

File: **09-AFC-3**

Project Title: Mariposa Energy Project

(x) TELEPHONE() MEETING LOCATION:

NAME: Anne Wallace	TIME: 1145	DATE: September 17, 2009
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WITH: Marc Fugler, Army Corps of Engineers	PHONE (916) 557.5255
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ADDRESS:

SUBJECT:
Initial contact with Corps of Engineers regarding Mariposa Project – Returned my voicemail from yesterday.

COMMENTS:

I contacted Marc Fugler, who was named in the AFC as the point of contact for the Army Corps of Engineers (Corps). Relevant excerpts of the conversation are provided below:

Marc said that he vaguely remembers talking to someone a while ago about the Mariposa project, the Corps process, and whether a Corps permit would be required, but he didn't remember details.

I explained the project briefly, and said that a water line would be installed across 4 drainages and that an open-cut trenching method was proposed. I explained that there were apparently several types of wetlands in the project area and a variety of sensitive plant and animal species, and that a wetland delineation had been conducted. I explained that the AFC proposed submitting an application for a Corps permit six months before the proposed construction start date of April 2011.

Based on my description of the project and project site, Marc said there would almost certainly be Corps jurisdiction and we agreed that this would constitute the federal nexus that would allow for section 7 consultation under the federal Endangered Species Act rather than section 10.

Marc strongly recommended that the applicant contact all appropriate agencies as soon as possible and submit both the wetland delineation (for verification) and the Corps permit application as soon as possible. The sooner the better. He described other projects that have taken as long as 2 to 3 years to be permitted. He emphasized that allowing only six months for a Corps permit to be processed would not be conducive to keeping the proposed project schedule.

Marc asked if the project is within the legal Delta. The answer to that is still unclear. He said that he is pretty certain that, in any event, the drainages in that area flow to the Delta.

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DATE _____
RECD. <u>SEP 23 2009</u>

Craig Hoffman for the Mariposa Project – received electronically from Anne Wallace

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NAME:
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