

# CH2MHILL TELEPHONE CONVERSATION RECORD

**Call To:** Russell Huddleston  
Amy Hiss

**Phone No.:** (213) 452-3412

**Date:** June 24, 2008

**Call From:** Shannon Pankratz/USACE

**Time:** 11:20 AM

**Subject:** Ivanpah Solar Project Waters of the U.S. Delineation Report

<b>DOCKET</b> 07-AFC-5	
<b>DATE</b>	JUN 24 2008
<b>RECD.</b>	JUL 03 2008

Shannon Pankratz with the Los Angeles District of the U.S. Army Corps of Engineers (USACE) called to discuss the *Delineation of Waters of the United States* Report for the Ivanpah Solar Energy Project that was submitted in February 2008.

Based on her review of the delineation and one other verified delineation that involved tributaries to Ivanpah Dry Lake, her preliminary determination is that the ephemeral washes onsite that are tributary to Ivanpah Dry Lake would be non-jurisdictional features under section 404 of the Clean Water Act.

Shannon explained that this determination is preliminary only and that it must be reviewed by USACE headquarters (HQ) in Washington D.C. as well as the U.S. Environmental Protection Agency [Region 9] (USEPA). Once HQ and USEPA receive her Jurisdictional Determination and the supporting documentation they have up to 21 days to respond. The review process can require up to an additional 45 days if additional information is required or if there are issues that need to be resolved. Shannon cautioned that due to backlog in the current workload at HQ and USEPA, these deadlines are not firm and additional time may be required for the final verification.

Shannon explained that her determination is only preliminary until concurrence is obtained from HQ and USEPA. Shannon said that because HQ and the USEPA have determined waters tributary to Ivanpah Dry Lake to be non-jurisdictional for other recent projects, she does not expect that the USACE would ultimately take jurisdiction of them. Once the review process is complete, the USACE will issue a formal letter stating the final jurisdictional or non-jurisdictional determination and that she expects that the USACE will be able to issue a no permit letter [meaning that a permit by the USACE is not required].

Amy and Russell explained that the project description has been updated since the report that was submitted in February 2008 and that the updated information would be provided shortly in an addendum to the report, including updated calculations and maps. We also updated the wash categories to respond to some CDFG concerns, so she would like for us to send photographs of the new categories. This approach will work for Shannon. She will need all of the updated information prior to HQ and USEPA review. A short memo updating the project description would be fine and should include a summary of the updated project description and maps. Shannon mentioned that putting PDF files on a FTP site is preferred, followed by submittal of hard copies.

Shannon also requested assistance with the new Jurisdictional Determination Forms. She clarified that in some Districts the USACE staffs prefer to do the forms themselves, but in the Los Angeles District the applicant can complete the forms and they will be reviewed by the USACE staff. She mentioned that this approach helps to expedite the review process. The delineation will consider 5 wash categories classes, and Shannon requested that a form be submitted for each of the five wash categories. Separate maps should be produced for each size class as well as one map showing all of the features. Shannon then provided guidance on what information needs to be included in the Jurisdictional Data Form for each size category.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
FOR THE *IVANPAH SOLAR ELECTRIC  
GENERATING SYSTEM*

DOCKET No. 07-AFC-5

PROOF OF SERVICE  
(Revised 6/10/08)

CALIFORNIA ENERGY COMMISSION  
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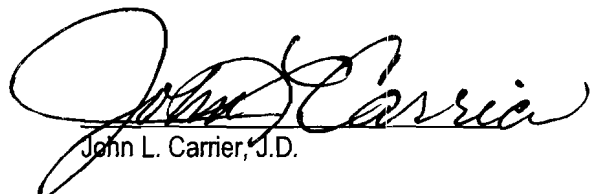
INTERVENORS

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DECLARATION OF SERVICE

I, John L. Carrier, declare that on July 3, 2008, I deposited copies of the attached Record of Conversation with U.S. Army Corps of Engineers in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
John L. Carrier, J.D.

