

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET, MS 2000
SACRAMENTO, CA 95814-5512

August 12, 2010

DOCKET 08-AFC-10C
DATE AUG 12 2010
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Ed Warner
Project Manager
Lodi Energy Center
P.O. Box 1478
Lodi, CA 95242**SUBJECT: LODI ENERGY CENTER (08-AFC-10C) – ADDITIONAL LAND
DISTURBANCE FOR LAYDOWN AREAS REVISED**

Dear Mr. Warner:

On July 2, 2010, the California Energy Commission (Energy Commission) received a petition request for additional land disturbance for three (3) laydown construction areas at the Lodi Energy Center project site. The additional laydown areas are located adjacent to the current project under construction totaling an additional 9.4 acres, which includes 3.3 areas of agriculture land identified as Swainson's Hawk habitat. The petition requests that the Energy Commission approve the additional laydown areas with mitigation as described in section 3.2, Biological Resources.

The Energy Commission staff has reviewed this request and is in agreement with the conclusions provided in the petition document. It is the Energy Commission staff's opinion that, BIO-11 in the Commission Decision provides adequate mitigation at a 1:1 mitigation ratio for an additional 3.3 acres of land disturbance to Swainson's Hawk habitat. The Lodi Energy Center project owners will be required to provide an additional \$48,229.50 in fees to fully mitigate the additional land disturbance impacts. The required compensation will be provided to the San Joaquin County Council of Governments pursuant to the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan.

Please make note that the Commission's Final Decision states under Condition of Certification BIO-11 Verification, that you (the project owner) shall provide written verification to the Compliance Project Manager and San Joaquin County Council of Governments Habitat Technical Advisory Committee, proof that the transaction for mitigation compensation has occurred prior to ground disturbance of the new laydown areas.

This approval allows for a 14 day public comment period starting on August 9, 2010. Additionally, the LEC project will be required to apply all existing relevant Conditions of Certification to the new laydown areas in order to fully mitigate the project impacts.

Sincerely,

Jack W. Caswell
Compliance Program Managercc: Dockets
Andrea Grenier, Grenier and Associates, Inc.