

SHORELINE MANAGEMENT PLAN

(Revised)

**PELTON ROUND BUTTE HYDROELECTRIC
PROJECT (FERC PROJECT NO. 2030-113)**



JANUARY 2023

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1.0 INTRODUCTION

Portland General Electric Company (PGE) and the Confederated Tribes of the Warm Springs Reservation of Oregon (CTWSRO) are the Joint Licensees for the Pelton Round Butte Hydroelectric Project (Project No. 2030), *Portland General Electric Company and Confederated Tribes of the Warm Springs Reservation of Oregon*, 111 FERC § 61,450 (2005), *Order on Rehearing*, 117 FERC § 61,112 (2006). Article 428 of the license issued by the Federal Energy Regulatory Commission (FERC) required the Joint Licensees to file a Shoreline Management Plan (SMP) within one year of license issuance. Article 443 of the license authorizes the Joint Licensees to permit certain non-Project uses and occupancies within the FERC-approved Project boundary.

The Project license also required the development of the following six resource management plans. The actions of these management plans are coordinated with the actions of the SMP to ensure consistency among plans and communication among stakeholders. These management plans and their objectives and actions relevant to the SMP are:

- Shoreline Erosion Plan (Article 429): identifies shoreline erosion sites that will be monitored and treated as necessary.
- Terrestrial Resources Management Plan (Article 422): includes provisions to restore vegetation where feasible along reservoir shorelines and protect eagle and raptor nesting and foraging areas in the Project area.
- Recreation Resources Implementation Plan (Article 424): identifies improvements and maintenance at recreation sites, many of which are in the shoreline area.
- Integrated Interpretation and Education Plan (Article 427): includes opportunities to educate the public about sensitive shoreline resources.
- Large Wood Management Plan (Article 434): includes measures to anchor large wood in places above Rattlesnake Point in Lake Billy Chinook to minimize bank erosion and improve habitat.
- Cultural Resources Management Plan: specifically addresses how and when protection measures for shoreline cultural sites will be developed to address Project-related erosion.

1.1 Project Description

The Pelton Round Butte Project includes three dams and impoundments on the Deschutes River in central Oregon. From upstream to downstream they are Round Butte Dam at Deschutes River Mile (RM) 110 forming Lake Billy Chinook, Pelton Dam at RM 103 forming Lake Simtustus, and the Reregulating Dam at RM 100 forming the Reregulating Reservoir. There is no public access permitted or shoreline development allowed at the Reregulating Reservoir, therefore it is not addressed in this SMP.

Lake Billy Chinook is a 4,000-acre reservoir extending seven to 13 miles into the canyons of the Metolius, Deschutes and Crooked rivers. Lake Billy Chinook is a popular recreation destination, although much of its 60-mile shoreline is not easily accessible due to the surrounding high cliffs and the northern shore of the Metolius Arm closed to the public (Warm Springs Reservation). The normal maximum water surface elevation of Lake Billy Chinook is 1,945 feet. During the recreation season the water surface elevation

must be kept at or above 1,944 feet. Outside of the recreation season the minimum operating water surface elevation is 1,925.

Lake Simtustus is a 540-acre reservoir extending about seven miles downstream from Round Butte Dam, terminating at Pelton Dam. The reservoir is only about 1,000 feet wide at its maximum point and has only two recreation access points. The normal maximum water surface elevation of Lake Simtustus is 1,580 feet. During the recreation season the water surface elevation must be kept at or above 1,576 feet. Outside of the recreation season the minimum operating water surface elevation is 1,573 feet.

The SMP applies to the interior of the Project boundaries for Lake Billy Chinook and Lake Simtustus, which are identified by their normal maximum pool elevation of 1,945 feet for Lake Billy Chinook and 1,580 feet for Lake Simtustus. Therefore, the SMP applies to the Joint Licensees authority on the water side of the normal maximum pool levels. The SMP does not apply to shoreline areas upland above the normal maximum pool elevations, other than to address coordination actions with the adjacent landowner or regulatory agency.

Implementation of the SMP is generally conducted by PGE, who acts on behalf of both the Joint Licensees. This document may reference the Joint Licensees as the entities planning and developing the SMP and reference PGE when describing implementation of the SMP.

1.2 HISTORY

Article 428 of the Project license required the Joint Licensees to file an SMP within one year of license issuance. The Joint Licensees filed an SMP with FERC on June 8, 2006, after completing consultation with the Shoreline Management Working Group (SMWG) pursuant to Article 402(d)¹. FERC issued public notice of the filing on July 3, 2006, and invited public comments until July 31, 2006, which was subsequently extended until August 31, 2006. During the comment period, FERC received 55 comments or requests to intervene from landowners owning property along Lake Billy Chinook, in addition to requests to intervene by the Department of the Interior.

A common theme in the public comments was that members of the public were not involved in the pre-filing consultation process prescribed by Article 428. Accordingly, on October 2, 2006, the Joint Licensees requested that the SMP filed on June 8, 2006, be withdrawn, so that the Joint Licensees could engage in further consultation in order to provide an opportunity for members of the public to provide comments on the SMP. To facilitate this process, the Joint Licensees also requested an extension until July 15, 2007, to file the SMP. On October 12, 2006, FERC granted both the withdrawal and extension request.

After extensive public notice, the Joint Licensees then held four facilitated public meetings to identify issues associated with the SMP and to develop a process by which the SMWG could be expanded to include representatives of the public². As a result, the Joint Licensees agreed to expand the SMWG to

¹ As established by Article 402, the Shoreline Management Working Group originally included representatives from the Joint Licensees, U.S. Forest Service, Bureau of Indian Affairs, Bureau of Land Management, Confederated Tribes of the Warm Springs Branch of Natural Resources, Oregon Department of Fish and Wildlife, Oregon Parks and Recreation Department, and Jefferson County. Five representatives of the public were not added to the SMWG until FERC's January 27, 2009, Order Amending Article 402 and Modifying and Approving Shoreline Management Plan under Article 428.

² The Joint Licensees published newspaper notices in The Oregonian, the Madras Pioneer, and the Bend Bulletin. They also notified each landowner of record in the Jefferson County tax maps, and each commenter at FERC individually. A transcript was made of each of the first three meetings. These transcripts were included in the CD included in the plan filed with the Commission in July 2007.

include five representatives of the public and to initiate a facilitated consultation process with the expanded SMWG to draft a revised SMP. The SMWG held five meetings, from March 7, 2007, to May 15, 2007, and developed a revised SMP. The SMP was then circulated for formal 30-day consultation to the expanded SMWG as required by Article 428.

Simultaneous with the filing of the revised SMP, the Joint Licensees filed a request for a non-capacity amendment of license to expand the SMWG to include five representatives of the public to ensure that any future revisions to the SMP include consultation with all stakeholders potentially affected by such revisions.

The revised SMP was filed with FERC on July 11, 2007, and was approved, with modifications, on January 27, 2009. Portland General Electric Company and Confederated Tribes of the Warm Springs Reservation of Oregon, 126 FERC ¶ 62,058 (2009) (errata issued February 12, 2009). In that order, FERC approved the expansion of the SMWG and required the Joint Licensees to make specified revisions to the SMP and refile by October 27, 2009. After consultation with the expanded SMWG, the Joint Licensees made the requested revisions to the SMP, which was filed with FERC on September 9, 2009, and approved, in part, on February 15, 2011 (February 15, 2011, Order). Portland General Electric Company and Confederated Tribes of the Warm Springs Reservation of Oregon, 134 FERC ¶ 62,142 (2011). FERC's February 15, 2011, Order also required that the Joint Licensees modify Section 4.5 of the SMP to ensure that significant modifications to existing structures with the potential to result in adverse impacts to the environment are reviewed by the Joint Licensees. The SMP was revised accordingly in April 2011; however, no revised SMP was filed with FERC at that time.

On January 19, 2012, the Joint Licensees filed a request with FERC which, among other items, sought to eliminate the annual reporting requirement for the approved SMP since the initial implementation phase of the SMP had been completed. FERC approved this request and modified the SMP in its October 23, 2012, Order Modifying Shoreline Management Plan Under Article 428.

Paragraph (E) of FERC's January 27, 2009, Order required, in part, that the Joint Licensees conduct a formal review of the SMP program every six years, beginning January 2015. The review is to evaluate "the effectiveness of the SMP in achieving its prescribed goals, particularly with regard to resource protection permitting, monitoring and enforcement, and coordination with other jurisdiction agencies." The report is to be prepared in consultation with the SMWG and should include "descriptions of (1) the review process; (2) the information and issues considered during the review; (3) the entities who participated in the review; and (4) the results of the process, including any proposed revisions in the SMP."

Accordingly, on January 22, 2015, the Joint Licensees filed its first six-year review report that provided a detailed description of the review process and all the issues considered regarding shoreline management procedures, as well as their appropriateness and effectiveness. Overall, there were no proposed revisions to the SMP resulting from the six-year review process, and FERC found in its June 18, 2015, Order Approving Shoreline Management Plan Six-Year Review Report that the continued implementation of the SMP and its permitting, monitoring, and enforcement, without any changes, should continue to protect the Project's shoreline resources.

The second six-year review report was originally due to FERC on January 27, 2021, but due to COVID-19 and staffing constraints, the Joint Licensees requested an extension of time³ until January 27, 2022,

³ Accession Number 20210127-5012

which FERC approved in its February 3, 2021, Order Granting Extension of Time for Shoreline Management Plan Review Report Pursuant to Article 428⁴.

A summary table of the consultation record for the SMP planning process is provided in Attachment A.

1.3 PURPOSE AND GOALS

1.3.1 Goals

Article 428 directed the Joint Licensees to develop and implement standards and guidelines for “new shoreline development, installation of new docks, and modifications to existing docks” on Lake Billy Chinook and Lake Simtustus (Attachment B). In consultation with the SMWG, the following goals were also established for the SMP:

- Protect public health and safety.
- Manage the land and waters associated with the Project in a manner that assures safe and reliable Project operations and protects environmental values.
- Provide an accurate inventory of existing uses and development on Project reservoirs.
- Provide consistent and coordinated management of new development on Project reservoirs.
- Provide consistency with new Project license requirements related to shoreline erosion control, enhancement of shoreline habitat and vegetation, protection of cultural resources, and control of in-water structures.
- Provide a management tool to evaluate proposed shoreline actions in a manner that is consistent across multiple landownership, jurisdictional, and management boundaries and treats all classes of landowners in a consistent manner.
- Recognize existing uses of the shoreline and achieve a balance of interests among the Joint Licensees, private and commercial property owners, and recreational users.

1.3.2 Six-year Review Process and SMP Revision

As part of its six-year process to review the SMP in 2021, PGE conducted a preliminary review and presented its initial findings and discussion topics to the SMWG in September 2021. The Joint Licensees generally found most elements of the current SMP to have been effective but in need of minor updates, clarifications, or improvements. For other elements, changes to the intent and implementation of the SMP were warranted. The SMWG met three times (September, November, and December) to continue conversations related to the SMP. Prior to each of these meetings, a memo was provided that summarized specific topics or proposed edits to the SMP to be discussed. Copies of those memos were provided as an attachment to the final six-year review report. On December 23, 2021, PGE provided a draft SMP Six Year Review report to the SMWG for review and comment by January 23, 2021, and followed up with the SMWG by email on January 7, 2022, to encourage additional feedback. Responses to comments received on the initial draft of the report and a summary of consultation conducted during

⁴ Accession Number 20210203-3006

the six-year review process was provided in the final report, which was filed with FERC on January 27, 2022.

Since initiation of the second six-year review process in September 2021, many valuable discussions took place related to elements found within the SMP. Including the increase in “wake” boat activity which creates landowner concerns for protecting their property (e.g., boats and docks) from large waves. While this concern is recognized, PGE has no authority to manage boater use on the reservoirs, as this falls to the Oregon State Marine Board. Additionally, PGE and the SMWG discussed potential revisions to both existing and future shoreline permits at the Project. While not directly related to the six-year review process, those discussions were fruitful regarding an agreement on proposed changes to the SMP. For that reason, PGE committed to continuing collaboration with the SMWG on proposed changes to the structure permits, as well as the intention of filing a revised SMP with FERC by October 31, 2022. Due to the extensive revision of the SMP, collaboration with the SMWG, and the ongoing coordination with Jefferson County Planning and Zoning ordinance revisions, PGE requested an extension for filing the revised SMP by January 31, 2023.

Article 428 of the Project license identifies that the SMP shall include standards and guidelines for new shoreline development, installation of new docks, and modification of existing docks. The SMP addresses the development (installation or modification) of shoreline structures that the Joint Licensees may authorize regarding the use and occupancy of project lands and water under License Article 443. The types of structures for which the Joint Licensees may grant permission without FERC approval includes non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings. The development of structures on project land and water that are not within the authority of the Joint Licensees, requires review and approval by FERC. FERC’s review would include land use, cultural, and environmental evaluations to ensure that the proposed facilities and structures are compatible with the recreational, scenic, and environmental values of the Project.

One of the most important themes of the six-year review was that the SMP and Jefferson County permitting processes needed to be more closely coordinated. The Joint Licensees have the authority to grant permission for certain types of use and occupancy of Project land and water. However as noted above, the licensees do not have the authority regarding the use and occupancy of land outside of the Project boundary (generally above the normal maximum pool level for Lake Billy Chinook and Lake Simtustus). Approval for the construction of structures outside the Project boundary is the responsibility of Jefferson County’s Community Development Department. Therefore, an existing or proposed structure such as a dock that would be both inside and outside of the Project boundary requires the coordination of permitting between the Joint Licensees and Jefferson County.

The Joint Licensees consulted with Jefferson County, shoreline homeowners, and the SMWG throughout 2022 to discuss proposed edits to the SMP and improve the permit coordination process. Changes to the SMP focused on a coordinated dual review effort between the Joint Licensees and Jefferson County. The permitting process for all allowable shoreline uses at the Project will now go through Joint Licensees, who will coordinate the structure review and approval with Jefferson County, regardless of whether the structure requires approval from the Joint Licensees, Jefferson County, or both entities. This process will ensure that all necessary permits are reviewed and approved prior to the final authorization of any construction.

The criteria for permitting and authorizing structures that are under the authority of Jefferson County (including but not limited to docks, wharves, boat lifts, and removal and fill activities) has been removed from the SMP to avoid potential conflict with Jefferson County Code. For structures that are over water and anchored to the lake bottom rather than the shoreline (such as wave abatement structures, swim

docks, and mooring buoys), the SMP provides specific guidelines and criteria for permitting, since they are not included in Jefferson County Code. Regardless of the proposed structure and use, applicants will follow the same process for submitting applications and permitting requests. Joint Licensees and Jefferson County will coordinate the concurrent review of each request to ensure all applicable local, state, federal, tribal, and Project license requirements, building codes, and land use regulations are reviewed and followed.

Because of the previous uncoordinated review process, there are structures at the Project located on uplands that have not been reviewed or permitted by Jefferson County. The Joint Licensees conducted an inventory of all structures within, and immediately adjacent to, the Project boundary as of September 1, 2010, to establish a management baseline and issued a shoreline structure permit for each structure within one year of FERC approval of the SMP. All structures that existed prior to the establishment of the SMP were identified as legacy structures and were allowed to remain in place.

PGE worked with the SMWG to develop new criteria for some types of structures as described in Section 3.1. The new criteria are intended to reduce the restrictions on public use of the reservoir while providing continued opportunities for landowners to construct and maintain structures to address their needs. Joint Licensees will issue new permits to all existing structures which will supersede all the previously issued permits. However, previously permitted structures will not be required to comply with the new criteria if the structures are in the same configuration and location as originally permitted and in full compliance with all other original permit requirements. The new criteria will apply to any new structures and to any proposed alterations to a legacy structure as described in Section 3.3.

On December 7, 2022, Jefferson County Board of Commissioners adopted a policy to treat existing docks similar to a preexisting use prior to the policy being adopted. Jefferson County won't require compliance with new dock permitting criteria until a landowner proposes changes to an existing structure.

1.3.3 Non-Project Uses Requiring FERC Approval

Article 443 of the license gives the Joint Licensees the authority to grant permission for certain types of use and occupancy of Project land and water and to convey certain interests in Project land and water for certain types of use and occupancy, without prior FERC approval. These uses include non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings. Examples of new shoreline uses that would need FERC approval include commercial facilities such as fuel/service docks, houseboat service and mooring docks, RV parks with facilities over water, or private day use areas with boat launches and swim areas. These types of new proposed projects require more extensive environmental or cultural resource studies and public outreach, which could extend the permitting process over a longer time period. For a more detailed description of new proposed actions that may require FERC involvement, see Article 443 of the license, which is attached in its entirety as Attachment C.

The scope of this SMP is therefore exclusively the permitting and authorization of previously permitted structures, and new residential structures that are within the authority that FERC has granted to the Joint Licensees. During the initial permit application review process, the Joint Licensees will determine whether the proposed action meets the threshold of requiring FERC approval and communicate that finding with the applicant.

2.0 SHORELINE OWNERSHIP, USE, AND MANAGEMENT

2.1 SHORELINE OWNERSHIP AND MANAGEMENT

The Project reservoirs are in Jefferson County Oregon. Land abutting the Project reservoirs are owned or managed by a variety of federal, Tribal, state, and private entities. Major land and resource managers include the BLM, USFS, OPRD, and the CTWSRO. In addition, some of the reservoir shoreline is owned by the Joint Licensees and private parties. Table 2-1 summarizes the approximate percentage of shoreline land ownership along the Project reservoirs. Land ownership is depicted on the maps included as Attachment D.

Each Tribal and federal entity has the authority to administer its land in accordance with its regulatory and planning policies; however, the FERC license requires the Joint Licensees to also regulate land uses within the Project boundary (i.e., typically below the normal maximum pool elevation). This overlapping authority within the Project boundary balances the needs of federal, Tribal, state, and local landowners and regulatory authorities with the Joint Licensees' mandate to ensure consistency with the terms of the license. Jefferson County is responsible for ensuring the construction of structures adjacent to the Project boundary meet the guidelines of the county land use regulations. This section briefly describes each entity's land ownership and/or management role at Lake Billy Chinook and Lake Simtustus.

Table 2-1 Land ownership of shoreline along the Project reservoirs.

Shoreline Landowner	Lake Billy Chinook		Lake Simtustus		Combined	
	Miles	Percentage	Miles	Percentage	Miles	Percentage
PGE/CTWSRO	1.5	2.3%	0.0	0.0%	1.5	1.8%
Private	3.7	5.5%	0.7	3.8%	4.4	5.2%
CTWSRO	18.7	28.1%	9.5	49.1%	28.2	32.8%
BLM	15.6	23.5%	7.6	39.3%	23.2	27.0%
USFS	23.0	34.4%	1.5	7.8%	24.5	28.5%
State	4.1	6.2%	0.0	0.0%	4.1	4.8%

2.1.1 Joint Licensees

The Joint Licensees own several tracts of land that are governed by this SMP. The largest is in Juniper Canyon on the Metolius Arm of Lake Billy Chinook. Other Joint Licensee-owned land are where Fly Creek joins Lake Billy Chinook, at Pelton Park on the east shore of Lake Simtustus, and a very small parcel across from the lower Deschutes boat launch in The Cove Palisades State Park. This land is generally open to the public (with a few exceptions) and is managed primarily for habitat protection or developed recreation.

Measures proposed on these parcels must be consistent with the Jefferson County land use regulations. The following plans and ordinances apply to these parcels:

- Jefferson County Comprehensive Plan
- Jefferson County Zoning Ordinance

As described previously, the Joint Licensees are responsible for developing the SMP, including the preparation of standards and guidelines to authorize new structures that are within the Project boundary. Jefferson County has the authority for structures that are at least partly outside of the Project boundary (above the maximum pool elevation).

Under the Project license, the Joint Licensees also have the responsibility to communicate with stakeholders affected by the SMP and to consult with them regarding possible modifications to the SMP. If the Joint Licensees identify violations of the provisions of this SMP that may also be violations of another jurisdiction's requirements, they will inform the primary regulatory authority. Subsequently, they will be active participants in bringing the violation into compliance.

2.1.2 Jefferson County

Jefferson County does not own any land within the Project boundary. However, except for tribal trust land, and public land and reservations of the United States, all land within and immediately adjacent to the Project boundary is subject to the regulatory jurisdiction of Jefferson County. The Jefferson County Community Development Department is generally responsible for ensuring that structures immediately adjacent to and within the Project boundary meet state building codes and local, state, and federal land use regulations. Certain non-Project uses of Project land that are entirely within the Project boundary – such as wave abatement structures or swim docks – fall outside of the regulatory authority of Jefferson County. However, Jefferson County will participate with Joint Licensees in a coordinated review of all non-Project structure applications. See Section 3.2 for a more detailed description of the permitting process and shared responsibilities between Jefferson County and the Joint Licensees. Jefferson County will review all proposals to ensure they comply with the following plans and ordinances, as they may be revised or amended during the term of the license:

- Jefferson County Comprehensive Plan
- Jefferson County Zoning Ordinance
- Applicable Jefferson County policies

2.1.3 Private

Private shoreline properties are held in several legal configurations, including individual title, partnerships, or LLCs. The Joint Licensees hold flowage easements on all private shoreline parcels within the Project boundary. This SMP does not alter any existing property rights within or adjacent to the Project boundary.

All proposed uses of Project land by landowners must be submitted to the Joint Licensees for approval. As discussed in Section 3.2, all applications will be concurrently reviewed by Joint Licensees and Jefferson County to ensure they comply with all applicable county, state, federal, or Tribal authorizations. Joint Licensees will help guide the applicant's proposed action through the permitting process. The type of use and occupancy of Project lands and waters for which the Joint Licensees may

grant permission without prior FERC approval includes non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings. All other types of structures or uses of Project lands and water would require FERC approval. Significant alterations to the existing commercial facilities or large non-commercial facilities within the Project area would also require FERC approval; however, minor changes to existing commercial or large non-commercial facilities are within the authority of the Joint Licensees to approve.

2.1.4 Confederated Tribes of the Warm Springs Reservation of Oregon

The northern shore of the Metolius Arm of Lake Billy Chinook and the western shore of Lake Simtustus are land of the CTWSRO. This land is primarily undeveloped except for Indian Park Campground on Lake Simtustus, Chinook Island Day Use Area in Lake Billy Chinook, and developed industrial areas associated with the Project. Undeveloped land is designated as wildlife management and rangeland grazing zones, primarily to benefit wintering mule deer.

Warm Springs Reservation land is managed to preserve the traditional and cultural values of the Tribes and the resources within the boundary of the Reservation and on Tribal land outside of the Reservation. The Tribal Branch of Natural Resources will review any proposed action within the shoreline area of the Reservation for compatibility with the Tribal Comprehensive Plan, the Integrated Resource Management Plan, and Tribal water, zoning, and land use codes.

Proponents of actions on Warm Springs Reservation land must consider the following plans, as they may be revised or amended during the term of the new license:

- Integrated Resources Management Plan and Project Assessment for the Non-Forested and Rural Areas (CTWSRO and BIA 2012)
- Pelton Round Butte Comprehensive Management Plan (CTWSRO, BIA, USFS, BLM, and State of Oregon, et al. 1999)
- Confederated Tribes of the Warm Springs Tribal Code (CTWSRO 2022), such as:
 - Zoning and Land Use (Chapter 411)
 - Water (Chapter 430)
 - Water Quality Standards, Beneficial Uses and Treatment Criteria and Implementation Plan (Chapter 432)
 - Hydroelectric licensing and regulation (Chapter 475)
 - Protection and management of archaeological, historical and cultural resources (Chapter 490)

2.1.5 United States Bureau of Land Management

The BLM Prineville District manages most of the eastern shore of Lake Simtustus and large tracts of land along both shores of the Crooked and Deschutes Rivers arms of Lake Billy Chinook. This land is largely undeveloped, except for a small shoreline dispersed camping area east of the Three Rivers Marina and two other areas near Cove Marina. The BLM leases 1,120 acres to the OPRD for The Cove Palisades State Park. In addition, the BLM and the USFS manage The Island Research Natural Area, a prominent peninsula extending into Lake Billy Chinook that has a largely inaccessible shoreline.

BLM management interests also include grazing and fire control within the FERC Project boundary. Actions proposed on BLM-managed shoreline areas, including those proposed on land leased to OPRD must consider provisions of the Two Rivers Resource Management Plan (BLM 1986), as it may be revised or amended during the term of the new license. Relevant guidance is limited to the intent that soil erosion shall be minimized and resolved should it compromise state or federal water quality standards.

2.1.6 United States Forest Service

Project shorelines include land within the Crooked River National Grassland (CRNG) and the Deschutes National Forest (DNF). These areas are located along the eastern shore of Lake Simtustus, the south shore of the Metolius River Arm, and both shores of the Crooked River and Deschutes River arms of Lake Billy Chinook. Undeveloped forest and grassland typify these areas, except for two developed recreation sites – Perry South and Monty Campgrounds – on the Metolius River Arm.

Depending on the location of the proposed action, the USFS will evaluate actions proposed on USFS-managed shoreline for consistency with the following plans and their subsequent revisions and amendments during the term of the new license:

- Deschutes National Forest Land and Resource Management Plan (USFS 1990)
- Crooked River National Grassland Land and Resource Management Plan (USFS 1989)

2.1.7 State of Oregon

In addition to the land it owns, OPRD manages land leased from the BLM and USFS as The Cove Palisades State Park. The park extends along the Crooked River and Deschutes River arms of Lake Billy Chinook. An additional isolated, undeveloped park holding is located on the south shore of the Metolius Arm adjacent to USFS land.

Actions within the state park that are proposed on BLM-owned land is subject to federal environmental and regulatory criteria (Section 2.1.5). Actions on other OPRD land is subject to review by Jefferson County. Measures that are part of the conceptual Cove Palisades Master Plan (OPRD 2002) were approved by Jefferson County through its review provisions granted under OAR 660-034-0030(2). Measures proposed on OPRD shore land will be evaluated for consistency with the following plans and ordinances, as they may be revised or amended during the term of the new license:

- Cove Palisades State Park Master Plan (OPRD 2002)
- Jefferson County Comprehensive Plan
- Jefferson County Zoning Ordinance

2.2 SHORELINE USES AND RESOURCES

Land use around Lake Billy Chinook is strongly influenced by ownership and the dramatic geology of the shoreline. Development has occurred in only five areas around the reservoir where topography is suitable. Steep cliffs typify the reservoir shoreline setting, along with open space and rangeland. The vertical nature of the shoreline offers few level areas or shoreline access points. Public vehicle access into and through the canyons around Lake Billy Chinook is provided via Jordan Road and spur roads.

Around Lake Simtustus, canyon walls are high and often steep. In addition to the hydroelectric development, other developed land uses on the reservoirs are primarily recreation-oriented, with three parks providing reservoir access to the public.

Approximately one-third of the shoreline area along both reservoirs is within the Warm Springs Reservation, with access restricted to tribal members in all but two recreation sites designated for public use: Chinook Island Day Use Area and Indian Park Campground.

2.2.1 Shoreline Classifications

Natural Resources

The shoreline areas of both reservoirs are typically steep hillslopes due to the topography of the deep river canyons that are inundated. Lake Billy Chinook only supports about 26 acres of riparian habitat, while Lake Simtustus supports approximately 50 acres (Tressler et al. 1996). Most of the riparian habitat adjacent to Lake Billy Chinook occurs at the upper ends of the Crooked and Deschutes Rivers arms. At Lake Billy Chinook, juniper and shrub communities are the most common cover types, followed by grassland. Only the upper Metolius River Arm is forested. The land around Lake Simtustus is dominated by juniper and shrub communities. Most shoreline access to both reservoirs is via boat, which limits the extent of human disturbance to natural resources. Localized use has created some erosion and degradation of vegetation. The Shoreline Erosion Plan developed pursuant to Article 429, includes erosion control and monitoring provisions to address the most environmentally sensitive areas on both reservoirs. These areas are not located within areas of private land ownership. The reservoirs provide an abundant prey base for foraging raptors, spring/fall resting habitat for migratory waterfowl, and are a water source for terrestrial species. Because of the sensitivity and limited availability of these habitat types, any proposed development in sensitive habitat areas within the Project boundary will be required to be consistent with the Terrestrial Resources Management Plan. Section 2.2.2 provides additional detail on sensitive resources and associated management plans at the Project.

Recreation and Public Access

Land use around Lake Simtustus and Lake Billy Chinook is primarily undeveloped, non-forested upland, and developed recreation sites provide the only land-based public access. As required by Article 424 of the license, on June 14, 2006, the Joint Licensees filed a Recreation Resources Implementation Plan (RRIP), which was prepared in consultation with the Recreation Resources Working Group (RRWG). FERC approved the RRIP on December 7, 2006, Portland General Electric Company & Confederated Tribes of the Warm Springs Reservation of Oregon, 117 FERC ¶ 62,217 (2006). As part of that plan, the Joint Licensees implemented measures at 14 FERC-approved recreation sites, as listed in Table 2-2 below. Any future actions proposed at these sites are done in consultation with the RRWG and may require FERC approval, as dictated in the RRIP.

Table 2-21 FERC-Approved Recreation Sites

Site	Landowner/Manager	Location
Cove Palisades Marina	OPRD	Lake Billy Chinook
Crooked River Day Use Area	OPRD	Lake Billy Chinook
Lower Deschutes Day Use Area	OPRD	Lake Billy Chinook
Upper Deschutes Day Use Area	OPRD	Lake Billy Chinook
BLM Beach	Joint Licensees	Lake Billy Chinook
Perry South Campground	Joint Licensees	Lake Billy Chinook
Street Creek Boat Launch	USFS	Lake Billy Chinook
Chinook Island	CTWSRO	Lake Billy Chinook
Indian Park	CTWSRO	Lake Simtustus
Pelton Park	Joint Licensees	Lake Simtustus
Pelton Wildlife Overlook	Joint Licensees	Reregulating Reservoir
Round Butte Overlook	Joint Licensees	Lake Billy Chinook
South Viewpoint Trail	OPRD	Lake Billy Chinook
Balancing Rocks Trail	Joint Licensees	Lake Billy Chinook
Monty Campground	Joint Licensees	Lake Billy Chinook

Residential Development

A relatively small amount (approximately 5 percent) of Project shoreline is occupied by private development and is largely concentrated in the Metolius Arm of Lake Billy Chinook. While residential areas are a small percent of the shoreline, non-Project uses such as docks, boathouses, boat lifts, and wave abatement structures on these properties are the primary management focus of this SMP and the Joint Licensees' permitting program.

Commercial Development

A limited shoreline area on Lake Billy Chinook is designated by Jefferson County as suitable for commercial enterprises, where for-profit businesses may be operated. As space is limited, it is unlikely that new, large-scale commercial enterprises would be constructed along Project waters unless Jefferson County zoning classifications are changed. Examples of existing commercial shoreline uses include commercial marinas with fuel/service docks; houseboat service and mooring docks; RV parks with facilities over water; and private day use areas with boat launches, docks, and swim areas.

Non-Commercial Development

Non-commercial developments are also present along the south shore of Lake Billy Chinook, including the Three Rivers Homeowners Association Marina.

As discussed in more detail below, Article 443 (Standard Land Use Article) of the license gives the Joint Licensees the authority to grant permission for certain types of use and occupancy of Project land and water without prior FERC approval. The Joint Licensees authority includes the approval of non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings. Other uses of Project land and water that is not within this authority requires FERC review and approval. FERC review would consist of extensive environmental or cultural resource studies and public outreach, which could extend the permitting process over a longer time period.

Hydroelectric Development

Shoreline areas occupied by industrial facilities are associated with the Pelton Round Butte Hydroelectric Project. These facilities include Round Butte Dam; Pelton Dam; the Reregulation Dam; and their associated powerhouses, switchyards, boat launch sites, and storage areas. This land totals 155 acres, a portion of which is within the shoreline area. In these areas, energy generation is the primary allowable use. Public access is restricted for safety and security reasons. Future uses will be limited to power production, fish passage, or emergency services, such as for the Jefferson County Sheriff.

2.2.2 Sensitive Resources

Project land and shoreline is managed for the protection and enhancement of resources protected by state or federal law, executive order, and other natural features considered important to the area or natural environment. This may include cultural resources; wetlands and riparian areas; rare, threatened, and endangered species habitat; scenic areas; erosion sites; and other ecologically sensitive areas. Permitted activities in these areas, if applicable, may be highly restrictive or prohibited in order to avoid potential impacts to sensitive resources.

As discussed further in Section 3.2, the Joint Licensees review each application for non-Project use of Project land for impacts on sensitive resources and consistency with resource management plans identified in Section 1.0. Identification of potential impacts may result in consultation with relevant agencies and resource management groups, measures to reduce such impact, changes to the proposed action, or denial of such application.

Wetlands and Riparian Areas

Riparian areas provide bank stability, enhance water quality, and provide fish and wildlife habitat. While not common in the Project area, there are riparian areas located on both Lake Simtustus and Lake Billy Chinook. Because of the sensitivity and limited availability of these habitat types in the Project area, any proposed development within the Project boundary in sensitive areas will be required to be consistent with established law and the Joint Licensees' Terrestrial Resources Management Plan. The Joint Licensees will inform landowners if their proposed development is in a designated sensitive area.

Erosion and Shoreline Stabilization

Under certain circumstances, the Joint Licensees recognize that shoreline stabilization measures within the Project boundary may be warranted. These measures could include bank re-contouring, debris removal, vegetation planting, or bank protection using rock or woody material. Non-Project-related erosion (such as that associated with private shoreline development, which was permitted prior to the adoption of this SMP) will be assessed on a case-by-case basis under this SMP. Project-related erosion is primarily addressed through the Shoreline Erosion Plan, and shoreline habitat stabilization is addressed

in the Large Wood Management Plan. Shoreline condition will be inspected by the Joint Licensees every two years, as required by the Shoreline Erosion Plan. If erosive conditions are identified that may be compromising water quality in fish-bearing waters, the appropriate regulatory agency will be contacted. The State of Oregon Division of State Lands (DSL) has jurisdiction over non-point source pollution of waters of the state (OAR 340-41-0004). The CTWSRO Water Control Board has jurisdiction over shoreline erosion on Tribal land.

Section 5.3 of the Shoreline Erosion Plan provides that existing and newly permitted activities that are likely to cause erosion associated with private shoreline development are addressed when such activities threaten to interfere with Project operations, impact structural safety or stability, or result in environmental degradation. In addition, Article 443(a) specifically requires the Joint Licensees to take any lawful action necessary to correct a violation by a permitted use of any license condition for the protection and enhancement of the Project's scenic, recreational, or other environmental values. In practice, this means that the Joint Licensees will notify landowners of conditions requiring correction and will provide them with a reasonable time in which to implement corrective measures, as provided in Section 3.5 below.

Threatened and Endangered Species

Threatened and endangered species are known to exist near or within the Project shoreline area. These are protected under either state or federal law. The Joint Licensees will inform landowners if their prospective development may affect threatened or endangered species. Any proposed development within the Project boundary will be required to be in compliance with applicable regulations prior to initiating any construction.

Cultural Resources

Tribal and cultural resources are known to exist near or within the Project shoreline area. These are protected under both state and federal law from damage, degradation, or disturbance. The Joint Licensees will inform landowners if their prospective development may affect known historic or archaeological sites. Any proposed development within the Project boundary in culturally sensitive areas will be required to be in compliance with applicable regulations prior to initiating any ground disturbing activities. If cultural resource materials are discovered during work performed under an issued permit, the PGE Cultural Resources Inadvertent Discovery Procedure (IDP) must be followed, and all work associated with the permitted activity must cease. A copy of the IDP will be provided to all applicants once a notice to proceed is approved. The Joint Licensees must be notified, consultation with the appropriate resource agency or governmental entity initiated and completed, and the recommended treatment implemented prior to recommencing work.

Cultural resources can be found during any ground-disturbing activity. If encountered, all excavation and work in the area must stop. Archaeological objects vary and can include evidence or remnants of historic-era and precontact activities by humans. If you have any questions, contact the PGE Cultural Resources Specialist at 503-464-BONE (2663).

3.0 SHORELINE COMPLIANCE PROGRAM

This section presents the Joint Licensees' methods for permitting new shoreline uses and the maintenance, repair, replacement, restoration, or alteration of existing structures or uses at the Project. The guidelines and criteria for permitting structures that are entirely within the Project boundary (generally below the maximum pool elevation) are provided in this document. For structures that are at least partly outside the Project boundary, such as a dock attached to the shoreline and extending over the reservoir, the Joint Licensees will issue permits; however, the guidelines and criteria for permitting are documented in the Jefferson County land use regulations and the County may issue its own permit(s). Both County and Joint Licensee guidelines apply to all shoreline areas – regardless of land ownership – within the Project boundary surrounding Lake Billy Chinook and Lake Simtustus. Article 428 requires the Joint Licensees to develop standards and guidelines for “new shoreline development, installation of new docks, and modification of existing docks.” Article 443 authorizes the Joint Licensees to grant permission for certain types of use and occupancy of Project land and water and describes the Joint Licensees' responsibilities to supervise and control uses for which they grant permits, and to ensure that facilities are maintained in good repair and comply with applicable state and local health and safety requirements. The type of use and occupancy of project lands and waters for which the licensees may grant permission without prior FERC approval include non-commercial piers, landings, boat docks, or similar structures and facilities that can accommodate no more than 10 watercraft at a time and where said facility is intended to serve single-family type dwellings.

As discussed in Section 3.2, permitting responsibilities at the Project are shared among multiple entities having jurisdiction over land managed under this SMP. Provisions within this SMP are designed to complement and work in concert with – but not replace – the regulations and review procedures in effect for local, county, state, federal, and tribal authorities.

Depending predominantly on structure type and location, guidelines for allowable structures at the Project are dictated by two entities: the Joint Licensees and Jefferson County. The Jefferson County Comprehensive Plan (JCCP) and Jefferson County Zoning Ordinance (JCZO) are part of Oregon's unique land use planning system. The Oregon land use planning system consists of 19 Statewide Planning Goals and Guidelines. The JCCP identifies the policies consistent with those goals to guide land use in Jefferson County. It also establishes zoning districts throughout the County based on geographical opportunities and limitations. The JCZO implements the policies of the JCCP, identifies allowed and prohibited uses, and establishes processes for the review of proposed land use development. Sections of the JCZO that are relevant to the SMP are identified in Section 3.2.1 below.

A copy of the most current JCCP and JCZO may be found at the following website:

<https://www.jeffco.net/cd/page/comprehensive-plan-and-zoning-ordinance>

As discussed in Section 1.3.2 above and Section 3.2 below, permit applicants will follow the same procedures for obtaining a permit regardless of the location of the structure and the jurisdiction of the land upon which the structure is located. Permit applications will be submitted to Joint Licensees, and Joint Licensees and Jefferson County will coordinate a concurrent review of each application. The review will cover all applicable local, state, federal, tribal, and Project license requirements and procedures to ensure that the permitting requirements of all potential jurisdictions for the structure and site location are addressed.

3.1 GUIDELINES FOR STRUCTURES COVERED UNDER THIS SMP

This SMP provides guidelines for wave abatement structures, swim docks, and mooring buoys. These are private non-commercial structures that are located over water, anchored to the lake bottom rather than the shoreline, and entirely within the Project boundary. The construction and use of these types of structures is authorized through the permitting process established by Joint Licensees. Jefferson County has the authority for structures that are at least partly outside of the Project boundary (above the maximum pool elevation). The following sections provide specific guidelines and criteria for permitting wave abatement structures, swim docks, and mooring buoys that are within the Project boundary, and entirely within the authority granted to Joint Licensees by FERC.

3.1.1 Wave Abatement Structures (WAS)

Table 3-1 Design Criteria for Wave Abatement Structures (WAS)

No.	WAS Principles/Criteria ^a
1	WAS structures shall be oriented in a manner that does not create or imply the presence of private enclosures; unimpeded boating access must be provided across the property between a permittee's WAS and other shoreline structures or shoreline. It is preferred that WAS structures be oriented parallel to the shoreline; however, non-parallel configurations (e.g., perpendicular to shoreline) are also acceptable to the Joint Licensees if they meet the length and setback requirements set forth below and do not create or imply the presence of a private enclosure or impede boating access across the property.
2	The maximum continuous length of a WAS structure is 140 feet, at which point a 30-foot break is required to provide shoreline access before an additional WAS segment may be constructed. The maximum width of a WAS structure is 5 feet.
3	A setback of at least 15 feet from adjacent property lines is required at each end of the WAS structure. A setback of less than 15 feet for structures crossing property lines may be allowed, provided that all affected landowners understand and agree to jointly maintain a gap of at least 30 feet every 140 feet of the combined structure to allow adequate shoreline access. This agreement will be reflected in individual permits.
4	The minimum distance between a dock – or shoreline if no dock exists – and a WAS structure shall be 30 feet.
5	The maximum distance, measured perpendicularly from the shoreline ^b to the WAS structure, shall be 100 feet. A navigable corridor/passage of at least 50 feet (25 feet from centerline) must be maintained in areas of constricted width – such as Street Creek, Fly Creek, and Wheeler Cove. [For example, if the channel width is 200 feet, a maximum distance from shoreline for those property owners' WAS structures would be 75 feet.]
6	To allow navigation, each end of the structure shall be anchored without being attached to any other floating structure and in a manner that eliminates the chance that it will shift in location or break free. WAS structures may not be attached in any way that creates a hazard, or impedes navigation within any break, setback area, or gap required by any other criteria. Permittee(s) must obtain all necessary property rights for the placement of any WAS structures, including anchor location.
7	New or altered WAS structures must not consist of logs or flotation devices previously used as a dock or for moorage. New or altered WAS structures may not be constructed from logs salvaged from Lake Billy Chinook. WAS structures may not be used for mooring or anchoring of vessels or other structures.
8	WAS structures must include reflective devices to ensure safe navigation around the structure. At a minimum, reflective devices must be placed at the point of the structure furthest from the shoreline.

^a Criteria 1-5 do not apply to commercial and large non-commercial developments.

^b For purposes of this SMP, references to shoreline are the maximum operating level of Lake Simtustus at 1,580 feet above mean sea level and Lake Billy Chinook at 1,945 feet above mean sea level.

3.1.2 Swim Docks

Table 3-2 Design Criteria for Swim Docks

No.	Swim Dock Principles/Criteria
1	Swim docks are not to exceed a surface area of 144 square feet.
2	One swim dock is allowed per tax parcel. Tax parcels with multiple owners, such as a partnership or LLC, may have one dock for every 100 feet of shoreline.
3	A setback of at least 15 feet from adjacent property lines is required for placement of the swim dock.
4	The minimum distance between a swim dock and either a WAS structure or shoreline dock – or shoreline if no dock exists – shall be 30 feet.
5	The maximum distance, measured perpendicularly from the shoreline ^a to the swim dock, shall be 100 feet. A navigable corridor/passage of at least 50 feet (25 feet from centerline) must be maintained in areas of constricted width – such as Street Creek, Fly Creek, and Wheeler Cove. [For example, if the channel width is 200 feet, a maximum distance from shoreline for those property owners' WAS structures would be 75 feet.]
6	To allow navigation, the structure shall be anchored without being attached to any other floating structure and in a manner that eliminates the chance that it will shift in location or break free. Permittee(s) must obtain all necessary property rights for the placement of any swim dock, including anchor location.
7	Swim docks shall not be used for mooring or anchoring of vessels or other structures.
8	Swim docks must include reflective devices to ensure safe navigation around the structure. At a minimum, reflective devices must be placed at the point of the structure furthest from the shoreline.

^a For purposes of this SMP, references to shoreline are the maximum operating level of Lake Simtustus at 1,580 feet above mean sea level and Lake Billy Chinook at 1,945 feet above mean sea level.

3.1.3 Mooring Buoys

As required by FERC's December 7, 2006, Order Modifying and Approving Recreation Resources Implementation Plan Under Article 424, the Joint Licensees undertook a study ("Mooring Buoy Study") of the feasibility of implementing an offshore moorage buoy program in Lake Billy Chinook. The Joint Licensees filed this study with FERC on August 18, 2008, after consultation with the SMWG. The Mooring Buoy Study concluded that a program of mooring buoys installed and maintained by the Joint Licensees would be neither feasible nor desirable. The study also determined that the Joint Licensees should adopt a program, to be administered in parallel with the permit program established by this SMP, to provide for the issuance of permits to OPRD or to private individuals seeking to install mooring buoys for houseboats. FERC approved the Mooring Buoy Study by letter dated January 27, 2009.

Accordingly, permission to install mooring buoys, or any other type of buoy other than navigational buoys, must be obtained from the Joint Licensees. Proposed installations must demonstrate an appropriate anchoring system, adequate distance from the shore, and sufficient water depth. The proposed buoy must not jeopardize ingress or other rights of property owners or the public. Anyone proposing to install a buoy must demonstrate that it has obtained any other permits required for such installation.

State mooring buoy standards are established by the Oregon State Marine Board (OSMB) under OAR 250-010-0245 and pertain to all Project waters. These standards may be found on the Oregon Administrative Rules Database (OARD) at <https://secure.sos.state.or.us/oard>.

The following additional criteria apply to mooring buoy permits:

Table 3-3 Design Criteria for Mooring Buoys

No.	Mooring Buoy Principles/Criteria
1	The term of a mooring buoy permit will be ten years, unless the buoy is required to be removed sooner because its presence or use is demonstrated to have an adverse environmental impact.
2	Mooring buoys and their use shall not interfere with Project operations, the normal public navigational use of the lake, or ingress and egress or other rights of property owners or the public.
3	A navigable corridor/passage of at least 50 feet (25 feet from centerline) must be maintained in areas of constricted width, such as Street Creek, Fly Creek, and Juniper Canyon. No mooring buoys shall encroach on an area that is 25 feet to each side of the center line of the body of water.
4	The owners of all property adjacent to the area affected by a mooring buoy, including any boat proposed to be moored to it, must be consulted and agree to join in the application ⁵ . The applicant must include any comments from adjacent landowners.
5	The design of proposed buoys must either (i) be consistent with the recommended design standards described in the Mooring Buoy Engineering Feasibility Study ^a , or (ii) comply with an alternative design proposed by the applicant and approved by the Joint Licensees ⁶ . Should the applicant propose a design that is different than the pre-approved design provided by Joint Licensees, Joint Licensees will charge the applicant a fee of \$500 for engineering review of the proposed design.
6	Each application will be reviewed by the Joint Licensees for potential impacts to sensitive resources. For mooring buoy applications, it is likely that consultation with ODFW, CTWRSO, USFWS, and other affected landowners will be required prior to moving forward with the application process to ensure that the proposed buoy location will not have an adverse impact on the bald eagle or other protected species.

^a <https://portlandgeneral.com/about/rec-fish/deschutes-river/restoring-deschutes-habitats/shoreline-management>

3.1.4 Flotation Materials

Flotation materials can affect public health and safety as well as water quality and aquatic habitat. Standards for flotation materials in new structures have been developed by the Oregon Marine Board and codified in OAR 250-010-0700 through 250-010-0715 (available online at <https://secure.sos.state.or.us/oard>). These standards will apply to all development within the Project boundary, including, to the extent applicable, repair, replacement, and maintenance activities. The Oregon Marine Board may make adjustments to the standards based on evolving technology and other factors. Polystyrene foam typically is used in new floats at public facilities in Oregon (OSMB 2001a), although some new floats are solid and contain no foam. When foam is involved, state law requires that it be encapsulated to prevent the introduction of particles to the water.

3.2 APPLICATION PROCESS

The following sections describe how to apply for a permit, the permit review process, and the general information that must be included in an application. The steps identified below pertain to all proposals for use within the Project boundary, both for new uses and alterations or modifications (as determined

⁵ The area affected by a mooring buoy is the area within a circle around the proposed buoy site, the size of which is defined by the size of the houseboat to be moored and the anchoring system to be employed. For example, as described in the *Engineering Feasibility Study*, a 60' houseboat moored to a buoy with two anchors would be considered to be adjacent to 260 feet of shoreline. Landowners of all 260 feet of shoreline would have to sign the permit application.

⁶ The *Engineering Feasibility Study* assumes a 60' houseboat with a loaded weight of 52,000 pounds and a two-point anchoring system with a calculated wind load appropriate to a 60' houseboat. The specific design proposed in a mooring buoy permit application might reflect a different size houseboat.

by Joint Licensees, Section 3.3, below) to existing structures. Applicants will follow the same process for submitting permit requests, whether the structure needs approval from Joint Licensees, Jefferson County, or any other landowner or agency. Joint Licensees and Jefferson County will coordinate a concurrent review of each request to ensure all applicable local, state, federal, tribal, and Project license requirements and procedures are reviewed and followed.

3.2.1 Step 1: Review of SMP and JCZO

Prior to preparing an application, the Joint Licensees encourage applicants to review the criteria and guidelines set forth in Jefferson County's JCZO and this SMP for allowable uses at the Project.

Criteria for wave abatement structures, swim docks, and mooring buoys is found in Section 3.1. For all other criteria, the JCZO provides applicable guidance and criteria under the following sections:

- Section 319: Three Rivers Recreation Area Zone (TRRA)
- Section 320: Three Rivers Recreation Area Waterfront Zone (TRRAW)
- Section 419: Riparian Protection
- Section 425: Dock Design and Review Requirements
- Section 501: Nonconforming Uses
- Section 508: Variances

A copy of the most current JCCP and JCZO may be found at the following website:

<https://www.jeffco.net/cd/page/comprehensive-plan-and-zoning-ordinance>

3.2.2 Step 2: Application and Preliminary Site Plan

Applicant prepares an application and preliminary site plan that includes the following information:

1. Applicant contact information (name, email, phone number).
2. Property location (address; tax parcel; and existing shoreline structures permit number).
3. Description of proposed new structures or changes to existing structures, including engineering designs if available.
4. Description and location of areas that may be temporarily disturbed or affected by construction.
5. Sketch showing items 3 and 4; preferably on an existing permit exhibit or aerial image of the property, which may be provided by Joint Licensees upon request.

Applications may be submitted via email or U.S. mail via the contact information provided below or online at PGE's Shoreline Management website. Notification of a change in land ownership associated with a permitted structure should also be submitted via the contact information provided below.

Should the applicant submit via email or U.S. mail, a hard copy of the application form may also be found on the website.

Email: pgeparks@pgn.com

Mail: Shoreline Management
Portland General Electric Company
33831 E. Faraday Road
Estacada, OR 97023

Online: <https://portlandgeneral.com/about/rec-fish/deschutes-river/restoring-deschutes-habitats/shoreline-management>

3.2.3 Step 3: Joint Licensee Review of Preliminary Site Plan

Joint Licensees will review the preliminary site plan for the following:

- Potential impacts to sensitive resources
- Consistency with SMP regulations, Project license, and related resource management plans

Upon review, Joint Licensees will determine whether the proposed action may result in impacts to sensitive resources governed by other Project resource management plans and whether those impacts may be mitigated with best management practices, restrictions, or changes to the proposed site plan. Should changes be required, Joint Licensees will advise the applicant as to what uses, structures, alterations, or configurations are allowed in the given scenario. The applicant may revise their proposal and application and resubmit or request a variance according to steps outlined in Section 3.4.

Joint Licensees' initial review will also determine whether the proposed action requires FERC review and approval. This can be a much lengthier and resource intensive process and is described in Section 1.3.3.

3.2.4 Step 4: Jefferson County Review of Preliminary Site Plan

Concurrently with Joint Licensees' review, the permit application package will be shared with Jefferson County for its review of the following:

- Potential impacts to sensitive resources
- Consistency with county code and regulations
- Need for consultation, permits, authorizations, or certifications with other relevant state, federal, or Tribal agencies.

Should the proposed action not require further consultation or additional information, Jefferson County will document that no further action or consultation is needed from the county or other relevant agencies. Should a more detailed review or additional information be required, Jefferson County will contact the applicant to communicate the additional information that is needed or which other relevant state, federal, or Tribal agencies may require permits, agency or affected landowner consultation, authorizations, or certifications for the proposed action. Depending on the scope of review necessary, a fee may be required by Jefferson County.

Once Jefferson County has completed its process, it will provide Joint Licensees with documentation of all necessary permits, authorizations, or certifications obtained or provided for the proposed action.

3.2.5 Step 5: Notice to Proceed

Once all necessary permits, authorizations, or certifications have been obtained for the proposed action, the Joint Licensees will issue a notice to proceed via email to the applicant. The notice to proceed will include a preliminary permit that identifies the permit terms and conditions, which may include requirements for revegetation, shoreline stabilization, or other mitigation, if requested during the review process.

3.2.6 Step 6: Inspection Approval, Final Permit, and Identification Tag

The applicant will have a period of two years from the date Joint Licensees send the notice to proceed to complete the approved construction activities. The Joint Licensees and Jefferson County may inspect the site during construction to ensure compliance with permit conditions. The applicant is required to notify Joint Licensees upon completion of construction. Joint Licensees will then inspect the work site to ensure compliance with permit conditions.

If Joint Licensees find after an inspection that the landowner has not complied with permit conditions, Joint Licensees or Jefferson County, depending on the type of non-compliance, will contact the applicant to discuss the non-compliance and possible remedies. A notice of non-compliance may be issued in writing by email and certified U.S. mail to the applicant, and Joint Licensees and Jefferson County will use reasonable efforts to work with the landowner / applicant to bring the activity into compliance with its permit. Achieving compliance may involve alteration or removal of the facilities and restoration of disturbed shoreline at the landowner's expense, additional permitting after completion of corrective actions, remediation, mitigation, or a combination of these.

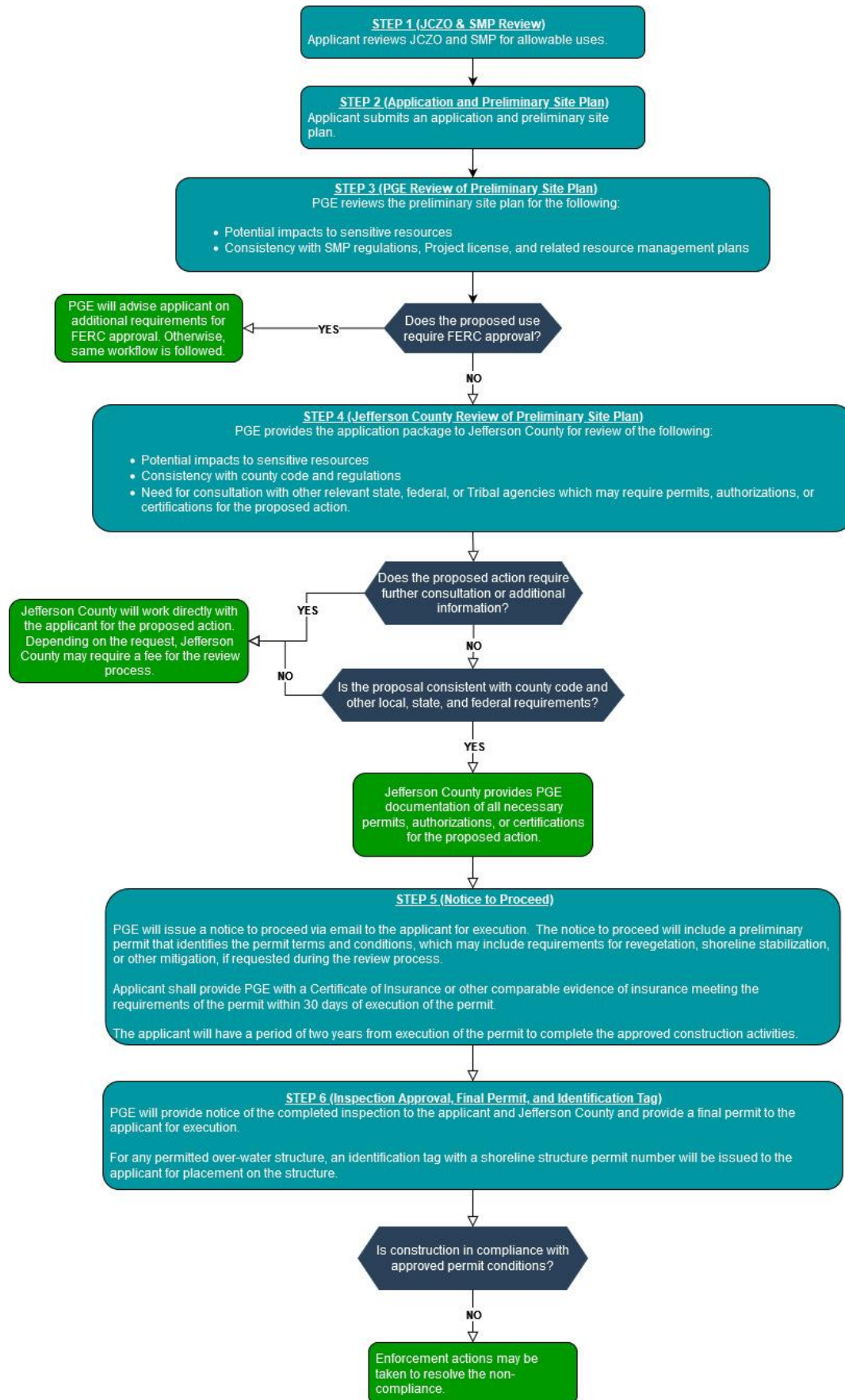
The notice of non-compliance will specify a deadline of not less than 60 days for bringing the facilities into compliance, provided that a shorter deadline may be specified if the violation presents a hazard to health or safety.

If corrective action is not taken as specified in the notice, Joint Licensees may pursue all available remedies at the landowner's expense.

If construction is compliant, Joint Licensees will provide notice of the completed inspection to the applicant and Jefferson County and provide a final permit to the applicant for execution.

Within 30 days of permit execution, the applicant shall provide Joint Licensees with a Certificate of Insurance or other comparable evidence of insurance meeting the requirements of the permit.

For any permitted over-water structure, an identification tag with a shoreline structure permit number will be issued to the applicant within 30 days of the date of the inspection, or within 60 days of the date of the applicants' request for an inspection if no inspection is performed within 30 days of such request. The tag must be posted on the structure within 30 days of receipt in a location visible and accessible from the water. If the tag is received after September 15, the applicant must post the tag before June 1 of the following year.



3.3 ROUTINE MAINTENANCE AND ALTERATIONS

It is the permittee's responsibility to maintain permitted structures in a manner that does not endanger public health or safety, or create a nuisance. In many cases, maintenance activities would not require a new or revised permit. However, alterations or modifications of a structure, or actions that affect the surrounding environment may need oversight and review prior to conducting the activity. This SMP provides guidance for wave abatement structures, swim docks, and mooring buoys. Structures that have been allowed under the guidelines of Jefferson County zoning ordinances would follow those guidelines regarding alteration of those structures.

If a landowner is uncertain whether a proposed action will require a new or revised permit, they should consult with the Joint Licensees prior to conducting the activity. Joint Licensees will concurrently evaluate the proposed action with Jefferson County to determine whether a new or revised permit is necessary. This process may avoid potential project delays, additional restoration and mitigation measures, or legal action if the activity was conducted without proper approval. Table 3-4 below provides definitions and examples of consultation requirements for proposed changes to existing permitted structures.

Table 3-4 Decision Matrix: Alterations or Modifications to Permitted Structures

Proposed Action	Description	Examples	Consultation Needed?
<i>Maintenance, Repair</i>	Regular minor work that is intended to compensate for the impact of normal use, daily wear and tear, and exposure to the elements in order to keep a structure continuously in safe condition to avoid the need for replacement or restoration.	<ul style="list-style-type: none"> • replacement of a board or boards on a swim dock • painting • replacement or resetting of fasteners on a buoy or anchoring system 	No.
<i>Replacement, Restoration</i>	Work that is intended to return a structure to its originally permitted condition, size, and location including the substitution of all or part of an existing permitted structure	<ul style="list-style-type: none"> • replacement of an entire structure or a structural component of a structure • replacement of individual floats 	Yes. Joint Licensee review is needed to determine if the proposed work may require approvals or permits from other agencies. A revision to Exhibit B of the existing permit is likely, and a new permit will not be required.
<i>Alteration</i>	Any change to a structure that would result in an increase to the size, dimensions, or height of the structure or change the overall design and/or configuration or location of the structure as permitted.	<ul style="list-style-type: none"> • relocation or reconfiguration of structure 	Yes. Joint Licensee review and approval is needed, new criteria must be met, and a new permit may be issued.

3.4 VARIANCES

Variances may be granted from the permitting criteria described in Section 3.1 when it can be shown that due to the physical characteristics of the site (topography, water depth, shoreline length, etc.), strict application of the criteria would not allow for placement of a structure that would function properly for the intended use. An application for a variance would be reviewed by the Joint Licensees on a case-by-case basis. Approval of variances is at the discretion of the Joint Licensees, is not guaranteed, and the Joint Licensees may determine not to approve structures at some locations in the reservoir. In granting a variance, the Joint Licensees may attach conditions deemed necessary to protect Project resources and surrounding property, or which may otherwise be required by the terms of the license. This SMP provides guidance and criteria for requesting a variance for wave abatement structures, swim docks, and mooring buoys. Section 508 of the JCZO provides the criteria and process for requesting a variance from provisions of the JCZO.

In order to be approved, an application for a variance must comply with ALL the following criteria:

- Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the vicinity. Extraordinary circumstances include the physical conditions of the site, which may include but are not limited to, lot size or shape, topography, shoreline slope, or water depth;
- The variance is necessary to address the physical constraints of the site and meet the functional objective of the desired structure;
- The variance would substantially comply with the purpose and intent of the SMP provision to be varied, and would not be materially detrimental to other property in the vicinity;
- The variance requested is the minimum variance that would provide the proposed function; and
- The variance is not the result of a situation or condition created by the landowner, previous landowner, applicant, its agents, employees, or family members.

Applicants for a variance must submit the application to the Joint Licensees by email or U.S. mail, as provided in Section 3.2.2. The application for a variance must include, in addition to the completed permit application package described in Section 3.2.2, such information as the applicant believes adequate to demonstrate that it satisfies all the variance approval criteria specified above in this section.

In addition to the steps described in Section 3.2.3, applications for variances will be reviewed by the Joint Licensees according to the following procedures:

- Within 30 days of receipt of a complete application for a variance, notice of an application for a variance will be sent to adjacent property owners, and at the option of the Joint Licensees, to any agency or jurisdiction that may be affected by the proposed variance. The notice shall describe the nature of the proposed variance and request that comments may be made in writing within 15 days from the day the notice was received.
- Notice of the Joint Licensees' decision will be sent by email or U.S. mail to any party who submitted written comments on the application.

- All decisions regarding variances will be reviewed and made by the Joint Licensees. Appeals to a decision of a variance may be made to the SMWG. To be considered by the SMWG, appeals must contain new information with the potential to change the decision that wasn't presented at the time the variance was requested. The SMWG will review variance requests and make a recommendation back to the Joint Licensees and Jefferson County for their decision on the request. Variance decisions could be appealed to FERC.
- Variances that request WAS structures located more than 100 feet from the shoreline (measured perpendicular from the shoreline), or extending further than 100 feet from the shoreline, are inconsistent with the goals of the SMP and will not be considered.

Each variance will include standard conditions to ensure the protection of Project resources and surrounding properties. These conditions are listed below:

- The variance applies only to the specific provision of Section 3.1 of the SMP for which the variance was requested and granted. All other requirements of Section 3.1 must be complied with fully.
- The variance does not reduce the landowner's obligation to comply with any other applicable legal requirement, including but not limited to, all applicable provisions of the Jefferson County Zoning Ordinance, and any other applicable federal, Tribal, state, county, or local requirements.
- The use of the structure for which the variance was granted may not impede navigation or impair public use of Project waters.
- The structure for which the variance was granted may not interfere with the use or enjoyment of any neighboring property.
- The work subject to the variance must be completed within two years of the date of the granting of the variance by Joint Licensees, unless an extension - not to exceed one year - is granted in writing by the Joint Licensees. Work that is not completed in a timely manner must be removed and the site restored at the landowner's expense.
- A variance for uncompleted construction work is not transferrable.

3.5 ENFORCEMENT

If Joint Licensees discover an unpermitted structure or finds that a permittee is not in compliance with permit conditions, Joint Licensees or Jefferson County, depending on the type of non-compliance, will contact the permittee to discuss the non-compliance and possible remedies. Landowners that are proposing and constructing new structures would be notified of non-compliance during Step #6 of the permitting process described in Section 3.2.6 (inspection and approval).

A notice of non-compliance may be issued in writing and by email and certified U.S. mail to the permittee or landowner, and Joint Licensees or Jefferson County will use reasonable efforts to work with them to bring the structure into compliance. Achieving compliance may involve alteration or removal of the facilities and restoration of disturbed shoreline at the landowner's expense, additional permitting after completion of corrective actions, remediation, mitigation, or a combination of these.

The notice of non-compliance for structures will specify a deadline of not less than 60 days to bring facilities into compliance, provided that a shorter deadline may be specified if the violation presents a

hazard to health or safety. An extension may be granted if Joint Licensees agree it is not feasible to complete the work within 60 days. If corrective action is not taken as specified in the notice, Joint Licensees may pursue all available remedies at the landowner expense.

3.6 RECONSIDERATION AND APPEAL

Any person whose application for a permit is denied or conditioned in a way that is not acceptable to such person, and any person who receives a notice of non-compliance with a permit, may request, in writing, within 10 days of such notice, that the Joint Licensees reconsider such decision. A person seeking reconsideration may submit additional information in support of their request. The Joint Licensees shall act upon a request for reconsideration and respond by email or certified U.S. mail within 30 days. If the request seeks reconsideration of an enforcement notice, the 60-day (or sooner if the violation presents a hazard to health or safety) deadline to bring facilities into compliance shall be stayed and Joint Licensees will take no action pursuant to the enforcement notice until a decision is reached. The date of the Joint Licensees' response shall restart the 60-day (or sooner) deadline for compliance.

Any person aggrieved by the Joint Licensees' decision on a request for reconsideration, may file an appeal of the Joint Licensees' decision with the SMWG within 10 days of receipt of the decision being challenged. The Joint Licensees shall convene a meeting of the SMWG, which shall make a recommendation to the Joint Licensees regarding the appeal and the Joint Licensees shall use best efforts to respond to the appellant by email or U.S. mail within 60 days. If the appeal challenges an enforcement notice, the Joint Licensees will take no action pursuant to the enforcement notice and the 60-day (or sooner) deadline shall be stayed until a decision on the appeal is reached.

If the matter in dispute cannot be satisfactorily resolved by the decision of the SMWG, the aggrieved party may bring the issue to the attention of FERC, which may consider the matter. Further challenges to FERC's action on an appeal are governed by Section 313 of the Federal Power Act, 16 U.S.C. § 825. The deadline for compliance shall not be automatically stayed during the pendency of any FERC action; however, a party may request that FERC stay such deadline.

3.7 CHANGES IN LAND OWNERSHIP

Permit holders are responsible for notifying the Joint Licensees of any change to the identity or address of the landowner of a permitted structure, such as when a parcel with a permitted structure is sold to a new landowner. Notification shall be provided to the Joint Licensees as described in Section 3.2.2. For existing permitted structures, a new permit will be issued to the new landowner. If notice is not provided within one year of the change in land ownership, the Joint Licensees reserve the right to revoke the permit. No alterations, replacements, or restorations are authorized by the issuance of a new permit to an existing permitted structure upon a change in land ownership. Regardless of a change in land ownership, proposed alterations of an existing permitted structure shall follow the requirements for approval set forth above.

3.8 MONITORING

The Joint Licensees will monitor all shoreline structures within the Project boundary annually to assure SMP and permit compliance. After written notification to the landowner, Joint Licensees (or their agents) will have access to shoreline structures from the reservoir but will need to obtain permission before entering onto private property outside of the Project boundary. The Joint Licensees will visually monitor shoreline structures, observe and document structural conditions, structure uses, and surrounding resource conditions. Monitoring and inspection of existing structures will be limited to that necessary to verify that the structure is in compliance with its permit.

4.0 ANNUAL MEETING

The SMWG will meet annually, no later than November 30, or at a frequency as requested by the Joint Licensees or as agreed to by the SMWG, to review the previous year's actions under the SMP, discuss the following year's anticipated activities, and identify representatives of the public who will serve as members of the SMWG for the following year. In addition to this Annual Meeting, the SMWG may choose to meet at other times of the year, as needed, to address specific SMP activities, or unanticipated matters or circumstances.

5.0 REPORTING

Paragraph (E) of FERC's January 27, 2009, Order Amending Article 402 and Modifying and Approving Shoreline Management Plan under Article 4287 (2009 Order) requires the following⁸:

The licensees, every six years from the issuance date of this order, shall file with the Commission, for approval, a report providing the results of a comprehensive review of the shoreline management plan (SMP) approved in ordering paragraph (A), above. The report, at a minimum, shall include descriptions of: (1) the review process; (2) the information and issues considered during the review; (3) the entities who participated in the review; and (4) the results of the process, including any proposed revisions to the SMP. The review shall focus on the effectiveness of the SMP in achieving its prescribed goals, particularly with regard to resource protection, permitting, monitoring and enforcement, and coordination with other jurisdictional entities.

The licensees shall include with the filing documentation of consultation with members of the Shoreline Management Working Group (SMWG), as defined in license article 402, copies of comments and recommendations on the report after it has been prepared and provided to the SMWG members, and specific descriptions of how the SMWG members' comments and recommendations are accommodated by the report. The licensees shall allow a minimum of thirty days for the SMWG members to comment and to make recommendations before filing the report with the Commission. If the licensees do not adopt a recommendation, the filing shall include the licensees' reasons, based on project-specific information.

The Commission reserves the right to require changes to the report. Upon approval of the report, the licensees shall implement any approved revisions to the SMP, including any changes required by the Commission.

⁷ 126 FERC § 62,058

⁸ Paragraph (E) of the 2009 Order also required the Joint Licensees to file an annual status report regarding their efforts to complete the initial implementation phase of the approved SMP. This requirement was subsequently removed by FERC's October 13, 2012, Order Modifying Shoreline Management Plan Under Article 428 (141 FERC § 62,068).

6.0 PLAN REVISIONS

Outside of the six-year review process, amendments to this SMP may be submitted to FERC after consultation with the SMWG. The Joint Licensees shall include with any proposed amendment filed with FERC documentation of consultation, copies of comments and recommendations on the proposed amendment after it has been provided to the SMWG, and specific descriptions of how the SMWG's comments are accommodated by the proposed amendment. The Joint Licensees will allow a minimum of 30 days for the SWMG to comment before filing the proposed amendment with FERC.

7.0 REFERENCES

- BLM. 1986. Two Rivers Resource Management Plan, Record of Decision, Rangeland Program Summary. USDI Bureau of Land Management, Prineville District Office, Prineville, OR. June 1986.
- CTWSRO. 2022. Tribal Code. <https://warmsprings-nsn.gov/>. Warm Springs, OR.
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- CTWSRO, BIA, USFS, BLM, and State of Oregon, et al. 1999. Pelton Round Butte Comprehensive Management Plan (Recreation / Land Use / Aesthetic Component). March 1999.
- EDAW and Portland General Electric. 1999. Private Shoreline Development and Condition Inventory, Pelton Round Butte Hydroelectric Project, FERC No. 2030. Portland, Oregon. May 1999.
- Everett, Charles and Charles Frayer. 1999. Developed Recreation Facilities Inventory and Evaluation for the Pelton Round Butte Hydroelectric Project. Prepared for Portland General Electric. Portland, Oregon. September 1999.
- Hall, Troy and Bo Shelby. 1998. Location and Condition of Shoreline and Upland Dispersed Recreation Sites within the Pelton Round Butte Project Area, FERC No. 2030. Prepared for Portland General Electric. April 1998.
- Jefferson County. 2022a. Jefferson County Comprehensive Plan. <https://www.jeffco.net/cd/page/comprehensive-plan-and-zoning-ordinance>. Madras Oregon
- Jefferson County. 2022b. Jefferson County Zoning Ordinance. <https://www.jeffco.net/cd/page/comprehensive-plan-and-zoning-ordinance>. Madras, Oregon.
- OPRD. 2002. The Cove Palisades State Park Master Plan.
- Oregon State Marine Board. 2001a. Best Management Practices for Environmental and Habitat Protection in Design and Construction of Recreational Boating Facilities. 2001, as revised in September 2002.
- USFS. 1989. Crooked River National Grassland Land and Resource Management Plan
- USFS. 1990. Deschutes National Forest Land and Resource Management Plan.

Attachment A

Consultation History

Shoreline Management Plan Consultation Summary

DATE	ACCESSION NO.	AUTHOR/PARTIES INVOLVED	DESCRIPTION
June 21, 2005	20050621-3052	FERC	Order Issuing New License - Article 428 requires Joint Licensees to file an SMP within one year of license issuance
June 8, 2006	20060608-5011	Joint Licensees	Joint Licensees file SMP after completing consultation with the SMWG
July 3, 2006	20060703-3026	FERC	FERC issued public notice of SMP filing
July 3, 2006 to July 31, 2006	-	Joint Licensees, Agencies, Public	Comment period of SMP - FERC received 55 comments or requests to intervene from landowners, in addition to requests to intervene by the DOI and the USFS
October 2, 2006	20061002-5034	Joint Licensees	Joint Licensees request SMP to be withdrawn to allow for additional consultation and requested an extension to July 15, 2007
October 12, 2006	20061012-3002	FERC	FERC allowed SMP to be withdrawn and granted extension
December 12, 2006	20061212-5079	Joint Licensees	Joint Licensees file notice of public meetings on SMP
January 30, 2007	-	Joint Licensees, Agencies, Public	Public meeting on SMP
January 31, 2007	-	Joint Licensees, Agencies, Public	Public meeting on SMP
February 8, 2007	-	Joint Licensees, Agencies, Public	Public meeting on SMP
March 7, 2007 to May 15, 2007	-	SMWG	Expanded SMWG held 5 meetings and developed a revised SMP
June 4, 2007	-	Joint Licensees	Consultation draft of SMP distributed for formal 30-day consultation - consultation included expanded SMWG, FERC commenters, & property owners
July 11, 2007	20070711-4019	Joint Licensees	Joint Licensees file transcripts of public meetings
July 11, 2007	20070713-0080	Joint Licensees	Joint Licensees file revised SMP and proposes revision to Article 402 that expanded the SMWG to include 5 representatives of the public
July 17, 2007	20070717-5050	Joint Licensees	Joint Licensees refile revised SMP as one consultation record was inadvertently omitted from the SMP as filed on July 11, 2007
August 2, 2007	20060703-3026	FERC	FERC issued public notice of proposed SMP filing
	-	Joint Licensees	Joint Licensees published notices in three local newspapers and notified individually each landowner of record in the Jefferson County tax records and each FERC commenter at FERC individually
July 17, 2007 to September 4, 2007	-	SMWG	Comment period of revised SMP. ODFW filed a motion to intervene and DOI stated it did not have any comments to offer.
January 27, 2009	20090127-3014	FERC	FERC approved SMP with modifications to 5 sections under Article 428 and amended Article 402 to allow for 5 public representatives in the SMWG

DATE	ACCESSION NO.	AUTHOR/PARTIES INVOLVED	DESCRIPTION
January 29, 2009	20090129-5069	Joint Licensees	Joint Licensees request 6-month extension to file required revisions to SMP
February 12, 2009	20090212-4018	FERC	FERC files Errata Notice - correction to January 27, 2009, order, changing deadline of required revisions of Article 428 from 30 days to 9 months
September 9, 2009	20090909-5064	Joint Licensees	Joint Licensees file revised SMP - incorporated modifications required by January 27, 2009, order
October 21, 2009	-	SMWG	Annual SMWG Meeting
November 3, 2010	-	SMWG	Annual SMWG Meeting
May 3, 2010	20100503-5076	Joint Licensees	Joint Licensees submit Shoreline Management Plan 2009 Annual Progress Report
November 17, 2010	20101124-0331	FERC	FERC letter accepting 2009 Annual Shoreline Management Plan Progress Report
February 15, 2011	20110215-3018	FERC	Order modifying and approving revisions to Section 4.5 of SMP
March 30, 2011	20110330-5054	Joint Licensees	Joint Licensees submit SMP 2010 Annual Progress Report
April 13, 2011	20110413-5096	Joint Licensees	Joint Licensees resubmit SMP 2010 Annual Progress Report
April 14, 2011	20110419-0338	FERC	FERC letter accepting 2010 Annual Shoreline Management Plan Progress Report
October 21, 2011	-	SMWG	Annual SMWG Meeting
April 12, 2012	20120413-5135	Joint Licensees	Joint Licensees submit SMP 2011 Annual Progress Report
August 21, 2012	-	SMWG	Annual SMWG Meeting
October 23, 2012	20121023-3045	FERC	Order modifying SMP - approving removal of annual reporting requirements
October 9, 2013	-	SMWG	Annual SMWG Meeting
September 3, 2014	-	SMWG	Annual SMWG Meeting
January 22, 2015	20150122-5176	Joint Licensees	Joint Licensees file SMP Six-Year Review Report
June 18, 2015	20150618-3053	FERC	Order approving SMP Six-Year Review Report
July 27, 2015	-	SMWG	Annual SMWG Meeting
August 1, 2016	-	SMWG	Annual SMWG Meeting
September 6, 2017	-	SMWG	Annual SMWG Meeting

DATE	ACCESSION NO.	AUTHOR/PARTIES INVOLVED	DESCRIPTION
November 27, 2018	-	SMWG	Annual SMWG Meeting
April 30, 2019	-	SMWG	Annual SMWG Meeting
2020	-	SMWG	Annual SMWG Meeting skipped due to COVID-19
January 27, 2021	20210127-5012	Joint Licensees	Joint Licensees file request for extension until January 27, 2022, to file the SMP Six-Year Review Report
February 3, 2021	20210203-3006	FERC	Order approving extension of time for SMP Six-Year Review Report
September 10, 2021	n/a	Joint Licensees	<p>Memo provided to SMWG</p> <p>Provided information related to:</p> <ul style="list-style-type: none"> • Activities requiring PGE consultation • Enforcement Process • Wave Abatement Structures • Permit Transfers • Minor updates, clarifications, or improvements to the SMP <p>Changes to Shoreline Structure Permits</p>
September 24, 2021	n/a	SMWG	<p>SMWG Meeting (Annual + Six-Year Review)</p> <p>Discussed the following:</p> <ul style="list-style-type: none"> • Annual Survey/Inspection • 2021 Enforcement Actions • Aquatic Weed Report • OSMB and Jefferson County Updates • Activities requiring PGE consultation • Enforcement Process • Wave Abatement Structures • Permit Transfers • Minor updates, clarifications, or improvements to the SMP • Changes to Shoreline Structure Permits
October 10, 2021	n/a	SMWG	<p>Memo provided to SMWG</p> <p>Provided information related to:</p> <ul style="list-style-type: none"> • SMP Terminology • Wave Abatement Structures <p>Changes to Shoreline Structure Permits</p>
November 9, 2021	n/a	SMWG	<p>SMWG Meeting (Six-Year Review)</p> <p>Discussed the following:</p> <ul style="list-style-type: none"> • SMP Terminology • Wave Abatement Structures <p>Changes to Shoreline Structure Permits</p>
December 16, 2021	n/a	SMWG	<p>Memo provided to SMWG</p> <p>Provided information related to:</p> <ul style="list-style-type: none"> • SMP Terminology • Changes to Shoreline Structure Permits

DATE	ACCESSION NO.	AUTHOR/PARTIES INVOLVED	DESCRIPTION
December 21, 2021	n/a	SMWG	SMWG Meeting (Six-Year Review) Discussed the following: <ul style="list-style-type: none"> • SMP Terminology • Changes to Shoreline Structure Permits
December 23, 2021	n/a	SMWG	Draft Six-Year Review provided to SMWG; Comments requested within 30 days
January 23, 2021	n/a	SMWG	End of 30-day comment period
February 22, 2022	n/a	SMWG	SMWG to discuss proposed changes to the SMP
March 22, 2022	n/a	SMWG	SMWG to discuss proposed changes to the SMP
April 26, 2022	n/a	SMWG	SMWG to discuss proposed changes to the SMP
June 15, 2022	n/a	SMWG	SMWG to discuss proposed changes to the SMP
August 19, 2022	n/a	SMWG	SMWG to discuss proposed changes to the SMP
October 17, 2022	20221018-5033	Joint Licensees	Request to FERC for extension of time to file the SMP.
October 11, 2022	n/a	Randy Panek, Three Rivers Landowners Association	Comments on draft SMP.
October 19, 2022	n/a	Randy Panek, Three Rivers Landowners Association	Comments on draft SMP.
October 19, 2022	n/a	Jefferson County, OR	Comments on draft SMP.
October 3, 2022	n/a	Confederated Tribes of the Warm Springs Reservation	Comments on draft SMP.
October 7, 2022	n/a	Wayne Purcell, Community Properties LLC	Comments on draft SMP.
October 12, 2022	n/a	Wayne Purcell, Community Properties LLC	Comments on draft SMP.
September 25, 2022	n/a	Gary Popp, Lake Billy Chinook Houseboats	Comments on draft SMP.
October 14, 2022	n/a	Dave Bulkley	Comments on draft SMP.
October 24, 2022	n/a	US Forest Service	Comments on draft SMP.

From: president@3rrec.com <president@3rrec.com>

Sent: Tuesday, October 11, 2022 5:15 PM

To: Mike Schubert <mike.schubert@pgn.com>; Tony Dentel <Tony.Dentel@pgn.com>

Subject: RE: Revised Shoreline Management Plan - 30 Day Review

*****Please take care when opening links, attachments or responding to this email as it originated outside of PGE.*****

Mike and Tony,

Found a correction on page 22 highlighted with comment. Section 319 does not border the SMP.

See you tomorrow.

Randy

From: Mike Schubert <mike.schubert@pgn.com>

Sent: Wednesday, September 21, 2022 7:23 AM

To: Tony Dentel <Tony.Dentel@pgn.com>; Nancy Doran <nancy.doran@pgn.com>; Leah Hough

<Leah.Hough@pgn.com>; Mike Olin <mikeolin@bendcable.com>; Gary Popp

<gary@covepalisadesresort.com>;

Dave Bulkley <davebulkley@gmail.com>; Wayne Purcell <wayne@cmwbend.com>; MOBERLY Erik R ODFW

<Erik.R.MOBERLY@odfw.oregon.gov>; Baughman, Sara -FS <sara.baughman@usda.gov>; Jeff Kitchens

<jhkitch@blm.gov>; brad.houslet@ctwsbnr.org; Stephen Lewis <stephen.lewis@bia.gov>; Phil Stenbeck

<Phil.Stenbeck@co.jefferson.or.us>; Randy Panek <president@3rrec.com>; Melody Zistel

<mzistel@jcsolaw.com>;

BIFANO Steve OPRD <Steve.BIFANO@oprdsos.oregon.gov>

Subject: Revised Shoreline Management Plan - 30 Day Review

Shoreline Management Working Group (SMWG),

As you know, we have been working hard on a revision to the Shoreline Management Plan (SMP). Over the past several months this group has worked through many challenging issues to improve this plan which will allow us to better meet our collective goals in the future.

Many of you have committed a considerable amount of time and energy with your involvement in this effort, and we thank you. This hard work has yielded a draft version for final review prior to submitting it to FERC next month by the required deadline.

Attached you will find two documents, the first is a clean (non-redlined) version of the Revised Shoreline Management Plan to be filed with FERC. The second document is the current approved SMP. The current version

can be used to compare changes with the revised version. We considered sharing a redlined version of the current

SMP, but with the many bulky but insignificant changes it is very difficult to follow. However, this can be provided at your request.

This distribution will start the formal 30-day review period which will conclude October 21th. We would appreciate that you submit any comments as soon as possible. A response of “We have reviewed this draft and have no comments” would be welcome if appropriate.

Please send any comments to myself and Tony Dentel and reference the relative section number in the document.

Thank you for your participation in this process, please contact us with any questions.

Thank you,

Mike Schubert

Parks Operations Specialist & Shoreline Management Plan Coordinator
| 503-898-8031 | Work Schedule Tuesday – Saturday
portlandgeneral.com/parks | Follow us on social @PortlandGeneral
An Oregon kind of energy.



Subject: RE: SMWG Annual Meeting & SMP Comments

From: <president@3rrec.com>

Date: 10/19/2022, 5:00 AM

To: "Mike Schubert" <mike.schubert@pgn.com>, "Mike Olin" <mikeolin@bendcable.com>, "Gary Popp" <gary@covepalisadesresort.com>, "Wayne Purcell" <wayne@cmwbend.com>, "Dave Bulkley" <davebulkley@gmail.com>, "BIFANO Steve OPRD" <Steve.BIFANO@opr.oregon.gov>, "MOBERLY Erik R ODFW" <Erik.R.MOBERLY@odfw.oregon.gov>, "Baughman, Sara -FS" <sara.baughman@usda.gov>, "Jeff Kitchens" <jhkitch@blm.gov>, <brad.houslet@ctwsbnr.org>, "Peone, Rudy J" <rudy.peone@bia.gov>, "Scott Edelman" <scott.edelman@co.jefferson.or.us>, "Melody Zistel" <mzistel@jcso.law>, "Tony Dentel" <Tony.Dentel@pgn.com>, "Leah Hough" <Leah.Hough@pgn.com>, "Nancy Doran" <nancy.doran@pgn.com>
CC: "Jeff Boyce" <jboyce@meridianenv.com>

Mike,

Jefferson County Permitting Code Update

- Scott Edelman provided an update on the county code update process for dock permitting. The code updates are currently going through legal review regarding the grandfathering of existing docks. Code uses the term "accepting" existing docks, rather than "approving" existing docks.

There needs to be further clarity as to the actual protection of existing dock structures on the lake. Whether they are "accepting" or "approving" existing docks It appears to be unclear as to a specific date in time when the county will consider docks "grandfathered" to replacement. Instead of a specific date I would suggest the term, "legacied". For example, "legacied dock structures shall be exempt from..." I believe accepting this alternative eliminates the need for a specific date in time.

Randy Panek

President

Three Rivers Landowners Association, Inc.

From: Mike Schubert <mike.schubert@pgn.com>

Sent: Monday, October 17, 2022 2:28 PM

To: Mike Olin <mikeolin@bendcable.com>; Gary Popp <gary@covepalisadesresort.com>; Wayne Purcell <wayne@cmwbend.com>; Dave Bulkley <davebulkley@gmail.com>; Randy Panek <president@3rrec.com>; BIFANO Steve OPRD <Steve.BIFANO@opr.oregon.gov>; MOBERLY Erik R ODFW <Erik.R.MOBERLY@odfw.oregon.gov>; Baughman, Sara -FS <sara.baughman@usda.gov>; Jeff Kitchens <jhkitch@blm.gov>; brad.houslet@ctwsbnr.org; Peone, Rudy J <rudy.peone@bia.gov>; Scott Edelman <scott.edelman@co.jefferson.or.us>; Melody Zistel <mzistel@jcso.law>; Tony Dentel <Tony.Dentel@pgn.com>; Leah Hough <Leah.Hough@pgn.com>; Nancy Doran <nancy.doran@pgn.com>


Cc: Jeff Boyce <jboyce@meridianenv.com>

Subject: SMWG Annual Meeting & SMP Comments

SMWG,

Please see attached the meeting notes from our Annual Shoreline Management Working Group (SMWG) Meeting held last week on 10.12.22.

Also attached is our SMWG Member list. For those members who were unable to attend our recent meeting, I sent a separate email to confirm 2023 participation on the SMWG.

Both attachments have been shared and uploaded in our  [SMWG Shared Documents](#) folder.

We strongly encourage members to **provide any comments on the revised SMP by this Friday, 10.21.22. The 30-day comment period concludes this Friday.**

Thank you,



Mike Schubert

Parks Operations Specialist & Shoreline Management Plan Coordinator
| 503-898-8031 | Work Schedule Monday – Thursday
portlandgeneral.com/parks | Follow us on social @PortlandGeneral
An Oregon kind of energy.

Subject: RE: SMWG Annual Meeting & SMP Comments

From: Scott Edelman <scott.edelman@co.jefferson.or.us>

Date: 10/19/2022, 7:15 AM

To: "president@3rrec.com" <president@3rrec.com>, 'Mike Schubert' <mike.schubert@pgn.com>, 'Mike Olin' <mikeolin@bendcable.com>, 'Gary Popp' <gary@covepalisadesresort.com>, 'Wayne Purcell' <wayne@cmwbend.com>, 'Dave Bulkley' <davebulkley@gmail.com>, "'BIFANO Steve OPRD'" <Steve.BIFANO@opr.oregon.gov>, "'MOBERLY Erik R ODFW'" <Erik.R.MOBERLY@odfw.oregon.gov>, "'Baughman, Sara -FS'" <sara.baughman@usda.gov>, 'Jeff Kitchens' <jhkitch@blm.gov>, "brad.houslet@ctwsbnr.org" <brad.houslet@ctwsbnr.org>, "'Peone, Rudy J'" <rudy.peone@bia.gov>, Melody Zistel <mzistel@jcsolaw.com>, 'Tony Dentel' <Tony.Dentel@pgn.com>, 'Leah Hough' <Leah.Hough@pgn.com>, 'Nancy Doran' <nancy.doran@pgn.com>
CC: 'Jeff Boyce' <jboyce@meridianenv.com>

Thank you for your input Randy. At the annual meeting, a request was made that I send out the draft policy on "grandfathering" docks to the committee for comments prior to taking it to the Board of Commissioners. I am hoping to get that to those included in this email later today.

The staff proposal is to treat all docks that have been approved through PGE similar to an existing nonconforming use (although we wouldn't technically label them as such) – all PGE-approved docks would be allowed to remain, would not get in the way of obtaining development permits on the associated property (Code restricts the county from approving applications on properties with known code violations), and could be replaced with a new dock of similar dimensions.

This would include all existing docks that were blanket-approved by PGE in 2010, as well as any dock that has record of approval since then. Any new docks (starting the date the policy is adopted), expansion of existing PGE-approved docks, or replacement of non-approved docks would require full land use review by the county.

Scott

From: president@3rrec.com <president@3rrec.com>

Sent: Wednesday, October 19, 2022 5:00 AM

To: 'Mike Schubert' <mike.schubert@pgn.com>; 'Mike Olin' <mikeolin@bendcable.com>; 'Gary Popp' <gary@covepalisadesresort.com>; 'Wayne Purcell' <wayne@cmwbend.com>; 'Dave Bulkley' <davebulkley@gmail.com>; 'BIFANO Steve OPRD' <Steve.BIFANO@opr.oregon.gov>; 'MOBERLY Erik R ODFW' <Erik.R.MOBERLY@odfw.oregon.gov>; 'Baughman, Sara -FS' <sara.baughman@usda.gov>; 'Jeff Kitchens' <jhkitch@blm.gov>; brad.houslet@ctwsbnr.org; 'Peone, Rudy J' <rudy.peone@bia.gov>; Scott Edelman <scott.edelman@co.jefferson.or.us>; Melody Zistel <mzistel@jcsolaw.com>; 'Tony Dentel' <Tony.Dentel@pgn.com>; 'Leah Hough' <Leah.Hough@pgn.com>; 'Nancy Doran' <nancy.doran@pgn.com>

Cc: 'Jeff Boyce' <jboyce@meridianenv.com>

Subject: RE: SMWG Annual Meeting & SMP Comments

Mike,

Jefferson County Permitting Code Update

- Scott Edelman provided an update on the county code update process for dock permitting. The code updates are currently going through legal review regarding the grandfathering of existing docks. Code uses the term

“accepting” existing docks, rather than “approving” existing docks.

There needs to be further clarity as to the actual protection of existing dock structures on the lake. Whether they are “accepting” or “approving” existing docks It appears to be unclear as to a specific date in time when the county will consider docks “grandfathered” to replacement. Instead of a specific date I would suggest the term, “legacied”. For example, “legacied dock structures shall be exempt from...” I believe accepting this alternative eliminates the need for a specific date in time.

Randy Panek
President
Three Rivers Landowners Association, Inc.

From: Mike Schubert <mike.schubert@pgn.com>

Sent: Monday, October 17, 2022 2:28 PM

To: Mike Olin <mikeolin@bendcable.com>; Gary Popp <gary@covepalisadesresort.com>; Wayne Purcell <wayne@cmwbend.com>; Dave Bulkley <davebulkley@gmail.com>; Randy Panek <president@3rrec.com>; BIFANO Steve OPRD <Steve.BIFANO@opr.oregon.gov>; MOBERLY Erik R ODFW <Erik.R.MOBERLY@odfw.oregon.gov>; Baughman, Sara -FS <sara.baughman@usda.gov>; Jeff Kitchens <jhkitch@blm.gov>; brad.houslet@ctwsbnr.org; Peone, Rudy J <rudy.peone@bia.gov>; Scott Edelman <scott.edelman@co.jefferson.or.us>; Melody Zistel <mzistel@jcsolaw.com>; Tony Dentel <Tony.Dentel@pgn.com>; Leah Hough <Leah.Hough@pgn.com>; Nancy Doran <nancy.doran@pgn.com>

Cc: Jeff Boyce <jboyce@meridianenv.com>

Subject: SMWG Annual Meeting & SMP Comments

SMWG,

Please see attached the meeting notes from our Annual Shoreline Management Working Group (SMWG) Meeting held last week on 10.12.22.

Also attached is our SMWG Member list. For those members who were unable to attend our recent meeting, I sent a separate email to confirm 2023 participation on the SMWG.

Both attachments have been shared and uploaded in our  [SMWG Shared Documents](#) folder.

We strongly encourage members to **provide any comments on the revised SMP by this Friday, 10.21.22. The 30-day comment period concludes this Friday.**

Thank you,



Mike Schubert

Parks Operations Specialist & Shoreline Management Plan Coordinator
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THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

Branch of Natural Resources
P. O. Box C, Warm Springs, OR 97761
Phone: (541) 553-2001

October 3, 2022

Mike Schubert
Tony Dental
Portland General Electric

Re: Comment letter for Shoreline Management plan

The Confederated Tribes of the Warm Springs of Oregon is writing for comment on the Pelton Round Butte Project Shoreline Management Plan. Over all, the plan is an improvement on the previous plan.

Below is a list of sections for review for the final document:

1. We recommend that authors perform a search on PGE in the document to ensure that in those sentences you mean PGE and not Joint or CO-licensees.
2. Citation update : Integrated Resources Management Plan for the Forested Area and Rangelands IRMP 2012. (CTWSRO and BIA 2012) for page section 2.1.4 and reference section.
3. Section 2.2.2 Shoreline erosion at the end of paragraph 1. Clarification needed that DSL has authority on state side and CTWSRO Water Control Board has authority on the Tribal side.
4. Section 2.2.2 cultural resources need to add Tribal to the first sentence.
5. Section 3.1.1 table 3.1 No. 7 suggest substitute "shall" in place of "may"
6. Section 3.1.1 table 3-2 No 5. Second sentence might need more clarity e.g., "To achieve a navigable corridor /passage of at least 50 ft in areas of constricted width...". You don't really say what is the width of a navigable corridor just an example of a calculation that seems to come to 50 ft. If so then same wording need on table 3-3 No 3.

Since this document is in a .pdf format below is list of suggested grammatical edits for your own thoughts and considerations

Section 1.1 project description paragraph 2 sentence 2; "Lake Billy Chinook is a popular recreation destination, receiving over 56,000 visitors annually..."

Paragraph 3 first sentence "...from Round butte dam, terminating at Pelton Dam."

Paragraph 4 replace with "The shoreline management plan applies to the project boundaries identified by their normal maximum fill elevation of 1945 feet for Lake Billy Chinook and 1580 ft for Lake Simtustus. The SMP applies to the Joint Licensees authority on the water side of the normal maximum pool levels."

Section 1.3.2 paragraph 3 first sentence replace with "Article 443 of the Project license identifies the SMP focus on authorization of private non-commercial structures."

Paragraph 4 first sentence delete word "to" in front of discussed

[Type text]

[Type text]

[Type text]

Section 2.1 first sentence might want to add the word ", Oregon" after Jefferson County. Sentence 3 can delete "to these entities"

Section 2.1.1 Second paragraph last sentence rewrite "Jefferson County has the authorization for structures that are at least partly outside of the project boundary."

Paragraph 3 delete "as part of their obligation" and start the sentence with "Under..."

Section 2.1.4 Confederate needs a "d"

Sincerely,

A handwritten signature in black ink, appearing to read "Bradley S. Houslet", with a stylized flourish at the end.

Bradley S. Houslet
Planning Department Manager,
Branch of Natural Resources
Confederate Tribes of Warm Springs Reservation of Oregon

From: Wayne Purcell <wayne@cmwbend.com>

Sent: Friday, October 7, 2022 1:37 PM

To: Mike Schubert <mike.schubert@pgn.com>; Tony Dentel <Tony.Dentel@pgn.com>

Subject: WAS criteria

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Mike and Tony,

We have spent a lot of time discussing the length of WAS structures but not much time on the width of these structures. I believe it is reasonable to require these structures be limited to five feet wide or less. This should provide adequate width to accomplish what they are intended to do.

Thank you

Wayne Purcell, CMW Development

Please note my new email is wayne@cmwbend.com

Subject: RE: Comments on the revised SMP

From: Mike Schubert <mike.schubert@pgn.com>

Date: 10/12/2022, 5:45 PM

To: Wayne Purcell <wayne@cmwbend.com>

CC: Dave Bulkley <davebulkley@gmail.com>, Mike Olin <mikeolin@bendcable.com>, Tony Dentel <Tony.Dentel@pgn.com>, Jeff Boyce <jboyce@meridianenv.com>

Thank you guys for your commitment to the working group and helping us through these proposed revisions. We will add these comments in the consultation section.

From: Wayne Purcell <wayne@cmwbend.com>

Sent: Wednesday, October 12, 2022 4:32 PM

To: Mike Schubert <mike.schubert@pgn.com>

Cc: Dave Bulkley <davebulkley@gmail.com>; Mike Olin <mikeolin@bendcable.com>

Subject: Comments on the revised SMP

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Mike,

Please accept this document as my comments on the proposed SMP. My comments are a redline of the SMP with my suggested language changes. I have put an XXX next to my comments so you can easily search the document.

Thank you

Wayne Purcell, CMW Development

Please note my new email is wayne@cmwbend.com

September 25, 2022

To: Mike Schubert
Tony Dentel

From: Gary Popp
Lake Billy Chinook Houseboats

Subject: SMP clean version comments

Hello guys,

A fun read on Sunday afternoon while enjoying some quiet time. Still need to get things ready for deer season, so I better get my comments off now.

1. The fine details on the original SMP have been eliminated from new version. Example would be not listing what Lake Billy Chinook Houseboat has onsite to operate business, gas pumps, houseboats, service dock, etc. Just wondering if the fine details can be left off the final versions or are they needed. The same can be said for other places listed on original SMP. Just an observation....
2. Goals 1.3.1 - bullet point number 6 “treats all classes of owners in a consistent manner”. Since we only have two owners with the TRRAW zoning it is important that goals stay consistent and nothing new added to restrict business or development. Asking the question so that anything in the new SMP does not change things.
3. 1.3.3 - Under this section it talks about examples of new shoreline uses that would need FERC approval (Mooring Docks). I know that PGE has the ability under license to grant uses without going to FERC. The TRRAW Zoning – Section 320 is very specific about permitted and conditional uses.
If the use was not restricted under original SMP I would not agree to limit our ability or permitting through FERC as a requirement. Very important that our unique TRRAW zoning can expand as needed for financial success. I like the saying “existing uses are grandfathered”.
4. 2.1.3 Talks again about FERC approval for specific commercial activities. If this was PGE responsibility last time would like to keep out of FERC hands.
5. 2.2.1 If we were to add slips to the TRRAW zoning would the Non-Residential Development section give PGE the authority to grant permission to us without FERC approval.
6. Attachment B – Article 443 Will any of this be of concern for our commercial activity within the TRRAW zone? I noticed the 10 watercrafts at a time for single-family type dwellings.
7. Attachment C – Metolius River Arm The map showing ownership on the Metolius Arm is not correct. You are showing the Three Rivers Private Recreation Area only. The map does not show the private ownerships in Fly Creek, Montgomery Shores, or the ownership of Lake Billy Chinook Houseboat. Is it important to get the map updated?

Thank you for the read...Gary Popp

From: Mike Schubert <mike.schubert@pgn.com>
Sent: Friday, October 14, 2022 1:37:47 PM
To: Dave Bulkley <davebulkley@gmail.com>
Cc: Tony Dentel <Tony.Dentel@pgn.com>; Wayne Purcell <wayne@cmwbend.com>; Mike Olin <mikeolin@bendcable.com>
Subject: Re: SMP Review

Thanks Dave!

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From: Dave Bulkley <davebulkley@gmail.com>
Sent: Friday, October 14, 2022 1:17:24 PM
To: Mike Schubert <mike.schubert@pgn.com>
Cc: Tony Dentel <Tony.Dentel@pgn.com>; Wayne Purcell <wayne@cmwbend.com>; Mike Olin <mikeolin@bendcable.com>
Subject: SMP Review

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Mike Schubert.

I have reviewed the revised SMP dated October, 2022.

Under the Variances section 3.4 I would like to see a provision that in Residential Developement areas there be no development allowed that extends more than 100' from shore. This would included but not be limited to Docks, Swim Platforms, and Wave Abatement Structures.

Thanks for this consideration.

Dave Bulkley

Dave Bulkley
davebulkley@gmail.com
541-316-9223

From: Baughman, Sara -FS <sara.baughman@usda.gov>
Sent: Monday, October 24, 2022 11:35 AM
To: Mike Schubert <mike.schubert@pgn.com>
Subject: RE: [External Email]SMWG Representation

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I know that last Friday was the deadline (my apologies) but I did have a chance to read through the latest SMP and I have no edits or additions to add.


Nicely done and thank you!

Sara Baughman
Recreation Team Lead
Forest Service
Deschutes National Forest, Sisters Ranger District
p: 541-419-3132
c: 541-419-3132
sara.baughman@usda.gov



Pine Street and Hwy 20
Sisters, OR 97759
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Caring for the land and serving people

From: Mike Schubert <mike.schubert@pgn.com>
Sent: Monday, October 17, 2022 3:52 PM 
To: Baughman, Sara -FS <sara.baughman@usda.gov>
Subject: RE: [External Email]SMWG Representation

You are doing great!

Any comments are due by this Friday 😊 You can email them to me if you have any. A comment about not having any comments is welcome too.

From: Baughman, Sara -FS <sara.baughman@usda.gov>
Sent: Monday, October 17, 2022 3:42 PM
To: Mike Schubert <mike.schubert@pgn.com>
Subject: RE: [External Email]SMWG Representation

Let's keep me on there and I'll do better 😊 .

I still have on my radar that you need a response on the final SMP by the end of the month so I won't forget to make the time to review it in the near future!

Thank you,

Sara Baughman
Recreation Team Lead
Forest Service
Deschutes National Forest, Sisters Ranger District



p: 541-419-3132
c: 541-419-3132
sara.baughman@usda.gov



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Sisters, OR 97759
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Caring for the land and serving people

From: Mike Schubert <mike.schubert@pgn.com>  
Sent: Monday, October 17, 2022 3:28 PM
To: Baughman, Sara -FS <sara.baughman@usda.gov>
Subject: RE: [External Email]SMWG Representation

No worries Sara. A new position sounds promising!
On a normal year the ask within that timeframe is typically nothing. This year we may or may not have an additional meeting to discuss the final draft of the SMP sent to FERC. We will also reach out once FERC approves or requests changes that were proposed but that sounds like it might not happen until Spring.
Either way your needed input should be quite minimal. I am happy to keep you as the contact if that works for now.

From: Baughman, Sara -FS <sara.baughman@usda.gov>
Sent: Monday, October 17, 2022 2:54 PM
To: Mike Schubert <mike.schubert@pgn.com>
Subject: RE: [External Email]SMWG Representation

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I'm sorry to have missed you also, I had a conflicting meeting I could not get out of. To whether or not I'll remain the contact.... I believe the answer is yes but I'll be on a 4 month detail into a new position so what do you imagine the ask will be between November and February? I try not to drop the ball on the meetings and could delegate someone else if I am going to be a hold up?

Hope you're well,

Forest Service
Deschutes National Forest, Sisters Ranger District

p: 541-419-3132
c: 541-419-3132
sara.baughman@usda.gov

Pine Street and Hwy 20
Sisters, OR 97759
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Caring for the land and serving people

From: Mike Schubert <mike.schubert@pgn.com>
Sent: Monday, October 17, 2022 1:20 PM
To: Baughman, Sara -FS <sara.baughman@usda.gov>
Subject: [External Email]SMWG Representation

[External Email]

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Sara,

We are sorry we missed you at our Annual Shoreline Management Working Group (SMWG) Meeting. The first order of business was confirming member representation for 2023. Do you still intend on being the representative for your agency?

Thank you,

Mike Schubert

Parks Operations Specialist & Shoreline Management Plan Coordinator
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Shoreline Management Working Group Members

First Name	Last Name	E-mail	Phone Number	Affiliation
Mike	Olin	mikeolin@bendcable.com	541-213-4217	Property Owner
Gary	Popp	billychinook@hughes.net	541-420-8342	Property Owner
Wayne	Purcell	wayne@cmwbend.com	541-788-7795	Property Owner
Dave	Bulkley	davebulkley@gmail.com	541-316-9223	Property Owner
Randy	Panek	president@3rrec.com	541-420-9808	Three Rivers Landowner Association
Steve	Bifano	Steve.BIFANO@opr.oregon.gov	541-977-5464	OPRD
Erik	Moberly	erik.r.moberly@state.or.us	541-743-6911	ODFW
Sara	Baughman	sara.baughman@usda.gov	541-419-3132	USFS Sisters
Jimmy	Eisner	jeisner@blm.gov	541-416-6753	BLM
Brad	Houslet	brad.houslet@ctwsbnr.org	541-385-7804	CTWS
Steve	Lewis	stephen.lewis@bia.gov	509-881-1318	BIA
Scott	Edelman	sedelman@jeffco.net	541-350-8549	Jefferson County
Melody	Zistel	mzistel@jcsolaw.com	541-475-6520	Jefferson County Sheriff
Mike	Schubert	mike.schubert@pgn.com	503-898-8031	PGE
Tony	Dentel	tony.dentel@pgn.com	503-630-8209	PGE
Leah	Hough	Leah.Hough@pgn.com	541-325-0978	PGE
Nancy	Doran	nancy.doran@pgn.com	541-325-0983	PGE

Attachment B

License Article 428 (Shoreline Management Plan)

Article 428. Shoreline Management Plan. Within one year of license issuance, the licensees shall, after consultation with the Shoreline Management Working Group established pursuant to Article 402, file for Commission approval a Shoreline Management Plan (SMP) for the Pelton Round Butte Project. The SMP shall include standards and guidelines for new shoreline development, installation of new docks, and modification of existing docks.

The licensees shall include with the SMP, an implementation schedule, documentation of consultation, copies of comments and recommendations on the completed SMP after it has been prepared and provided to the Shoreline Management Working Group, and specific descriptions of how the Working Group's comments are accommodated by the SMP. The licensees shall allow a minimum of 30 days for the Working Group to comment before filing the plan with the Commission. If the licensees do not adopt a recommendation, the filing shall include the licensees' reasons, based on project-specific information.

The Commission reserves the right to require changes to the SMP. Implementation of the SMP shall not begin until the SMP is approved by the Commission. Upon Commission approval, the licensees shall implement the SMP, including any changes required by the Commission.

Attachment C

License Article 443 (Standard Land Use Article)

Article 443. Use and Occupancy. (a) In accordance with the provisions of this article, the licensees 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 licensees 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 licensees 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 licensees 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 licensees 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 type of use and occupancy of project lands and waters for which the licensees 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 watercraft 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 licensees shall require multiple use and occupancy of facilities for access to project lands or waters. The licensees 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 licensees 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 licensees 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 licensees' costs of administering the permit program. The Commission reserves the right to require the licensees 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.

(c) The licensees may convey easements or rights-of-way across, or leases of, project lands for: (1) replacement, expansion, realignment, or maintenance of bridges or roads where all necessary state and Federal approvals have been obtained; (2) storm drains and water mains; (3) sewers that do not discharge into project waters; (4) minor access roads; (5) telephone, gas, and electric utility distribution lines; (6) non-project overhead electric transmission lines that do not require erection of support structures within the project boundary; (7) submarine, overhead, or

underground major telephone distribution cables or major electric distribution lines (69-kV or less); and (8) water intake or pumping facilities that do not extract more than one million gallons per day from a project reservoir.

No later than January 31 of each year, the Licensee shall file three copies of a report briefly describing for each conveyance made under this paragraph during the prior calendar year, the type of interest conveyed, the location of the lands subject to the conveyance, and the nature of the use for which the interest was conveyed.

(d) The licensees may convey fee title to, easements or rights-of-way across, or leases of project lands for: (1) construction of new bridges or roads for which all necessary state and Federal approvals have been obtained; (2) sewer or effluent lines that discharge into project waters, for which all necessary Federal and state water quality certification or permits have been obtained; (3) other pipelines that cross project lands or waters but do not discharge into project waters; (4) non-project overhead electric transmission lines that require erection of support structures within the project boundary, for which all necessary Federal and state approvals have been obtained; (5) private or public marinas that can accommodate no more than 10 watercraft at a time and are located at least one-half mile (measured over project waters) from any other private or public marina; (6) recreational development consistent with an approved Exhibit R or approved report on recreational resources of an Exhibit E; and (7) other uses, if: (i) the amount of land conveyed for a particular use is 5 acres or less; (ii) all of the land conveyed is located at least 75 feet, measured horizontally, from project waters at normal surface elevation; and (iii) no more than 50 total acres of project lands for each project development are conveyed under this clause (d)(7) in any calendar year.

At least 60 days before conveying any interest in project lands under this paragraph (d), the licensees must submit a letter to the Director, Office of Energy Projects, stating its intent to convey the interest and briefly describing the type of interest and location of the lands to be conveyed (a marked Exhibit G or K map may be used), the nature of the proposed use, the identity of any Federal or state agency official consulted, and any Federal or state approvals required for the proposed use. Unless the Director, within 45 days from the filing date, requires the licensees to file an application for prior approval, the licensees may convey the intended interest at the end of that period.

(e) The following additional conditions apply to any intended conveyance under paragraph (c) or (d) of this article:

(1) Before conveying the interest, the licensees shall consult with Federal and state fish and wildlife or recreation agencies, as appropriate, and the State Historic Preservation Officer.

(2) Before conveying the interest, the licensees shall determine that the proposed use of the lands to be conveyed is not inconsistent with any approved Exhibit R or approved report on recreational resources of an Exhibit E; or, if the project does not have an approved Exhibit R or approved report on recreational resources, that the lands to be conveyed do not have recreational value.

(3) The instrument of conveyance must include the following covenants running with the land: (i) the use of the lands conveyed shall not endanger health, create a nuisance, or otherwise be incompatible with overall project recreational use; (ii) the grantee shall take all reasonable precautions to ensure that the construction, operation, and maintenance of structures or facilities on the conveyed lands will occur in a manner that will protect the scenic, recreational, and environmental values of the project; and (iii) the grantee shall not unduly restrict public access to project waters.

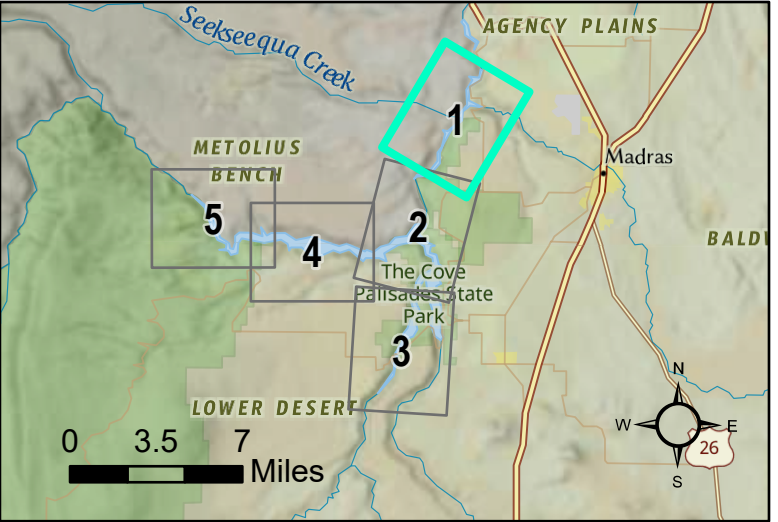
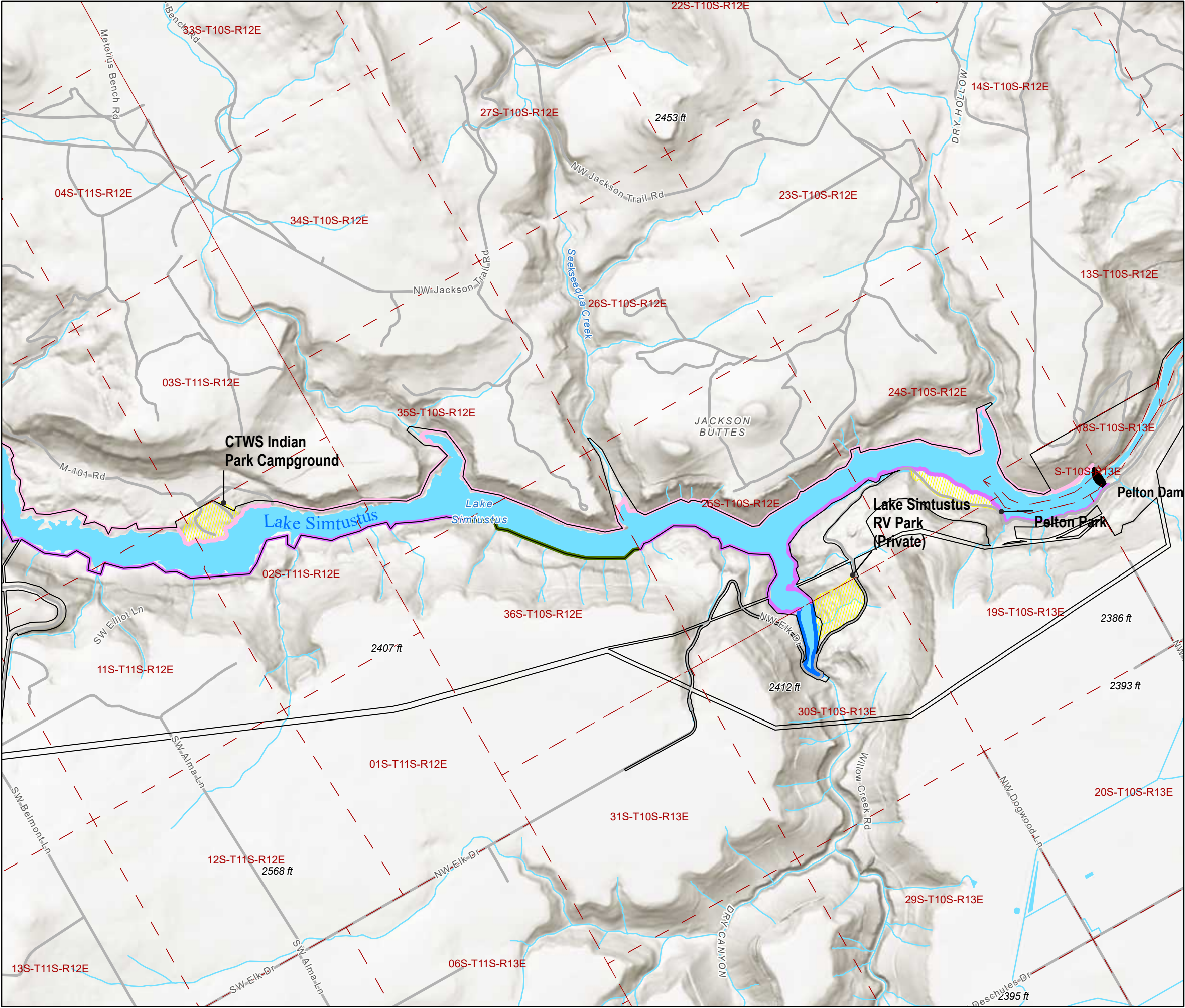
(4) The Commission reserves the right to require the licensees to take reasonable remedial action to correct any violation of the terms and conditions of this article, for the protection and enhancement of the project's scenic, recreational, and other environmental values.

(f) The conveyance of an interest in project lands under this article does not in itself change the project boundary. The project boundary may be changed to exclude land conveyed under this article only upon approval of revised Exhibit G or K drawings (project boundary maps) reflecting exclusion of that land. Lands conveyed under this article will be excluded from the project only upon a determination that the lands are not necessary for project purposes, such as operation and maintenance, flowage, recreation, public access, protection of environmental resources, and shoreline control, including shoreline aesthetic values. Absent extraordinary circumstances, proposals to exclude lands conveyed under this article from the project shall be consolidated for consideration when revised Exhibit G or K drawings would be filed for approval for other purposes.

(g) The authority granted to the licensees under this article shall not apply to any part of the public lands and reservations of the United States included within the project boundary.

Attachment D

Shoreline Ownership & FERC Boundary Maps



Map Features

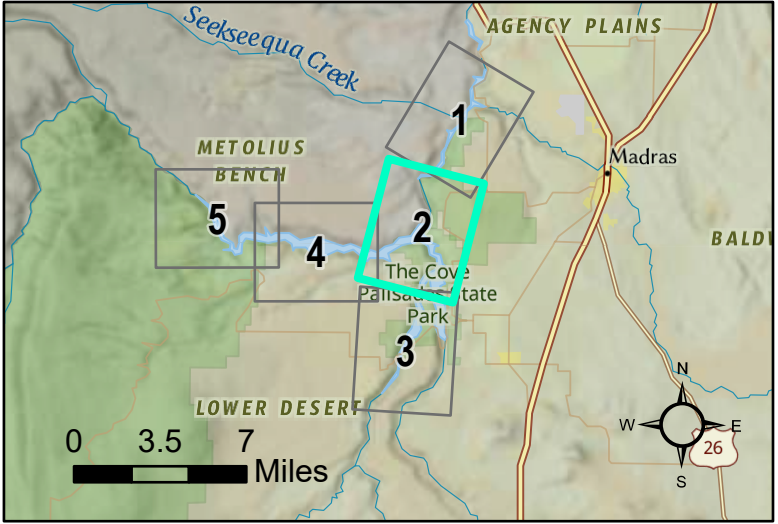
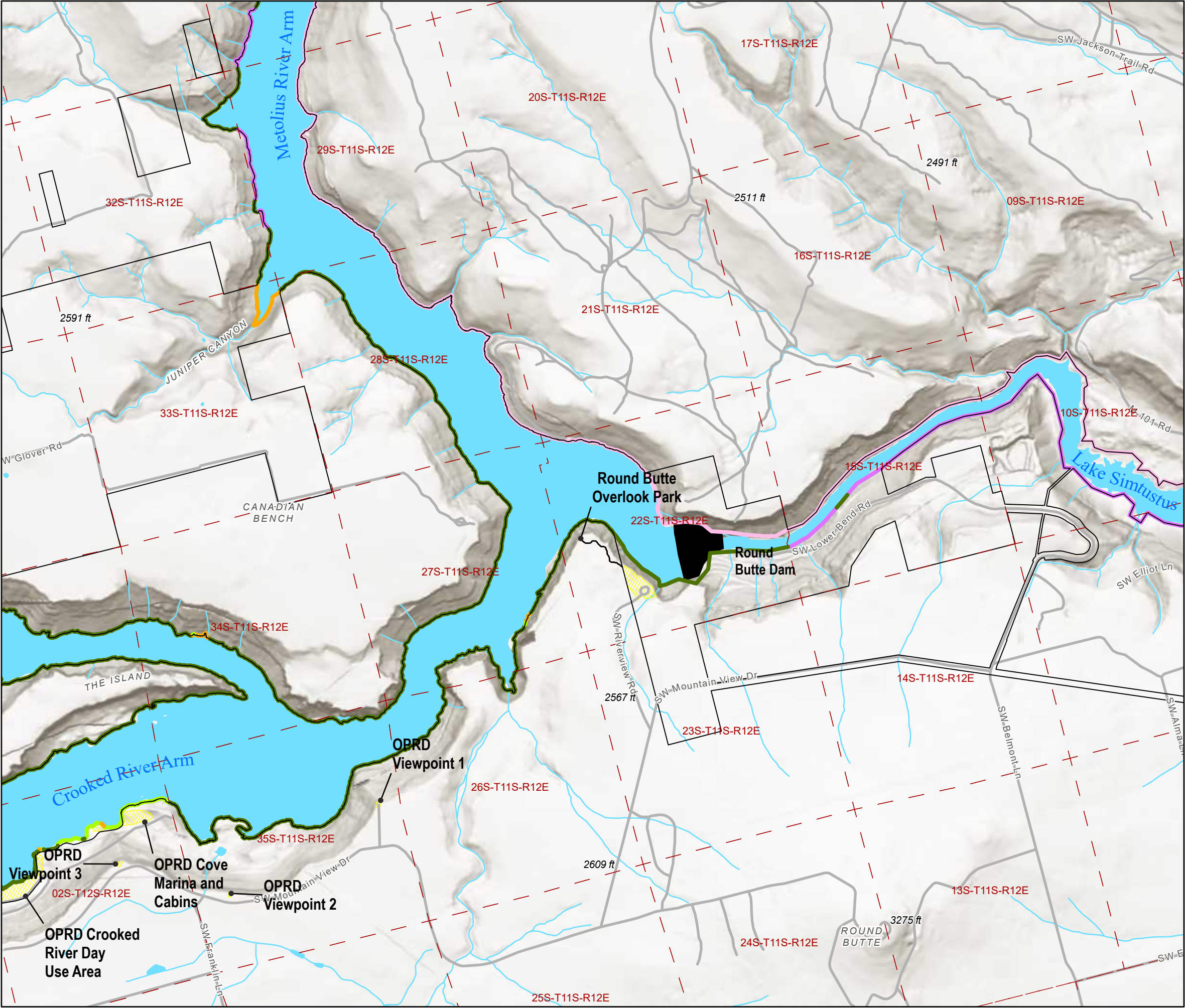
- | | |
|---------------------------|------------------|
| — Roads | □ FERC Boundary |
| - - - Trail | Ownership |
| Public Land | — USFS |
| Survey Sections (PLSS) | — BLM |
| River/Stream/ Drainage | — State |
| Lake/Pond/ Reservoir | — PGE/CTWS |
| Developed Recreation Site | — CTWS |
| | — Private |

Map 1 of 5



Pelton Round Butte Hydroelectric Project

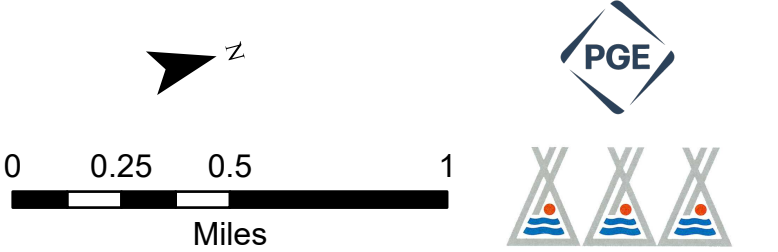
Project Area Land Management, Ownership and Developed Recreation Sites



Map Features

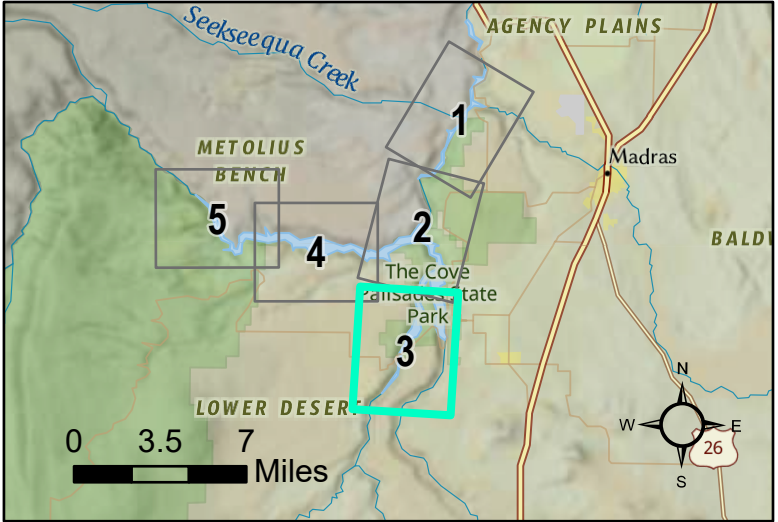
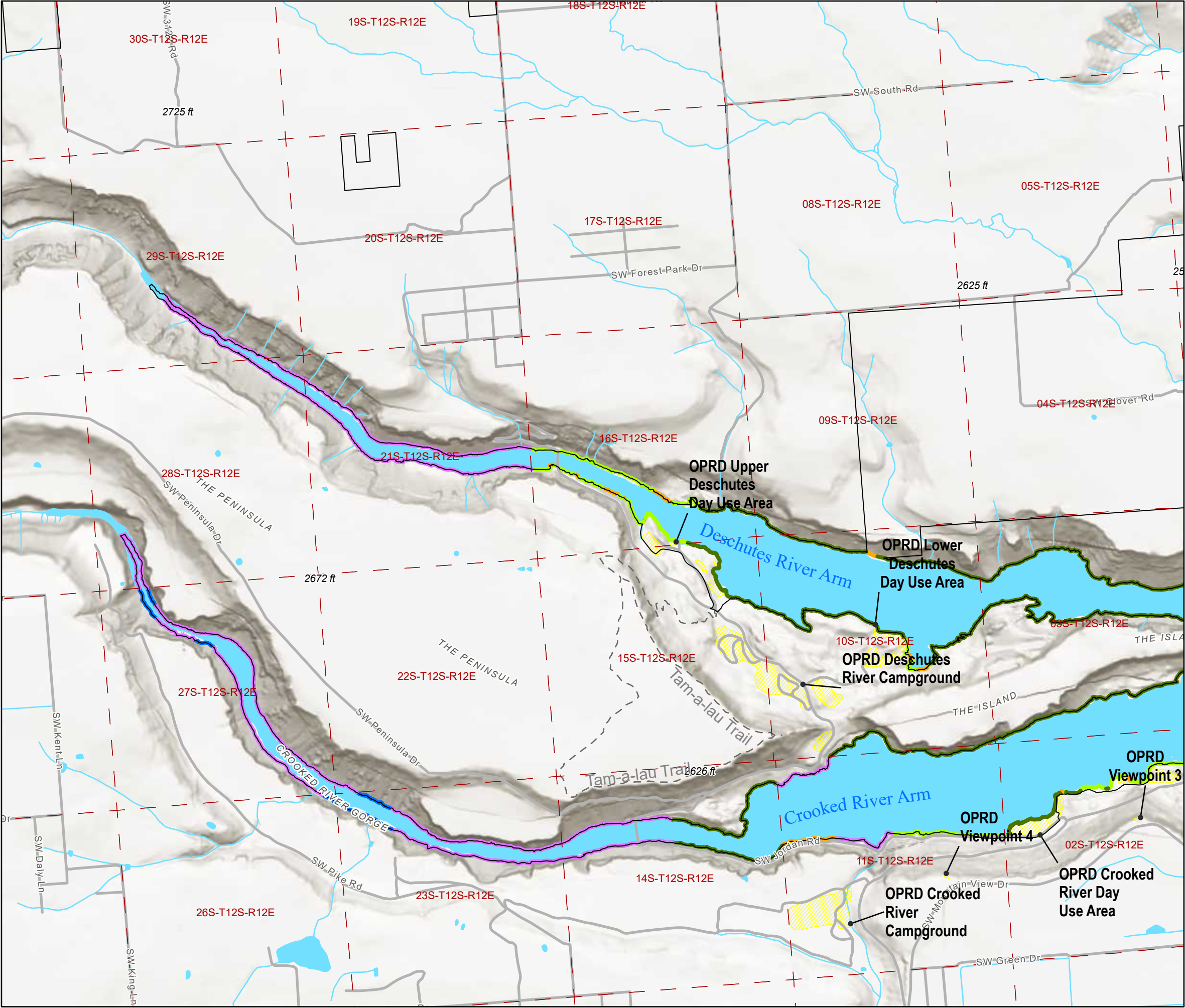
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| — Roads | □ FERC Boundary |
| - - - Trail | Ownership |
| Public Land | — USFS |
| Survey Sections (PLSS) | — BLM |
| River/Stream/Drainage | — State |
| Lake/Pond/Reservoir | — PGE/CTWS |
| Developed Recreation Site | — CTWS |
| | — Private |

Map 2 of 5



Pelton Round Butte Hydroelectric Project

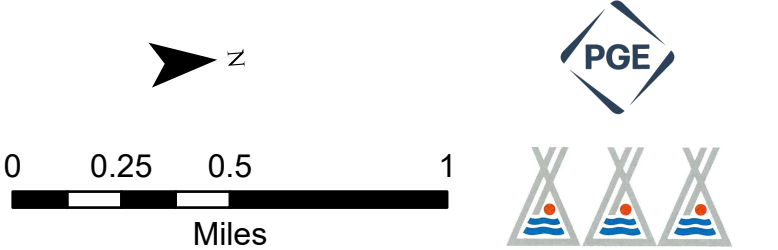
Project Area Land Management, Ownership and Developed Recreation Sites



Map Features

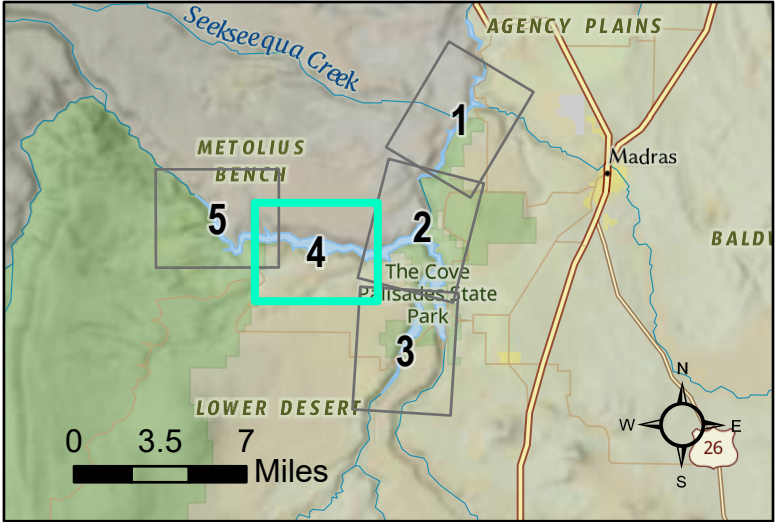
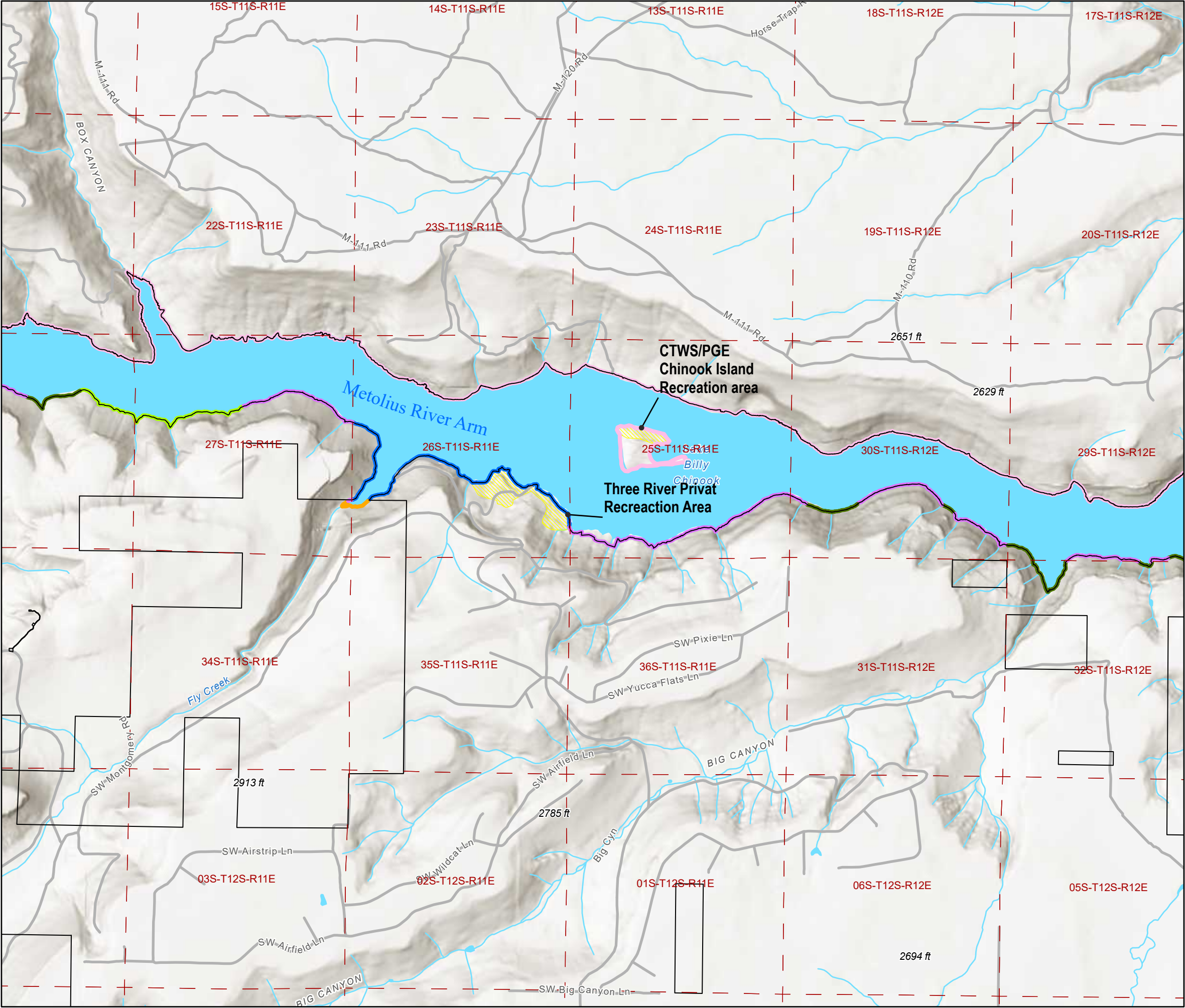
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| — Roads | □ FERC Boundary |
| - - - Trail | Ownership |
| Public Land | — USFS |
| Survey Sections (PLSS) | — BLM |
| River/Stream/Drainage | — State |
| Lake/Pond/Reservoir | — PGE/CTWS |
| Developed Recreation Site | — CTWS |
| | — Private |

Map 3 of 5



Pelton Round Butte Hydroelectric Project

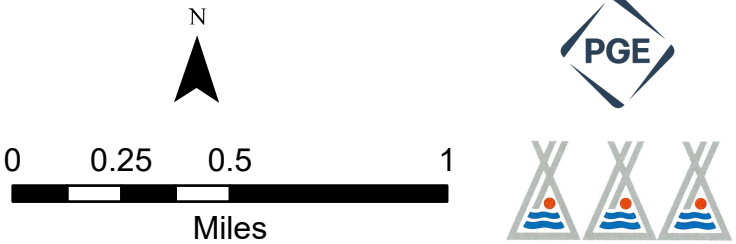
Project Area Land Management, Ownership and Developed Recreation Sites



Map Features

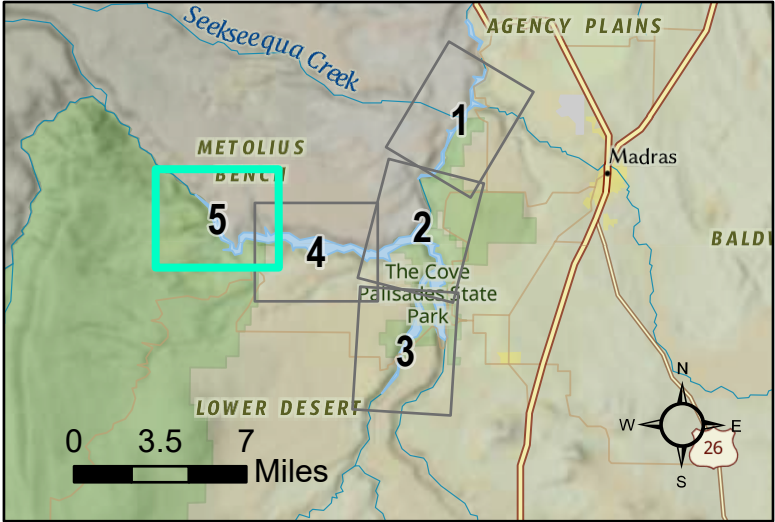
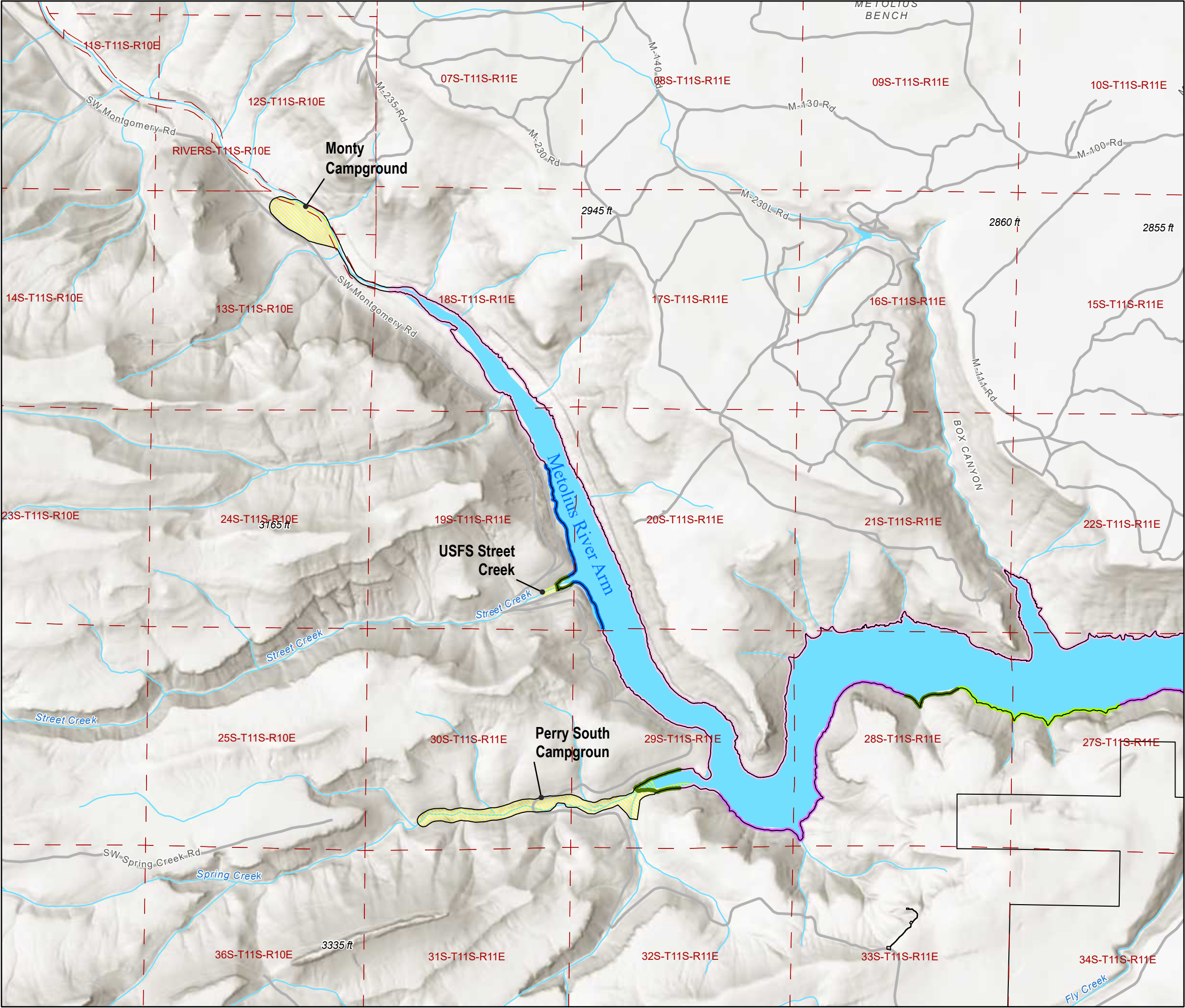
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|---------------------------|-----------------|
| — Roads | □ FERC Boundary |
| - - - Trail | Ownership |
| Public Land | — USFS |
| Survey Sections (PLSS) | — BLM |
| River/Stream/ Drainage | — State |
| Lake/Pond/ Reservoir | — PGE/CTWS |
| Developed Recreation Site | — CTWS |
| | — Private |

Map 4 of 5



Pelton Round Butte Hydroelectric Project

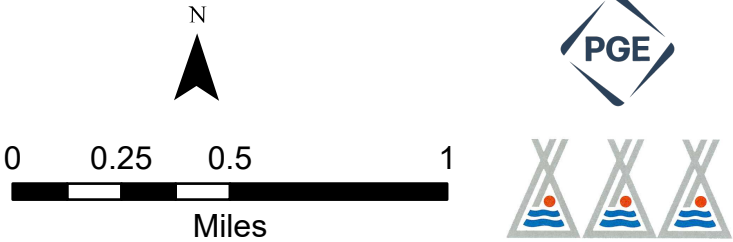
Project Area Land Management, Ownership and Developed Recreation Sites



Map Features

- | | |
|---------------------------|------------------|
| — Roads | □ FERC Boundary |
| - - - Trail | Ownership |
| Public Land | — USFS |
| Survey Sections (PLSS) | — BLM |
| River/Stream/ Drainage | — State |
| Lake/Pond/ Reservoir | — PGE/CTWS |
| Developed Recreation Site | — CTWS |
| | — Private |

Map 5 of 5



Pelton Round Butte Hydroelectric Project

Project Area Land Management, Ownership and Developed Recreation Sites