

**Mariposa Energy Project
09-AFC-3**

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September 17, 2010

Email from Doug Urry, CH2M Hill

To: Sara Keeler and Craig Hoffman

Mariposa - wetlands questions

Craig and Sara,

See the responses below regarding your questions about wetlands impacts. Let me know if further clarification or documentation is needed. Thanks!

1. The Sept. 9, 2010 memo states that 0.2 acres of branchiopod habitat could be potentially affected, but with the avoidance and minimization measures being proposed, the potential direct effects of sediment laden stormwater, dust emissions, and any workers straying from the work area into the habitat areas are not expected. Because all 0.2 acres of Branchiopod habitat are greater than 250 feet from grading and excavation activities, indirect effects (e.g., puncturing claypan, altering surface hydrology) are not expected to occur as well. SWL-1 is the only Branchiopod site directly impacted by the Project.

2. CH2MHILL contacted the Water Board's Skyler Anderson on July 6, 2010 to discuss the new permanent impact to SWL-1 (0.018 acres). Per the Water Board's request, Mariposa Energy will submit a brief description of the impacts including reason for the impact and that the loss of SWL-1 will be mitigated 1:1 at the Cosumnes Floodplain Mitigation Bank. The written description will be used by the Water Board to amend the 401 Water Quality Certification permit application.

3. Impacts to SWL-1 is authorized by NWP #12, but does not qualify for the "less than 1/10th acre of impacts" mitigation waiver. Therefore Mariposa Energy will fully mitigate for the loss of SWL-1 (0.018 acres) offsite at the Cosumnes Floodplain Mitigation Bank, a USACE-approved mitigation bank. The bank was specifically approved by USACE's Marc Fugler for Mariposa Energy Project on July 26, 2010 during a phone conversation with CH2M HILL regarding the new impact. Loss of SWL-1 will be mitigated at a 1:1 ratio of seasonal wetland creation credits at the bank site, an approach accepted by Mr. Fugler. Because SWL-1 was inferred to support listed fairy shrimp, loss of species habitat will be mitigated separately at a bank site approved to sell vernal pool fairy shrimp mitigation credits (e.g., Mountain House Mitigation Bank). USACE is currently drafting the CWA 404 authorization to construct the project under Nationwide Permit

#12, but the permit cannot be issued to Mariposa Energy until Section 7 ESA consultation is finished (e.g., Biological Opinion sent to the USACE).

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>>> Sara Keeler 9/16/2010 10:03 AM >>>
Craig,

Thanks for getting the September 9, 2010 update memo to me. The information the applicant has provided is very useful. I do have some questions and comments; most of these I will wait until I can talk to DFG and USFWS, but some I'd like to ask the applicant now.

- Table 3 (page 14) indicates 0.20 acres of temporary impacts. Other places in the text seem to indicate all branchiopod habitat (except SWL-1) would be avoided. Which is correct?
- The Section 401 Water Quality Certification does not include these new impacts to SWL-1.
- Nationwide Permit #12 does not appear to cover the impacts to SWL-1. Have they heard otherwise from ACOE? If so, please send that information. Also, what is the current status of the ACOE permit?

Thank you,

Sara

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