

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5112
www.energy.ca.gov

DOCKET**08-AFC-10C**DATE AUG 30 2011RECD. AUG 30 2011

**NOTICE OF DETERMINATION
PETITION TO MODIFY THE NATURAL GAS PIPELINE ROUTE
FOR THE LODI ENERGY CENTER PROJECT
(08-AFC-10C)**

On July 20, 2011, the Northern California Power Agency (NCPA) filed a petition with the California Energy Commission (Energy Commission) requesting to modify the Lodi Energy Center (LEC) power plant. On July 28, 2010 a Notice 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 is currently under construction and is approximately 69 percent complete. The facility is located in the City of Lodi, in San Joaquin County.

DESCRIPTION OF PROPOSED MODIFICATIONS

The Energy Commission's Final Decision (Decision) approved the construction of a 2.7-mile-long natural gas pipeline running parallel to the existing PG&E gas pipeline that currently provides fuel to the 49-MW NCPA Combustion Turbine Project #2 plant. The proposed modifications, which are necessary to support the final design recently completed by PG&E, include:

1. modifying the alignment of a portion of the approved gas pipeline route;
2. shortening the overall length of the gas pipeline route;
3. moving the construction laydown area for the gas pipeline to a new location; and
4. increasing the width of the construction easement for the gas pipeline.

The petition request will require additional mitigation for Swainson's Hawk as described in Condition of Certification BIO-11 in the Energy Commission's Final Decision. Condition of Certification BIO-11 imposes a 1:1 ratio for land disturbance mitigation related to Swainson's Hawk habitat.

1. Mitigation is required for the 5.37 acres of additional impacts to agricultural lands (Swainson's Hawk habitat ground disturbance) beyond what was originally permitted in the Energy Commission's Final Decision for the LEC project. The mitigation fee payment for this additional ground disturbance will be in the amount of \$71,216.94.
2. The project owner is required to provide the mitigation fees to the San Joaquin Council of Governments, pursuant to the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan, prior to ground disturbance.

ENERGY COMMISSION STAFF REVIEW AND DETERMINATION

Pursuant to section 1769(a)(2), Title 20, California Code of Regulations, “(w)here staff determines that there is no possibility that the modifications may have a significant effect on the environment, and if the modifications will not result in a change or deletion of a condition adopted by the commission in the final decision or make changes that would cause the project not to comply with any applicable laws, ordinances, regulations, or standards, no commission approval is required...”

The petition proposes a modification to the Energy Commission’s Decision Condition of Certification BIO-11. However, Energy Commission staff has reviewed this proposed change and determined that the change is not necessary to account for the additional mitigation acreage. It is staff’s opinion that condition of certification BIO-11 provides adequate mitigation at a 1:1 mitigation ratio for an additional 5.37 acres of land disturbance to Swainson’s Hawk habitat and does not need to be changed. The LEC project owners will be required to provide an additional fee 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. Staff approved a similar change in 2010 when an additional laydown area was approved.

Energy Commission staff has determined that approval by the full Commission is not required and the proposed modifications meet the criteria for approval at the staff level 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 a written objection to staff’s determination within 14 days of the date of this notice on the grounds that the project modification does not meet the criteria set forth in Section 1769(a)(2). All objections must be in writing and must be sent either by U.S. mail, e-mail, or other document delivery service to Mary Dyas, Compliance Project Manager, at the address shown below:

California Energy Commission
1516 9th Street, MS 2000
Sacramento, CA 95814

Comments may be submitted by fax to (916) 654-3882, or by e-mail at mdyas@energy.state.ca.us. If no substantive objection is received in writing, the requested project modifications will be deemed approved.

August 29, 2011

Page 3

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. 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.

Date: _____

CHRISTOPHER J. MARXEN,
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