates the Alliance's separate showing that the licensee has not completed the required consultation process.

J. The licensee's June 3, 2026 Process Plan defers all substantive aquatic remediation to 2027 and performs only terrestrial work during the 2026 season.

37. June 3, 2026 the date its 120-day compliance plan was due, the licensee filed a "Process Plan and Schedule," not a remediation plan. The filing does not commit the licensee to perform any new aquatic nuisance vegetation control on project-boundary lands during the 2026 growing or recreational season. Instead, for substantially every element of Schedule A to FERC's Notice of Violation, the Process Plan adopts the same sequence: solicit Resource Agency feedback by June 30, 2026; issue a request for proposals to retain a qualified biologist; retain that consultant by September 30, 2026 (stated only as a "target"); distribute a draft revised Aquatic Nuisance Vegetation Management Plan by December 31, 2026; and file a final revised plan by February 28, 2027. The filing states that permits to implement any control method will be obtained only "upon Commission approval" of that February 2027 plan.
38. The only field survey the Process Plan reports as completed is a terrestrial noxious-weed survey conducted May 11, 2026. The filing states that this survey "establishes a current baseline for future monitoring and comparison of terrestrial noxious weed populations within the Project boundary." The aquatic nuisance vegetation survey — the subject of FERC's Notice of Violation — has no stated methodology, no retained consultant, and no completion date; the licensee proposes only to solicit feedback on survey methodology by June 30, 2026 and to file an aquatic monitoring report by December 31, 2026. After the Commission documented approximately 145 aquatic infestation locations and 752,968 square feet of aquatic plant beds, the licensee's sole completed "baseline" addresses upland terrestrial weeds. This is the same substitution of terrestrial data for the required aquatic survey identified in Section A above, now committed prospectively as the licensee's 2026 "immediate action."
39. The net effect is to convert a 120-day compliance deadline into a planning process concluding nearly a year later, during which the documented aquatic infestation continues to rapidly expand and shoreline homeowners continue to self-fund the remediation the license assigns to the licensee. A schedule to produce a plan is not the implementation the 2016

Order requires. FERC's Notice of Violation already found that the absence of licensee-performed implementation, not the absence of a further plan, is the violation; the Process Plan does not perform the work, it postpones it.

40. The Process Plan also signals a contraction of the approved control methods. The licensee reports that a Resource Agency recommended removing mechanical harvesting from the approved methods, and the licensee states that it will "continue evaluating" mechanical harvesting in light of vegetation-fragmentation concerns. We do not dispute that fragmentation is a legitimate technical consideration for certain species. We note, however, that the Resource Agencies are not unanimous on this point: in the same consultation record, Calaveras County's written comment affirmatively requested that the licensee adopt "a strategic combination of treatments" expressly including "mechanical harvest," alongside herbicides and biological methods. One agency thus recommended withdrawing mechanical harvesting while another recommended retaining and using it, and the licensee should not treat a single agency's recommendation as a basis for eliminating an approved method. The Alliance's concern is the cumulative result: if mechanical harvesting is withdrawn while DASH remains unoperationalized and subject to the licensee's unretracted September 2023 cease-and-desist, and while chemical and biological controls remain years from approval under the licensee's own schedule, the licensee would be left with only bottom-barrier mats (capped at 800 square feet per application) and hand-pulling — neither of which is capable of addressing infestation at the documented scale of 752,968 square feet across 145 locations. The Commission should ensure that no currently approved method is withdrawn unless and until it is replaced by an approved method capable of large-scale treatment.

IV. Relief Requested

The Alliance respectfully requests that the Commission:

- (a) Find that the licensee's May 28, 2026 vegetation-management materials, its 2026 Draft SMP, and its June 3, 2026 Process Plan do not cure, and instead perpetuate, Article 405 violations identified in FERC's Notice of Violation;
- (b) Find that the June 3, 2026 Process Plan, which defers all substantive aquatic remediation to a revised plan due February 28, 2027, does not satisfy the licensee's existing obligation to implement the approved control methods, and require the licensee to commence licensee-performed aquatic vegetation control on project-boundary lands during the 2026 growing season rather than at the conclusion of a planning process in 2027;
- (c) Require that the licensee's June 3, 2026 compliance submission demonstrate licensee-performed implementation of the approved control methods on project-boundary lands, not referral of those methods to homeowners and unnamed agencies, consistent with the 2016 Order and FERC's Notice of Violation;
- (d) Require the licensee, at its sole expense, to commence immediately and to complete during the 2026 growing season a valid, current, methodology-consistent aquatic vegetation baseline survey and map for Eurasian watermilfoil, Egeria, and curly-leaf pondweed, conducted by a qualified aquatic biologist, and to file the results with the Commission no later than Monday, July 6, 2026; and find that the licensee's May 11, 2026 terrestrial noxious-weed survey does not satisfy this requirement;
- (e) Require that the licensee not withdraw any currently approved aquatic vegetation control method, including mechanical harvesting, unless and until it is replaced by an approved method capable of treating aquatic nuisance vegetation at the documented scale of the infestation - 752,968 square feet;
- (f) Require the licensee to publish a functional quick-form application process for DASH, hand-pulling, and mechanical harvesting that the licensee itself receives and processes, identifying the specific agency authorizations required (including Central Valley Regional Water Quality Control Board authorization for DASH) and the licensee's role in facilitating them;
- (g) Require the licensee to retract, in writing and on the record, its September 2023 cease-and-desist communication concerning DASH;
- (h) Require the licensee to respond to the documented public-safety and emergency-response concerns raised by the Copperopolis Fire Protection District (Fire Chief Scott O. Hertzog, letters dated December 12, 2024 and April 30, 2026), including by restoring and maintaining navigable emergency-access conditions in the affected coves, and to file a remediation plan addressing those concerns no later than Monday, July 6, 2026;
- (i) In connection with the licensee's pending Article 411 Shoreline Management Plan proceeding, decline to approve any SMP provision that (1) attributes the Aquatic Nuisance Vegetation Management Plan to Article 409 rather than Article 405, (2) reassigns Article 405 aquatic-vegetation remediation responsibility to shoreline homeowners through AIS-conditioned or revocable launch restrictions or otherwise, or (3) removes current aquatic-vegetation resource

information from the SMP while the underlying Article 405 plan remains in violation; and direct the licensee to conform the SMP's treatment of aquatic nuisance vegetation to Article 405 and the 2016 Order;

- (j) Require the licensee to assume prospective financial and operational responsibility for aquatic vegetation management within the project boundary so that shoreline homeowners are not compelled to self-fund remediation that is the licensee's obligation; consider the documented out-of-pocket remediation costs already incurred by homeowners and the licensee's refusal to engage, perform, or reimburse, in assessing the urgency of compliance and any civil penalty exposure under the Federal Power Act; and note that the Alliance and affected homeowners reserve, and are separately pursuing, civil cost-recovery remedies for amounts already expended;
- (k) Grant such further relief as the Commission deems just and reasonable.

V. Conclusion

For the foregoing reasons, the Alliance respectfully requests that the Commission act on these supplemental allegations and hold the licensee to the implementation standard the Commission itself established in the 2016 Order and reaffirmed in its February 3, 2026 Notice of Violation.

Respectfully submitted,

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