AGENCY COMMENT REQUEST

We request your comments regarding the attached application currently under review.

Please submit your comments as follows:

Project Planner: Richard Norris
925-335-1310

County File Number: MS09-0077

Prior To: 12/24/09

We have found the following special programs apply to this application:

- Redevelopment Area
- Active Fault Zone
- Flood Hazard Area, Panel #
- 60 dBA Noise Control
- CA EPA Hazardous Waste Site
- Traffic Zone
- CEQA Exempt
- Categorical Exemption Section

Please indicate the code section of recommendations that are required by law or ordinance. Please send copies of your response to the Applicant & Owner.

- No comments on this application.
- Our comments are attached.

Comments:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signature

Agency

Date

DISTRIBUTION

- Building Inspection/Grading Inspection
- HSD, Environmental Health, Concord
- HSD, Hazardous Materials
- P/W - Flood Control (Full Size)
- P/W - Engineering Svcs (Full Size)
- Date Forwarded
- P/W Traffic (Reduced)
- P/W Special Districts (Reduced)
- Comprehensive Planning
- Redevelopment Agency/Housing
- Historical Resources Information System
- CA Native Amer. Her. Comm.
- CA Fish & Game, Region 3
- US Fish & Wildlife Service
- Fire District Consolidated
- Sanitary District
- Water District Contra
- City Antioch
- School District Antioch Unified
- MAC
- DOIT - Dep. Director, Communications
- CDD-GIS
- LAFCO
- Community Organizations
- John Eppich, HCP
- State Lands Commission
- California Energy Commission (Mike Norgaard)
CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT DIVISION

MINOR SUBDIVISION APPLICATION
TO BE COMPLETED BY APPLICANT/OWNER

OWNER
Name: Mirant Delta, LLC
Address: 696 West 10th Street
City, State: Pittsburg, CA
Phone: 925-427-3500
Zip: 94565

APPLICANT
Name: Ronald Greenwell & Associates
Address: 10 South Lake Drive, #1
City, State: Antioch, CA
Phone: 925-778-7160
Zip: 94509

By signing below, owner agrees to pay all costs, including any accrued interest, if costs not paid by the applicant.

Owner's Signature: [Signature]

Contact Person (Optional)
Name: Andrea Ricci
Address: 696 West 10th Street
City, State: Pittsburg, CA
Phone: 925-427-3554
Zip: 94565

By signing below, the applicant agrees to pay all costs for processing this application, plus any accrued interest, if costs not paid within 30 days of invoicing.

Applicant's Signature: [Signature]

Property Description:
OFFICE USE ONLY
Application Description: An application for a minor subdivision to create a 26.84 acre and an 86.79 acre parcel from an existing parcel.

Nature of Request: (Attach supplemental statement if necessary) Mirant Delta, LLC - Minor Subdivision Application

* Please see explanation in cover letter accompanying this application.

OFFICE USE ONLY
Application Description: An application for a minor subdivision to create a 26.84 acre and an 86.79 acre parcel from an existing parcel.

Nature of Request: (Attach supplemental statement if necessary) Mirant Delta, LLC - Minor Subdivision Application

* Please see explanation in cover letter accompanying this application.

ORDINANCE REF.
Area: Antioch
Fire Dist: Consolidated
Sphere of Influence: Antioch
Flood Zone: AE
Panel No.
X-ref Files
Concurrent Files

Type of Fee: FEE AMOUNT: S-CODE
*Base Fee/Deposit: $4,800.00 S-034
# of Lots x 300: $600 S-034
Notification Fee $Addresses x $1.50 + $30 S-052B
Fish & Game Posting (if not CEQA exempt): $75.00 S-048
Environmental Health: $47.00 5884
Other: $552
TOTAL: $5,552

Assessor's No: 051-031-014
Site Address: 3202 Wilbur Avenue
Zoning District: Heavy Commercial
Census Tract: 30000.02
Atlas Page:
General Plan: H1/05
Supervisory Dist: 5
Rec'd by: Richard Norris
Date Filed: 11/30/09
File Number: M509-0012

INSTRUCTIONS ON REVERSE SIDE
PLANNING INQUIRY -- ENTER PARCEL NBR 051 - 031 - 014

PCL NO 051-031-014-7
USE CODE 83 100.0% I
OWNR SOUTHERN ENERGY DELTA LLC
C/O RICHARD LAI

NOTF 1350 TREAT BLVD #500
WALNUT CREEK CA 94597

********************************
PLANNING *************************************

PLAN AREA TO
SPEC/RED PLAN FROM SBEPARCEL
PARK DED LAND- 19,522,302
ZONING IMPR- 29,715,957
CENSUS TRACT TOTL- 49,238,259
SEISMIC ZN
GENRL PLAN FLD HZD ZN EL
SCHOOL FEE DRNGE FEE
SUP DIST ACREAGE 147.261
DESC POR SEC 16 T2N R2E

**APPLICATIONS**
AG DP PL NO. CD DESC LOT C APP RCVD HRNG/FNL ST

12/01/2009 LFP2763

**** TRA 53004 ****
CONсолIDATED FIRE
EMS - 1 ZONE B
CO SERV AREA P-6
CC RES CVN
MOSQUITO ABATE
CONTRA COSTA WATER
EAST BAY REGNL PK
EAST BAY REG PK BD
ANTIOCHE UNIFIED
CO CO COMM COLLEGE
COMMCCOLL 2002 BOND
AOB PITTSBRG/ANTCH
AOB EAST CC MIT
November 30, 2009

VIA HAND DELIVERY

Catherine O. Kutsuris, Director
Contra Costa County Department of Conservation and Development
Community Development Division
Application and Permit Center
651 Pine Street, 2nd Floor – North Wing
Martinez, California 94553

Re: Mirant Delta, LLC Minor Subdivision Application

Dear Ms. Kutsuris:

Mirant Delta, LLC ("Mirant Delta") submits the enclosed Minor Subdivision Application ("Application") for tax parcel number 051-031-014 located at 3201 Wilbur Avenue in Contra Costa County (the "Existing Parcel"). Also enclosed are three full size sets of a tentative parcel map meeting the requirements specified in Article 94-2.2 of the Contra Costa County Ordinance, and a check for $4800.00.

Mirant Delta owns the Existing Parcel and is requesting that it be divided into two separate legal parcels, identified on the enclosed map as Parcel A and Parcel B. Because this is a division affecting fewer than five parcels, we understand that it can be processed as a minor subdivision and have prepared the Application accordingly.

Mirant Delta is dividing the Existing Parcel in anticipation of the planned sale of Parcel A to its affiliate, Mirant Marsh Landing, LLC ("Mirant Marsh Landing"). Mirant Marsh Landing is developing the proposed Marsh Landing Generating Station, a nominal 760 megawatt natural gas-fired power plant ("MLGS") to be located on Parcel A. Mirant Marsh Landing has submitted an application for certification ("AFC") to the California Energy Commission ("CEC") that requests the issuance of a license to construct the MLGS. That application is pending in CEC Docket No. 08-AFC-3. Mirant Marsh Landing filed its AFC pursuant to the Warren-Alquist Act, California Public Resources Code section 25500, et seq., which gives the CEC exclusive power to certify the MLGS, and specifies that the issuance of a CEC license is in lieu of all other state and local permits and approvals. During its licensing proceedings, the CEC acts as lead state agency under the California Environmental Quality Act ("CEQA") (see California Public Resources Code sections 21080.5). The CEC’s regulatory process is functionally equivalent to, and satisfies all CEQA requirements for, the preparation of an Environmental Impact Report (see California Public Resources Code section 21080.5). The CEC process thus fulfills all requirements for review of the Project under CEQA. Mirant Delta plans to transfer Parcel A to Mirant Marsh Landing once the CEC approves the MLGS project.
Given these circumstances, the Application asks the County to approve the division of the Existing Parcel without any associated improvements. This reflects that fact that Mirant Delta is not proposing any improvements and instead seeks to divide the Existing Parcel into Parcel A and Parcel B solely for the purpose of facilitating the sale of Parcel A to Mirant Marsh Landing. The improvements contemplated by Mirant Marsh Landing are all part of the proposed MLGS. The MLGS requires a license from the CEC and all state and local approvals must be obtained through the CEC licensing process. Due to these requirements, Mirant Delta is not asking the County to review or approve any improvements as part of its Application. Given these circumstances, the proposed minor subdivision qualifies as a minor land division that is categorically exempt from the provisions of CEQA pursuant to Section 15315 of the CEQA Guidelines (Title 14, California Code of Regulations, section 15315).

We would be happy to arrange a meeting or a call to discuss any questions or concerns that may arise regarding Mirant Delta’s Application or the permitting process applicable to the MLGS.

Thank you in advance for your assistance. Please do not hesitate to contact the undersigned should you have questions or require any additional information to process the Application.

Very truly yours,

John Chillemi  
President

Attachments:

Parcel Maps  
Form- Minor Subdivision Application  
Check #7030602, $4,800
TENTATIVE PARCEL MAP
OF
MINOR SUBDIVISION MS 09-00011
PORTION OF PARCEL 'A' (ROS 3386)
CONTRA COSTA COUNTY, CALIFORNIA
FOR
MIRANT DELTA LLC

SURVEYOR'S STATEMENT
This map correctly represents a survey made by or under
my direction in conformance with the requirements of the
professional land surveyors' act at the request of Mirant
Delta, LLC, in October 2009.

FOR:
MIRANT DELTA LLC
CONTRA COSTA COUNTY, CALIFORNIA
(925) 422-5500

UTILITY NOTES:
WATER: CONTRA COSTA WATER DISTRICT
SEWER: LOCALIZED SEWER SERVICE
GAS: EXISTING PIPE SERVICE

PARCEL 'A': 26.84 ACRES

PARCEL 'B': 86.79 ACRES