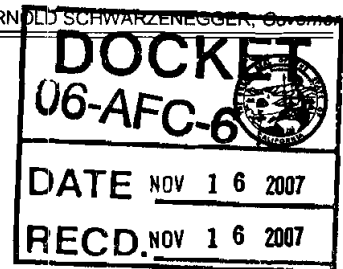


## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512

November 16, 2007



TO: AGENCY DISTRIBUTION LIST

**REQUEST FOR AGENCY COMMENTS ON THE FINAL STAFF ASSESSMENT FOR THE EASTSHORE ENERGY CENTER PROJECT (06-AFC-6)**

The enclosed Final Staff Assessment (FSA) contains the California Energy Commission staff's engineering and environmental evaluation of the Eastshore Energy Center (Eastshore) project.

The FSA finds that as currently proposed, including the applicant's and the staff's proposed mitigation measures and the staff's proposed conditions of certification, the Eastshore project will not comply with all applicable laws, ordinances, regulations, and standards (LORS), and that significant adverse direct and cumulative impacts have the potential to occur in the areas of Land Use and Traffic and Transportation as follows:

- Siting of the Eastshore project at the proposed location would interfere with and restrict existing and future operations of the Hayward Executive Airport. This is a significant adverse direct impact to Land Use.
- The project site's proximity to the traffic pattern for the Hayward Executive Airport and the downwind departure route for Runway 28L would unreasonably complicate aircraft maneuverability. It would also limit the airspace available for aircraft transit, maintenance flights, training procedures, and normal departures/arrivals that currently occur relatively unimpeded within this portion of the Hayward airport airspace. This would be a significant adverse impact to Traffic and Transportation that could not be avoided if the project were developed at the proposed location.
- The cumulative effect of the Eastshore and nearby Russell City Energy Center (RCEC) projects on Hayward airport airspace increases the potential for serious impairment to the utility of the airport by increasing the complexity of the airspace. Potential mitigation such as pilots seeing and avoiding both power plants is impractical and in some cases unattainable. The FAA notes that the potential for constraints to airport operations creates a tangible impact on the future use of the Hayward Executive Airport if the facility is approved at the proposed site. Energy Commission staff concludes that the project's incremental effect, in conjunction with the operation of the RCEC project, is cumulatively considerable.

The FSA contains the California Energy Commission staff's final environmental and engineering evaluation of the Eastshore project and will serve as staff's testimony during evidentiary hearings. The Energy Commission Committee assigned to the Eastshore proceedings will consider and weigh the testimony or comments or recommendations of all interested parties, including Energy Commission staff, the applicant, intervenors, public, and other local, state, and federal agencies, before issuing the Presiding Member's Proposed Decision (PMPD) for consideration by the full Energy Commission. The public, intervenors, local, state and federal agencies are encouraged to participate in these hearings. The Energy Commission will issue notices at least ten days prior to any scheduled hearings.

We request that you review the enclosed FSA for the areas for which your agency would normally be responsible but for the Energy Commission's permitting authority. Please provide any written comments to Bill Pfanner, Siting Project Manager by December 3, 2007. You may also present your comments at the Evidentiary Hearing scheduled for December 17<sup>th</sup> and 18<sup>th</sup>, 2007 in the

November 16, 2007

Page 2

Hayward City Hall Chambers (see previously noticed Evidentiary Hearing). Energy Commission staff will consider comments received and may prepare supplemental testimony or errata as appropriate.

If you desire information on technical or project schedule issues, or how to participate in the Energy Commission's review of the project, your questions should be directed to Bill Pfanner at (916) 654-4206 or at [bpfanner@energy.state.ca.us](mailto:bpfanner@energy.state.ca.us). The status of the project, an electronic copy of the AFC, copies of notices, and other relevant documents are also available on the Energy Commission's web site at <http://www.energy.ca.gov/sitingcases/eastshore>.

Sincerely,



---

Roger E. Johnson  
Siting and Compliance Office Manager

Enclosure