

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



**NOTICE OF APPROVAL  
TO MODIFY THE  
THE LODI ENERGY CENTER PROJECT  
(08-AFC-10C)**

<b>DOCKET</b> 08-AFC-10C	
DATE	AUG 12 2010
RECD.	AUG 12 2010

On July 2, 2010, the Northern California Power Agency (NCPA) filed a petition with the California Energy Commission (Energy Commission) to modify the Lodi Energy Center (LEC) power plant. On July 15, 2010 a Noticed of Receipt was mailed to the post certification mailing list. The 296-megawatt project was certified by the Energy Commission on April 21, 2010, and began construction on July 15, 2010. The LEC project is located in San Joaquin County on N. Thornton Road.

**DESCRIPTION OF PROPOSED MODIFICATIONS**

The project owner is requested approval for the following modifications:

- A. The project requires an additional 9.4 acres for construction laydown areas. The necessity for this change was identified after final project construction design and bids were complete:
  1. Add 0.7 acres to the existing 3.1 acre laydown "Area A".
  2. Add an additional 6.1 acre laydown area described in the petition as "Area E" directly north of the Frontage Road entrance to the LEC project site; and
  3. Add an additional 2.6 acre laydown are described in the petition as "Area F" located west of the existing NCPA Combustion Turbine Project #2 switchyard.
  
- B. This petition request will require additional mitigation for Swainson's Hawk as described in the Energy Commission Decision Condition of Certification BIO-11. Condition BIO-11 imposes a 1:1 ratio for land disturbance mitigation related to Swainson's Hawk habitat.
  1. Mitigation is required for "Areas A and F" as described in the petition for 3.3 acres of Swainson's Hawk habitat ground disturbance and will total \$48,229.50.
  2. The mitigation fees will be provided to the San Joaquin County Council of Governments, pursuant to the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan, prior to ground disturbance.

**ENERGY COMMISSION REVIEW AND DETERMINATION**

The Commission is the lead agency for the purpose of California Environmental Quality Act (CEQA) compliance. Pursuant to section 1769(a)(2), Title 20, California Code of Regulations, Energy Commission approval of the project modifications is not required if Energy Commission staff determines that:

- There is no possibility that the modification may have a significant effect on the environment; and

- The modification will not result in a change to or deletion of a condition of certification or make changes that would cause the project not to comply with applicable laws, ordinances, regulations, or standards (LORS).

Energy Commission staff has determined that the proposed modifications meet the criteria for staff approval because:

- The modification will not have any significant effect on the environment;
- Existing conditions of certification are sufficient to cover the proposed modification without changes to, or deletions of, any conditions of certification; and
- The project as modified will maintain full compliance with applicable LORS.

Any person may file written comments within 14 days of the date of this notice as set forth in Section 1769(a)(2). All comments must be in writing and must be sent either by U.S. mail, e-mail, or other document delivery service to Jack W. Caswell, Compliance Program Manager, at the address shown below:

California Energy Commission  
1516 9<sup>th</sup> Street, MS 2000  
Sacramento, CA 95814

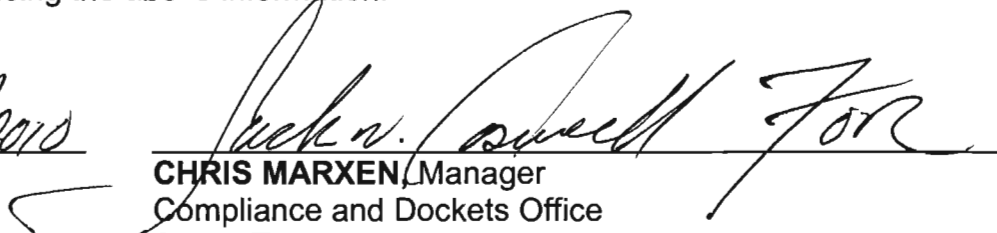
Comments may be submitted by fax to: (916) 654-3882, or by e-mail to: [icaswell@energy.state.ca.us](mailto:icaswell@energy.state.ca.us). If no substantive objection is received in writing by August 25, 2010, the requested project modifications will be deemed approved, and a description of the change will be placed in the project file.

For further information on how to participate in this proceeding, please contact the Energy Commission Public Adviser's Office, at (916) 654-4489, or toll free in California at (800) 822-6228, or by e-mail at [publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us). News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by e-mail at [mediaoffice@energy.state.ca.us](mailto:mediaoffice@energy.state.ca.us).

If you have questions about this notice, please contact Jack W. Caswell at (916) 653-0062, or by fax or e-mail using the above information.

Date:

8/12/2010

  
**CHRIS MARXEN**, Manager  
Compliance and Dockets Office  
Siting, Transmission and Environmental Protection Division