



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

REPLY TO
ATTENTION OF

August 10, 2007

Regulatory Branch (SPK-200600897-SA)

Andrew Welch
E&L Westcoast, LLC
8403 Colesville, Cuite 915
Silver Springs, Maryland 20910

DOCKET 06-AFC-9
DATE <u>AUG 10 2007</u>
RECD. <u>OCT 25 2007</u>

Dear Mr. Welch:

We are responding to your consultant's request for an approved jurisdictional determination for the Colusa Generating Station Project. This approximately 100-acres site is located adjacent to Glenn-Colusa Canal in Section 35, Township 18 North, Range 4 West, MDB&M, Latitude 039° 22' 07.71" north, Longitude 122° 16' 27.71" west, Colusa County, California.

Based on available information, we concur with the estimate of waters of the United States, as depicted on Colusa Generating Station Project Jurisdictional Delineation Report-Revised Table and Figures and map entitled, "*Potential Jurisdictional wetlands and Non-wetlands Waters of the U.S. in the Project Area*", Colusa County California, dated May 31, 2007, drawing prepared by URS Corporation. Approximately 27.41-acres of waters of the United States, including wetlands, are present within the survey area. These waters are regulated under Secuon 404 of the Clean Water Act since they are other waters and wetlands that exhibit criteria as described in the 1987 Corps Wetland Delineation Manual, and are part of a broad continuum of wetlands that drain to the Glenn-Colusa Canal, and ultimately the Sacramento River.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.

Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the South Pacific Division Office at the following address: Doug Pomeroy, Administrative Appeal Review Officer, Army Corps of Engineers, South Pacific Division, CESPDPDS-O, 333 Market Street, Room 923, San Francisco, California 94105-2195, Telephone: 415-977-8035 FAX: 415-977-8129.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the NAP. Should you decide to submit an RFA form, it must be received at the above address by March 11, 2007. It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this letter.

You should provide a copy of this letter and notice to all other affected parties, including any individual who has an identifiable and substantial legal interest in the property.

This determination has been conducted to identify the limits of Corps of Engineers' Clean Water Act jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Please refer to identification number SPK-200600897-SA in any correspondence concerning this project. If you have any questions, please contact Mr. Brian E. Vierria at our Sacramento Office, 1325 J Street, Room 1480, Sacramento, California 95814-2922, email brian.e.vierria@usace.army.mil, or telephone 916-557-7728. You may also use our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

ORIGINAL SIGNED

Thomas J. Cavanaugh
Chief, Sacramento Valley Office

Enclosure(s)

Copy furnished without enclosure(s):

Steve Leach, URS Corporation, 1333 Broadway, Suite 800, Oakland, California
94612-1924

John Mathias, CEC, 1516 9 Street, MS40, Sacramento, California 95814

Shahera Kelley, USEPA, 75 Hawthorne Street, San Francisco, California 94105