

The Airport Defenders

P.O. Box 6868, San Carlos, California 94070-6868 - Tel. 800-319-5286

November 2, 2007

Mr. James Adams
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET	
06-AFC-6	
DATE	NOV 02 2007
RECD.	NOV 05 2007

Subject: Eastshore Energy Center

Dear Mr. Adams,

The California Pilots Association mission is to promote and preserve the state's airports. As a statewide volunteer organization, we work to maintain the State's airports in the best possible condition.

The California Pilots Association and the San Carlos Airport Pilots Association request you do not approve the application for Eastshore Energy Center (Eastshore) allowing this Power Plant to be built in Hayward within 1 mile of Hayward Executive Airport. Both organizations support the Staff Assessment from the California Energy Commission in the Traffic and Transportation and the Land Use Sections.

The Hayward Executive Airport is a vital link in the National Transportation System. It is therefore eligible for Grants from the Federal Aviation Administration. When the City of Hayward recently accepted a FAA Grant for Construction in July, 2007 as well as 2002, the City Manager signed Grant Assurances on behalf of the City.

The City thereby agreed to an obligation to keep Hayward Executive Airport free of hazards, and also to maintain compatible land use zoning. These are Grant Assurances numbers 20 and 21. (Attachment)

http://www.faa.gov/airports_airtraffic/airports/aip/grant_assurances/media/airport_sponsor_a_ssurances.pdf

20. Hazard Removal and Mitigation. It (*the City, acting as the sponsor*) will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by **preventing the establishment or creation of future airport hazards.**

21. Compatible Land Use. It (*the City, acting as the sponsor*) will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended.

The airspace at Hayward Executive Airport is very complicated, perhaps the most complicated in the country. That is because Class B Airspace for San Francisco International Airport sits on top of the airspace over much of the Bay Area affecting the airspace at all other airports in the Bay Area. Class C Airspace for Oakland International Airport is another layer of airspace, which affects Hayward Executive Airport. Hayward Executive Airport (HWD) has its own Airspace, Class D, further complicating rules and regulations for flying at Hayward's Airport.

Each class of airspace has its own particular rules and regulations, which must be followed by a pilot at certain altitudes in certain areas in the Bay Area. Please see the enclosed Class B Terminal Area Chart. One of the requirements for ALL aircraft flying in the Class D airspace is to have a radio for communication with the control tower at all times. During Hayward Airport Tower operating hours pilots are required to communicate with Hayward. When the Hayward Tower is not in operation, pilots are required to report to the Oakland Tower. This further complicates the Hayward Executive Airport Airspace, as do Hayward Airport's Noise Abatement Procedures.

Additionally, as we have seen above in the FAA Grant Assurances, it is incumbent upon the City of Hayward to protest the inclusion of not one but two more obstacles (Russell Energy and Eastshore Power Plants) which will affect Pilots flying in the vicinity of Hayward Executive Airport as well as newly proposed radio towers.

The types of aircraft using a HWD vary greatly, from very light fabric airplanes, to blimps, light corporate-style jet aircraft, single-engine and twin-engine Cessna and Piper Aircraft and twin-engine King Airs. All of these aircraft would be affected by turbulence created by this power plant. The type of turbulence experienced would be more serious at the lower altitude of 650 feet or 600' Above Ground Level [AGL] (which is the traffic pattern altitude for Hayward Airport), because there is less altitude at which to recover when the pilot encounters buffeting or sudden change in altitude.

In the FAA letter concerning Eastshore dated October 9, 2007, it states that "mitigation would be unreasonable and in some cases unattainable. NOTAMS (Notices to Airmen) do not constitute mitigation. Furthermore, in this compressed and constricted airspace it is not possible to fly 1000 feet AGL or more above this plant nor at 1000' plus AGL above the variable height plumes the plant will generate, which are often invisible! The altitude is restricted to below 1400'.

I flew over the area with a friend, who keeps her plane at Hayward in July 2007. It was evident how close these two sites are to the Airport. While flying the pattern we were over the Eastshore site and very close to the Russell City Energy Center. Close enough to have felt effects of plumes.

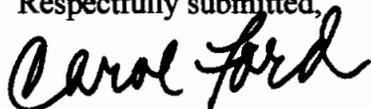
Wake Turbulence (2 wing vortices, one for each wing) from large commercial aircraft heading to Oakland's Runway 29 is a known HAZARD to ALL aircraft especially helicopters. When ANY aircraft departs from HWD Runway 28L or Runway 10R AND there is an approaching aircraft to Oakland's 29 the pilot is given a warning from the tower controller (Hayward or Oakland depending on the time of day). To have additional declared hazards (Russell City, 14 stacks from Eastshore and the many radio antennae) within the same controlled airspace would be a huge burden to control tower operators AND pilots. If the Wake Turbulence (Left wing, Right wing) were to combine with the Plume Velocity's of Russell and Eastshore there would TWO additional HAZARDS that would be unpredictable in size, location and magnitude. That would be a total of more than FOUR HAZARDS (because Eastshore has 14 plumes) invisible to the pilot in one area that would require undefined aircraft avoidance distances.

Hayward Airport is classified as a Reliever Airport that relieves or saves Oakland Airport from having to accommodate the Air Traffic of smaller planes (commonly called General Aviation). This allows for a more efficient use of air space and air traffic control. While we still object to the Russell City Energy Plant, the Eastshore plant will be only 1 mile from the Hayward Airport. It is overflown while flying in the pattern, and it will have **fourteen (14), 70 foot high towers**. Avoiding flying over all of these towers and antennae while listening and talking to air traffic control and staying at pattern altitude adds to the workload of the pilot at one of the two most critical times of flight.

By constructing two power plants within 1 1/2 miles of the airport, it will limit airspace use, which would have a dramatic deleterious affect on the Bay Area's air traffic management **and the utility of the airport in satisfying the obligations imposed by the grant assurances executed and agreed to by the City of Hayward.**

Please do not allow this impingement on airspace to occur. Please deny the application for Eastshore.

Respectfully submitted,



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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION
FOR THE EASTSHORE ENERGY CENTER
IN CITY OF HAYWARD
BY TIERRA ENERGY

Docket No. 06-AFC-6

PROOF OF SERVICE
(Revised 10/12/2007)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

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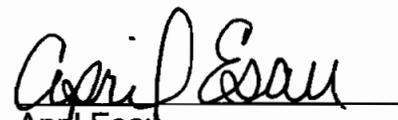
DECLARATION OF SERVICE

I, April Esau, declare that on November 5, 2007, I deposited copies of the attached Comments of California Pilots Association and San Carlos Airport Pilots Association on the Eastshore Energy Center in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.


April Esau