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File No. 039610-0003

February 1, 2010

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-9
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: City of Palmdale Hybrid Power Plant Project: Docket No. 08-AFC-9

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, Sections 1209, 1209.5, and 1210, enclosed herewith for filing please find a letter from Nick Ricono to U.S. Army Corps of Engineers enclosing Revised Preliminary Jurisdictional Determination and Delineation of Waters of the United States and Waters of the State of California.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the attached proof of service list.

Very truly yours,

Paul E. Kihm
Senior Paralegal

Enclosure

cc: 08-AFC-9 Proof of Service List (w/encl., via e-mail and U.S. Mail)
Michael J. Carroll, Esq. (w/encl.)

January 29, 2010

Phuong Trinh
U.S. Army Corps of Engineers
Regulatory Division, Los Angeles District
915 Wilshire Blvd.
Los Angeles, CA 90017-3401

Subject: Palmdale Hybrid Power Project, Palmdale, California
Corps Project Number SPL-2009-634-PHT

Dear Ms. Trinh:

AMEC Earth & Environmental, Inc. (AMEC), under contract with AECOM, has revised the *Preliminary Jurisdictional Determination and Delineation of Waters of the United States and Waters of the State of California* (JD Report) per your request from November 4, 2009 for the Palmdale Hybrid Power Project (PHPP or Project). Included in this document are additional information on surface water flow based on watershed information available from the City of Palmdale and the State of California and a revised assessment of waters with potential jurisdictional status based on downstream connectivity to known waters of the United States (Palmdale Ditch and Santa Clara River). We have included a Preliminary Jurisdictional Determination Form for waters in the project area with potential jurisdictional status under Section 404 of the Clean Water Act.

As discussed, and observed, during your November 4, 2009 visit, the Project has been designed to avoid all waters. Consequently there are no anticipated impacts to waters of the United States and no need for Section 404 permits.

The City and Inland Energy have submitted an Application for Certification to the California Energy Commission (CEC). The CEC is licensing the Project and requires as part of its permit process the concurrence or confirmation from the USACE that the Project will not require a Section 404 permit for impacts to waters of the United States. Accordingly, AECOM respectfully requests that the USACE provide written confirmation that a Section 404 permit is not required for this Project.

Thank you for your prompt response to this request, and please do not hesitate to contact me if you have any questions or require any additional information.

AMEC Earth & Environmental, Inc.
9210 Sky Park Court, Suite 200
San Diego, California 92123
www.amec.com

Palmdale Hybrid Power Project
SPL-2009-634-PHT

Sincerely yours,

Nick Ricono
Direct Tel.:(858) 300-4332
E-mail: nick.ricono@amec.com

Attachment

Preliminary Jurisdictional Determination Form
JD Report (January 2010)

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office: Los Angeles District | File/ORM #: SPL-2009-634-PHT | PJD Date: 1/14/10

State: CA | City/County: Los Angeles

Nearest Waterbody: Palmdale Ditch and Santa Clara River

Location: TRS, LatLong or UTM: T 5N, R11W, Sec 21 and 19; T5N, R12W, Sec 27

Name/ Address of Person Requesting PJD: Steve Williams, City of Palmdale, 38300 Sierra Highway, Suite A, Palmdale, CA 93550

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters: 5,500 linear ft | width 3.64 acres | Stream Flow: Ephemeral

Wetlands: 0 acre(s) | Cowardin Class: Riverine

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal: | Non-Tidal:

☑ Office (Desk) Determination
☑ Field Determination: Date of Field Trip: Nov 4, 2009

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: AECOM Environment/AMEC Earth & Environme
- ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite quad name: Palmdale
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is:
- ☐ Photographs: ☑ Aerial (Name & Date): Google Maps 2006, 2008
  - ☐ Other (Name & Date):
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and Date of Regulatory Project Manager (REQUIRED)

Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Appendix A - Sites

District Office	Los Angeles District	File/ORM #	SPL-2009-634-PHT	PJD Date:	1/14/10
State	CA	City/County	Palmdale/Los Angeles	Person Requestinq PJD	Steve Williams

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
16	34.51600	-117.92102	Riverine	1.55 ac	Non-Section 10 non-wetlanc
Wash 32	34.50520	-118.03528	Riverine	0.29 ac	Non-Section 10 non-wetlanc
Wash 33	34.50041	-118.04860	Riverine	0.10 ac	Non-Section 10 non-wetlanc
Wash 34	34.50038	-118.05612	Riverine	0.23 ac	Non-Section 10 non-wetlanc
Wash 35	34.50030	-118.05814	Riverine	0.09 ac	Non-Section 10 non-wetlanc
Wash 36	34.50040	-118.06206	Riverine	0.34 ac	Non-Section 10 non-wetlanc

Notes:

Site 16 is the California Aqueduct. Wash 32 is the Palmdale Ditch. Both are potential WUS. Washes 33 through 40 potentially flow into the Palmdale Ditch and therefore may be WUS. Wash 43 potentially flows into the Santa Clara River and therefore may be WUS. Estimated Amount of Aquatic Resource in Review Area was calculated by the average width of dry stream channel through a 500 foot project boundary.

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

Appendix A - Sites

District Office	Los Angeles District	File/ORM #	SPL-2009-634-PHT	PJD Date:	1/14/10
State	CA	City/County	Palmdale/Los Angeles	Person Requestinq PJD	Steve Williams

Site Number	Latitude	Longitude	Cowardin Class	Est. Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
Wash 37	34.50041	-118.06634	Riverine	0.29 ac	Non-Section 10 non-wetlanc
Wash 38	34.50041	-118.06997	Riverine	0.23 ac	Non-Section 10 non-wetlanc
Wash 39	34.50035	-118.07108	Riverine	0.09 ac	Non-Section 10 non-wetlanc
Wash 40	34.49976	-118.07985	Riverine	0.09 ac	Non-Section 10 non-wetlanc
Wash 43	34.48306	-118.11870	Riverine	0.34 ac	Non-Section 10 non-wetlanc
			n/a		Non-Section 10 non-wetlanc

Notes:

Site 16 is the California Aqueduct. Wash 32 is the Palmdale Ditch. Both are potential WUS. Washes 33 through 40 potentially flow into the Palmdale Ditch and therefore may be WUS. Wash 43 potentially flows into the Santa Clara River and therefore may be WUS. Estimated Amount of Aquatic Resource in Review Area was calculated by the average width of dry stream channel through a 500 foot project boundary.

PALMDALE HYBRID POWER PROJECT

PRELIMINARY JURISDICTIONAL DETERMINATION AND DELINEATION OF WATERS OF THE UNITED STATES AND WATERS OF THE STATE OF CALIFORNIA

Prepared for:
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Nick Ricono
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January 2010
AMEC Project No. 6554000247

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LIST OF ACRONYMS AND ABBREVIATIONS

AECOM	AECOM Environment
AMEC	AMEC Earth & Environmental, Inc.
CDFG	California Department of Fish and Game
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	geographic information system
GPS	global positioning system
OHWM	ordinary high water mark
PHPP	Palmdale Hybrid Power Project
Rapanos	*Rapanos v. U.S.* and *Carabell v. U.S*.
RPW	relatively permanent waterway
RWQCB	Regional Water Quality Control Board
SWANCC	*Solid Waste Agency of Northern Cook County v. Corps*
TNW	traditionally navigable waterway
USACE	U.S. Army Corps of Engineers
USGS	U.S. Geological Survey
WSC	Waters of the state of California
WUS	Waters of the United States

1.0 INTRODUCTION

AECOM Environment (AECOM) is preparing environmental documentation for submittal to the California Energy Commission (CEC) for the Palmdale Hybrid Power Project (PHPP or Project), a 570-megawatt solar thermal electrical generation facility located in the City of Palmdale and in unincorporated areas of Los Angeles County. The Project includes a 377-acre power plant site, 50-acre construction laydown area, 35.6-mile transmission line, 7.4-mile reclaimed water pipeline, 8.7-mile natural gas supply pipeline, and 1-mile sanitary wastewater pipeline (Figure 1, Appendix A). AECOM retained AMEC Earth & Environmental, Inc. (AMEC) to investigate natural resources in the Project area and determine the potential for impact to sensitive resources including species and jurisdictional waters.

The purpose of this report is to provide a preliminary jurisdictional determination and delineation of Waters of the United States (WUS) and Waters of the State of California (WSC) in the Project area, as defined by Section 404 of the Clean Water Act (CWA) and Section 1602 of the California Fish and Game Code, respectively. Waters were delineated to assess physical characteristics and to assess potential impacts based on proposed construction activities.

The U.S. Army Corps of Engineers (USACE) regulates deposition of fill material into WUS (in combination with the Environmental Protection Agency (EPA), when necessary) under Section 404 of the CWA. The California Department of Fish and Game (CDFG) regulates impacts to WSC under Section 1602 of the California Fish and Game Code.

1.1 Project Setting

The Project site occurs in and around the City of Palmdale, California, located in the Antelope Valley in the High Desert Plains and Hills subregion of the western Mojave Desert (U.S. Department of Agriculture 1997). The arid climate in this location is dominated by low annual rainfall, averaging approximately 8 inches (City of Palmdale 2008), and low soil moisture conditions.

Due to the temporal and spatial variability of rainfall in dryland areas, surface hydrology is dominated by ephemeral washes, flowing only during storm events and remaining dry for most of the year. Dryland fluvial systems are dominated by short, high-magnitude storm events in areas with substantial coarse alluvium (USACE 2001). Many arid rivers exhibit braided channel morphology generally characterized by abundant bedload, steep channel gradients, highly erodible banks and highly variable discharge (USACE 2001).

Surface waters in the Project area flow into the Amargosa/Anaverde, Pearland, Little Rock, Big Rock, and Santa Clara River Watersheds (Figure 2, Appendix A). Surface waters in the Amargosa/Anaverde, Pearland, Little Rock, and Big Rock Watersheds flow north out of the San Gabriel Mountains into low lying, seasonally dry lakebeds in the Antelope Valley including Rosamond Lake near Edwards Air Force Base. The California Aqueduct flows through the southern portion of the Project area bringing water from the San Joaquin/Sacramento River Delta to southern California. Additionally, the Palmdale Ditch is a constructed channel that connects Little Rock Reservoir to Lake Palmdale at the southern

edge of the City of Palmdale (Figure 2, Appendix A). The Santa Clara River Watershed is included in the southwestern most tip of the project area (Figure 2, Appendix A).

The proposed Project is located within developed areas in the City of Palmdale and in natural, undisturbed open space outside the City largely vegetated with Mojave creosote bush scrub, Joshua tree woodland, desert saltbush scrub, and rabbitbrush scrub (AMEC 2008). Vegetation communities in and around the larger streams and rivers includes Mojave riparian forest and Mojave Desert wash scrub (AMEC 2008).

1.2 Regulatory Framework

1.2.1 Federal Jurisdiction

The USACE has the authority to permit the discharge of dredged or fill material in WUS under Section 404 of the CWA, and permit work and the placement of structures in navigable WUS under Sections 9 and 10 of the Rivers and Harbors Act (33 CFR 320-332).

CWA regulations (33 CFR 328.3(a)), define WUS as follows:

(1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(2) All interstate waters including interstate wetlands;

(3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters: (i) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or (ii) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or (iii) Which are used or could be used for industrial purpose by industries in interstate commerce;

(4) All impoundments of waters otherwise defined as WUS under the definition;

(5) Tributaries of WUS;

(6) The territorial seas;

(7) Wetlands adjacent to WUS (other than waters that are themselves wetlands).

The USACE delineates non-wetland waters in the Arid West Region by identifying the Ordinary High Water Mark (OHWM) in ephemeral and intermittent channels (USACE 2008). Identification of OHWM involves assessments of stream geomorphology and vegetation response to the dominant stream discharge. Determining whether any non-wetland water is a jurisdictional WUS involves further assessment in accordance with the regulations, case law, and clarifying guidance as discussed below.

In 2001, the U.S. Supreme Court, in the *Solid Waste Agency of Northern Cook County (SWANCC) v. Corps,* determined that isolated, intrastate, non-navigable waters could not be

regulated under the CWA if there was no link to interstate of foreign commerce (Ruffolo 2002 and USACE 2007).

In 2006, the U.S. Supreme Court, in *Rapanos v. U.S.* and in *Carabell v. U.S*. (hereafter referred to as *Rapanos),* provided two analytical standards for determining whether water bodies that are not traditional navigable waters (TNWs), including wetlands adjacent to those non-TNWs, are subject to CWA jurisdiction: (1) if tributaries to TNWs are relatively permanent (RPW) (has continuous flow at least seasonally), or if the water body is a wetland that directly abuts an RPW, or (2) if a non-RPW, in combination with all wetlands adjacent to that water body, has a significant nexus with TNWs (USACE 2007).

Section 401 of the CWA addresses the impact of a project on water quality. A project must comply with Section 401 before the USACE can issue a Section 404 Permit. In California, the Regional Water Quality Control Board (RWQCB) in charge of the Project area (Lahontan RWQCB in this case) issues Section 401 Water Quality Certifications or Waivers of Certification, depending upon the extent of impacts to WUS.

1.2.2 State Jurisdiction

The California Fish and Game Code requires any person who proposes a project that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake, or their tributaries, or use materials from a streambed, to submit an application for a Streambed Alteration Agreement to the CDFG.

In practice, the CDFG generally interprets the jurisdictional limits of WSC to include the following:

(1) At minimum, intermittent and seasonal flow through a bed or channel with banks and that also supports fish or other aquatic life.

(2) A watercourse having a surface or subsurface flow regime that supports or that has supported riparian vegetation.

(3) Hydrogeomorphically distinct top-of-embankment to top-of-embankment limits.

(4) Outer ground cover and canopy extents of typically riparian associated vegetation species that that would be sustained by surface and/or subsurface waters of the watercourse.

The RWQCB regulates impacts to WSC under the Porter Cologne Water Quality Control Act through issuance of a Construction General Permit, State General Waste Discharge Order, or Waste Discharge Requirements, depending upon the level of impact and the properties of the waterway (Larkin 2008).

As discussed in this report, it is currently expected that impacts to any WSC can be avoided. However, if avoidance is not possible, then the CEC will include authorization of impacts to WSC as part of its License Decision Conditions of Certification for the proposed Project. The Conditions of Certification will be issued by the CEC following coordination with the CDFG to insure compliance with Section 1602 of the California Fish and Game Code.

2.0 METHODS

Background information was gathered from existing documentation to determine the potential for jurisdictional waters to occur on the property, including topographic maps (TerraServer), recent aerial photographs (GlobXplorer 2007) and aerial images (Google Earth 2009). Telephone conversations with the regulatory agencies (Allen 2009; Trinh 2008; Larkin 2008) also took place to determine known jurisdictional status and potential permit requirements.

A Preliminary Jurisdictional Determination and Delineation was submitted to the USACE and CDFG in April 2009. Phuong Trinh (USACE) requested a site visit to review findings of the April 2009 report. Ms. Trinh joined Nick Ricono (AMEC) on 4 November 2009 to review the southern and western portions of the project alignment. Ephemeral washes in the mountainous region along the southern transmission alignment were surveyed for presence of OHWM and potential downstream connectivity to WUS. Additionally, pipeline alignments in the vicinity of the Palmdale Airport were reviewed and discussed related to avoidance measures to be implemented (i.e., boring or excavation beneath existing culverts in roadways). Ms. Trinh requested revisions to the report to include all tributaries to Lake Palmdale (via the Palmdale Ditch) and Santa Clara River with OHWM be included as potential WUS. Additionally, Ms. Trinh requested an aerial photograph identifying stream crossings and identifying their downstream connectivity. Figure 2 (Appendix A) was created to identify stream crossings and includes a description of their location within their respective watersheds and general trend of surface water flow. Figures 2A through 2Y (Appendix A) show details of stream crossings and the surface water flow within the channels of those waters identified in the Project area.

The study area for the Project includes the 377-acre power plant site, 50-acre construction laydown area, 35.6-mile transmission line, 7.4-mile reclaimed water pipeline, 8.7-mile natural gas supply pipeline, and 1-mile sanitary wastewater pipeline (Figure 1, Appendix A). Project boundaries were plotted over high resolution, true-color, georectified aerial photography (GlobXplorer 2007) for use in field verification exercises. A 250-foot buffer was included around all Project operations including either side of transmission and pipeline corridors.

Data used in this preliminary jurisdictional determination and delineation were collected during site visits conducted by AMEC biologist Nick Ricono on 19 February 2009 and 11 March 2009, and based on a site visit with Phuong Trinh on 4 November 2009. Data on delineated boundaries of potential jurisdictional waters were collected using a Trimble Geo XT Global Positioning System (GPS) with sub meter accuracy. Boundaries of WUS were identified based on the federal definition of jurisdictional waters including the presence of an OHWM (USACE 2008) and potential downstream connectivity to a WUS (Ruffolo 2002 and USACE 2007). Boundaries of WSC were identified based on the presence of a defined bed and bank or the outer extent of the riparian canopy (where present). GPS data collected in the field were exported to geographic information systems (GIS) and overlaid onto orthorectified aerial photographs.

Wetlands as defined by the USACE (1987) were not encountered during field investigations where three parameters must all be present to satisfy the definition of a wetland: hydric

soils, wetland hydrology and wetland vegetation. All washes identified were typical of dryland fluvial systems with unvegetated, sand bottom channels. Therefore, no wetland data forms were used to collect information. Washes with adjacent riparian habitat were included in delineations of WSC and are included in descriptions located in Table 1 of this document. Adjacent riparian habitat could potentially be considered wetlands under State law because State definitions of wetlands are based on the presence of as few as one factor in cases where vegetation and/or soil are normally absent (e.g., a gravel beach or rocky shore), although permanent or periodic saturation or inundation is the primary defining wetland characteristic (Cowardin et al. 1979).

3.0 RESULTS

The USACE, in combination with the EPA (when necessary), reserves the ultimate authority in making the final jurisdictional determination of WUS. Additionally, CDFG has ultimate discretion in the determination of their jurisdictional authority over WSC.

As a result of the preliminary determination of the jurisdictional status of WUS and WSC on the Project site, a total of 43 potentially jurisdictional WSC were identified within the Project area as identified in Figures 2-A through 2-Y (Appendix A). WUS determination included presence of OHWM and potential for downstream connectivity to a WUS.

3.1 Federal Jurisdiction

Ephemeral desert washes such as Little Rock Wash, Rock Creek, and Big Rock Wash that flow north out of the San Gabriel Mountains flow into low lying areas of the Antelope Valley including Rosamond Lake near Edwards Air Force Base. These waters are not tributaries of TNWs, or waterways with a link to interstate or foreign commerce, and therefore, would most likely be considered isolated, intrastate waterways; removed from federal CWA jurisdiction by *SWANCC* (USACE 2007 and Trinh 2008). Furthermore, all intrastate tributaries to these waterways would not be considered jurisdictional WUS under the CWA.

The California Aqueduct (Trinh 2008) and the Palmdale Ditch (Allen 2009) may be considered jurisdictional WUS by the USACE. The California Aqueduct transports water from the San Joaquin and Sacramento Delta region of California to southern California where it is used for municipal purposes. The USACE has issued an Approved Jurisdictional Determination (October 29, 2003) finding that Lake Palmdale is a WUS (Allen 2009). Based on that prior determination, the Palmdale Ditch may also be considered WUS as it transports water between two WUS (Lake Palmdale and Little Rock Reservoir) (Allen 2009). The southwestern extent of the Project area (Figure 2, Appendix A) lies within the Santa Clara River Watershed. The Santa Clara River has been determined to be a WUS by the USACE.

Ephemeral washes with a defined OHWM and potential downstream connection to a WUS (California Aqueduct, Lake Palmdale, Palmdale Ditch, or Santa Clara River) could be determined to be jurisdictional WUS based on USACE guidance (USACE 2007). No waters in the project area flow into the California Aqueduct or Lake Palmdale. Washes 33 through 40 (Table 1) potentially flow into the Palmdale Ditch while Wash 43 (Table 1) potentially flows into the Santa Clara River and could, therefore, be determined to be WUS by the USACE.

3.2 State Jurisdiction

Ephemeral washes and perennial waterways (including the California Aqueduct), with hydrogeomorphically distinct top-of-embankment to top-of-embankment limits and adjacent riparian canopy (where present), are likely WSC as defined by Section 1602 of the California Fish and Game Code. Therefore, all ephemeral and perennial waterways within 250 feet of the Project corridor were delineated as WSC using methods described in Section 2.0 (Figures 2-A through 2-Y, Appendix A).

Table 1 Jurisdictional Status of Ephemeral Drainages and Perennial Waterways Found within 250 Feet of Palmdale Hybrid Power Project Linear Corridors.

Wash (Figure Number in Appendix A)	Potential Jurisdictional Status	Description
1a (2-A)	WSC	10' wide - unnamed ephemeral wash - routed through culverts to 1b and 1c. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
1b (2-A)	WSC	4' wide - unnamed ephemeral wash - routed through culvert to 1c. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
1c (2-A)	WSC	25' wide - unnamed ephemeral wash - flows to the northeast. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
2 (2-B)	WSC	6' wide – roadside ditch that passes through culvert flowing to the north. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
3 (2-B)	WSC	10' wide - roadside ditch that passes through culvert flowing to the north. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
4 (2-C)	WSC	6' wide – unnamed ephemeral wash - flowing to north and east through culvert to 5. Within the Pearland Watershed which flows to Rosamond Lake.
5 (2-C)	WSC	25' wide constructed channel borders property boundary commercial/industrial facility. Within the Pearland Watershed which flows to Rosamond Lake.
6 (2-C)	WSC	25' wide constructed channel borders property boundary commercial/industrial facility. No connection to 5 through culvert. Within the Pearland Watershed which flows to Rosamond Lake.
7 (2-D)	WSC	30' wide constructed channel provides stormwater drainage into catchment basin northwest of the project boundary. Within the Amargosa/Anaverde Watershed but surface flow likely terminates at the catchment basin.
8a (2-E)	WSC	6' wide - unnamed ephemeral wash - routed through culvert to 8b. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
8b (2-E)	WSC	20' wide concrete lined constructed channel follows railway line to the north. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
8c (2-F)	WSC	30' wide unnamed ephemeral wash flowing under railway trestle to the north, then through culvert to 8d. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
8d (2-F)	WSC	30' wide constructed channel collects water from 8c and passes it through a culvert beneath and industrial facility to an unknown location. Within the Amargosa/Anaverde Watershed which flows to Rosamond Lake.
9-Little Rock Wash (2-G)	WSC	530' Segment of ephemeral Little Rock Wash which flows to Rosamond Lake.

Wash (Figure Number in Appendix A)	Potential Jurisdictional Status	Description
10 (2-H)	WSC	6' wide unnamed ephemeral wash routed along eastern edge of roadway flowing to the north. Surface flow appears to percolate into the ground as no outlet observed. Within Big Rock Watershed which flows to Rosamond Lake.
11 (2-I)	WSC	12' wide unnamed ephemeral wash routed along eastern edge of roadway flowing to the north. Surface flow appears to percolate into the ground as no outlet observed. Within Big Rock Watershed which flows to Rosamond Lake.
12 (2-J)	WSC	40' wide constructed channel provides stormwater drainage along railroad to the west. Within Little Rock Watershed which flows to Rosamond Lake.
13 (2-K)	WSC	4' wide unnamed ephemeral wash flowing to the northwest. Within Little Rock Watershed which flows to Rosamond Lake.
14 (2-K)	WSC	4' wide unnamed ephemeral wash flowing to the northwest. Within Little Rock Watershed which flows to Rosamond Lake.
15 (2-K)	WSC	4' wide unnamed ephemeral wash flowing to the northwest. Within Little Rock Watershed which flows to Rosamond Lake.
16-California Aqueduct (2-L)	WSC and WUS	135' wide California Aqueduct. Relatively permanent water with potential connection to navigable waters with link to interstate or foreign commerce
17 (2-M)	WSC	3' wide unnamed ephemeral wash flowing to the northeast. Within Little Rock Watershed which flows to Rosamond Lake.
18 (2-M)	WSC	10' wide unnamed ephemeral wash flowing to the north. Within Little Rock Watershed which flows to Rosamond Lake.
19 (2-M)	WSC	30' wide unnamed ephemeral wash flowing to the north. Within Little Rock Watershed which flows to Rosamond Lake.
20 (2-N)	WSC	20' wide unnamed ephemeral wash flowing to the north. Within Little Rock Watershed which flows to Rosamond Lake.
21 (2-N)	WSC	20' wide unnamed ephemeral wash flowing to the north. Surface flow appears to percolate into the ground as no outlet observed. Within Little Rock Watershed which flows to Rosamond Lake.
22 (2-N)	WSC	10' wide unnamed ephemeral wash flowing to the north. Within Little Rock Watershed which flows to Rosamond Lake.
23 (2-O)	WSC	6' wide unnamed ephemeral wash flowing to the northwest. Within Little Rock Watershed which flows to Rosamond Lake.
24 (2-P)	WSC	20' wide unnamed ephemeral wash flowing to the north. Within the Little Rock Watershed which flows to Rosamond Lake.

Wash (Figure Number in Appendix A)	Potential Jurisdictional Status	Description
25 (2-P)	WSC	25' wide unnamed ephemeral wash with deeply incised channel flowing to the northwest. Within the Little Rock Watershed which flows to Rosamond Lake.
26 (2-P)	WSC	30' wide unnamed ephemeral wash flowing to the north at the base of a canyon. Within the Little Rock Watershed which flows to Rosamond Lake.
27 (2-Q)	WSC	35' wide unnamed ephemeral wash with deeply incised channel flowing to the north at the base of a canyon. Within the Little Rock Watershed which flows to Rosamond Lake.
28 (2-Q)	WSC	12' wide unnamed ephemeral wash flowing to the northwest at the base of a canyon. Within the Little Rock Watershed which flows to Rosamond Lake.
29 (2-R)	WSC	12' wide unnamed ephemeral wash flowing to the northwest. Flows into existing dirt road and into Little Rock Wash. Within the Little Rock Watershed which flows to Rosamond Lake.
30 (2-R)	WSC	645' wide segment of Little Rock Wash. An isolated waterway that flows to Rosamond Lake.
31 (2-S)	WSC	Ephemeral wash with riparian corridor (of varying widths) that flows to the east into Little Rock Wash. Riparian habitat contains mulefat and cottonwood. Source of water is likely runoff from roadways. Within the Little Rock Watershed which flows to Rosamond Lake.
32-Palmdale Ditch (2-S)	WSC and WUS	25' wide Palmdale Ditch. A constructed channel with earth bottom and concrete sidewalls. Ephemeral drainage that connects Little Rock Reservoir and Lake Palmdale and is considered a WUS.
33 (2-T)	WSC and WUS	9' wide unnamed ephemeral wash flowing to the northeast, partially within existing roadway. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
34 (2-U)	WSC and WUS	4' wide unnamed ephemeral wash flowing to the north at the base of a canyon. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
35 (2-U)	WSC and WUS	8' wide unnamed ephemeral wash flowing to the north at the base of a canyon. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
36 (2-U)	WSC and WUS	30' wide unnamed ephemeral wash flowing to the north at the base of a canyon. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
37 (2-V)	WSC and WUS	25' wide unnamed ephemeral wash flowing to the north at the base of a canyon. Desert wash riparian scrub habitat. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.

Wash (Figure Number in Appendix A)	Potential Jurisdictional Status	Description
38 (2-V)	WSC and WUS	20' wide unnamed ephemeral wash flows to the north, partially within existing roadway. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
39 (2-V)	WSC and WUS	8' wide unnamed ephemeral wash flows to the north, partially within existing roadway. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
40a (2-W)	WSC and WUS	8' wide unnamed ephemeral wash flowing to the northeast at the base of a canyon. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
40b (2-W)	WSC and WUS	4' wide upper reaches of 39a flows to the southeast through a deep canyon. Within the Pearland Watershed but may be intercepted by the Palmdale Ditch which is considered a WUS.
41 (2-X)	WSC	6' wide unnamed ephemeral wash flows to the northwest. Within the Santa Clara River Watershed. No Ordinary High Water Mark observed.
42 (2-Y)	WSC	8' wide unnamed ephemeral wash flows to the west through a residential property. Within the Santa Clara River Watershed. No Ordinary High Water Mark observed.
43 (2-Y)	WSC and WUS	30' wide unnamed ephemeral wash flows out of industrial facility to the west. Within the Santa Clara River Watershed and may be tributary to the Santa Clara River, which is a WUS.

WSC – Water of the State of California. Jurisdictional to California Department of Fish and Game under Section 1602 of the California Fish and Game Code.

WUS – Water of the United States. Jurisdictional to U.S. Army Corps of Engineers under Section 404 of the Clean Water Act.

4.0 CONCLUSIONS

4.1 Preliminary Jurisdictional Determination

The extent of jurisdictional WUS and WSC in the Project area described in this document were based on assessments of available background information, discussions with regulatory agencies, and field verification exercises.

A total of 43 waters were identified within the Project study area with hydrogeomorphically distinct top-of-embankment to top-of-embankment limits. Those 43 waters would most likely be considered jurisdictional WSC under Section 1602 of the California Fish and Game Code.

Federal jurisdiction of waters including ephemeral washes was determined based on the presence of an OHWM in the field and further assessment in accordance with the regulations, case law, and clarifying guidance as discussed in Section 1.2.

Ephemeral desert washes in the Project area are part of the Amargosa/Anaverde, Pearland, Little Rock, Big Rock, and Santa Clara River Watersheds (Figure 2, Appendix A). Surface waters in the Amargosa/Anaverde, Pearland, Little Rock, and Big Rock Watersheds flow north out of the San Gabriel Mountains into low lying, seasonally dry lakebeds in the Antelope Valley including Rosamond Lake near Edwards Air Force Base. Since these seasonally dry lakebeds have no connection to TNWs, or waters otherwise connected to interstate or foreign commerce, they are isolated, intrastate waterways without federal jurisdiction under the *SWANCC* and *Rapanos* decisions (Allen 2009). Intrastate tributaries to these lakebeds that are not, themselves, navigable or which have no link to interstate or foreign commerce are not jurisdictional under the CWA.

Potentially jurisdictional WUS within the Project vicinity include the California Aqueduct, Lake Palmdale, the Palmdale Ditch, and the Santa Clara River. Ephemeral washes that occur within the Project area with a defined OHWM that are tributaries to these WUS may be considered jurisdictional WUS by the USACE.

A total of 12 waters were determined to be WUS within the Project study area based on them being identified as WUS by the USACE (California Aqueduct and Palmdale Ditch) or having an OHWM and being potential tributaries to WUS as identified in Table 1.

4.2 Impact Assessment

No WSC or WUS will be impacted on the actual power plant site. The only potential for impacts to WSC and/or WUS occurs along the route of the reclaimed water/natural gas pipelines (i.e., along Sierra Highway and E. Avenue P) and along the transmission line route.

According to the Project developers, construction operations are to be designed to avoid all impact to jurisdictional WUS and WSC in the project area. Pipeline construction, as depicted in Figures 2-A through 2-F (Appendix A), show pipelines crossing, or in close proximity to several washes determined to be potential WSC. Pipelines will be routed around; constructed beneath existing culverts; or constructed adjacent to these washes without disturbing the bed and bank or adjacent riparian community where present.

Construction of the transmission line will include installation of the transmission line poles (each requiring a work area with about a 50 foot radius around each pole), spur roads leading to the work areas, and laydown areas and pull sites for equipment and materials. The siting of these pole locations, work areas and spur roads were reviewed in relation to WSC and WUS to determine the feasibility to construct them and avoid impacts. Proposed access and construction areas at pole locations, as depicted in Figures 2-G through 2-Y (Appendix A) were altered or relocated to avoid washes identified in this study. Figure 2-H (Appendix A) provides an example where construction operations around pole locations were altered and minimized by design engineers to avoid washes (i.e., the generally circular work area around the pole was flattened on the side along the wash). Existing access roads currently traveling through potentially jurisdictional waters would need no improvement for construction operations to occur. Standard best management practices would be implemented to avoid unintended discharges to waters during storm events or other incident.

4.3 Potential Permitting Requirements

As noted above, the Figures in Appendix A demonstrate how project pipelines and transmission lines can be located to avoid impacts to WSC and WUS. However, should Project construction or operation require the alteration of bed and bank or riparian habitat of a WSC, then the CEC would include authorization of impacts to WSC as part of its License Decision Conditions of Certification for the proposed Project. The Conditions of Certification would be issued by the CEC following coordination with the CDFG to insure compliance with Section 1602 of the California Fish and Game Code, and RWQCB to insure compliance with the Porter Cologne Act.

Although it is unlikely that the Project would affect WUS, the deposition of fill material into WUS would require a Section 404 Permit from the USACE. The Project proponent does not expect to deposit fill material into WUS but, if these plans change, would submit a notification for a 404 permit to the USACE and an application for 401 Water Quality Certification to the Lahontan RWQCB.

5.0 REFERENCES

Allen, Aaron. 2009. Personal Communication. Chief of Regulatory-North Coast Branch, USACE Los Angeles District. Discussion regarding jurisdictional status of Lake Palmdale and Palmdale Ditch. March 25, 2009. Provided Approved Jurisdictional Determination for Lake Palmdale (October 29, 2003) and a Preliminary Jurisdictional Determination for the Palmdale Ditch (July 10, 2008) via e-mail.

AMEC Earth & Environmental, Inc. (AMEC). 2008. Draft Palmdale Hybrid Power Project. Biological Resources Technical Report. Los Angeles County, California. Prepared for AECOM Environment.

California Department of Fish and Game (CDFG). 2004. Fish and Game Code Section 1600-1616, Effective January 1, 2004. Accessed from: http://www.dfg.ca.gov/habcon/1600/1600code.html

City of Palmdale. 2008. Retrieved from: http://www.cityofpalmdale.org/community/overview.html

Cowardin, L.M, V. Carter, F.C. Golet, E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior.

Google Earth. 2009. Aerial imagery from 16 March 2006.

Larkin, Kirk. 2008. Personal Communication. Colorado River Basin Regional Water Quality Control Board. Discussion regarding application of Porter Cologne Act without Clean Water Act jurisdiction.

Ruffolo, J. 2002. The U.S. Supreme Court Limits Federal Regulation of Wetlands: Implications of the SWANCC Decision. Prepared at the request of Senator Sheila Kuehl Chair, Senate Natural Resources and Wldlife Committee. Isbn 1-58703-150-7. Accessed from: http://www.library.ca.gov/crb/02/03/02-003.pdf

Trinh, Phuong. 2008. Personal Communication. USACE Los Angeles District. Discussion regarding jurisdictional status of dry lakes in western Mojave Desert near Edwards Air Force Base. July 23, 2008.

U.S. Army Corps of Engineers (USACE). 1987. Wetlands Delineation Manual, Technical Report Y-8. U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. 100 pp. + append.

USACE. 2001. Final Summary Report: Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest. Prepared by the U.S. Army Corps of Engineers, South Pacific Division. June 2001. Accessed from: http://www.spl.usace.army.mil/regulatory/jd_guide.pdf

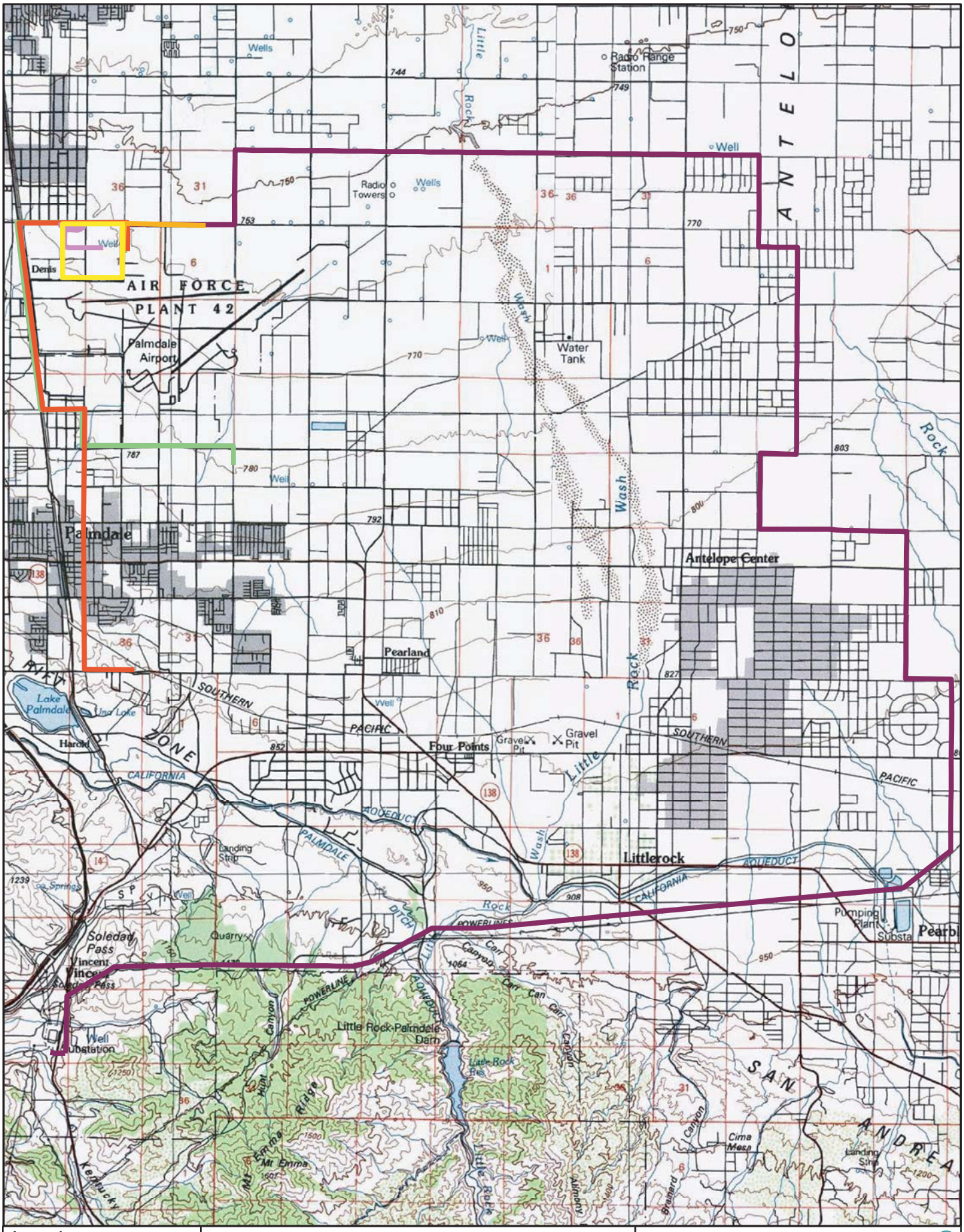
USACE. 2006. Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. December.

USACE. 2007. Jurisdictional Determination Form Instructional Guidebook. Joint EPA and Corps guidance document for completion of Approved Jurisdictional Determination Form.

USACE. 2008. A Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States. A Delineation Manual. Lichvar and McColley. August.

U.S. Department of Agriculture. 1997. Ecological Units of California. Accessed from: http://www.fs.fed.us/r5/projects/ecoregions/

Appendix A
Figures



Legend

- Transmission Line
- Reclaimed Water Pipeline
- Natural Gas Supply Line
- Potable Water
- Power Plant Site
- Sanitary Wastewater Pipeline

Palmdale Hybrid Power Project

0 0.5 1 2 Miles

1:110,000

Map Notes:

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Figure 1

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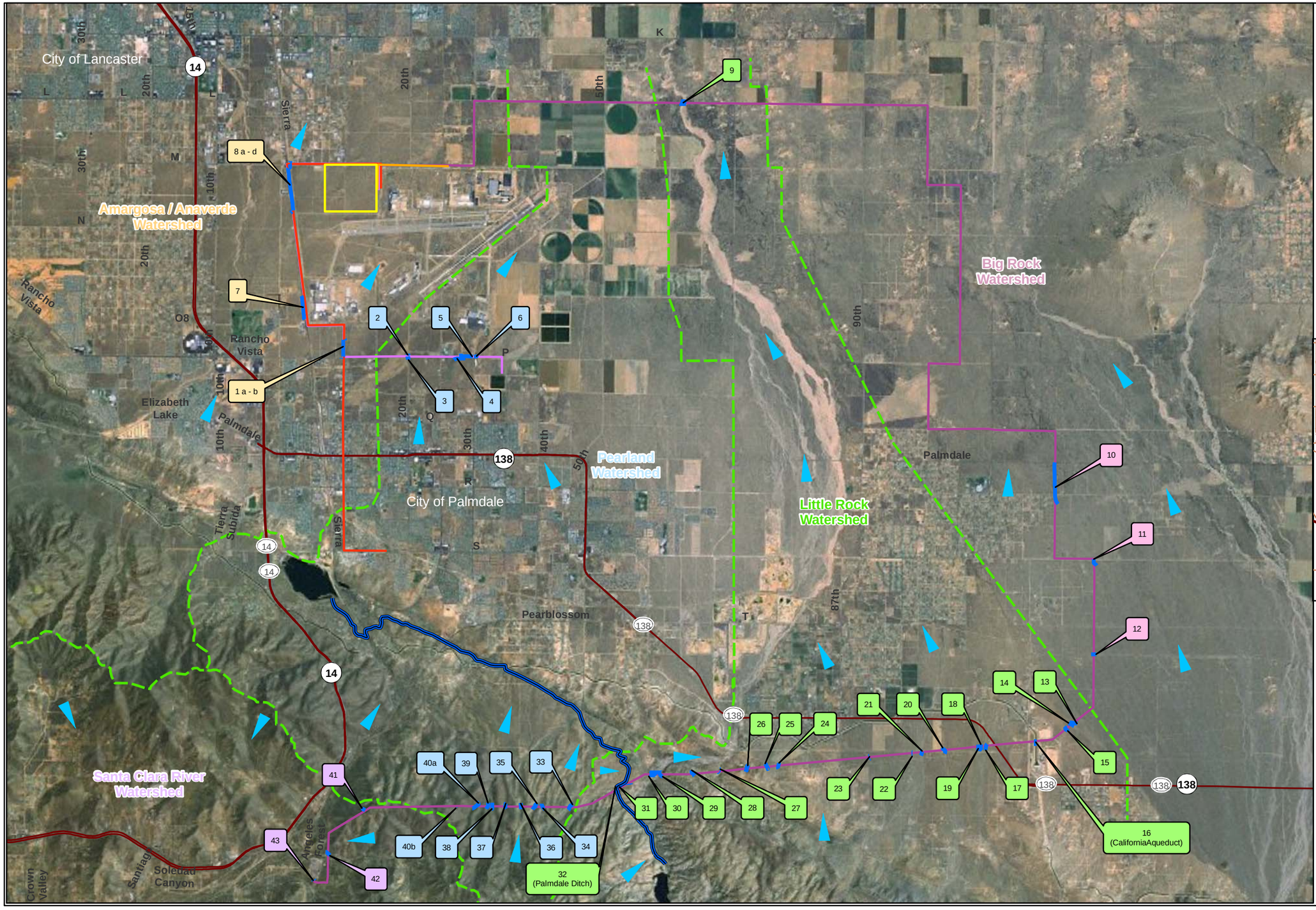
N



Legend

- General Surface Water Flow Direction
- Palmdale Ditch
- Drainage Identified in Project Area

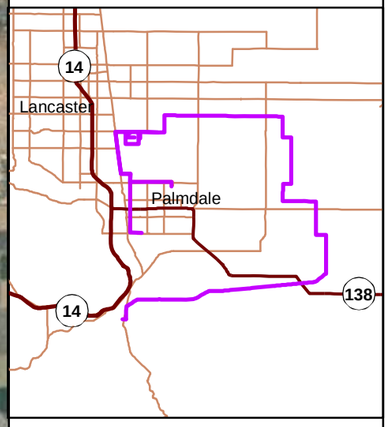
Proposed Project Features

- Gas Pipeline
- Sewer Line
- Potable Water Line
- Reclaimed Water Line
- Transmission Line
- Terminal
- Highways
- Approximate Watershed Boundary

N

0 4,000 8,000 16,000 Feet

1 inch = 8,000 feet



Map Notes

Data Source
Poles and Routes - AMEC 2008
Estimated Watershed Boundaries - AMEC 2009
following City of Palmdale Master Plan
and CALWATER 2.2
Color aerial image - ESRI

Projection: State Plane, California 406,
NAD 83, Feet
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Date: 12/29/2009

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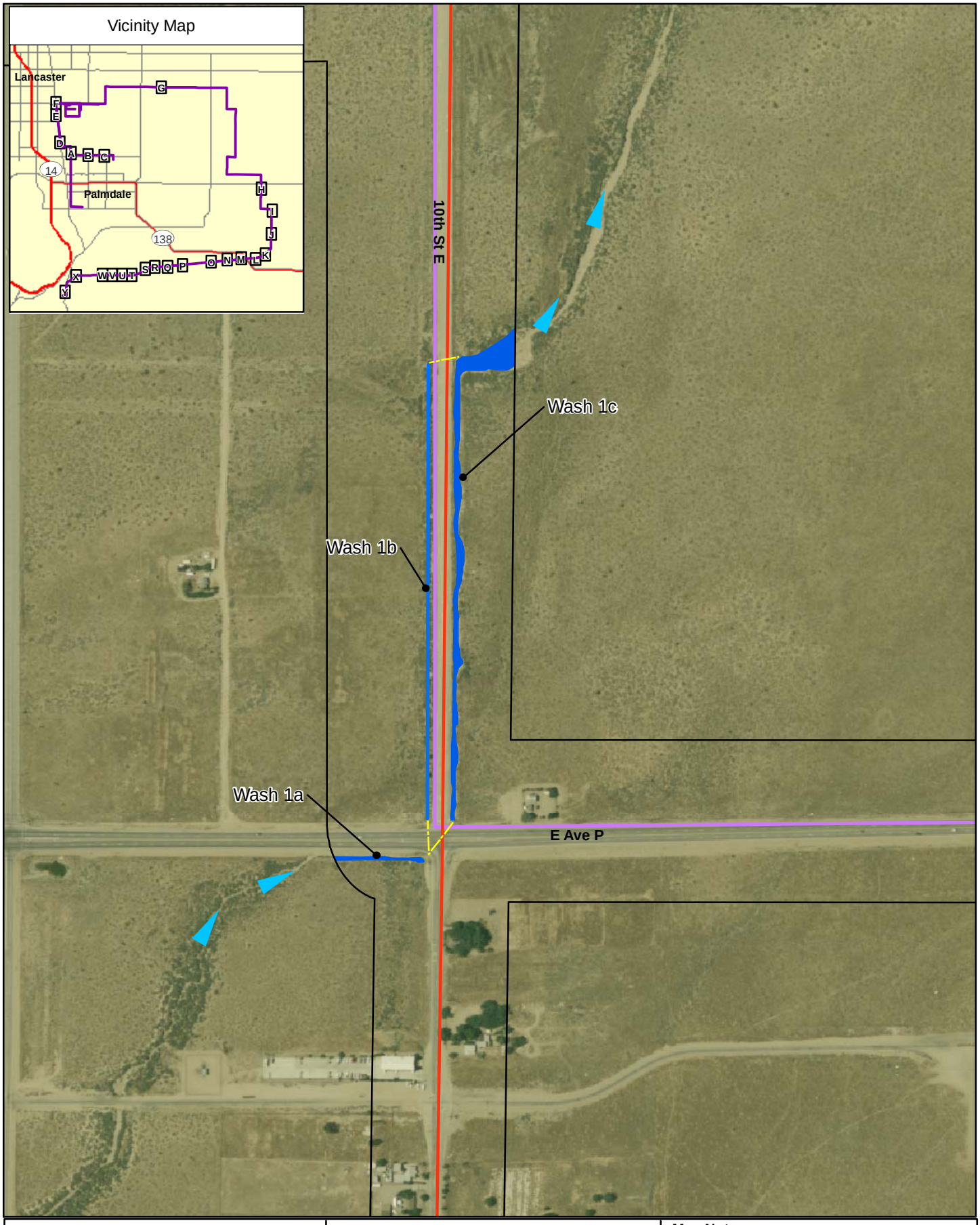
Watershed and Hydrology
Palmdale Hybrid Power Project

FIGURE 2



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 350 700 Feet
1:4,800

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - A

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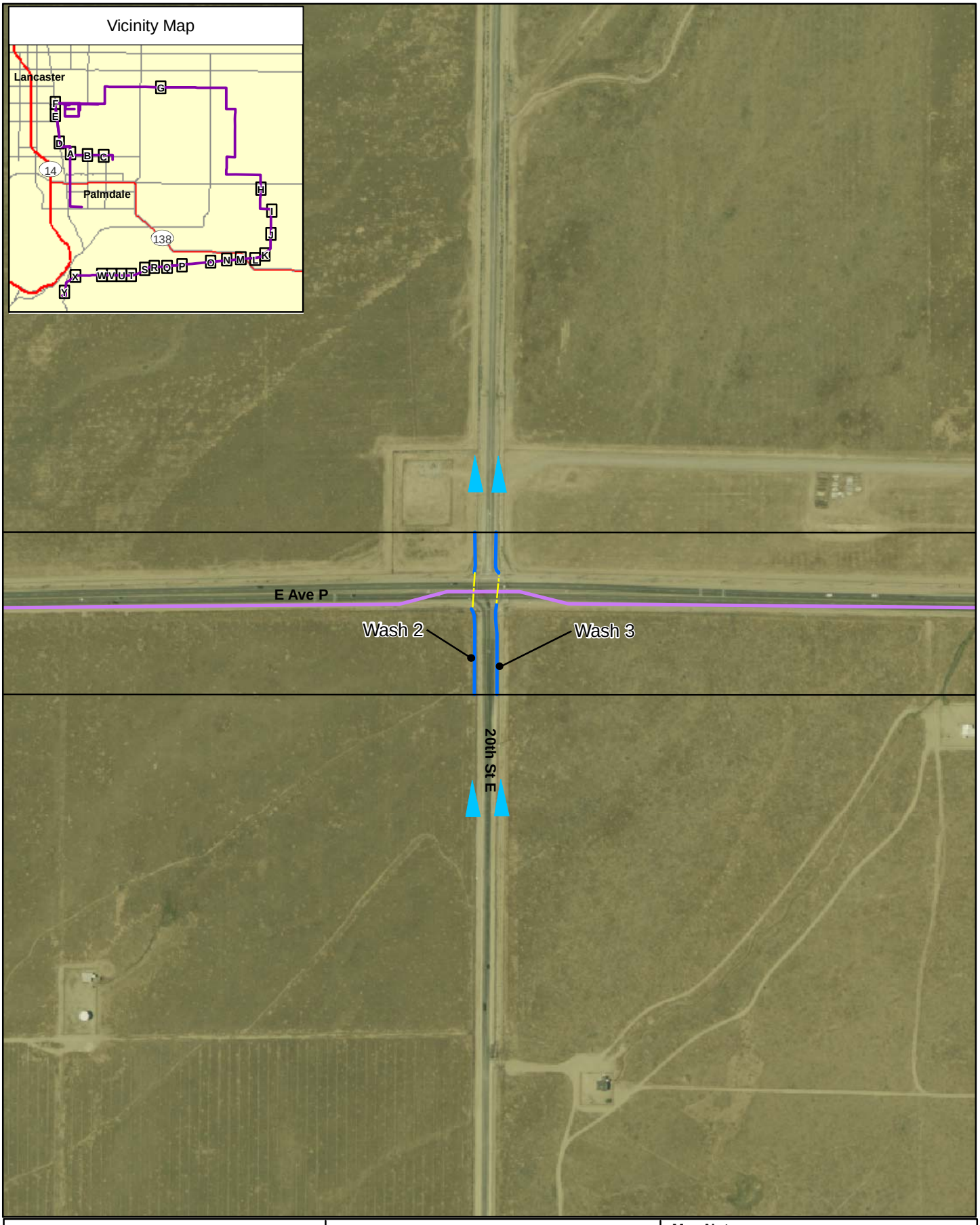

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 350 700 Feet
1:4,800

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - B

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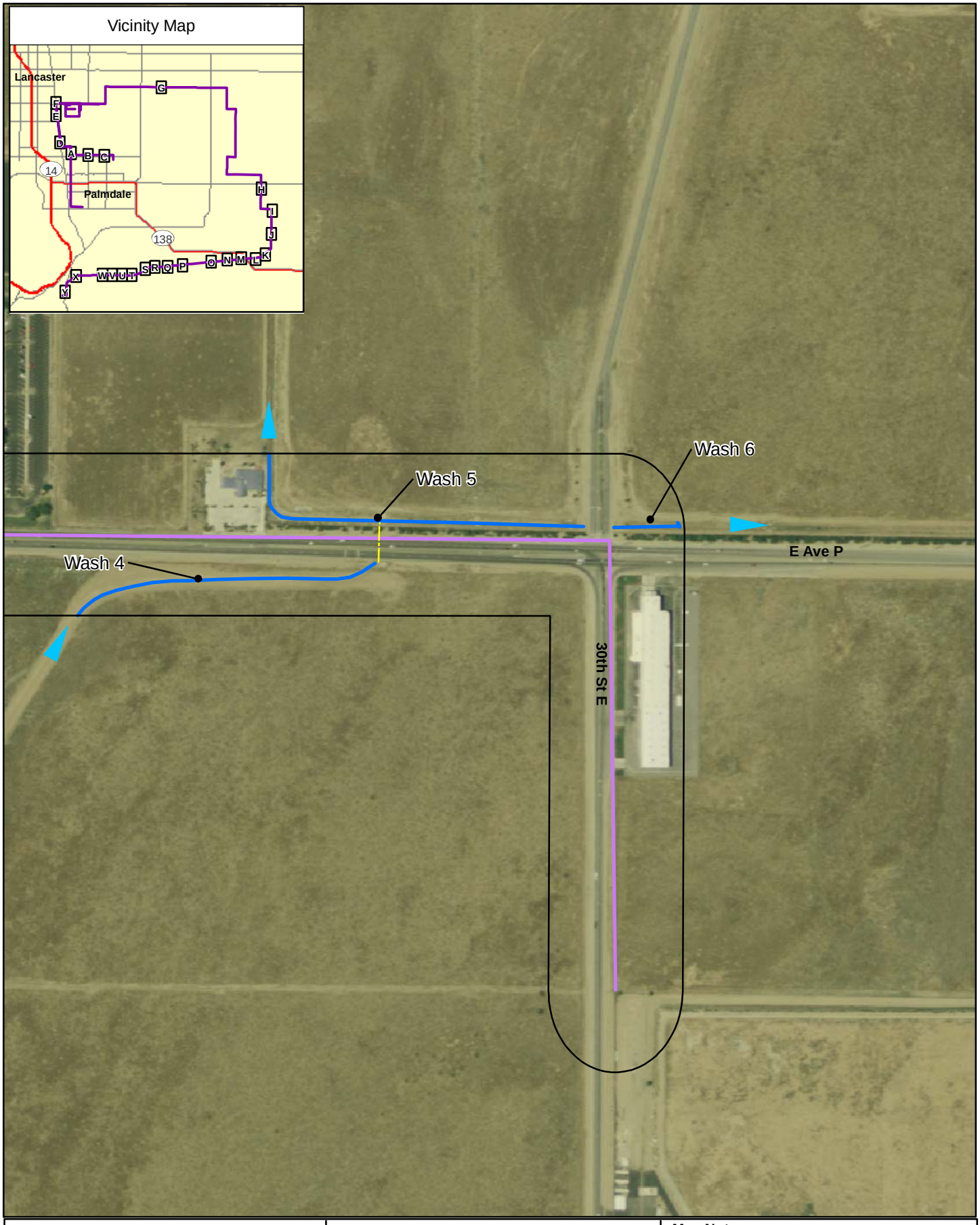

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 350 700 Feet
1:4,800

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - C

amec

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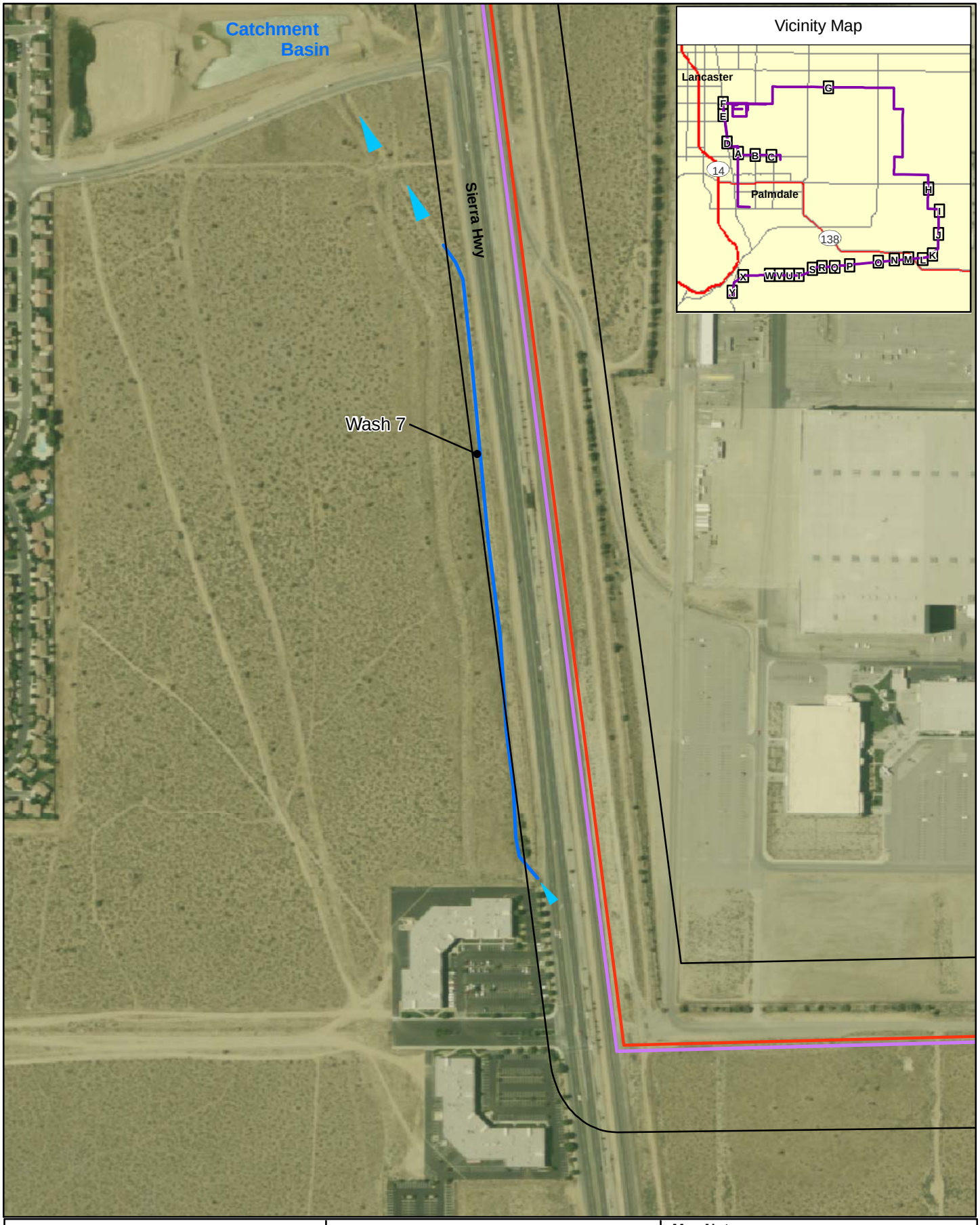

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - D

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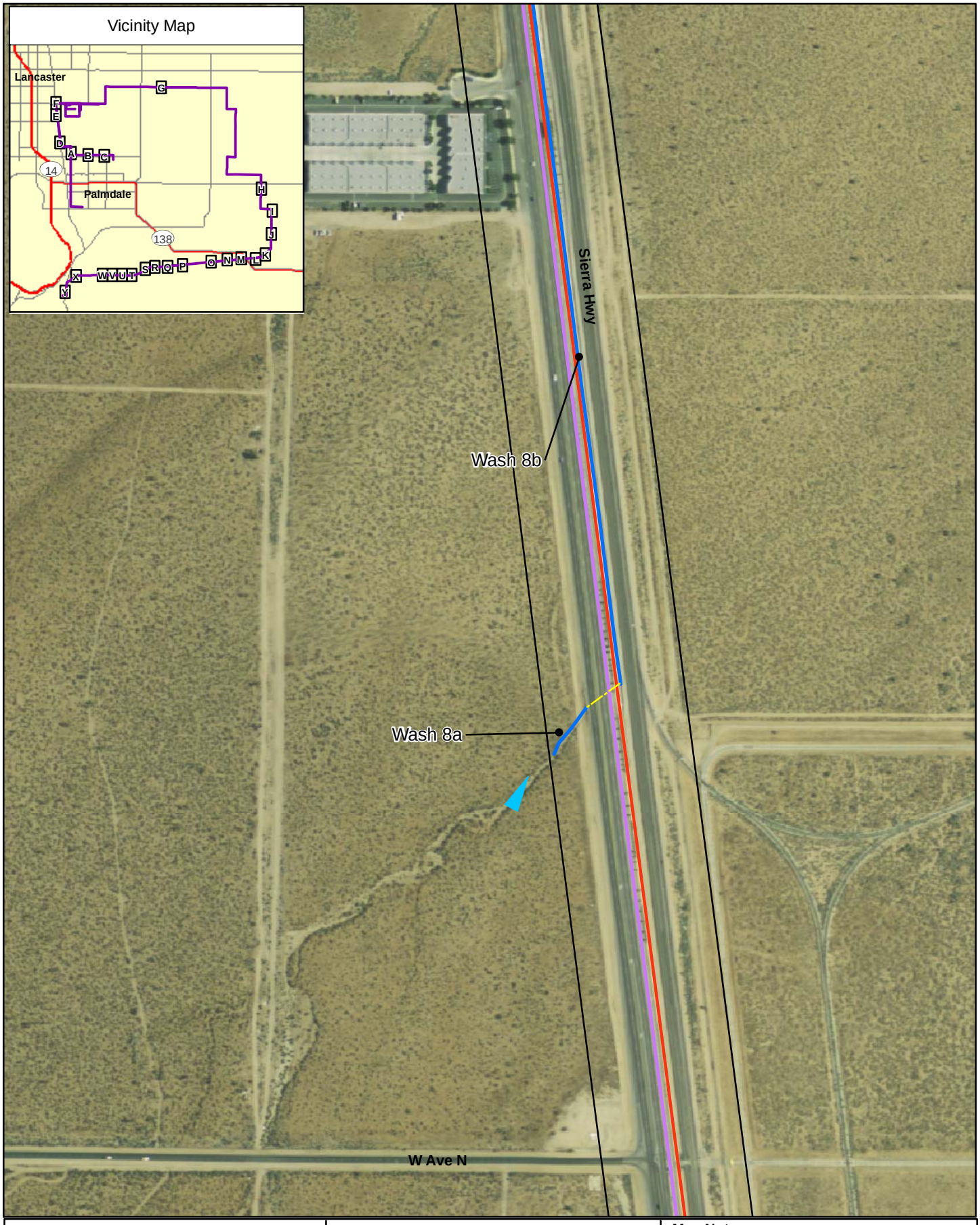

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal
Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 350 700 Feet
1:4,800

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - E

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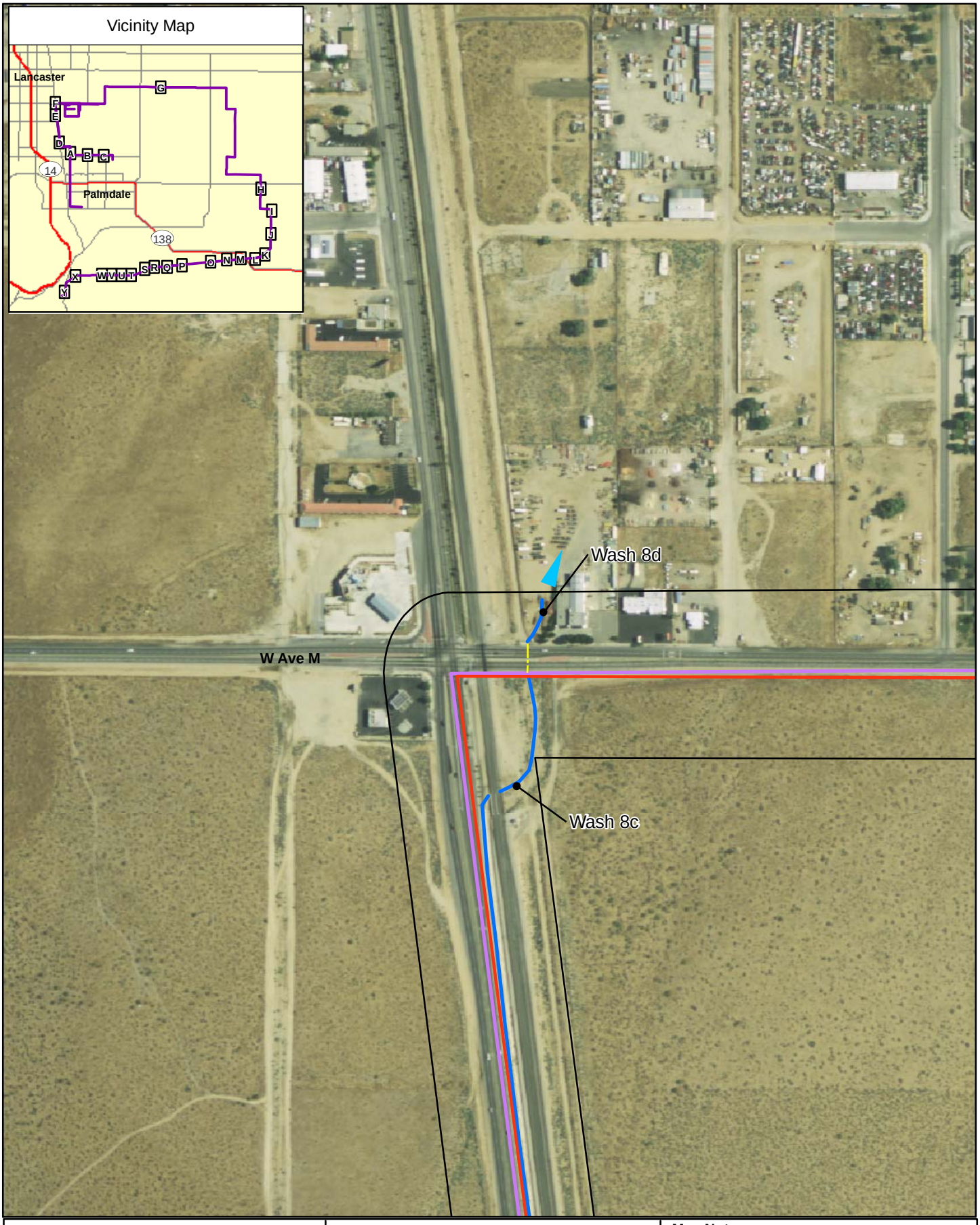
N



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 350 700 Feet
1:4,800

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - F

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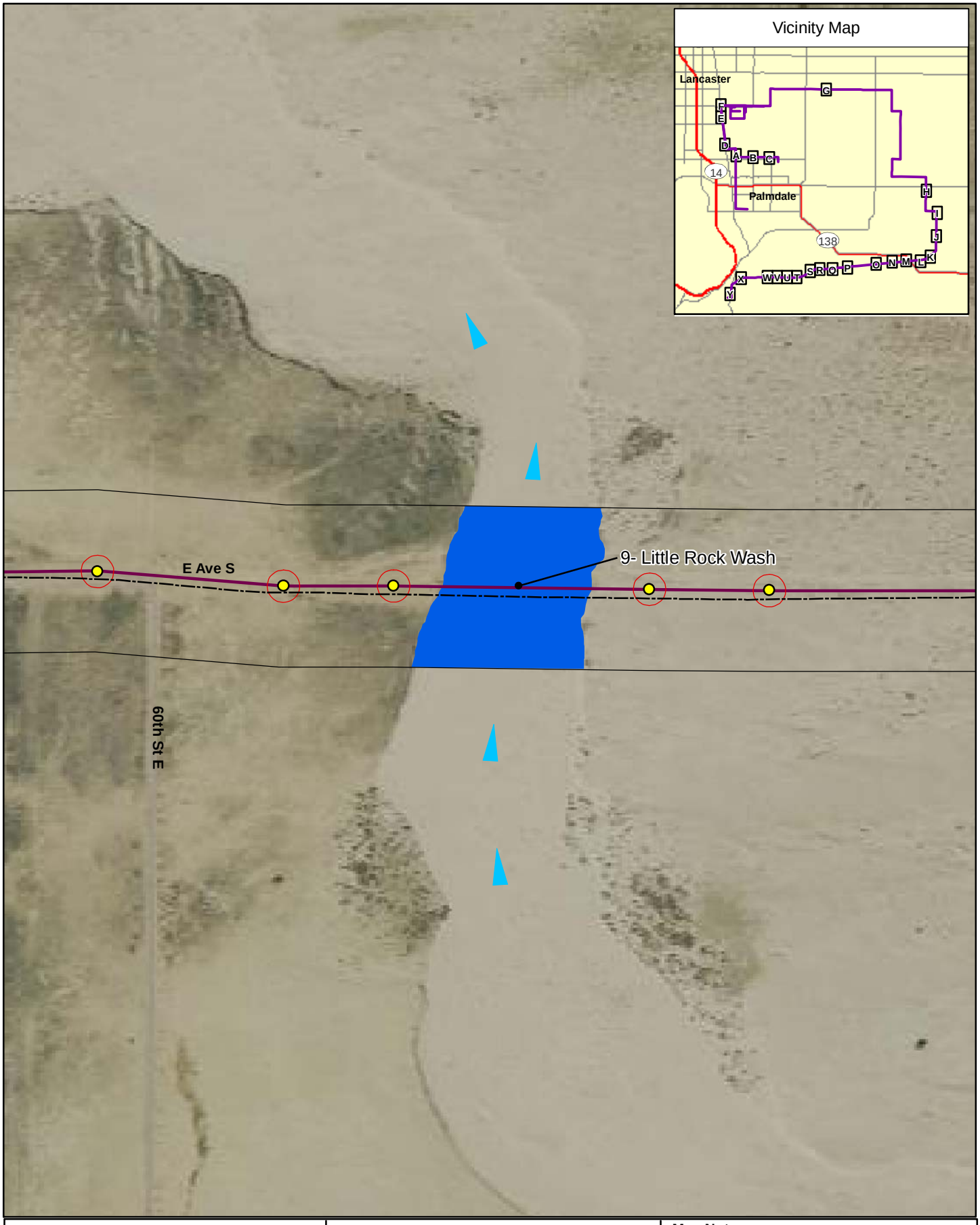

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 - G

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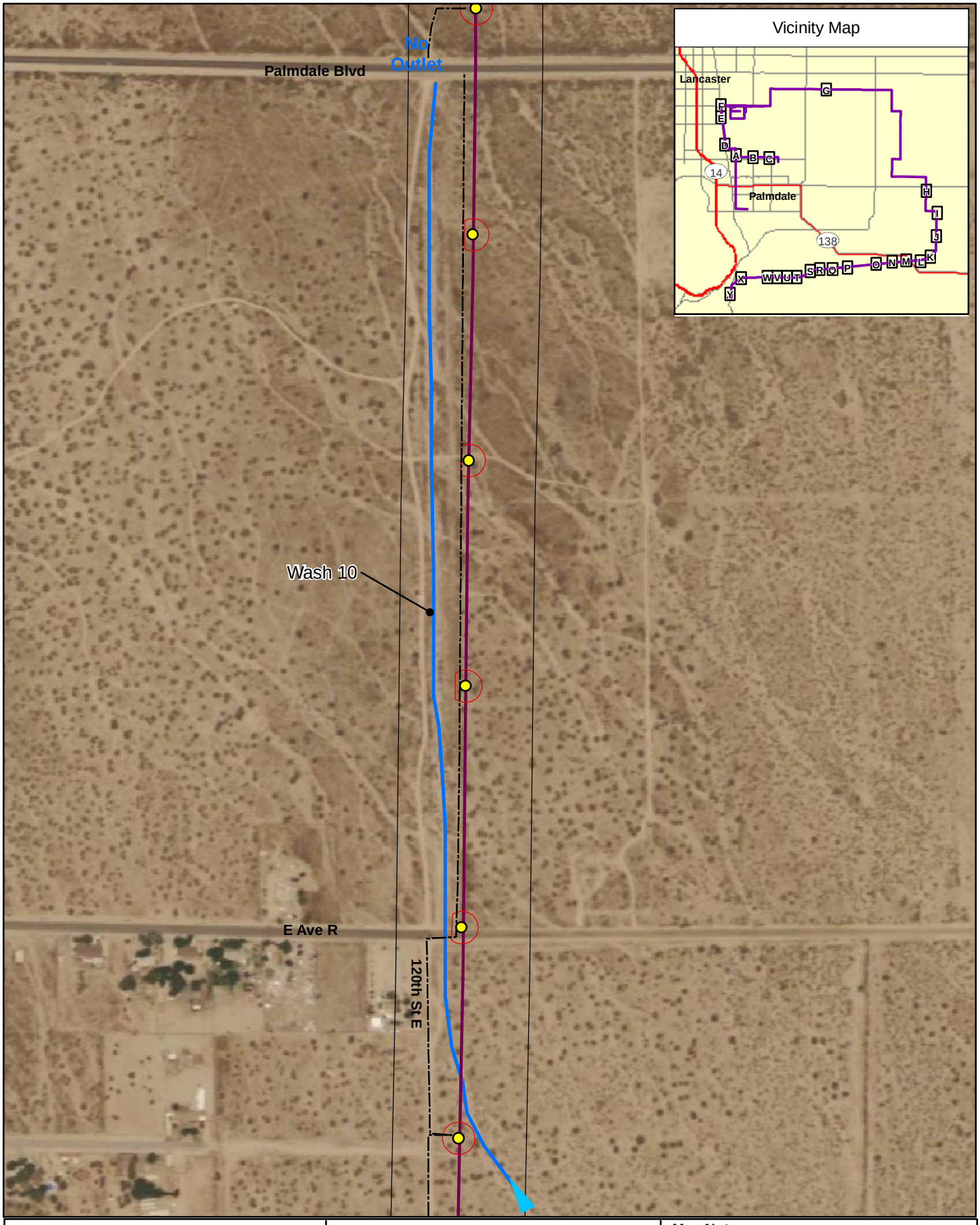

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
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Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - H

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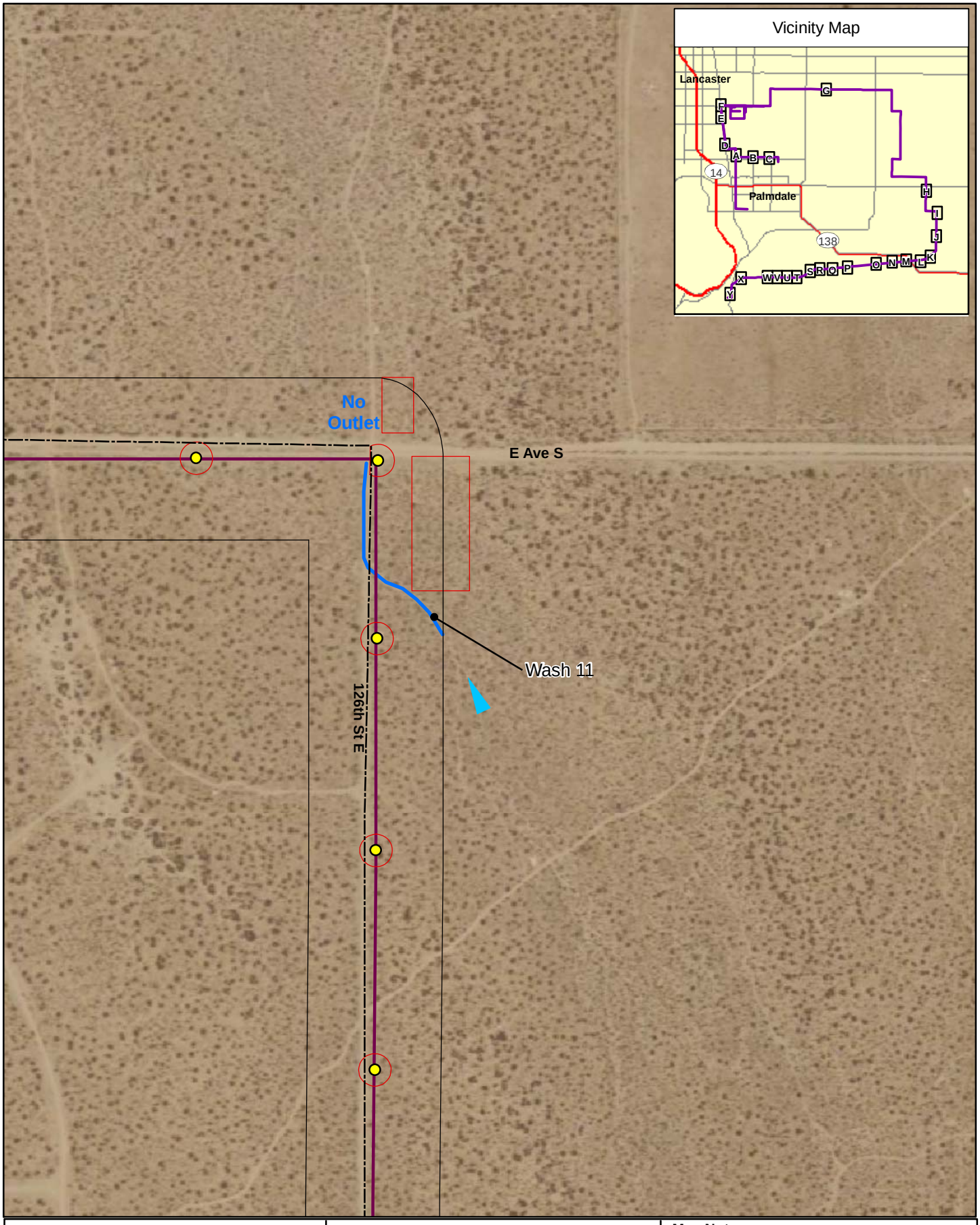

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - I

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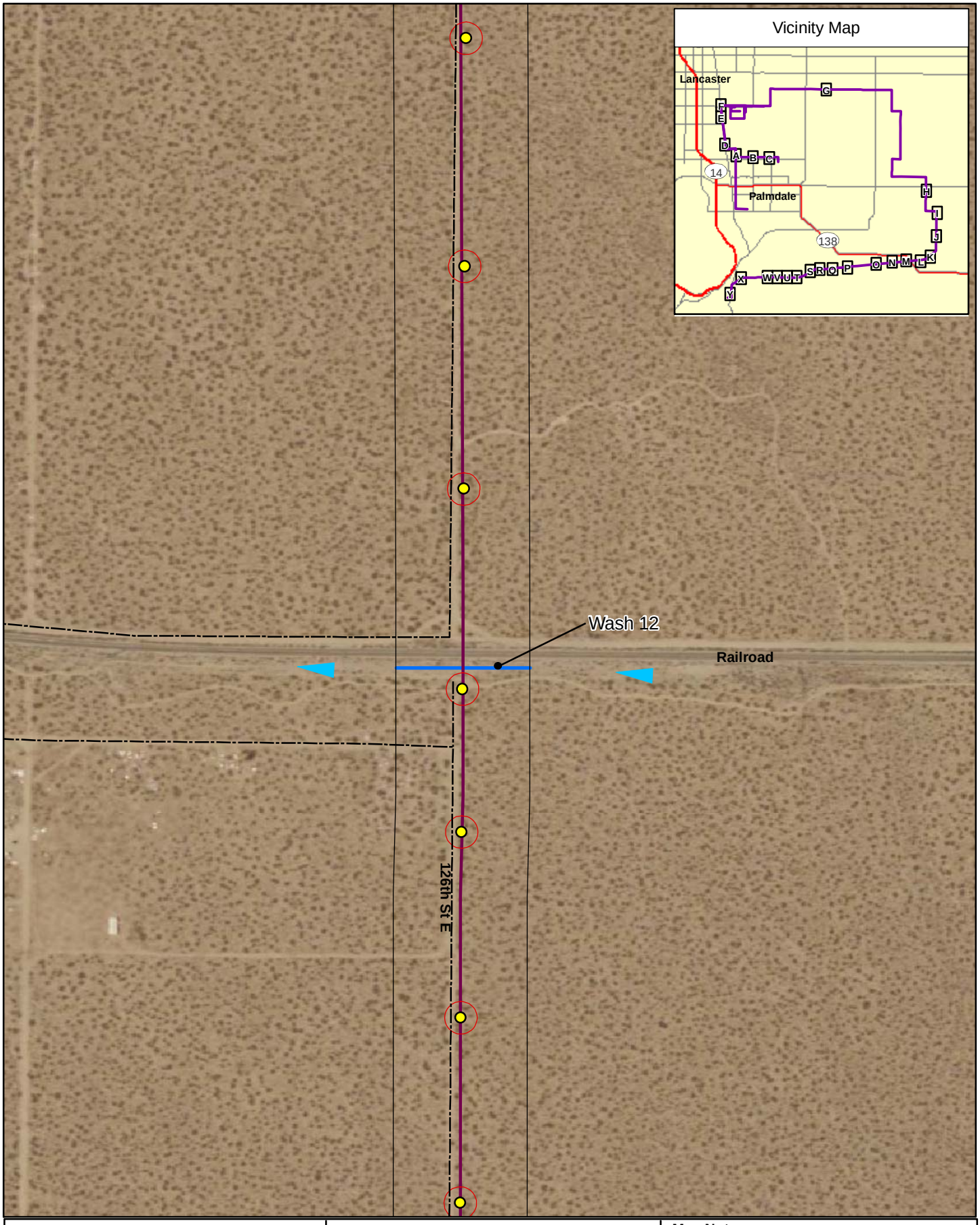


Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

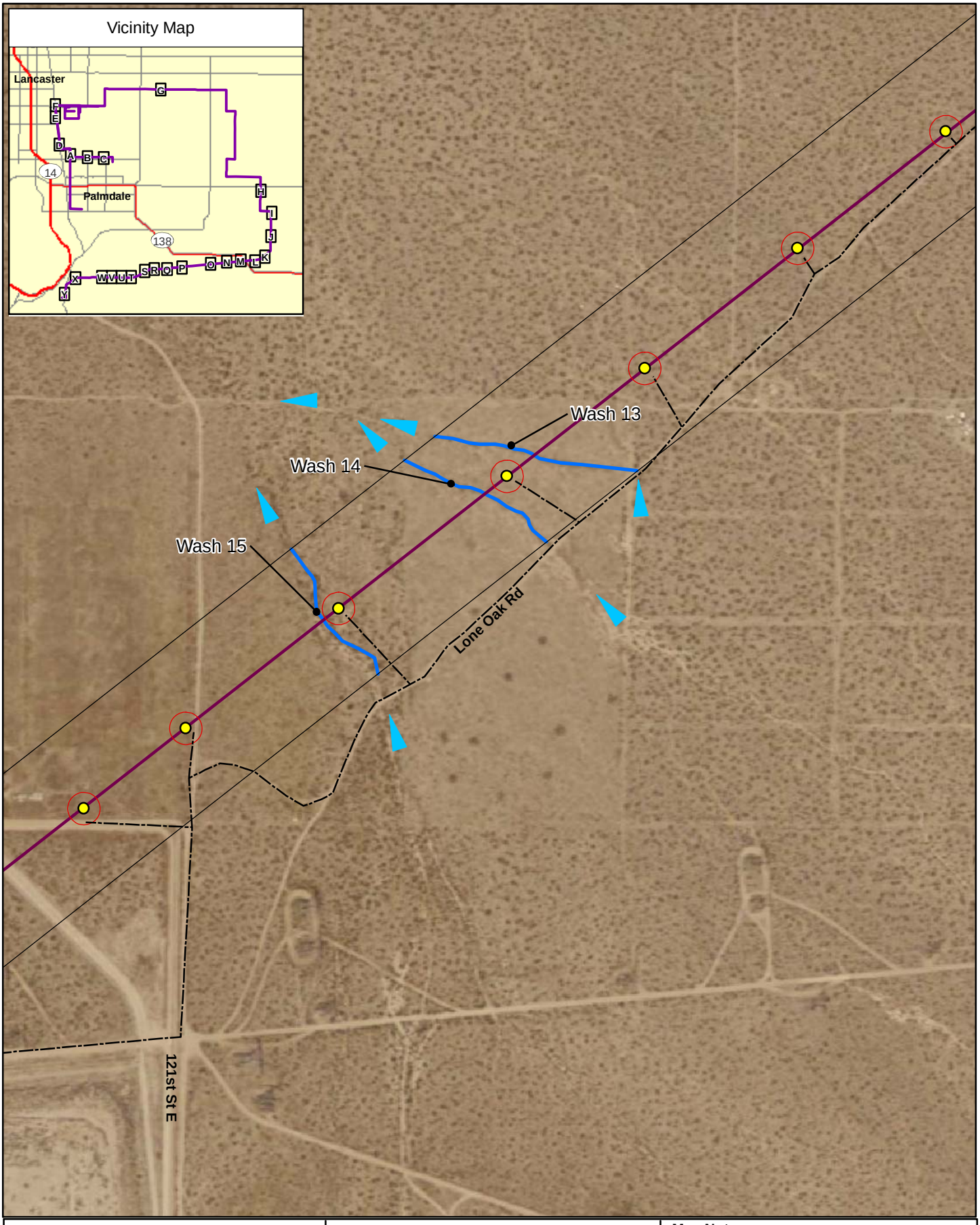
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - J

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal
Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

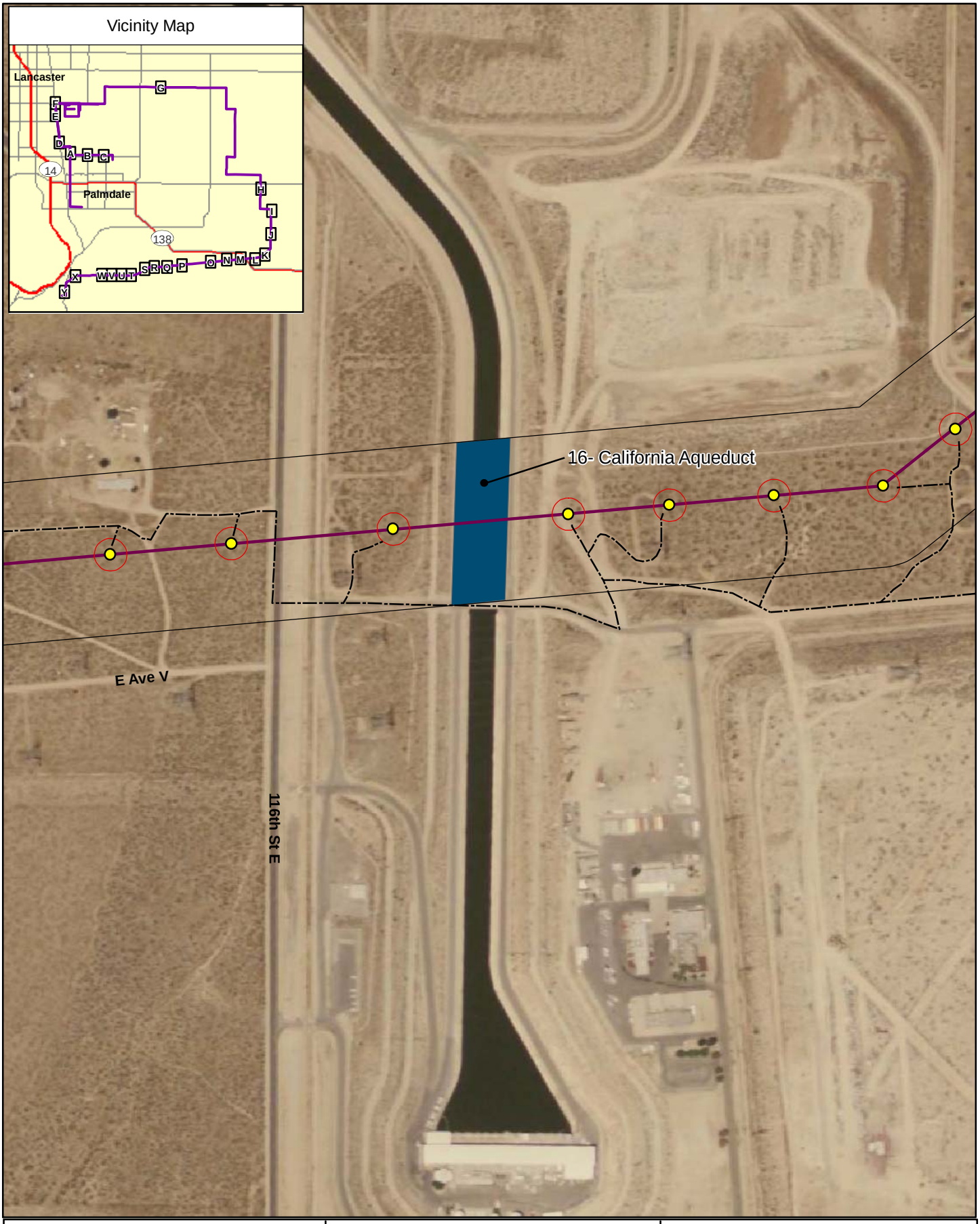
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - K

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 350 700 Feet
1:4,800

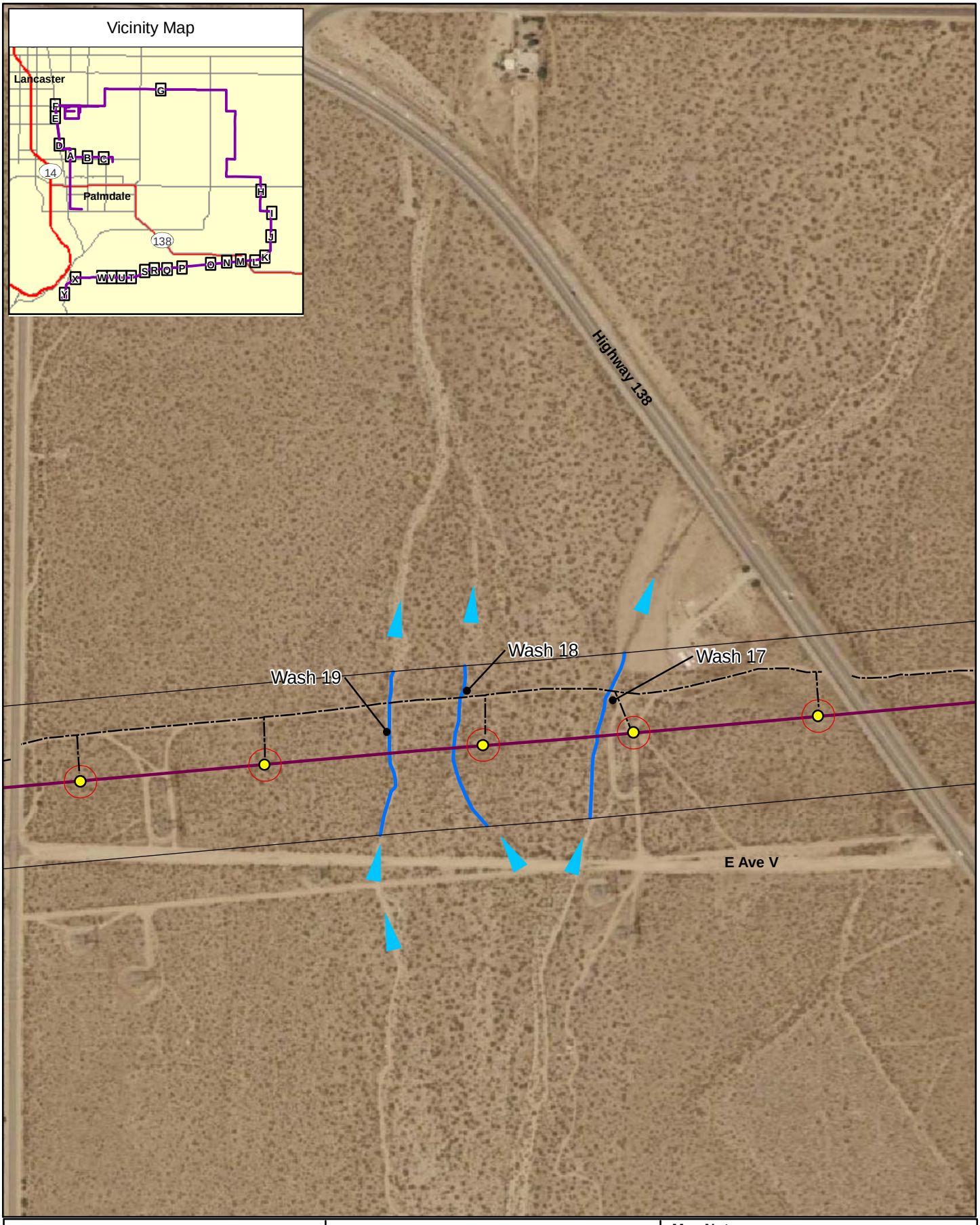
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - L

amec

N



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal
Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

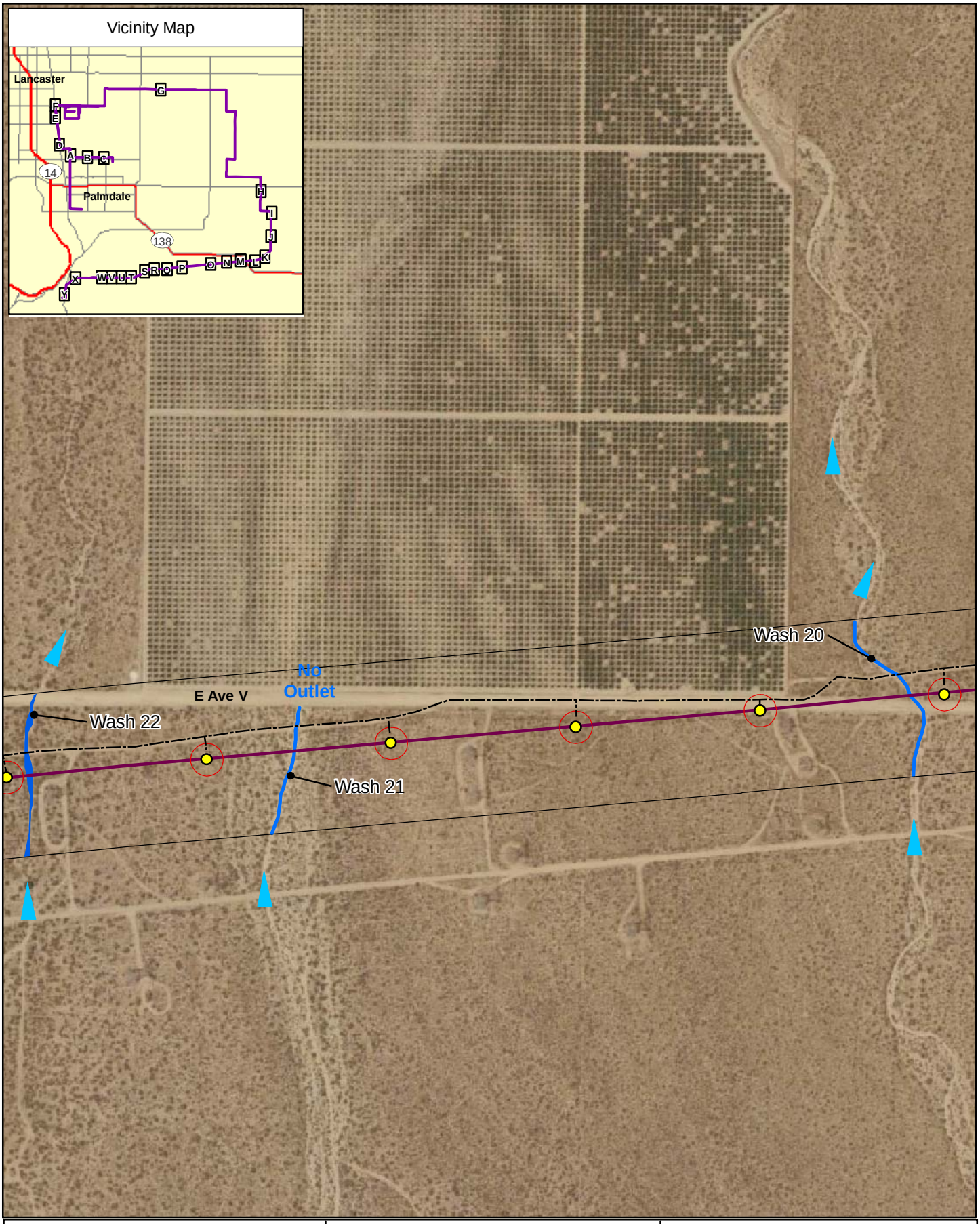
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - M

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - N

amec

Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

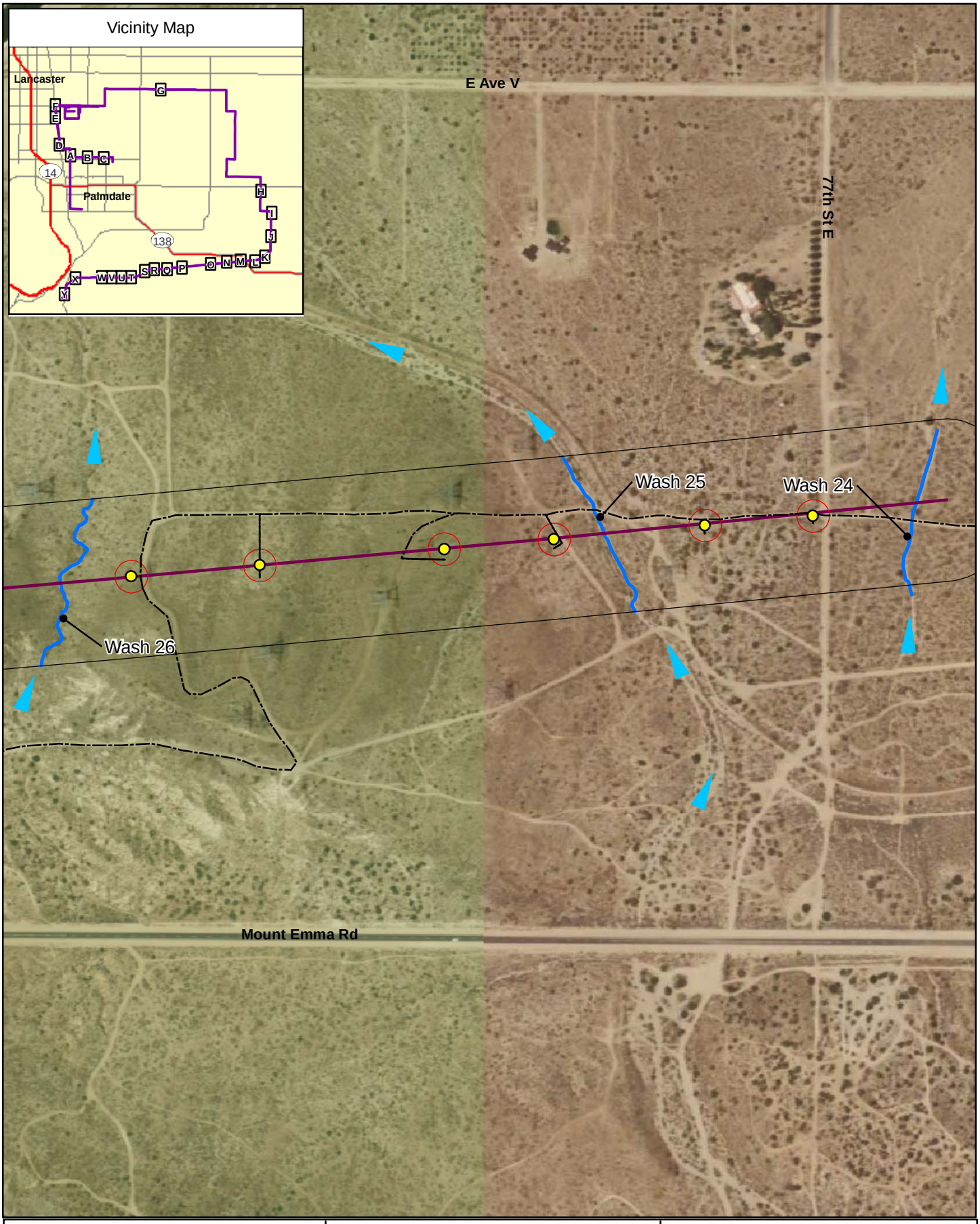
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 - O

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

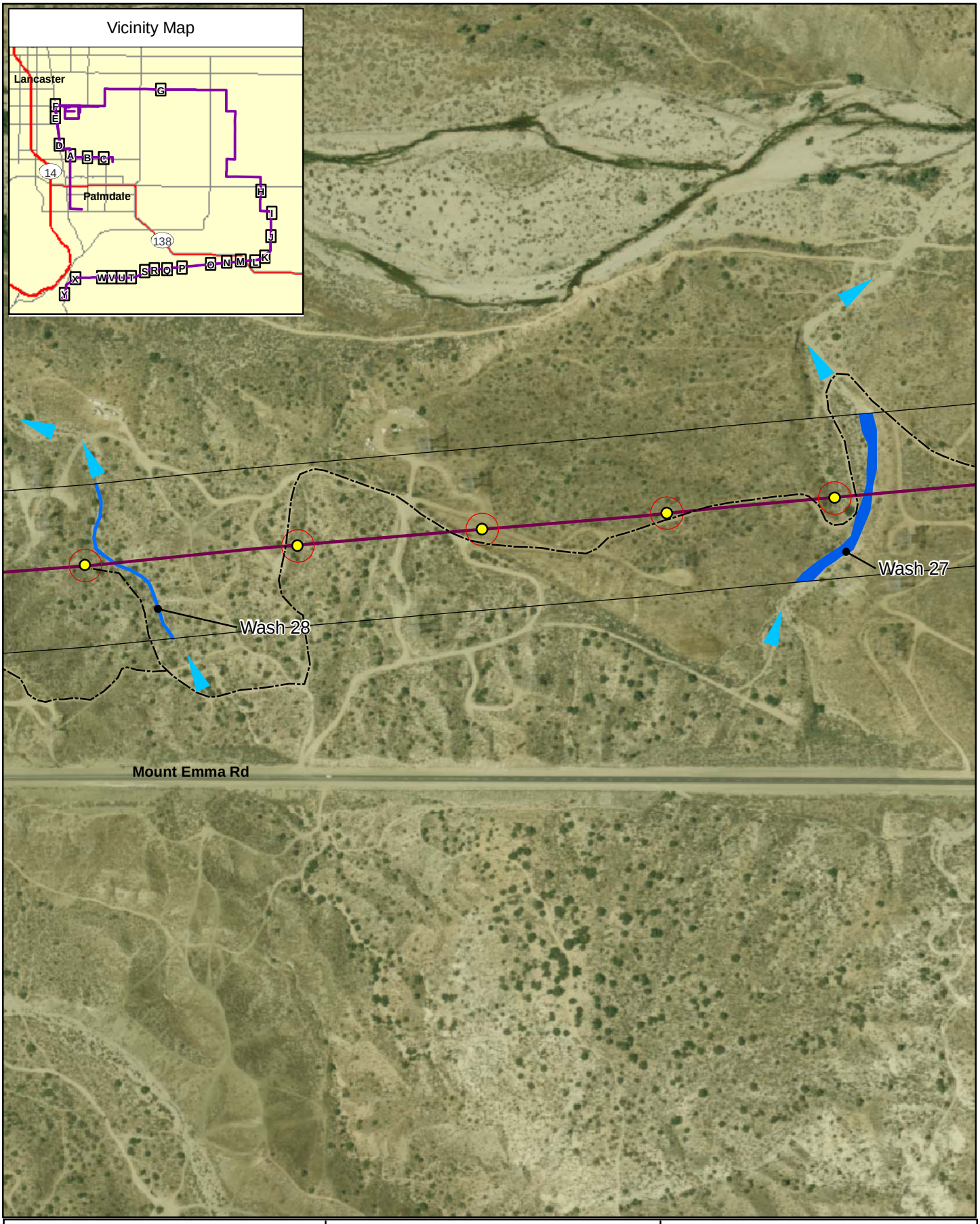
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - P

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

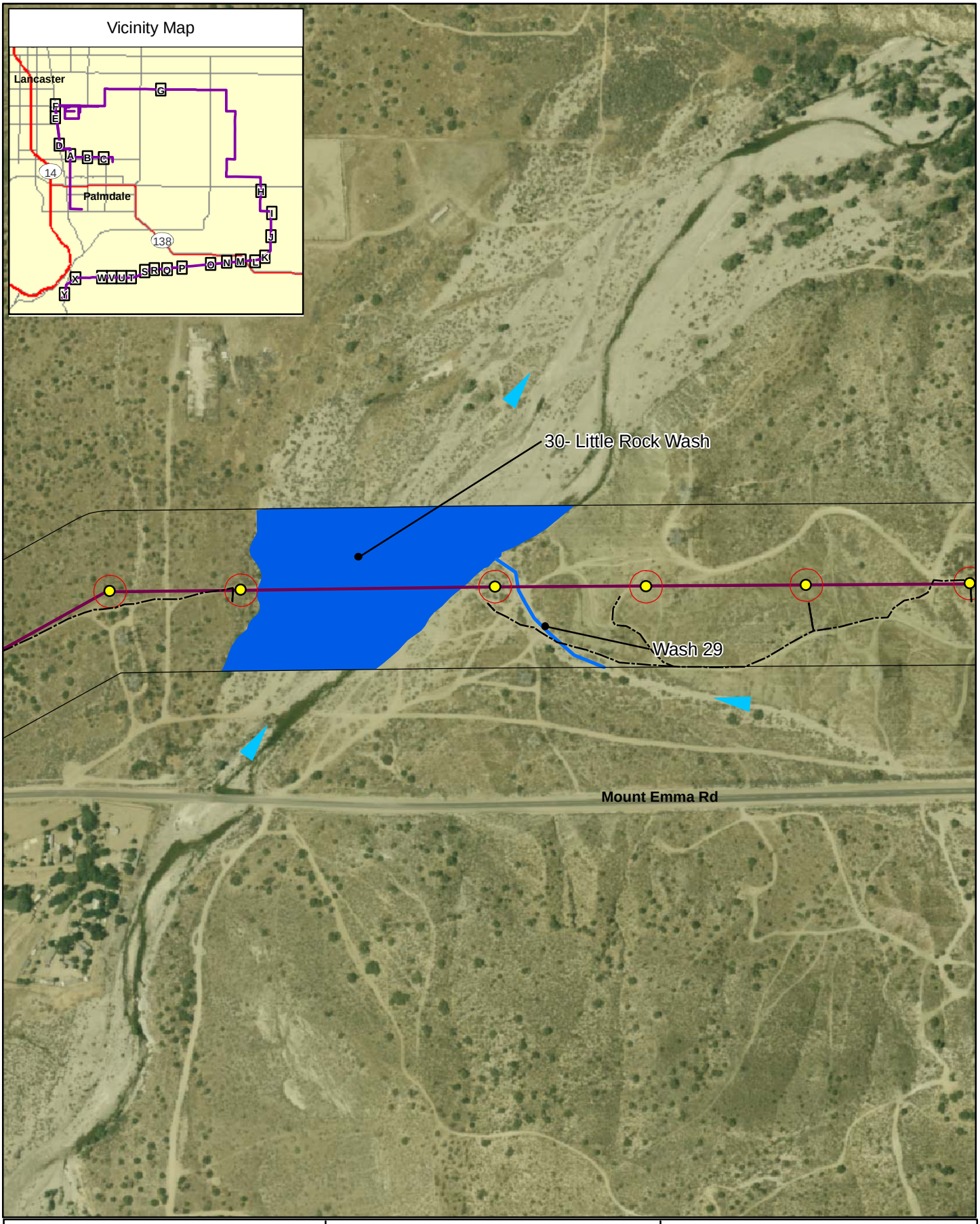
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - Q

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

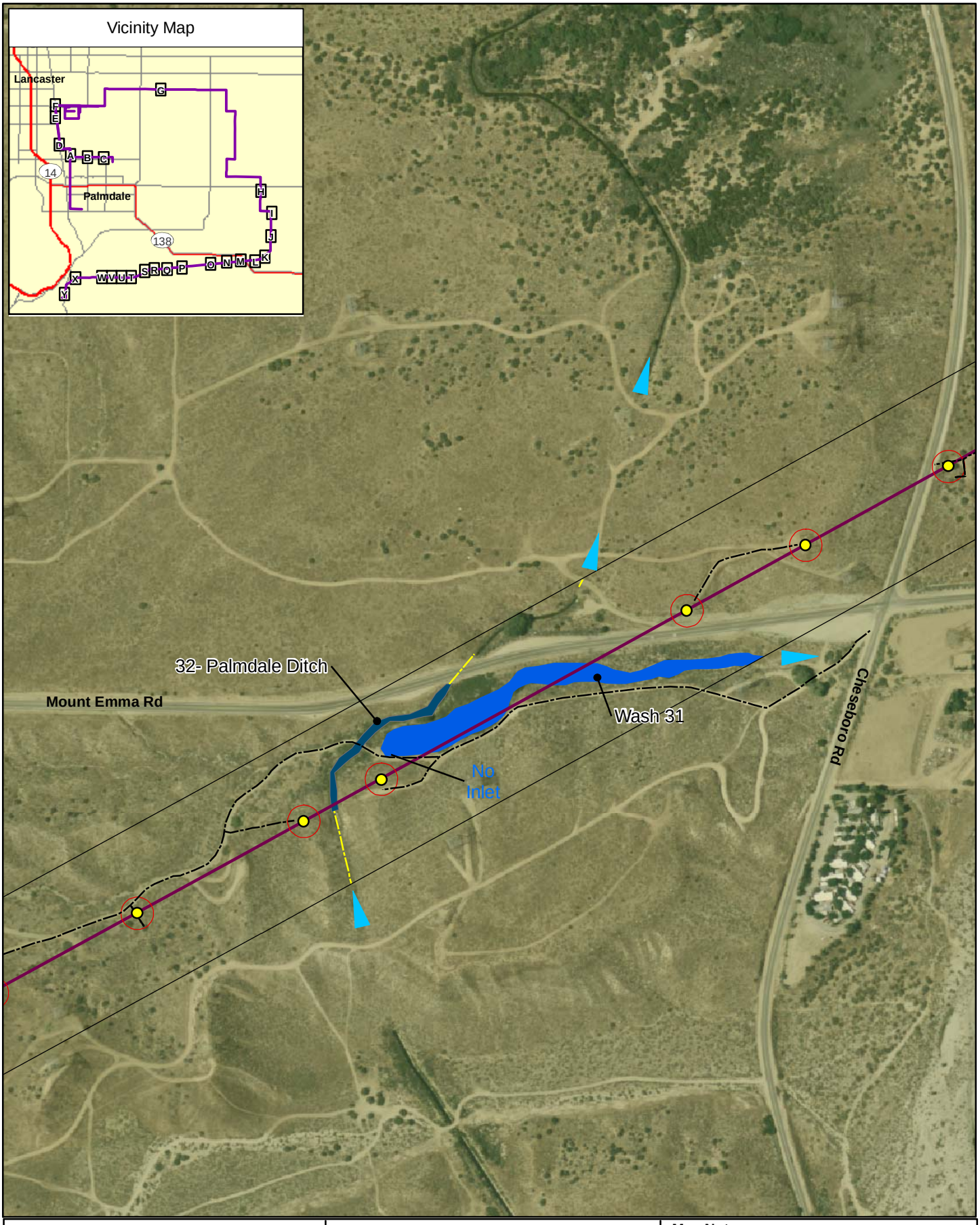
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - R

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

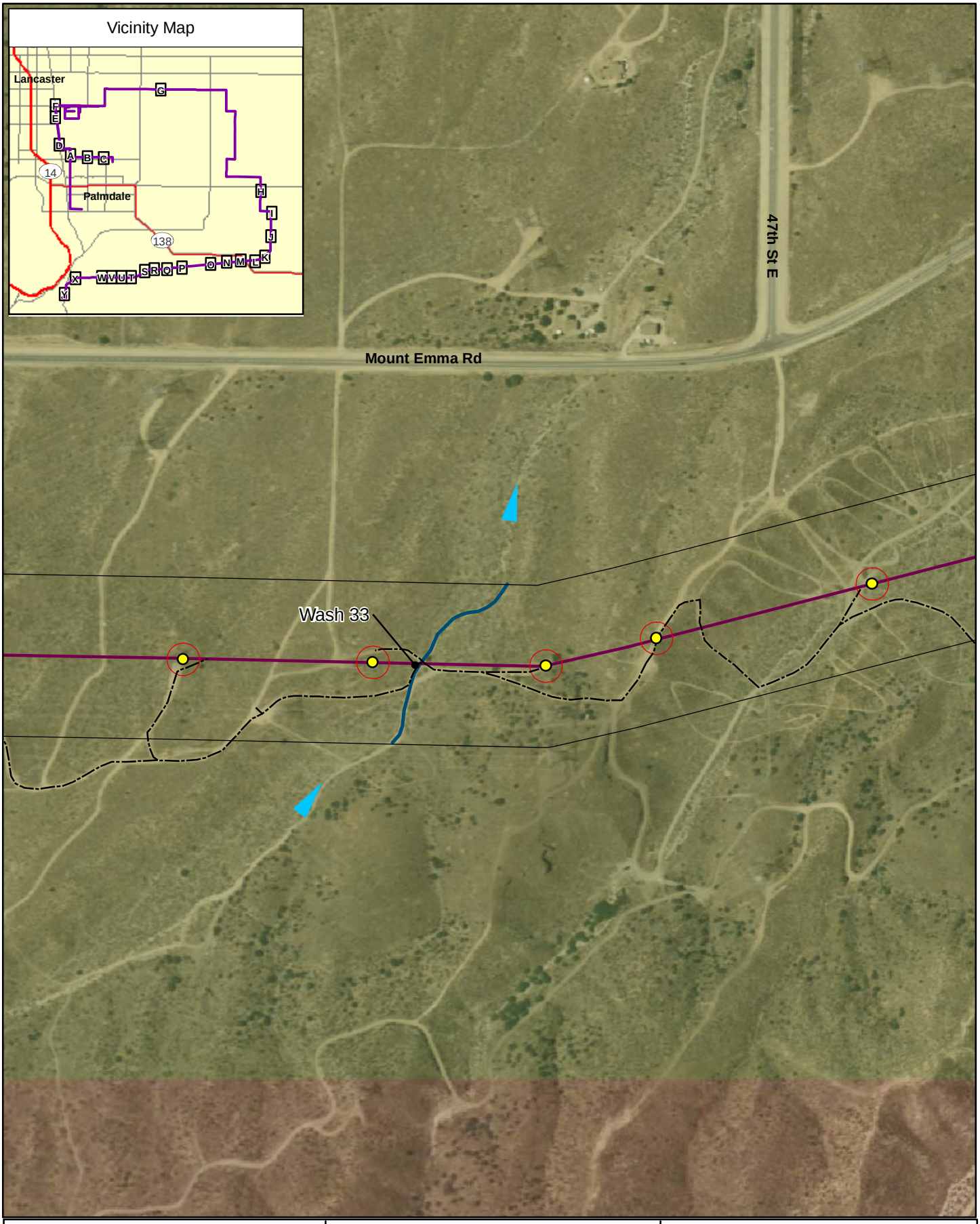
1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - S

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

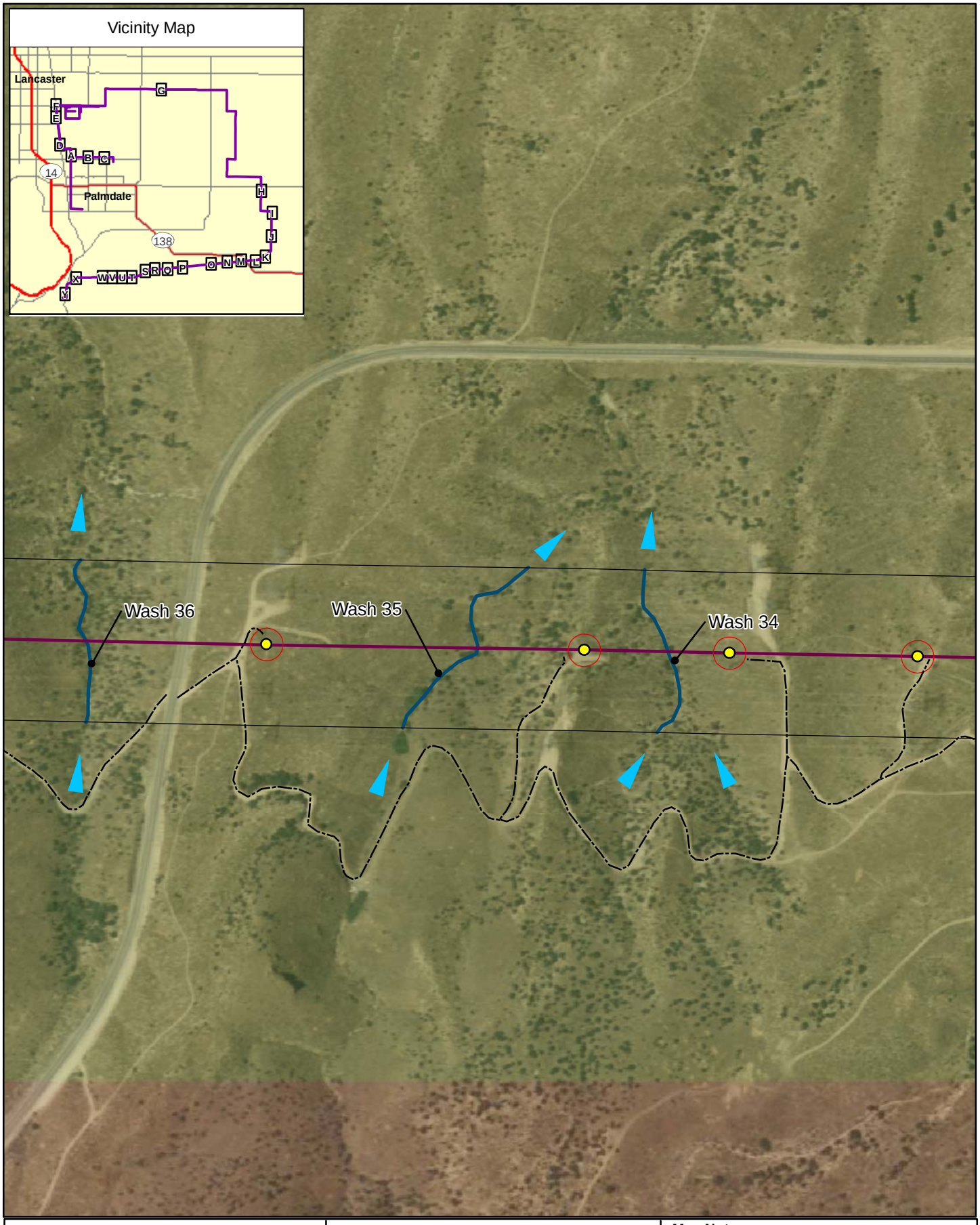
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 - T

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

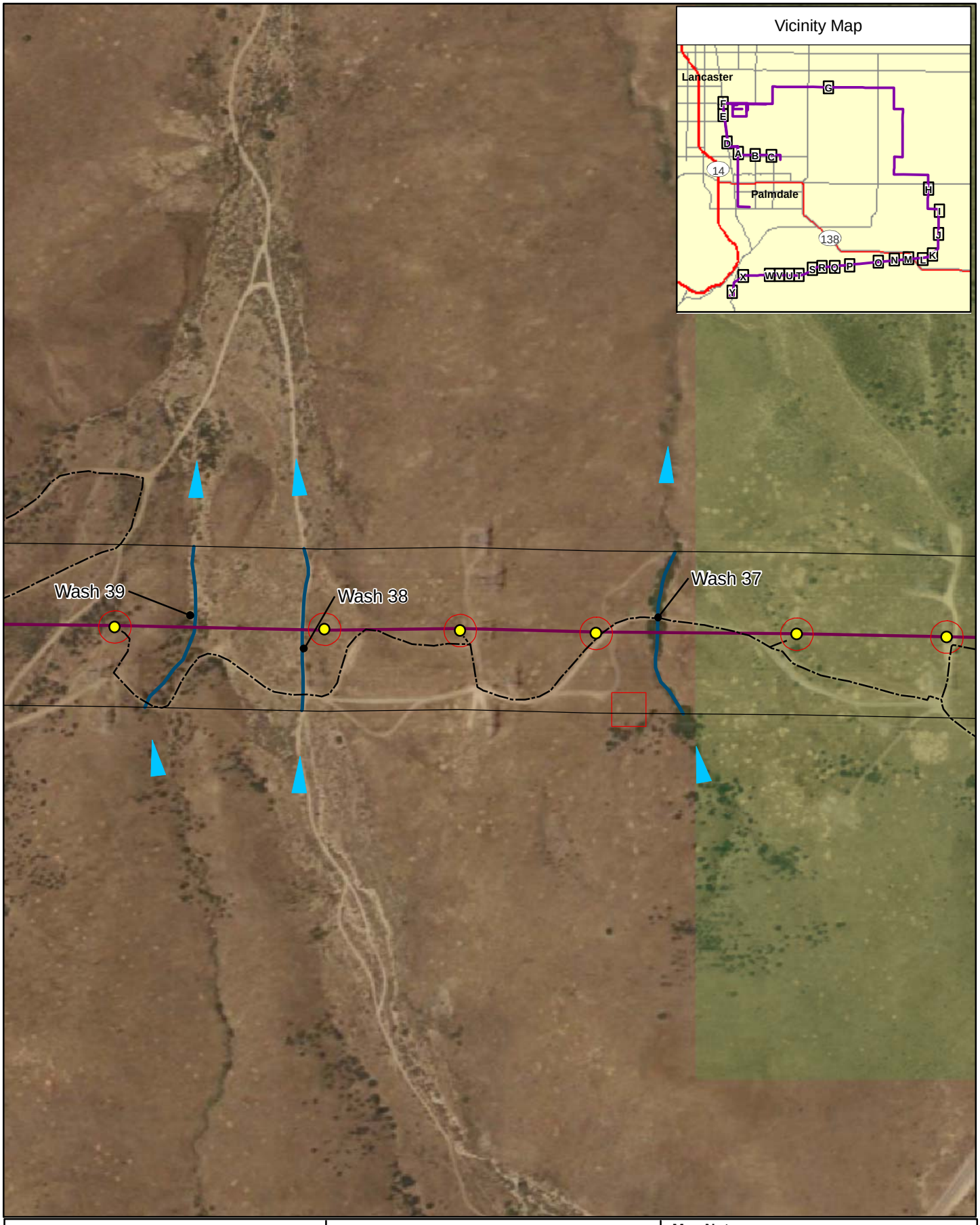
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 - U

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 430 860 Feet

1 inch = 400 feet

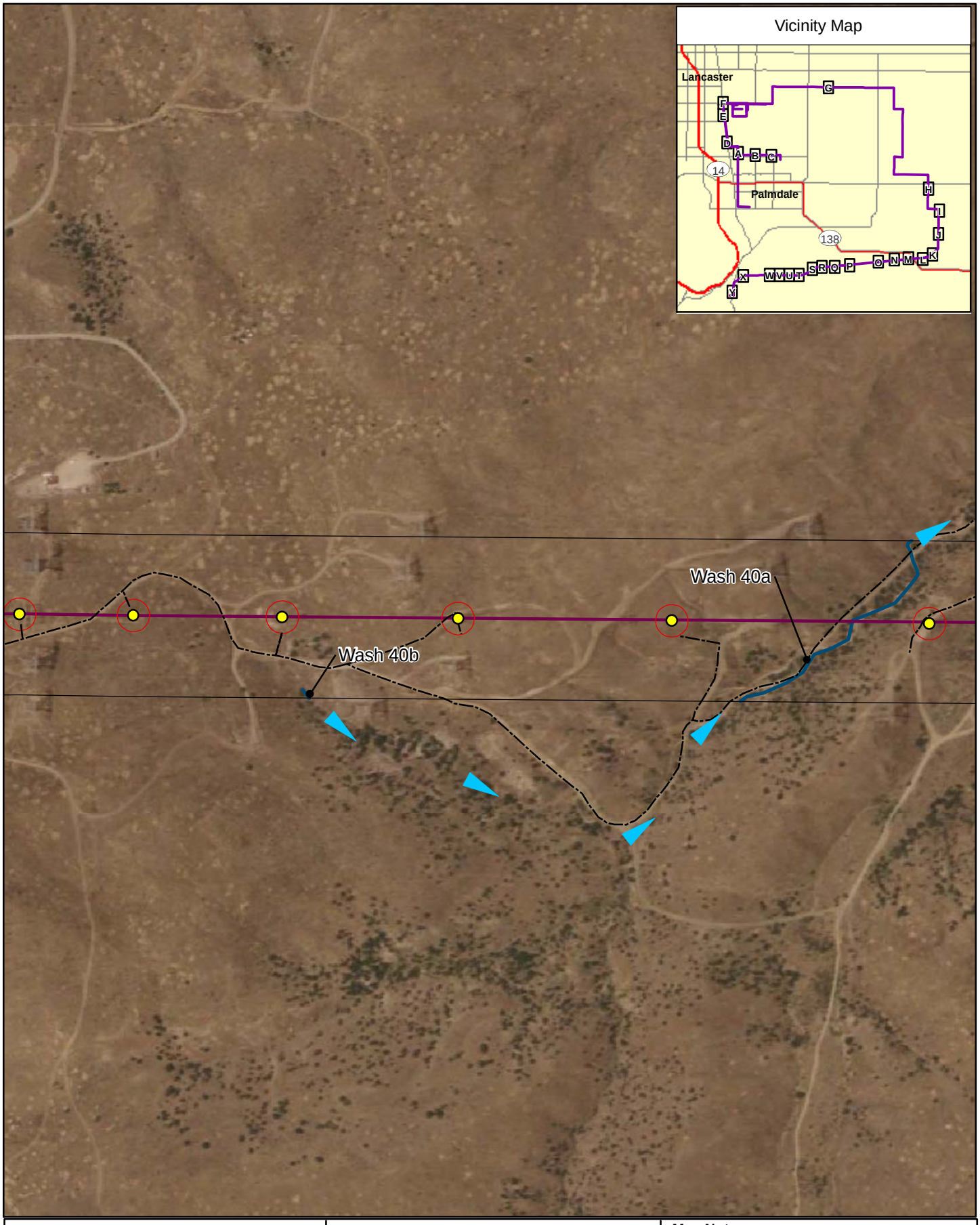
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 - V

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 430 860 Feet

1 inch = 400 feet

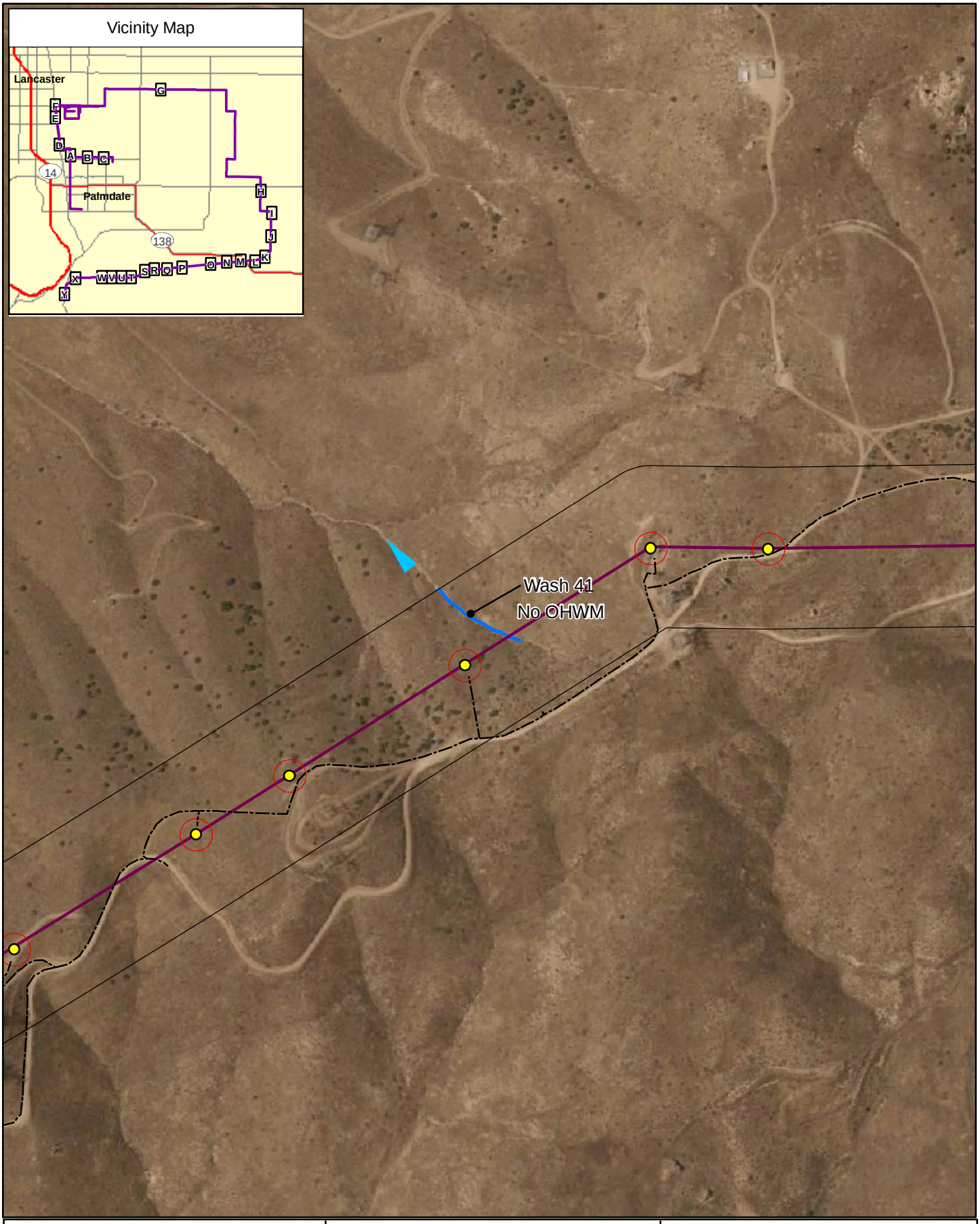
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 -W

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal

Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

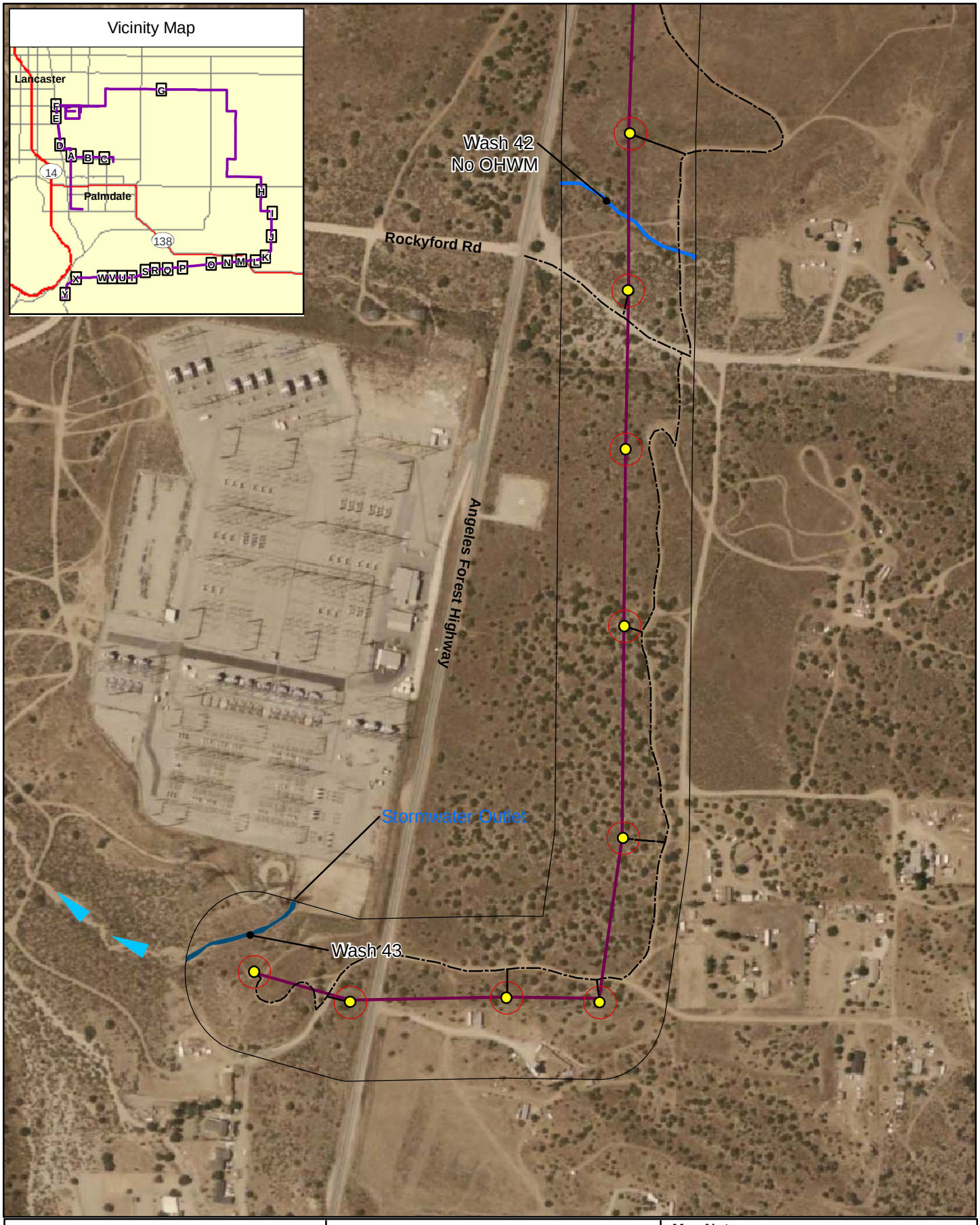
Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

N

Figure 2 - X

amec



Access & Spur Roads
Construction Area
Gas Pipeline
Reclaimed Water Pipeline
Potable Water Pipeline
Sewer Line
Transmission Line
Terminal
Flow Direction
Pole Location
Culvert
Waters of the State of California
Waters of the State & Waters of the U.S.
250-foot Buffer

Palmdale Hybrid Power Project

Potential Jurisdictional Waters

0 400 800 Feet

1 inch = 400 feet

Map Notes:
Projection: NAD 83, Zone 11
Path: R: projectG\sd08\Biology\PalmDale\mxd\waters_mb_2009_Fig2.mxd
Date: 12/29/2009

OHWM = Ordinary High Water Mark

Figure 2 - Y

amec

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 08-AFC-9
	)	
Application for Certification,	)	**PROOF OF SERVICE**
for the CITY OF PALMDALE HYBRID	)	
POWER PLANT PROJECT	)	(Revised October 1, 2009)
	)	
	)	

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Publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Paul Kihm, declare that on February 1, 2010, I served and filed copies of the attached:

LETTER FROM NICK RICONO TO U.S. ARMY CORPS OF ENGINEERS ENCLOSING REVISED PRELIMINARY JURISDICTIONAL DETERMINATION AND DELINEATION OF WATERS OF THE UNITED STATES AND WATERS OF THE STATE OF CALIFORNIA

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

☒ Transmission via electronic mail and by depositing a copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 08-AFC-09
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

☒ Transmission via electronic mail to all email addresses on the Proof of Service list; and

☒ by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 1, 2010, at Costa Mesa, California.

Paul Kihm