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June 9, 2010

Mr. John Kessler
Siting Project Manager
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

DOCKET	
09-AFC-10	
DATE	<u>JUN 09 2010</u>
RECD.	<u>JUN 09 2010</u>

Subject: Rice Solar Energy Project (09-AFC-10)
Email from the US Army Corps of Engineers to the U.S. Environmental Protection Agency documenting non-jurisdictional status of RSEP dated 5.27.10

Dear Mr. Kessler:

Attached please find one hardcopy of an Email from the U.S. Army Corps of Engineers to the U. S. Environmental Protection Agency documenting non-jurisdictional status of RSEP dated May 27, 2010 for the Rice Solar Energy Project (09-AFC-10).

If you have any questions about this matter, please contact me at (916) 286-0278 or Sarah Madams at (916) 286-0249.

Sincerely,

CH2M HILL

A handwritten signature in blue ink, appearing to read "D. M. Davy", written over a light blue circular stamp.

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

Email from the US Army Corps of Engineers to the EPA documenting non-jurisdictional status of RSEP dated May 27, 2010

cc: POS List
Project File

Davy, Doug/SAC

From: Jeffery Little [Jeffery.Little@SycamoreEnv.com]
Sent: May 27, 2010 8:53 AM
To: Davy, Doug/SAC; John Little; Andrea@agrenier.com
Subject: FW: SPL-2009-848-FBV SWANCC JD Assessed Under Isolation Determination Rice Valley Solar Energy Project email 1 of 2
Attachments: JD-HQ_delineation_report_form_Tline_Cat1.pdf; JD-HQ_delineation_report_form_Plantsite_Cat5.pdf; JD-HQ_delineation_report_form_Plantsite_Cat4.pdf; JD-HQ_delineation_report_form_Plantsite_Cat3.pdf; JD-HQ_delineation_report_form_Plantsite_Cat2.pdf; JD-HQ_delineation_report_form_Plantsite_Cat1.pdf; Figures_Plantsite & T-Line.pdf; JD-HQ_delineation_report_form_Tline_Cat5.pdf; JD-HQ_delineation_report_form_Tline_Cat4.pdf; JD-HQ_delineation_report_form_Tline_Cat3.pdf; JD-HQ_delineation_report_form_Tline_Cat2.pdf

-----Original Message-----

From: Vanderbilt, Forrest B SPL [mailto:Forrest.B.Vanderbilt@usace.army.mil]
Sent: Thursday, May 27, 2010 8:48 AM
To: Isolated Waters; leidy.robert@epamail.epa.gov; R9-JD@epa.gov
Subject: SPL-2009-848-FBV SWANCC JD Assessed Under Isolation Determination Rice Valley Solar Energy Project email 1 of 2

Pursuant to section 1.b. of the 28 January 2008 Army Memorandum for Commander, Major Subordinate Commands, and District commands, coordination on JDs under CWA Section 404 in light of SWANCC and Rapanos Supreme Court decisions, I am submitting a jurisdictional determination (File number SPL-2009-848-FBV). The review area is located near the City of Blythe in Eastern Riverside County, California at 32.0201° latitude and 118.1260° longitude.

Attached are 10 categories of the USACE HQ approved JD form for 5,366 drainages identified as an intra/inter-state, isolated, non-navigable water, under 33 CFR 328.3(a)(3) and associated support documents.

The LA District is proposing that this potentially jurisdictional water is a NON-JURISDICTIONAL water based on SWANCC. The district determination is that the water is geographically isolated WITHOUT a connection to interstate commerce.

For the coordination process for Approved JDs not linked to a NWP application, this email signifies initiation of the twenty-one (21) day review period. The review period will end on 18 June 2010, unless notified by either Corps HQ or EPA HQ.

Please see email 2 of 2 for a short summary.

If you have any questions, please free to contact me at 213-452-3289 or Forrest.B.Vanderbilt@usace.army.mil. Please refer to this email and Corps file No. SPL-2009-848-FBV in your reply.

Forrest Vanderbilt
Project Manager
Regulatory Division
U.S. Army Corps of Engineers - Los Angeles District

Mailing Address: P.O. Box 532711, Los Angeles, CA 90053

Tel: 213-452-3289; Fax: 213-452-4196

Forrest.B.Vanderbilt@usace.army.mil

<http://www.spl.usace.army.mil/regulatory>

http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx

Assist us in better serving you!

You are invited to complete our customer survey, located at the following

link: <http://per2.nwp.usace.army.mil/survey.html>

Note: If the link is not active, copy and paste it into your internet browser.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION
FOR THE *RICE SOLAR ENERGY POWER
PLANT PROJECT***

Docket No. 09-AFC-10

***PROOF OF SERVICE*
(Revised 3/4/2010)**

APPLICANT

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ENERGY COMMISSION

***ROBERT WEISENMILLER**
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***Jennifer Jennings**
Public Adviser's Office
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DECLARATION OF SERVICE

I, Mary Finn, declare that on June 9, 2010, I served and filed copies of the attached, 09-AFC-10-RSEP Email from the US Army Corps of Engineers to the EPA documenting non-jurisdictional status of Rice Solar Energy Project waters dated 5.27.10. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[http://www.energy.ca.gov/sitingcases/ricesolar\]](http://www.energy.ca.gov/sitingcases/ricesolar).

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

x ____ sent electronically to all email addresses on the Proof of Service list;

____ by personal delivery

____ by delivering on this date for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for the mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

x ____ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (***preferred method***);

OR

____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-10

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



Mary Finn