

To: The U.S. Environmental Protection Agency

SUBJECT: Conditions Regarding the Biological Resources at the San Joaquin Renewables Facility Class VI Well Permit

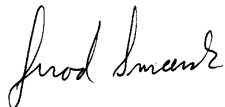
San Joaquin Renewables (SJR) appreciates the U.S. Environmental Protection Agency's Evaluation of the Biological Assessment for the San Joaquin Renewables (SJR) Class VI Project in McFarland, CA. In the EPA evaluation it was requested that SJR commit in writing that a full field survey will be conducted for the presence of the San Joaquin Kit Fox prior to commencement of construction on the project site. This letter constitutes that commitment to doing that field survey. In addition to that survey, SJR is also committing to a further mitigation measure regarding the small pond located in the northwest corner of the project site property. These measures are addressed in the attached biological assessment conducted in response to the EPA's review.

To reiterate, SJR does agree to take the following two actions to minimize, or avoid altogether, adverse effects that could result from the project's implementation:

1. SJR will retain a suitably credentialed and experienced consulting biologist to be responsible for conducting a presence survey for the San Joaquin Kit Fox at least 14 to 30 days prior to commencement of construction activities. The consulting biologist will be responsible for the survey design, full field implementation, result analysis, and delivery of recommendations regarding any warranted mitigations.
2. Establish a 250-foot no-development buffer zone around the interior boundaries of the small pond (aka tailwater tank). The zone will originate from the outer lip of the basin and extend outward 250 feet. No facility construction-, or operational-related, activities are to occur within this zone throughout the life of the project.

San Joaquin Renewables trusts that these measures will further insure no impact to the site's biological resources.

Respectfully yours,



Jerod Smeenk
San Joaquin Renewables