

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

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*Flex your power!
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July 9, 2008

Mr. Jeffrey D. Byron
Commissioner and Presiding Committee Member
California Energy Commission
Eastshore Energy Center AFC Committee,
1516 9th Street
Sacramento, CA 95814-5504

DOCKET 06-AFC-6
DATE <u>JUL 09 2008</u>
RECD. <u>JUL 21 2008</u>

Dear Mr. Byron:

The California Department of Transportation (Department), Division of Aeronautics has reviewed the proposed decision for the establishment of the Eastshore Energy Center located in the City of Hayward. The 6.22-acre site is located approximately one mile south of the Hayward Executive Airport, within the airport's airspace and the Airport Influence Area, as identified in the Airport Land Use Policy Plan. As previously stated, the Department recommends against the construction of this facility at this location, given its close proximity to the recently approved Russell City Energy Center.

We concur with the Committee Recommendation that states in part that the Energy Commission should "deny certification of the proposed Eastshore Energy Center at 25101 Clawiter Road in the City of Hayward." We agree that the four areas cited in the Summary of the Decision would negatively impact aviation safety and operations, and that they cannot be adequately mitigated at the proposed project site. The Committee Recommendation adequately addresses the concerns raised in our previous letter.

We believe that providing clean, affordable, and efficient energy is certainly a worthy goal. But the potential hazards to navigable airspace created by the proposed construction of this facility would create unnecessary risks to the aviation community. We recommend that the California Energy Commission consider permitting future power generating facilities at locations that are at least two miles from airports, and at even greater distances when sites are aligned with runways and instrument approaches. The Department appreciates the opportunity to comment on your decision.

Sincerely,

Original Signed By

GARY CATHEY, Acting Chief
Division of Aeronautics

c: Brent Shiner, Hayward Executive Airport Manager
Dave Butterfield, FAA Flight Standards Division