



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

REPLY TO  
ATTENTION OF

January 11, 2011

Regulatory Division SPK-2011-00014

Mr. Pierre Martinez  
California Energy Commission  
1516 Ninth Street  
Sacramento, California 95814-5512

<b>DOCKET</b>	
<b>09-AFC-4</b>	
DATE	<u>01/11/11</u>
RECD.	<u>01/26/11</u>

Dear Mr. Martinez:

We are responding to your December 21, 2010 request for comments on the Oakley Generating Station Project. The project is located near San Joaquin River, Section 21, Township 2 North, Range 2 East, Mount Diablo Meridian, Latitude 38.0101067832546°, Longitude -121.747790602775°, Oakley, Contra Costa County, California. Your identification number is SPK-2011-00014.

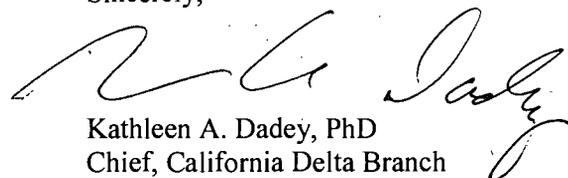
The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, vernal pools and marshes. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

The Notice of Availability of a Preliminary Staff Assessment dated December 21, 2010 mentions a small wetland located at the northwestern corner of the site. To ascertain the extent of waters on the project site, the applicant should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetland Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location.

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation.

Please refer to identification number SPK-2011-00014 in any correspondence concerning this project. If you have any questions, please contact Julie Dickinson at, email [Julie.E.Dickinson@usace.army.mil](mailto:Julie.E.Dickinson@usace.army.mil), or telephone 916-557-5254. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,



Kathleen A. Dadey, PhD  
Chief, California Delta Branch