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CH2MHILL

April 2, 2009

371322

Rod Jones  
1516 Ninth Street  
Sacramento, CA 95814-5512

DOCKET	
08-AFC-10	
DATE	APR 02 2009
RECD	APR 02 2009

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



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

REPLY TO  
ATTENTION OF

March 19, 2009

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](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,

Original Signed

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

Copy Furnished

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



**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](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION  
FOR THE *Lodi Energy Center***

**DOCKET No. 08-AFC-10**

**PROOF OF SERVICE  
(Revised 2/17/09)**

**APPLICANT**

Ken Speer  
Assistant General Manager  
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Ed Warner  
Project Manager  
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**APPLICANT'S COUNSEL**

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**APPLICANT'S CONSULTANT**

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**APPLICANT'S ENGINEER**

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**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

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**ENERGY COMMISSION**

Karen Douglas  
Chairman and Presiding  
Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

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**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](http://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**

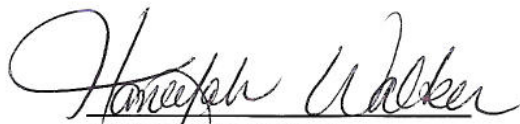
Attn: Docket No. 08-AFC-10

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

  
Haneefah Walker