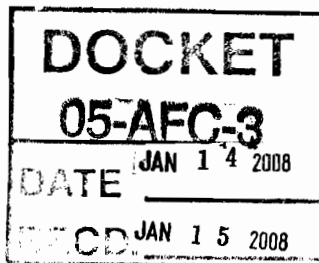




CH2MHILL



CH2M HILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833
Tel 916.920.0300
Fax 916.920.8463

January 14, 2008

Mr. Robert Worl
Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: January 7, 2008 Letter from Department of the Army, Los Angeles District, Corps of Engineers Containing an Approved Jurisdictional Determination for the Sun Valley Energy Project (05-AFC-03)

Dear Mr. Worl:

Attached are one original and 12 copies of January 7, 2008 Letter from Department of the Army, Los Angeles District, Corps of Engineers Containing an Approved Jurisdictional Determination for the Sun Valley Energy Project (05-AFC-03).

If you have any questions about this matter, please contact me at (916) 286-0278 or Victor Yamada at (949) 798-7895.

Sincerely,

for Douglas M. Davy, Ph.D.
AFC Project Manager

Attachment

cc: T. McCabe
J. Morris
S. Galati
V. Yamada



DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
P.O. BOX 532711
LOS ANGELES, CALIFORNIA 90053-2325

January 7, 2008

REPLY TO

ATTENTION OF:

Office of the Chief
Regulatory Division

Douglas M. Davy
CH2MHILL
2485 Natomas Park Drive, Suite 600
Sacramento, California 95833

Dear Mr. Davy:

Reference is made to your jurisdictional determination request (No. SPL-2007-1086-MAS) dated December 8, 2006, concerning the Edison Mission Sun Valley Energy Project in the City of Romoland, Riverside County, California (as shown on attached drawings).

Based on the information furnished in your application and our September 6, 2007, site visit, we have determined that your proposed project is located completely in uplands and would not discharge dredged or fill material into a water of the United States or an adjacent wetland. This determination is based upon the project being built according to the attached drawings (Figures 2, 2a-2d, and 5.1-3). Therefore, the project is not subject to our jurisdiction under Section 404 of the Clean Water Act and a Section 404 permit is not required from our office.

This letter contains an approved jurisdictional determination for the Edison Mission Sun Valley Energy Project. If you object to this decision, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet (Appendix C) and Request for Appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the Corps South Pacific Division Office at the following address:

Appeal Review Officer
U.S. Army Corps of Engineers, CESPD-PDS-O
1455 Market Street, Room 1760
San Francisco, CA 94103-1399
Tel. (415) 503-6574 FAX (415) 503-6646

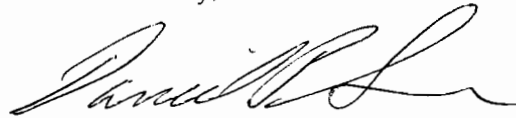
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. Part 331.5, and that it has been received by the Division Office within 60 days of the date on the NAP. Should you decide to submit an RFA form, it must be received at the above address by February 13, 2008. It is not necessary to submit an RFA form to the Division Office if you do not object to the decision in this letter.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you wish to submit new information regarding the approved jurisdictional determination for this site, please submit this information to Daniel P. Swenson at the letterhead address by February 13, 2008. The Corps will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. A revised or reissued jurisdictional determination can be appealed as described above.

If you have any questions regarding this matter, please contact Daniel P. Swenson at (213) 452-3414.

Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Daniel P. Swenson
Senior Project Manager
South Coast Branch
Regulatory Division

Enclosure

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: CH2MHILL, Douglas Davy	File Number: 2007-1086	Date: 1/7/2008
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact:

DISTRICT ENGINEER
Los Angeles District, Corps of Engineers
ATTN: Chief, Regulatory Division
P.O. Box 532711
Los Angeles, CA 90053-2325

Tel. (213) 452-3425 FAX (213) 452-4196

If you only have questions regarding the appeal process you may also contact:

Tom Cavanaugh
Administrative Appeal Review Officer,
U.S. Army Corps of Engineers
South Pacific Division, CESPDPDS-O, 2042B
1455 Market Street, San Francisco, California 94103-1399
Tel. (415) 503-6574

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

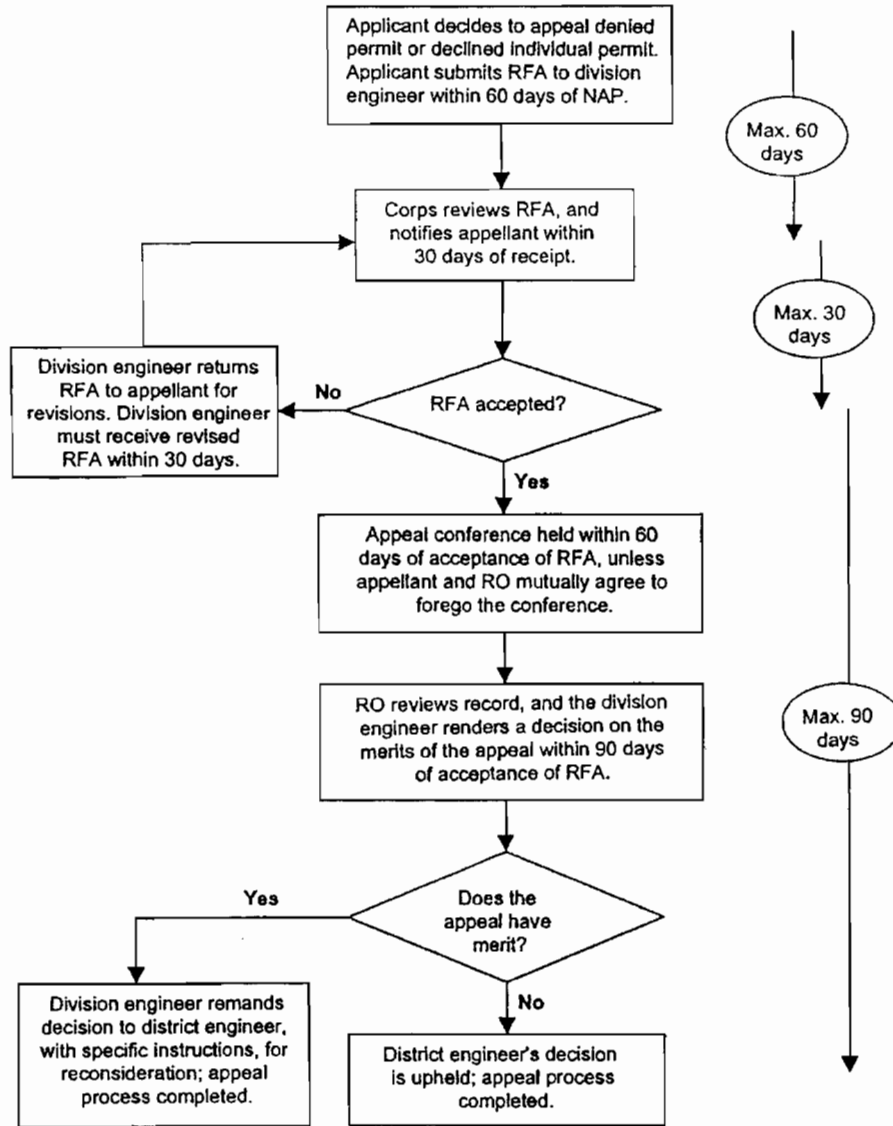
Signature of appellant or agent.

Date:

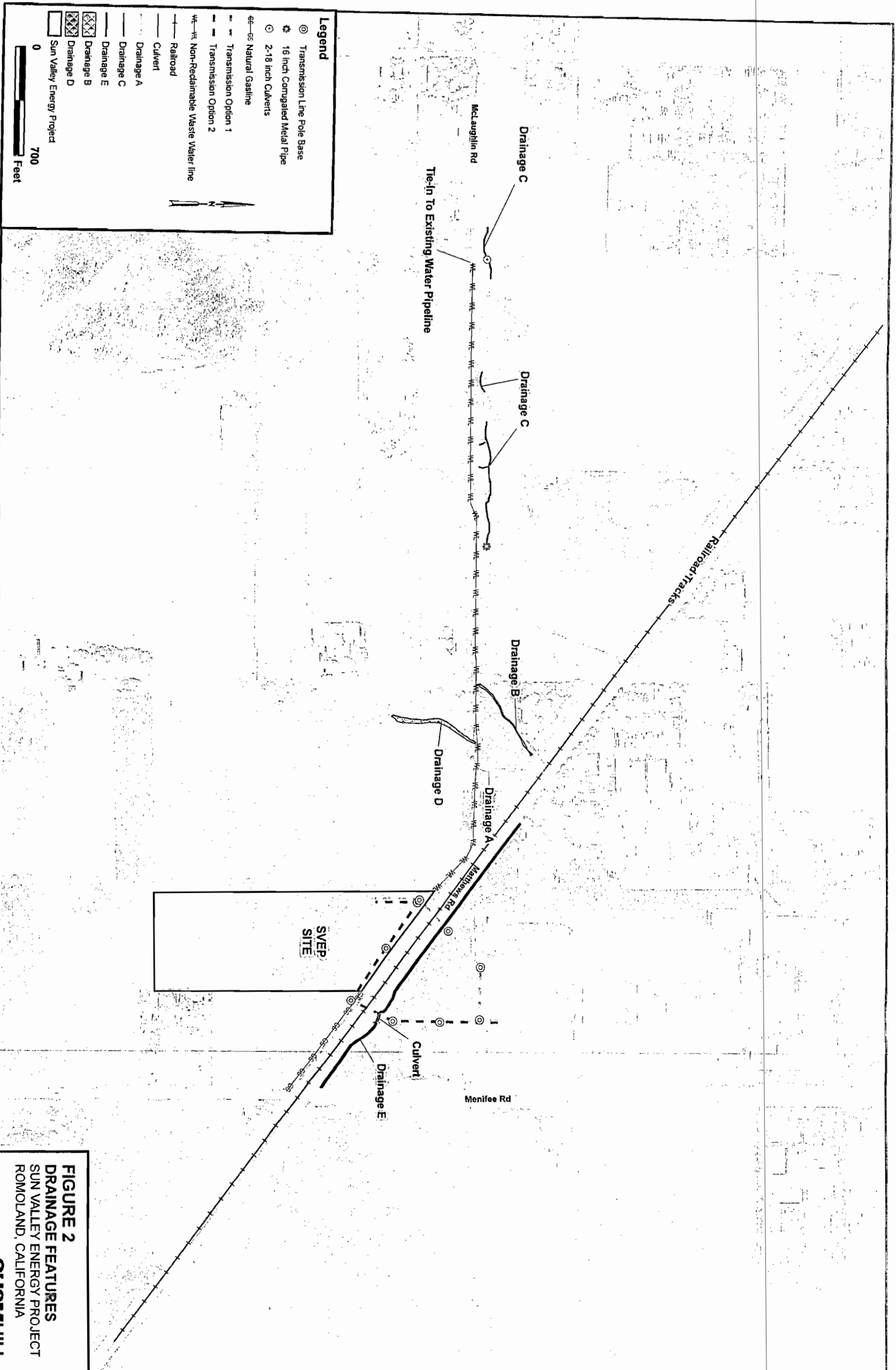
Telephone number:

ramswp51~

Administrative Appeal Process



Appendix A



SAC:\GLACERS\GIS\SV\VALLEY_CCEP\W\DSWET\LANDS MKD FIG 2 DRAINAGE FEATURES.PDF 11/15/2007 10:30:45

FIGURE 2
DRAINAGE FEATURES
 SUN VALLEY ENERGY PROJECT
 ROMOLAND, CALIFORNIA

CH2MHILL

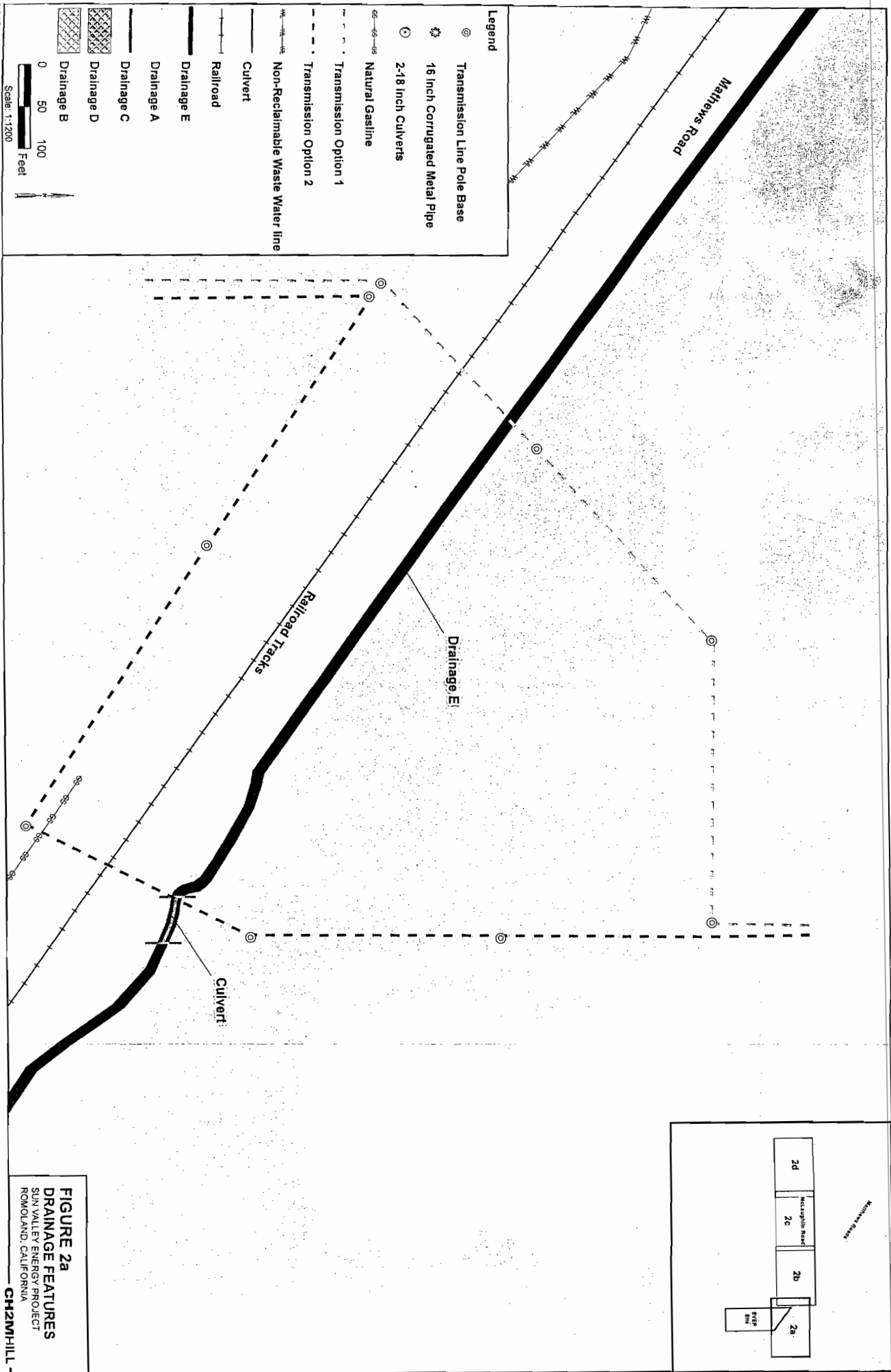


FIGURE 2a
DRAINAGE FEATURES
SUN VALLEY ENERGY PROJECT
ROMOLAND, CALIFORNIA
CH2M-HILL -

Legend

- Transmission Line Pole Base
- 16 inch Corrugated Metal Pipe
- 2-18 inch Culverts
- Natural Gasline
- Transmission Option 1
- Transmission Option 2
- Non-Reclaimable Waste Water line
- Culvert
- Railroad
- Drainage E
- Drainage A
- Drainage C
- Drainage D
- Drainage B

0 50 100 Feet

Scale: 1:1200

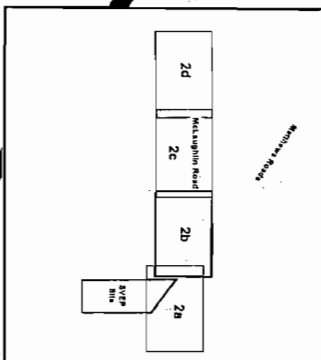
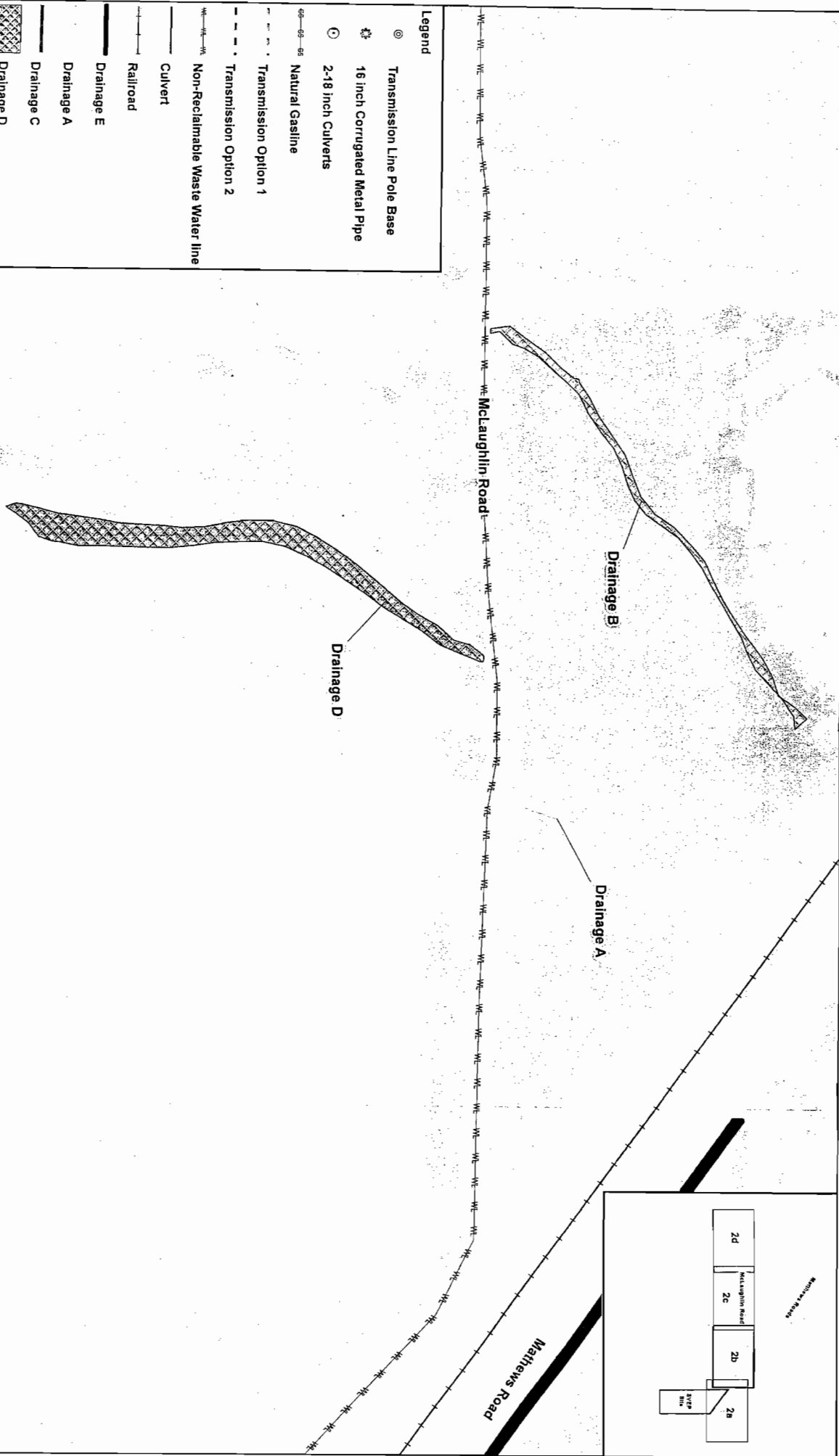
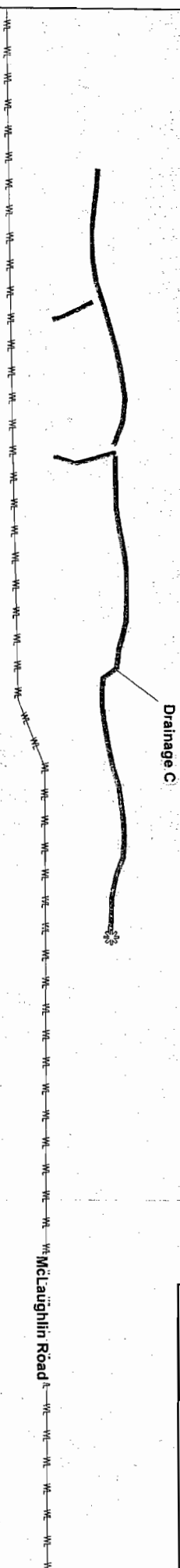
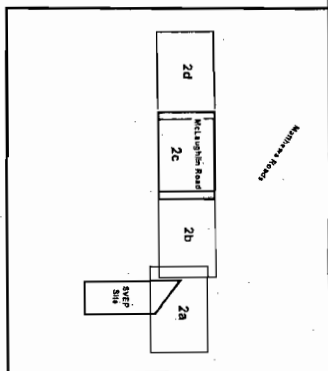


FIGURE 2b
DRAINAGE FEATURES
SUN VALLEY ENERGY PROJECT
ROMOLAND, CALIFORNIA
CH2MHILL



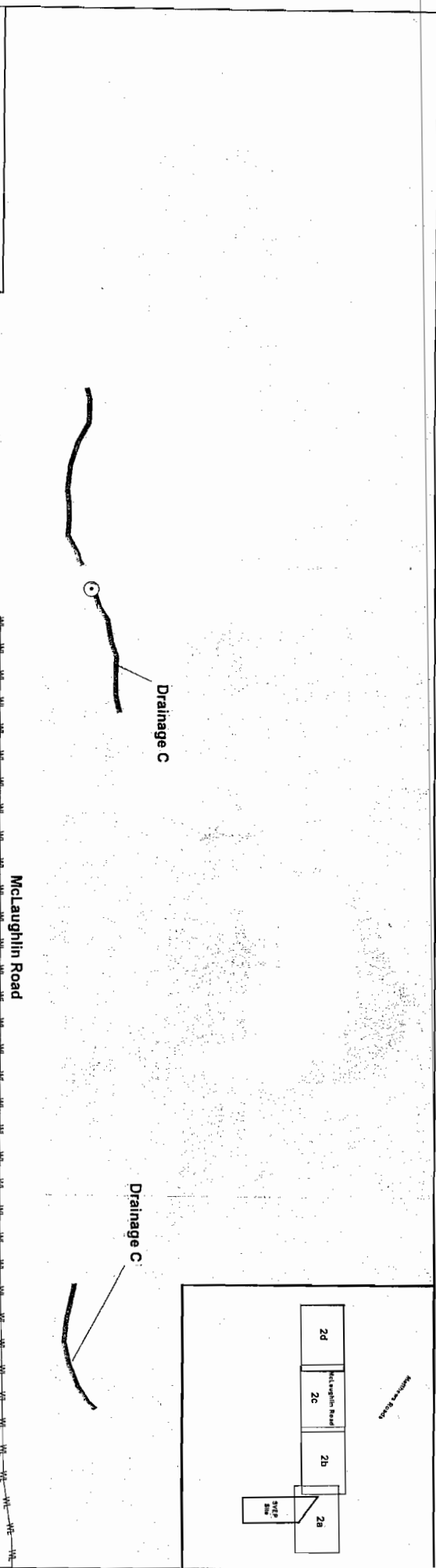
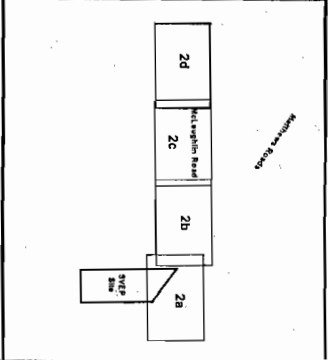
Legend

- ⊙ Transmission Line Pole Base
- ⊗ 16 inch Corrugated Metal Pipe
- 2-18 inch Culverts
- Natural Gasline
- - - Transmission Option 1
- . - . Transmission Option 2
- - - Non-Reclaimable Waste Water line
- Culvert
- Railroad
- Drainage E
- Drainage A
- Drainage C
- Drainage D
- Drainage B

Scale: 1:1200

0 50 100 Feet

FIGURE 2c
DRAINAGE FEATURES
 SUN VALLEY ENERGY PROJECT
 RIMOLAND, CALIFORNIA
CH2MHILL



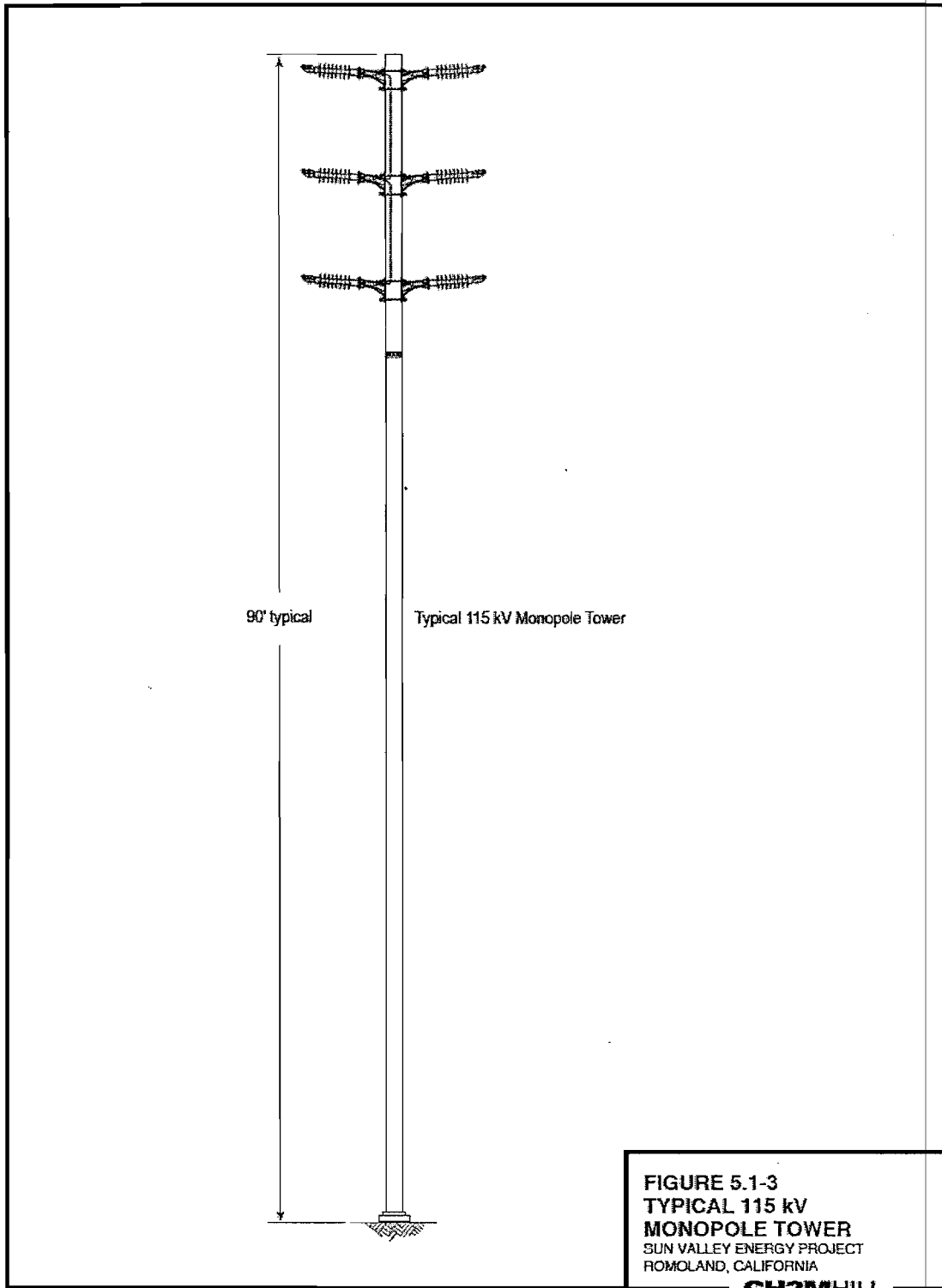
Legend

- Transmission Line Pole Base
- 16 inch Corrugated Metal Pipe
- 2-18 inch Culverts
- Natural Gasline
- Transmission Option 1
- Transmission Option 2
- Non-Reclaimable Waste Water line
- Culvert
- Railroad
- Drainage E
- Drainage A
- Drainage C
- Drainage D
- Drainage B

Scale: 1:1200

0 50 100 Feet

FIGURE 2d
DRAINAGE FEATURES
 SUN VALLEY ENERGY PROJECT
 ROMOLAND, CALIFORNIA
CH2MHILL



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

**APPLICATION FOR CERTIFICATION
FOR THE SUN VALLEY ENERGY
PROJECT (SVEP)**

**DOCKET No. 05-AFC-3
PROOF OF SERVICE LIST
(Revised 3/23/07)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 05-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Jenifer Morris
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NJ Resources, LLC
7240 Heil Ave.
Huntington Beach, CA 92647
jenifer@njr.net

***Victor Yamada, Project Manager**
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Tom McCabe
Edison Mission Energy
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Irvine, CA 92612
tmccabe@edisonmission.com

APPLICANT'S CONSULTANT

CH2M HILL
Douglas M. Davy, Ph.D., Sr. Project
Manager
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ddavy@ch2m.com

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Eric Saltmarsh
Electricity Oversight Board
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Sacramento, CA 95814
esaltmarsh@eob.ca.gov

INTERVENORS

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Romoland School District
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Romoland, California 92548

California Unions for Reliable Energy
Marc D. Joseph
Gloria D. Smith
Adams Broadwell Joseph & Cardozo
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INTERESTED PERSONS

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jgeesman@energy.state.ca.us

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rworl@energy.state.ca.us

Staff Counsel
Deborah Dyer
ddyer@energy.state.ca.us

Public Adviser
PAO@energy.state.ca.us

DECLARATION OF SERVICE

I, Jeannette Harris, declare that on January 14, 2008 I deposited copies of the attached January 7, 2008 Letter from Department of the Army, Los Angeles District, Corps of Engineers Containing an Approved Jurisdictional Determination for the Sun Valley Energy Project (05-AFC-03) in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic 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.



[Jeannette Harris]