APPENDIX G USACE JURISDICTIONAL DETERMINATION

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DEPARTMENT OF THE ARMY
LOS ANGELES DISTRICT, CORPS OF ENGINEERS
PRADO DAM FIELD OFFICE
2493 POMONA-RINCON ROAD
CORONA, CALIFORNIA 92880

August 2, 2010

REPLY TO
ATTENTION OF
Office of the Chief
Regulatory Division

EDAW, Inc.
Attn: Joshua Zinn
1420 Kettner Blvd., Suite 500
San Diego , CA 92101

Solar Millennium LLC
Attn: Elizabeth Ingram
1111 Broadway, 5th Floor
Oakland, CA 94607

SUBJECT: Approved Jurisdictional Determination regarding presence/absence of geographic jurisdiction for the Blythe Solar Power Project, Riverside County, California

Dear Mr. Zinn:

Reference is made to your request (File No. SPL-2010-00098-JEM) dated October 23, 2009, for an approved Department of the Army jurisdictional determination (JD) for the Blythe Solar Power Project (Solar Millennium LLC, Chevron Energy Solutions), near Blythe, centered approximately at Latitude 33.64263 Longitude -114.76868, in Riverside County, California.

As you may know, the Corps' evaluation process for determining whether or not a Department of the Army permit is needed involves two tests. If both tests are met, then a permit is required. The first test determines whether or not the proposed project is located in a water of the United States (i.e., it is within the Corps' geographic jurisdiction). The second test determines whether or not the proposed project is a regulated activity under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act. As part of the evaluation process, pertaining to the first test only, we have made the jurisdictional determination below.

Based on available information, we have determined there are no waters of the United States on the project site. The aquatic resources identified are intrastate isolated waters with no apparent interstate or foreign commerce connection. As such, these waters are not currently regulated by the Corps of Engineers. This disclaimer of jurisdiction is only for Section 404 of the Clean Water Act. Other Federal, State, and local laws may apply to your activities. In particular, you may need authorization from the California State Water Resources Control Board and/or the U.S. Fish and Wildlife Service.

This letter contains an approved jurisdictional determination for the Blythe Solar Power Project project site. If you object to this decision, you may request an administrative appeal

under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet (Appendix A) and Request for Appeal (RFA) form. If you request to appeal this decision you must submit a completed RFA form to the Corps South Pacific Division Office at the following address:

Tom Cavanaugh
Administrative Appeal Review Officer,
U.S. Army Corps of Engineers
South Pacific Division, CESPD-PDS-O, 2042B
1455 Market Street, San Francisco, California 94103-1399

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. Part 331.5, and that it has been received by the Division Office within 60 days of the date on the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 2, 2010. It is not necessary to submit an RFA form to the Division office if you do not object to the decision in this letter.

This verification is valid for five years from the date of this letter, unless new information warrants revision of the determination before the expiration date. If you wish to submit new information regarding the approved jurisdictional determination for this site, please submit this information to James Mace at the letterhead address by October 2, 2010. The Corps will consider any new information so submitted and respond within 60 days by either revising the prior determination, if appropriate, or reissuing the prior determination. A revised or reissued jurisdictional determination can be appealed as described above.

This determination has been conducted to identify the extent of the Corps' Clean Water Act jurisdiction on the particular Project site identified in your 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.

If you have any questions, please me at 951.898.6163 or via e-mail at James.E.Mace@usace.army.mil. Please be advised that you can now comment on your experience with Regulatory Division by accessing the Corps web-based customer survey form at: http://per2.nwp.usace.army.mil/survey.html.

Sincerely,

James E. Mace
Senior Project Manager
South Coast Branch
Regulatory Division