



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
333 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94105-2197

DOCKET 06-AFC-7
DATE NOV 8 2006
REC'D NOV 14 2006

REPLY TO

November 8, 2006

Regulatory Branch

SUBJECT: File Number 400205N

Mr. Gregory Lamberg
Pacific Gas and Electric
Humboldt Bay Power Plant
1000 King Salmon Avenue
Eureka, California 95501

Dear Mr. Lamberg:

This letter responds to the "Request for Agency Participation 06-AFC-7" concerning your project "Humboldt Bay Repowering Project" as described in the notice from California Energy Commission dated October 12, 2006. Your project is located near Humboldt Bay at 1000 King Salmon Avenue in the City of Eureka, Humboldt County, California. Since this activity may involve road grading, placing utilities above or under wetlands or tidelands, or the discharge of other fill material into waters of the U.S., the Corps of Engineers will need to review those portions of your project.

All proposed work and/or structures extending bayward or seaward of the line on shore reached by: (1) mean high water (MHW) in tidal waters, or (2) ordinary high water in non-tidal waters designated as navigable waters of the United States, must be authorized by the Corps of Engineers pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403). Additionally, all work and structures proposed in unfilled portions of the interior of diked areas below former MHW must be authorized under Section 10 of the same statute.

All proposed discharges of dredged or fill material into waters of the United States must be authorized by the Corps of Engineers pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. Section 1344). Waters of the United States generally include tidal waters, lakes, ponds, rivers, streams (including intermittent streams), and wetlands.

Your proposed work appears to be within our jurisdiction and a permit may be required for your project. Application for Corps authorization should be made to this office. To avoid delays it is essential that you enter the File Number at the top of this letter into Item No. 1 of the application. The application must include plans showing the location, extent, and character of the proposed activity, prepared in accordance with the requirements contained in this pamphlet. You should note, in planning your project, that upon receipt of a properly completed application and

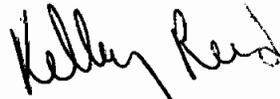
plans, it may be necessary to advertise the proposed work by issuing a Public Notice for a period of 30 days.

Since an Individual Permit may be required, it will be necessary for you to demonstrate to the Corps that your proposed fill is necessary because there are no practicable alternatives, as outlined in the U.S. Environmental Protection Agency's Section 404(b) (1) Guidelines. You are advised to refrain from starting your proposed activity until we complete our review of your application and issue you the required authorization. Commencement of work before you receive our notification will be interpreted as a violation of our regulations.

The Corps also suggests that you contact the appropriate Regional Water Quality Control Board, California Coastal Commission, and California Department of Fish and Game Office to ensure they review your project relative to their permitting requirements for activities that may impact aquatic resources.

Should you have any questions regarding this matter, please call Michael Shirley of our Regulatory Branch at 707-443-0855. Please address all correspondence to the Regulatory Branch and refer to the File Number at the head of this letter.

Sincerely,



Jane M. Hicks
Chief, Regulatory Branch

Copy Furnished:

Mr. John Kessler
California Energy Commission
1516 Ninth Street
Sacramento, California 95814-5112

CA DFG, Redding, CA
CA RWQCB, Santa Rosa, CA