November 3, 2008

371322

Rod Jones
1516 Ninth Street
Sacramento, CA 95814-5512

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

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
October 28, 2008

Regulatory Division (SPK-2008-01507)

Mr. Russell Huddleston
CH2MILL
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, or telephone (916) 557-7759. You may also find additional information at our website: www.spk.usace.army.mil/regulatory.html.

Sincerely,

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

Copy Furnished

Mr. Bill Loudermilk, Regional Manager, California Department of Fish and Game, Central Region, 1234 E. Shaw Avenue, Fresno, CA 93710