



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO  
CORPS OF ENGINEERS  
1325 J STREET  
SACRAMENTO CA 95814-2922

January 7, 2010

**DOCKET**

**09-AFC-3**

DATE	JAN 7 2010
RECD.	NOV 16 2010

Regulatory Division SPK-2009-01261

Mr. Bo Buchynsky  
Diamond Generating Corporation  
333 South Grand Avenue, Suite 1570  
Los Angeles, California 90071

Dear Mr. Buchynsky:

We are responding to your request for a preliminary jurisdictional determination (JD), in accordance with our Regulatory Guidance Letter (RGL) 08-02, for the Mariposa Energy Project site. The site is located near Old River, in Townships 1 and 2 South, Ranges 3 and 4 East, in the vicinity of Latitude 37.7902264922°, Longitude -121.6023337841°, MDB&M, Alameda, San Joaquin and Contra Costa Counties, California.

Based on available information, we concur with the estimate of potential waters of the United States, as depicted on CH2MHill's *Figure 2-1 Wetland Delineation, Sheets 1-5 and Figure 2-2 Wetland Delineation, Sheets 1-11 – Revised November 19, 2009*, drawings. The approximately 1.60-acres of wetlands or other water bodies present within the survey area may be jurisdictional waters of the United States. These waters may be regulated under Sections 404 of the Clean Water Act.

A copy of our RGL 08-02 Preliminary Jurisdictional Determination Form for this site is enclosed.

You should not start any work in any potentially jurisdictional waters of the United States unless you have Department of the Army permit authorization, or if you intend to request an approved JD for this site. In certain circumstances, as described in RGL 08-02, an approved JD may later be necessary.

This preliminary determination has been conducted to identify the potential limits of wetlands and other water bodies which may be subject to Corps of Engineers' jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

We appreciate your feedback. At your earliest convenience, please tell us how we are doing by completing the customer survey on our website under *Customer Service Survey*.

Please refer to identification number SPK-2009-01261 in any correspondence concerning this project. If you have any questions, please contact Marc Fugler at U.S. Army Corps of Engineers, Delta Branch, 1325 J Street, Room 1480, Sacramento, California 95814, email [Marc.A.Fugler@usace.army.mil](mailto:Marc.A.Fugler@usace.army.mil), or telephone 916-557-5255. For more information regarding our program, please visit our website at [www.spk.usace.army.mil/regulatory.html](http://www.spk.usace.army.mil/regulatory.html).

Sincerely,

Original Signed

Marc A. Fugler  
Senior Project Manager  
California Delta Branch

Enclosures

Copy Furnished without enclosures:

William Marshall, Storm Water and Water Quality Certification Unit, Central Valley Regional Water Quality Control Board, 11020 Sun Center Drive #200, Rancho Cordova, California 95670

Kent Smith, California Department of Fish and Game Region 2, 1701 Nimbus Drive, Rancho Cordova, California 95670-4599

Dan Castleberry, U.S. Fish and Wildlife Service, Endangered Species Division, 2800 Cottage Way, Suite W2605, Sacramento, California 95825-3901

✓ Doug Urry, CH2MHill, 2485 Natomas Park Drive, Suite 600, Sacramento, California 95833



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