

County of Santa Clara

Finance Agency
Office of the County Clerk-Recorder

County Government Center
70 W. Hedding Street, East Wing 1st floor
San Jose, California 95110-1705
(408) 299-2481

DOCKET

08-AFC-10

DATE JUN 03 2010

RECD. JUN 14 2010



June 3, 2010

**California Energy Commission
1516 Ninth Street, MS-15
Sacramento, Ca 95814**

Re: CALIFORNIA ENVIRONMENTAL QUALITY ACT POSTINGS

Dear Lead Agency:

**Enclosed please find the public copy posted in Santa Clara County
Clerk-Recorder's Office for 30 days per CALIFORNIA CODES PUBLIC RESOURCES
CODE SECTION 21152 (c)**

Sincerely,
REGINA ALCOMENDRAS, Santa Clara County Clerk-Recorder

By:  Laura Luna
Clerk Recorder Office Specialist

**Board of Supervisors: Donald F. Gage, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith**

01/01/2010

County of Santa Clara
 Office of the County Clerk-Recorder
 Business Division

County Government Center
 70 West Hedding Street, E. Wing, 1st Floor
 San Jose, California 95110 (408) 299-5665



Santa Clara County Clerk – Recorder's Office
 State of California



Document No.: 16080
 Number of Pages: 8
 Filed and Posted On: 4/30/2010
 Through: 5/30/2010
 CRO Order Number: 305584
 Fee Total: 50.00

REGINA ALCOMENDRAS, County Clerk – Recorder
 by **Veronica Aguirre, Deputy Clerk – Recorder,**

CEQA DOCUMENT DECLARATION

ENVIRONMENTAL FILING FEE RECEIPT

PLEASE COMPLETE THE FOLLOWING:

1. LEAD AGENCY: California Energy Commission
2. PROJECT TITLE: Lodi Energy Center ("LEC") Project
3. APPLICANT NAME: Northern California Power Agency PHONE: (916) 781-4204
4. APPLICANT ADDRESS: 651 Commerce Drive, Roseville, CA 95678

5. PROJECT APPLICANT IS A: Local Public Agency School District Other Special District State Agency Private Entity

6. NOTICE TO BE POSTED FOR 30 DAYS.

7. CLASSIFICATION OF ENVIRONMENTAL DOCUMENT

a. PROJECTS THAT ARE SUBJECT TO DFG FEES

- | | | |
|--|-------------|----------------|
| <input type="checkbox"/> 1. <u>ENVIRONMENTAL IMPACT REPORT</u> (PUBLIC RESOURCES CODE §21152) | \$ 2,792.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 2. <u>NEGATIVE DECLARATION</u> (PUBLIC RESOURCES CODE §21080(C)) | \$ 2,010.25 | \$ <u>0.00</u> |
| <input type="checkbox"/> 3. <u>APPLICATION FEE WATER DIVERSION</u> (STATE WATER RESOURCES CONTROL BOARD ONLY) | \$ 850.00 | \$ <u>0.00</u> |
| <input type="checkbox"/> 4. <u>PROJECTS SUBJECT TO CERTIFIED REGULATORY PROGRAMS</u> | \$ 949.50 | \$ <u>0.00</u> |
| <input type="checkbox"/> 5. <u>COUNTY ADMINISTRATIVE FEE</u> (REQUIRED FOR a-1 THROUGH a-4 ABOVE)
Fish & Game Code §711.4(e) | \$ 50.00 | \$ <u>0.00</u> |

b. PROJECTS THAT ARE EXEMPT FROM DFG FEES

- | | | |
|--|----------|-----------------|
| <input type="checkbox"/> 1. NOTICE OF EXEMPTION (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | \$ 50.00 | \$ <u>0.00</u> |
| <input checked="" type="checkbox"/> 2. A COMPLETED "CEQA FILING FEE NO EFFECT DETERMINATION FORM" FROM THE DEPARTMENT OF FISH & GAME, DOCUMENTING THE DFG'S DETERMINATION THAT THE PROJECT WILL HAVE NO EFFECT ON FISH, WILDLIFE AND HABITAT, OR AN OFFICIAL, DATED RECEIPT / PROOF OF PAYMENT SHOWING PREVIOUS PAYMENT OF THE DFG FILING FEE FOR THE *SAME PROJECT IS ATTACHED (\$50.00 COUNTY ADMINISTRATIVE FEE REQUIRED) | | |
| DOCUMENT TYPE: <input checked="" type="checkbox"/> ENVIRONMENTAL IMPACT REPORT <input type="checkbox"/> NEGATIVE DECLARATION | \$ 50.00 | \$ <u>50.00</u> |

c. NOTICES THAT ARE NOT SUBJECT TO DFG FEES OR COUNTY ADMINISTRATIVE FEES

- | | | |
|--|--------|------------------|
| <input type="checkbox"/> NOTICE OF PREPARATION <input type="checkbox"/> NOTICE OF INTENT | NO FEE | \$ <u>NO FEE</u> |
|--|--------|------------------|

8. OTHER: Notice of Determination (SCH#2010049011) FEE (IF APPLICABLE): \$ _____

9. TOTAL RECEIVED..... \$ 50.00

*NOTE: "**SAME PROJECT**" MEANS **NO** CHANGES. IF THE DOCUMENT SUBMITTED IS NOT THE SAME (OTHER THAN DATES), A "NO EFFECT DETERMINATION" LETTER FROM THE DEPARTMENT OF FISH AND GAME FOR THE **SUBSEQUENT** FILING OR THE APPROPRIATE FEES ARE REQUIRED.

THIS FORM MUST BE COMPLETED AND ATTACHED TO THE FRONT OF ALL CEQA DOCUMENTS LISTED ABOVE (INCLUDING COPIES) SUBMITTED FOR FILING. WE WILL NEED AN ORIGINAL (WET SIGNATURE) AND THREE COPIES. (YOUR ORIGINAL WILL BE RETURNED TO YOU AT THE TIME OF FILING.)

CHECKS FOR ALL FEES SHOULD BE MADE PAYABLE TO: SANTA CLARA COUNTY CLERK-RECORDER

PLEASE NOTE: FEES ARE ANNUALLY ADJUSTED (Fish & Game Code §711.4(b)); PLEASE CHECK WITH THIS OFFICE AND THE DEPARTMENT OF FISH AND GAME FOR THE LATEST FEE INFORMATION.

"... NO PROJECT SHALL BE OPERATIVE, VESTED, OR FINAL, NOR SHALL LOCAL GOVERNMENT PERMITS FOR THE PROJECT BE VALID, UNTIL THE FILING FEES REQUIRED PURSUANT TO THIS SECTION ARE PAID." Fish & Game Code §711.4(c)(3)

Notice of Determination

Appendix D

To:

Office of Planning and Research
For U.S. Mail: P.O. Box 3044 Sacramento, CA 95812-3044
Street Address: 1400 Tenth St. Sacramento, CA 95814

County Clerk
County of: Santa Clara
Address: County Government Center
First Floor, East Wing
70 West Hedding Street
San Jose, CA 95110
Phone: (408) 299-2481

From: Public Agency City of Santa Clara
Address: 1500 Warburton Avenue
Santa Clara, CA 95050
Contact: Steve Hance
Phone: 408-615-6691

Lead Agency (if different from above): California Energy Commission
Address: 1516 Ninth Street, MS- 15
Sacramento, CA 95814
Contact: Rod Jones
Phone: 916-654-5191

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2010049011

Project Title: Lodi Energy Center ("LEC") Project.

Project Location (include county): The site for the LEC project is 4.4 acres of land in the city of Lodi, 6 miles west of the Lodi city center, located near Interstate-5 (I-5) approximately 1.7 miles south of State Route 12. (San Joaquin County).

Project Description:

The LEC is a natural gas-fired, combined-cycle nominal 296-megawatt (MW) power generation facility located in the City of Lodi, CA.

This is to advise that the City of Santa Clara has approved the above described project on:

Lead Agency or Responsible Agency

April 27, 2010 and has made the following determinations regarding the above described project: (Date)

- 1. The project WILL NOT have a significant effect on the environment.
2. The California Energy Commission ("CEC") is a certified regulatory agency under Public Resources Code section 21080.5 and CEQA Guidelines section 15251. The CEC prepared a substitute document for an Environmental Impact Report pursuant to Guidelines section 15252.
3. Measures to mitigate the impacts of the LEC were made conditions of approval of the project.
4. The CEC, through a Compliance Project Manager, will monitor, oversee, and verify compliance with the conditions of CEC approval of the project.
5. A Statement of Overriding Consideration WAS NOT adopted for the project.
6. Findings WERE made pursuant to the provisions of CEQA.

This is to certify that the CEC's substitute document in place of an EIR and the record of project approval is available to the General Public at:

1500 Warburton Avenue, Santa Clara, CA

Signature (Public Agency) Jennifer Aparicio
Title City Manager

Date April 27, 2010

Date Received for filing at OPR

ATTEST:

[Signature]
City Clerk



STATE OF CALIFORNIA
 DEPARTMENT OF FISH AND GAME
 ENVIRONMENTAL FILING FEE CASH RECEIPT
 DFG 753.5a (01/2002)

Receipt No: **4030**

Date: **4/22/2010**

Invoice Date:

Document No: **08-AFC-10**

Deposit No: **4798**

Lead Agency: **Department of Forestry**
 State Agency of Filing: **Department of Fish and Game**
 Project Title: **Lodi Energy Center Combined Project**

Northern California Power Agency
 651 commerce Dive
 Roseville, CA 95678

Project Applicant Name
 Project Applicant Address:
 City, State, Zip

Project Applicant (check appropriate box) Local Public Agency School District Other Special District
 State Agency Private Entity

APPLICABLE FEES:

Environmental Impact Report:	\$0.00
Negative Declaration:	\$0.00
Application Fee Water Diversion (State Water Resources Control Board Only):	\$0.00
Projects Subject to Certified Regulatory Programs	\$949.50
Lien fee:	\$0.00
Penalty:	\$0.00
County Administrative Fee:	\$0.00
<input type="checkbox"/> Project exempt from fees	\$0.00
Total Received	\$949.50

Person receiving payment: Bill Terry, Accounting Technician

2 copies - Project Applicant, DFG/ASB

4. Reconsideration of this Decision is governed by Public Resources Code, section 25530.
5. Judicial review of this Decision is governed by Public Resources Code, section 25531.
6. The Commission hereby adopts the Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures as part of this Decision in order to implement the compliance monitoring program required by Public Resources Code section 25532. All conditions in this Decision take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
7. This Decision licenses the project owner to commence construction on the project within five years of this Decision date. Subject to the provisions of California Code of Regulations, title 20, section 1720.3, this license expires by operation of law when the project's start-of-construction deadline passes with no construction.
8. The project owner shall provide the Executive Director a check in the amount of eight hundred fifty dollars (\$850), payable to the California Department of Fish and Game.
9. The Executive Director of the Commission shall transmit a copy of this Decision and appropriate accompanying documents, including the Department of Fish and Game fee, as provided by Public Resources Code, section 25537, California Code of Regulations, title 20, section 1768, and Fish and Game Code, section 711.4.
10. We order that the Application for Certification docket file for this proceeding be closed effective the date of this Decision, with the exception that the docket file shall remain open for 30 additional days solely to receive material related to a petition for reconsideration of the Decision.

Dated: April 21, 2010, at Sacramento, California.

Original Signed By:

- Absent -

KAREN DOUGLAS
Chairman

JAMES D. BOYD
Vice Chair

Original Signed By:

Original Signed By:

JEFFREY D. BYRON
Commissioner

ANTHONY EGGERT
Commissioner

Original Signed By:

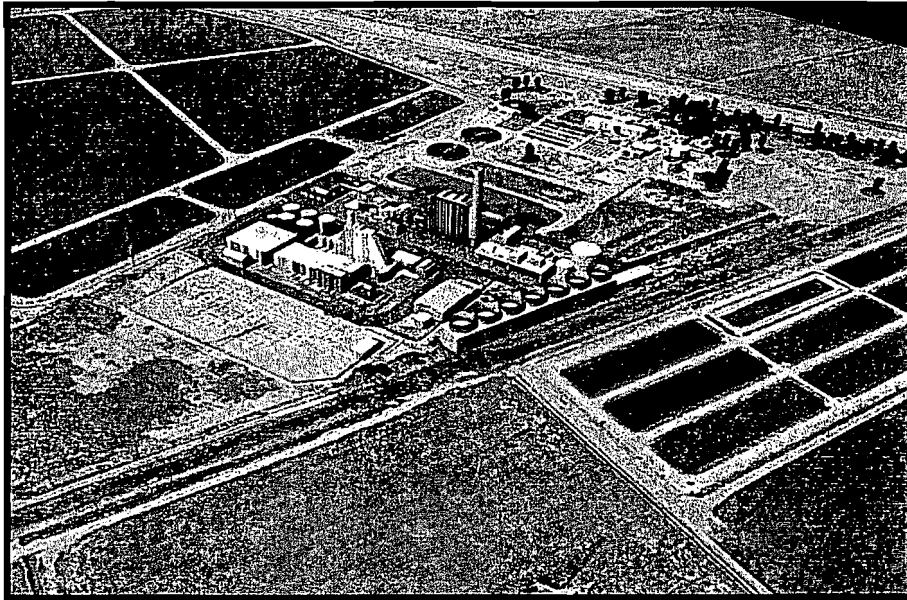
ROBERT B. WEISENMILLER
Commissioner

SCH# 2010049011

**CALIFORNIA
ENERGY
COMMISSION**

LODI ENERGY CENTER

**Application For Certification (08-AFC-10)
San Joaquin County**



FINAL COMMISSION DECISION

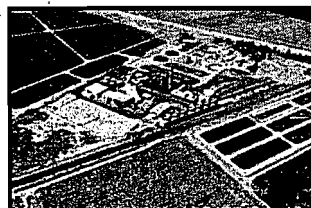
**APRIL 2010
(08-AFC-10)
CEC-800-2010-003-CMF**



CALIFORNIA
ENERGY
COMMISSION

LODI ENERGY CENTER

Application For Certification (DB-AFC-10)
San Joaquin County



FINAL COMMISSION DECISION

APRIL 2014
DB-AFC-10
CEC-028-2010-003-CM



CALIFORNIA ENERGY COMMISSION

1516 9th Street
Sacramento, CA 95814

www.energy.ca.gov/sitingcases/lodi/index.html



KAREN DOUGLAS
Presiding Committee Member

JEFFREY BYRON
Associate Committee Member

KENNETH CELLI
Hearing Officer

COMMISSIONERS-

KAREN DOUGLAS, J.D.
Chair

JAMES D. BOYD
Vice Chair

JEFFREY D. BYRON
Commissioner

ANTHONY EGGERT
Commissioner

ROBERT WEISENMILLER, Ph.D
Commissioner



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
NORTHERN CALIFORNIA POWER AGENCY

DOCKET No. 08-AFC-10

ORDER No. 10-0421-02

COMMISSION ADOPTION ORDER

This Commission Order adopts the Commission Decision on the **LODI ENERGY CENTER**. It incorporates the Presiding Member's Proposed Decision (PMPD) in the above-captioned matter and the Committee Errata. The Commission Decision is based upon the evidentiary record of these proceedings and considers the comments received at the April 21, 2010, business meeting. The text of the attached Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and Conditions imposed.

This **ORDER** adopts by reference the text, Conditions of Certification, Compliance Verifications, and Appendices contained in the Commission Decision. It also adopts specific requirements contained in the Commission Decision which ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

FINDINGS

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The **LODI ENERGY CENTER** will provide a degree of economic benefits and electricity reliability to the local area.
2. The Conditions of Certification contained in the accompanying text, if implemented by the project owner, ensure that the project will be designed, sited, and operated in conformity with applicable local, regional, state, and federal laws, ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.
3. Implementation of the Conditions of Certification contained in the accompanying text will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility. The Conditions of Certification also assure that the project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative adverse environmental impacts.

4. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.
5. The project is subject to Fish and Game Code section 711.4 and the project owner must therefore pay an eight hundred fifty dollar (\$850) fee to the California Department of Fish and Game.
6. Construction and operation of the project, as mitigated, will not create any significant adverse environmental impacts. Therefore, the evidence of record also establishes that no feasible alternatives to the project, as described during these proceedings, exist which would reduce or eliminate any significant environmental impacts of the mitigated project.
7. The evidence of record does not establish the existence of any environmentally superior alternative site.
8. The evidence of record establishes that an environmental justice screening analysis was conducted and that the project, as mitigated, will not have a disproportionate impact on low-income or minority populations.
9. The Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).
10. The Decision contains measures to ensure that the planned, temporary, or unexpected closure of the project will occur in conformance with applicable laws, ordinances, regulations, and standards.
11. The proceedings leading to this Decision have been conducted in conformity with the applicable provisions of Commission regulations governing the consideration of an Application for Certification and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

ORDER

Therefore, the Commission **ORDERS** the following:

1. The Application for Certification of the **LODI ENERGY CENTER** as described in this Decision is hereby approved and a certificate to construct and operate the project is hereby granted.
2. The approval of the Application for Certification is subject to the timely performance of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices. The Conditions and Compliance Verifications are integrated with this Decision and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.
3. This Decision is adopted, issued, effective, and final on April 21, 2010.