April 2, 2009

371322

Rod Jones
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Lodi Energy Center (08-AFC-10)
USACE finding of no waters of the United States

Dear Mr. Jones:

Please find attached a letter from the United States Army Corps of Engineers (USACE) regarding a finding of no waters of the United States for the Lodi Energy Center project (dated March 19, 2009).

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
Regulatory Division (SPK-2008-01507)

Ms. Joy Nishida  
California Energy Commission  
Siting, Transmission, and Environmental Protection Division Biological Resources Unit  
1516 Ninth Street, MS 40  
Sacramento, CA 95814-5512

Dear Ms. Nishida:

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.

We are responding to your January 12, 2009 request for confirmation that the parcel for the proposed Lodi Energy Center does not contain any waters of the U.S. Based on the additional information you have provided and a site visit, we have determined that no waters, jurisdictional or otherwise, exist on site. Therefore, a Department of the Army Permit is not required for this work. Appropriate soil erosion and sediment controls should be implemented onsite to prevent construction materials and/or activities from entering any waters of the United States.

Please refer to identification number SPK-2008-01507 in any correspondence concerning this project. If you have any questions, please contact Erin M. Hanlon by 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. Russell Huddleston, CH2MHILL, 155 Grand Avenue, Suite 1000, Oakland, California 94612  
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
# BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
# COMMISSION OF THE STATE OF CALIFORNIA
# 1516 NINTH STREET, SACRAMENTO, CA 95814
# 1-800-822-6228 – WWW.ENERGY.CA.GOV

## APPLICATION FOR CERTIFICATION
FOR THE Lodi Energy Center

### APPLICANT
Ken Speer  
Assistant General Manager  
Northern California Power Agency  
651 Commerce Drive  
Roseville, CA 95678  
ken.speer@ncpagent.com

Ed Warner  
Project Manager  
Northern California Power Agency  
P.O. Box 1478  
Lodi, CA 95241  
ed.warner@ncpagent.com

### APPLICANT’S COUNSEL
Scott Galati  
Galati Blek  
455 Capitol Avenue, Ste. 350  
Sacramento, CA 95814  
galati@db-tp.com

### APPLICANT’S CONSULTANT
Andrea Grenier  
Grenier & Associates, Inc.  
1420 E. Roseville Pkwy, Ste. 140-377  
Roseville, CA 95661  
andrea@agrenier.com

Sarah Madams  
CH2MILL  
2485 Natomas Park Drive, Ste. 600  
Sacramento, CA 95833  
smadams@ch2m.com

### APPLICANT’S ENGINEER
Steven Blue  
Project Manager  
Worley Parsons  
2330 E. Bidwell, Ste. 150  
Folsom, CA 95630  
Steven.Blue@WorleyParsons.com

### INTERESTED AGENCIES
California ISO  
e-recipient@caiso.com

### INTERVENORS
Karen Douglas  
Chairman and Presiding Member  
kdougla@energy.state.ca.us

Jeffrey D. Byron  
Commissioner and Associate Member  
jbyron@energy.state.ca.us

Kenneth Celli  
Hearing Officer  
mailto:mread@energy.state.ca.uskcell@energy.state.ca.us

Rod Jones  
Project Manager  
rjones@energy.state.ca.us

Melanie Moultry  
Staff Counsel  
MMoultry@energy.state.ca.us

Elena Miller  
Public Adviser  
publicadviser@energy.state.ca.us

---

Docket No. 08-AFC-10
PROOF OF SERVICE
(Revised 2/17/09)
DECLARATION OF SERVICE

I, Haneefah Walker, declare that on April 2, 2009, I served and filed copies of the attached USACE finding of no waters of the United States. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/lodi]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission’s Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

___ sent electronically to all email addresses on the Proof of Service list;

___ by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses NOT marked “email preferred.”

AND

FOR FILING WITH THE ENERGY COMMISSION:

___ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

___ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-10
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Haneefah Walker

2