

CH2M HILL  
2485 Natomas Park Drive  
Suite 600  
Sacramento, CA 95833  
Tel 916-920-0300  
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November 3, 2008

371322

Rod Jones  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b> 08-AFC-10
<b>DATE</b> NOV 03 2008
<b>RECD.</b> NOV 03 2008

Subject: Lodi Energy Center (08-AFC-10)  
USACE finding of no discharge to waters of the United States (SPK-2008-01507)

Dear Mr. Jones:

Please find attached a letter from the United States Army Corps of Engineers (USACE) regarding a finding of no discharge to waters of the United States for the Lodi Energy Center project (Correspondence ID SPK-2008-01507).

Attached are 13 hard copies and 1 electronic copies on CD-ROM. Additional electronic copies are available upon request.

If you have any questions about this matter, please contact me at (916) 286-0249 or Andrea Grenier at (916) 780-1171.

Sincerely,

CH2M HILL

A handwritten signature in black ink, appearing to read "Sarah Madams".

Sarah Madams  
AFC Project Manager

Attachment

cc: A. Grenier, Grenier & Associates, Inc.  
E. Warner, NCPA



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

REPLY TO  
ATTENTION OF

October 28, 2008

Regulatory Division (SPK-2008-01507)

Mr. Russell Huddleston  
CH2MHILL  
155 Grand Avenue  
Suite 1000  
Oakland, CA 94612

Dear Mr. Huddleston:

This concerns your proposed Lodi Energy Center project. The project is located in Section 24, Township 3 North, Range 5 East, MDB&M San Joaquin County, California.

Based on the information you have provided, we have determined that the proposed work will not involve the discharge of dredged or fill material into waters of the United States. Therefore, a Department of the Army Permit is not required for this work. Measures should be taken to prevent construction materials and/or activities from entering any waters of the United States. Appropriate soil erosion and sediment controls should be implemented onsite to achieve this end.

Our disclaimer of jurisdiction is only for Section 404 of the Federal Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, your proposed activity may still be regulated by the State of California's Regional Water Quality Control Boards. Therefore, in addition to contacting other Federal and local agencies, you should also contact state regulatory authorities to determine whether your activities may require other authorizations or permits.

Please refer to identification number SPK-2008-01507 in any correspondence concerning this project. If you have any questions, please contact Erin M. Hanlon at the email [erin.m.hanlon@usace.army.mil](mailto:erin.m.hanlon@usace.army.mil), or telephone (916) 557-7759. You may also find additional information at our website: [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

Kathleen A. Dadey, Ph.D.  
Chief, California South Branch

Copy Furnished

Ms. Susan Jones, Chief, San Joaquin Valley Branch, Endangered Species Division, U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901  
Mr. Bill Loudermilk, Regional Manager, California Department of Fish and Game, Central Region, 1234 E. Shaw Avenue, Fresno, CA 93710

Mr. Bill Orme, Chief, Water Quality Certification Unit, California State Water Resources Control Board,  
1001 I Street, Sacramento, California 95814-2828  
W. Dale Harvey, Central Valley Regional Water Quality Control Board, 1685 E Street, Fresno, CA 93706  
Mr. Milford W. Donaldson, State Historic Preservation Officer, California State Department of Parks and  
Recreation, Post Office Box 942896, Sacramento, California 94296