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EastshoreEC&aviation

In having provided a graphic and verbal description (January 2008) of factual differences between rotorcraft and fixed wing aircraft, these differences were shown to be critical to the different performance characteristics. The graphic display materials and text excerpts were forwarded with staff, following the hearing (January 2008). It is now urgent that you are fully aware of consequences which could ensue, as a result of decisions concerning "Eastshore"EC. A 2 page review will be forwarded as extended public comment.

J.V.McCarthy
(USAR Retired)

P.S. In attachment to this email transmision, #2 of same, copy is provided of the 2 page review, noting possible consequences.

RECORDED FOR PARCEL COMP

AIRPORT LAND USE COMMISSION

"EASTSHORE"

To whom it may concern, Commissioners and Staff 13 March, 2008

In the matter of the "Eastshore" Energy Center, as well as the "Russell City" Energy Center, you may note:

Having repeatedly cited the fact that for anyone with more than a passing fancy about major emergencies, the Hayward air terminal is an obvious staging and access site for the middle of Alameda County. As a next "big one" on the Hayward Fault is only one example, various events could cancel the immediate usefulness of major ground access routes, such as highways and rail access into and out of the area. An hazardous materials event by rail or highway, not to mention storm fronts or fire storms, could quickly demonstrate the reality.

If a further escalation, in the crowding of Hayward air space, is going to be the result of disregard and neglect on the part of state agency (CEC), due process (to recognize liabilities) will be in order. If agency, as the California Energy Commission (CEC), for the state of California is to disregard the interest of state and local government, there is appropriate consequence. Where a state agency (CEC) decision may be found as a contributing factor in ultimately closing the Hayward air terminal, such state agency could be found in joint civil liability, along with the City of Hayward and Alameda County, for federal funds (due and payable immediately) as were invested in the airport. A further clarification could entail an immediate repossession of the Hayward airport by the federal government for gross breach of agreement, by the original "quitclaim" deed (A.1., other than release provisions). Such a breach of the agreement would only be the conclusion of a longstanding litany of abuses by the City of Hayward, as well as nonfeasance by the Alameda County Airport Land Use Commission in the county's denial of case law.

Where a repossession were to ensue, a stated objective by the federal government would likely be to restore airport operations. If such airport operations could not be restored, it seems likely that state agency (CEC), city, and county could then be held liable for the total cost of the airport to include title value plus all of the additional investment (due and payable immediately). If such concepts of liability are a challenge beyond the comprehension of public "officials", one may wonder at the quality of such public "officials". To cite some of the various missteps on the part of the City of Hayward with regard to the airport, consider the following:

1. Eminent domain controversy, leaving a claim against Hayward in absence of any clear title to the land.

2. Inadequately qualified City Council Airport Committee as where aviation background is minimal/ vacant.

3. Eliminating the crosswind runway was done allegedly for extension of West A Street, which was not done. How would this not constitute elimination of airport operations space to facilitate rezoning of airport land?

4. Hayward assumed exclusive authority, excluding the Alameda County Airport Land Use Commission.

5. A non aviation qualified "Airport Director" was appointed in lieu of a proper airport manager, 1981-1995.

6. City of Hayward insists on its disregard of state code and case law regarding Airport Land Use Commission.

7. The elimination of taxiway access was symbolic as an inevitable reflection of disregard in access rezoning. Was required use of original airport land for development and/ or revenue sustained to support the airport?

8. City of Hayward repeatedly disregards airport related land use in zoning, and as admitted previous mistake.

9. Inadequate coordination with other local airports, such as in the "Russell City" Energy Center decision, is the City of Hayward's evident lack of concern about Oakland runway approach and SFO layered air space.

10. The continued crowding of air space was initially a non issue for the Hayward Planning Commission where disregard of Hayward Planning Department staff about "Eastshore" EC includes lack of concern for aviation.

When the "Russell City" Energy Center (RCEC) is built, an additional main runway at Oakland (29L ?) would mean that Hayward air space is even further crowded under the final approach for Oakland. A 29L approach would likely come in directly over RCEC, which would be even closer to 29L than the proposed "Eastshore" Energy Center (EEC) would be to the present Oakland 29. While further interference with SW (southwest) approaches at Hayward would be the inevitable result, the smaller aircraft including rotorcraft would be at increasing risk, as the SW approach is the alternative to competing with "executive" aircraft (bizjets ?) for air space on the east side. Rotorcraft, in particular, need SW air space to stay away from the faster moving aircraft and to approach the rotorcraft area west of 28L at Hayward.

As rotorcraft would seem to be an increasing presence in the foreseeable future, the SW approach area would seem to be of increasing importance, not less. Rotorcraft are currently in a state of increasing diversification of technology and use. By way of example, the Bell- Augusta 609 tiltrotor will soon change expectations in speed and approach patterns that are within the performance range of rotorcraft, while also making flight controls and operation more critical. Another example of increased rotorcraft diversity and presence would be the appearance of Boeing- Vertol tandem rotors in commercial use. When the U.S. Marine Corps unloads over 200 of MH- 46 rotorcraft, these rotorcraft will increase the presence of larger rotorcraft in civil air space.

(Having attempted an explanation of factual differences, that are critical flight control differences, between rotorcraft technology and fixed wing aircraft, a repetition of this is as follows. Where rotorcraft have their direction of lift and thrust (equivalence) aligned in the same direction, fixed wing aircraft have their direction of lift and thrust separated by a perpendicular angle. As rotorcraft have their flight control surfaces separated from cable controls by a rotating hub and a full cycle delay, fixed wing aircraft have flight control surfaces directly/positively connected to cable contrcls with a more immediate and direct response. All of this means that lift and thrust are more substantially/ directly affected by vertical velccities/ drags on rotorcraft and the rotorcraft pilots need to exercise greater anticipation in the use of flight surface controls, as a full rotor cycle is required for flight control changes to take full effect. While rotorcraft may fly as low as 200' (see page# 156, Docket# 06- AFC- 6, Volume II, 12/18/07) this may be too low for emergency auto- rotation recovery in the event of a sudden power loss, or too low for recovery in the event of sudden flight control problems. A low plume cloud effect (see page# 161, Docket# 06- AFC- 6, Volume II, 12/18/07) after sunset could suddenly put rotorcraft approach into IFR conditions where avoiding faster moving aircraft may become critical.

To consider the differences between Hayward and the Berrick site, where elevation, humidity, and temperature are considered, while a thermal plume may disperse more rapidly at the higher elevation (Berrick), such thermal plumes may be less likely to form clouds from condensation. The wind speed mentioned at the Berrick site test was likely to have bent a plume effect (see page# 241, Docket# 06- AFC- 6, Volume II, 12/18/07) toward horizontal before resuming vertical velocity, thus extending the actual travel at a given elevation, prior to temperature measurement for test observation. It seemed that where the rotorcraft was actually located at 300' over the Berrick site was inadequately clarified, as the altitude of the rotorcraft over any plume was also not clear.)

J.V. McCarthy
(USAR Retired)

If Mr. Blumenthal or Mr. Graves were presenting their professional qualifications in any way that was specific to rotorcraft, it certainly was not clear regarding the "Eastshore" EC statements or presentation as regarding rotorcraft (p. 51- 57, volume II, Docket 06- AFC- 6, 12/ 18/ 07). Their scarce statements regarding rotorcraft could only be considered as careless, or willfully misleading, in disregard of the basic factual differences in rotorcraft technology and performance characteristics (see email, per docket record, J.V. McCarthy, 03/ 13/ 08). The "Berrick" site flight tests did nothing to clarify basic differences that characterize rotorcraft, as apart from fixed wing aircraft, (p. 61- 79, volume II, Docket 06- AFC- 6, 12/ 18/ 07). Differences in climate and elevation, as were cited, are factual differences contributing to factually different circumstances (p. 160- 164, volume II, Docket 06- AFC- 6, 12/ 18/ 07), factually mischaracterized by statements of "Eastshore" EC. Differences in air traffic density and timing, as cited, are factual differences contributing to factually different circumstances (p. 61- 79/ 84- 88/ 148- 160/ 164- 170, volume II, Docket 06- AFC- 6, 12/ 18/ 07). They were factually disregarded by the statements in testimony representing "Eastshore" EC.

If rotorcraft at Hayward face a developing confinement of airspace, this could also mean a confinement in the usefulness of rotorcraft at Hayward for any major disaster event. Where rotorcraft may face a confinement of airspace is where 3 main approaches (east, south, and southwest) become 2 (east and south) and then become 1 (east). When rotorcraft may face such confinement of airspace would be in competing for airspace from the southwest with Oakland 29 under SFO 28, from the southwest by "Russell City" EC and "Eastshore" EC, and from the south with Oakland 29 under SFO 28 (L/ R). It has already been clearly explained, by the FAA and others, that there is no acceptable mitigation for a combining of "Russell City" EC with "Eastshore" EC (p. 175- 179, volume II, Docket 06- AFC- 6, 12/ 18/ 07).

Among the most intensely crowded airport approach intersections in the bay area, Hayward clearly stands out. With Hayward 28L under SFO 28 (L/R) adjoined by Oakland 29 under SFO 28 and holding patterns which at some one or more points are likely to stack all three loops in vertical succession, every remaining square foot of horizontal airspace becomes more important. With less than 500' of vertical separation between each of these loops, aircraft moving at between 150 and 250 knots have little space for decisions, which may include IFR, fuel shortage, flameout, fire, storm fronts, other aircraft, etc., etc.

Critical airspace concerns described by FAA response, as well as other authoritative public aviation testimony, are in no way "speculative" (p. 175- 179/ 148- 160/ 164-170, volume II, Docket 06- AFC- 6, 12/ 18/ 07). The fact that approach and holding patterns for SFO 28 (L/ R), OAK 29, and Hayward 28L are directly overlayed comes with scarcity of airspace for time, distance, and adjustments. The fact that closing in horizontal airspace further restricts maneuver airspace is quite obviously not "speculative", without mitigation. The fact that this further complicates any maneuver issues for smaller aircraft and rotorcraft is not merely "speculative". FAA representation stated that there was not acceptable mitigation for the thermal plumes being considered (p. 175- 179, volume II, Docket 06- AFC- 6, 12/ 18/ 07). To restate this as there not requiring mitigation would appear as knowingly, willfully, and culpably misleading (see p. 281- 283, volume II, Docket 06- AFC- 6, 12/ 18/ 07). Perhaps, there will be cause for prosecution of willfully false statements made misstating the public record, not to mention a willful misrepresentation of sworn testimony. My preferred suggestion would be that counsel for "Eastshore" EC should pursue a pilot's license, preferably for rotorcraft so that she may experience the pleasure of an unsuccessful auto-rotation.

The Hayward air terminal is a public not private facility. As a public property, it is not merely a characteristic or feature of one or another public official or administrator. As public property is held in common at public expense, it is not legitimately squandered in the service of any individual or private interest, such asTierra or PG & E. Neither commercial, nor individual, nor other private interest has a legitimate claim at public expense without full compensation to the public, at the required level of public investment. If this principle is to be abridged, full faith and credit of public investment, not to mention that of public officials and administrators, is at stake. As commissioners are immune from the consequences of local disasters, they are also not bearing the full consequences, responsibilities, or realities of their authority, decisions, or "leadership". Was "Metcalf" really an appropriate comparison, as an example referred to in the "Eastshore" delay letter (04/ 28/ 08) ?

J.V.McCarthy
(USAR Retired)

MISSTEPS ON THE PART OF THE CITY OF HAYWARD WITH REGARD TO THE AIRPORT:

AS DETAILED FOR POSSIBLE LITIGATION (*PENDING FURTHER DETAIL AND CASE HISTORY).

1. Eminent domain controversy, leaving a claim against Hayward in absence of any clear title to the land*.

2. Inadequately qualified City Council Airport Committee as where aviation background is minimal/ vacant. (Hayward has recently dropped it's aviation industry periodicals from Hayward public library materials.)

3. Eliminating the crosswind runway was done allegedly for extension of West A Street, which was not done. How would this not constitute elimination of airport operations space to facilitate rezoning of airport land?

4. Hayward assumed exclusive authority, excluding the Alameda County Airport Land Use Commission*.

5. A non aviation qualified "Airport Director" was appointed in lieu of a proper airport manager, 1981-1995. (It is not yet clear whether this "Airport Director" ever acquired her expected pilots license, as appropriate.)

6. City of Hayward insists on its disregard of state code and case law regarding Airport Land Use Commission. (Was there a collusion with the county, in the county counsel denial of the published existence of case law?)

7. The elimination of taxiway access was symbolic as an inevitable reflection of disregard in access rezoning. Was required use of original airport land for development and/ or revenue sustained to support the airport?

8. City of Hayward repeatedly disregards airport related land use in zoning, as an admitted previous mistake before the rezoning for "Home Depot" as an example of unrelated land use on immediate airport access.

9. Inadequate coordination with other local airports, such as in the "Russell City" Energy Center decision, is the City of Hayward's evident lack of concern about Oakland runway approach and SFO layered air space.

10. The continued crowding of air space was initially a non issue for the Hayward Planning Commission where disregard of Hayward Planning Department staff about "Eastshore"EC includes lack of concern for aviation.

What, if anything, has the City of Hayward done to inform residential neighborhoods at risk from air traffic? If the specific risks of layered airspace, over Hayward, have ever been detailed graphically or otherwise, by Hayward, this has not been well disclosed. The risk level over Hayward neighborhoods comes most obviously Into focus in areas immediately south of "Southland" mall (see pink highlighter trapezoid of second graphic). In that area SFO 28 L/R east loop to final approach directly overlies Oakland 29 east loop to final approach, Which there directly overlies Hayward final approach. Hayward takeoff, west loop, directly underlies Oakland final approach, with the first ascending toward where the other descends (see yellow highlighter triangles of second graphic). Some risks implied by airspace crowding have been suggested (13 March 2008). To consider mid-air collision possibilities, in either area, from contingency which may include IFR, fuel shortage, flameout, fire, storm fronts, or other aircraft presents risk from airspace crowding, in addition to the contingency factors.

J.V. McCarthy
8 June 2008


SEE 691 MAP
EAST
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A
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SAN LEANDRO
SAN LORENZO
HAYWARD
SEWAGE TREATMENT PLANT
HAYWARD REGIONAL SHORELINE
SKYWEST GOLF COURSE
HAYWARD AIR TERMINAL
SAN LORENZO PARK
JOHN F KENNEDY PARK
CANNERY PARK
CENTENNIAL PARK
MT EDEN PARK
SOUTHGATE PARK
SOUTHLAND MALL
CHABOT COLLEGE
SAN FRANCISCO BAY
SALT EVAPORATOR
HAYWARD LANDING
SULFER CREEK
SEE 243 MAP
SEE 712 MAP
SEE 731 MAP
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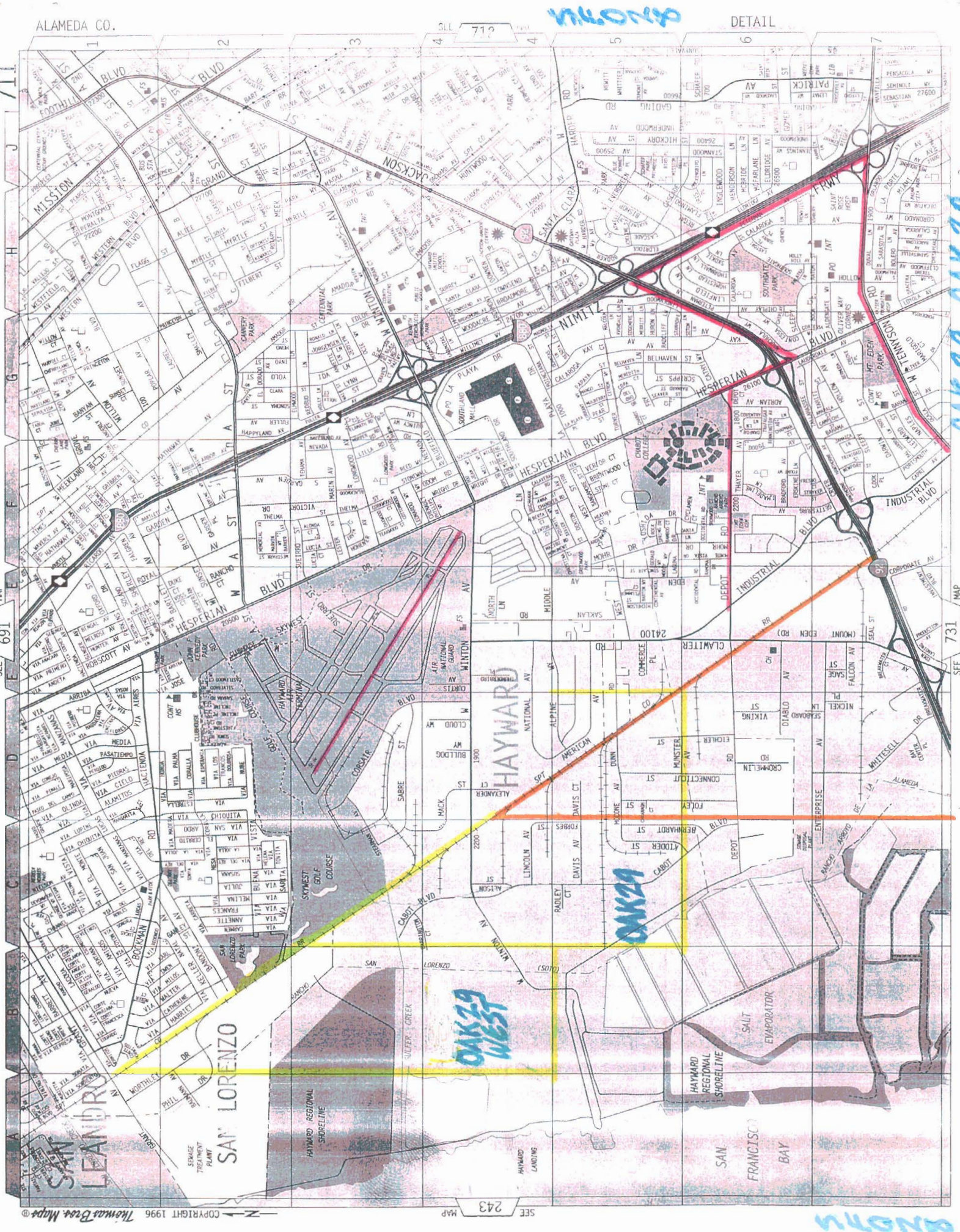
DETAIL
OAKLAND
OAKLAND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HAYWARD
SAN LEANDRO
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NIMITZ FRWY
SOUTHLAND MALL
CABOT PLV
SKYWEST GOLF COURSE
HAYWARD REGIONAL SHORELINE
SALT EVAPORATOR
SAN FRANCISCO BAY
SEWAGE TREATMENT PLANT
HAYWARD LANDING
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Objective **Management Analyst for Planning Documents and Investigation.**

Work Skills Management Documents, Legal Research, and Graphics Support.

Experience Research experience includes legal documents of government.

(1993-2008) Locations are San Francisco, Vallejo, and other SF Bay sites. Investigation experience includes project documents for the industrial reuse of SF Bay military bases in closure process. Industrial reuse planning documents include EIR background. Advocacy experience includes public utility and environmental issues for east bay development sites and the SF Bay area.

(1986-2005) Military duty included 340 FSB/ 129 ARG/ 140 Aviation/ 91 D.

(1971-1986) Community services experience included surveys for utility reform. Survey research for parks and open space planning was for Newport News, Virginia, by federal program. Housing and community service surveys were followed by substitute teaching experience in multiple subjects/ multiple districts.

Education

(1978-1980) **Old Dominion University, Graduate Studies: Urban Studies- PA,** Urban Planning/ Research Methods/ Urban Studies/ Economics. (ASPA, student membership, national conferences: 1977/1979.)

(1992-2008) **University of California Extension, UCSC, Team Development:** Disaster Management/ Organization Development/ Project Teams/ Project Management Professional Examination Preparation, PMI.

University of California Extension, UCSC: Environmental- HM, Regulatory Framework for Hazardous Materials/ ISO 14000- EMS. (Concurrent with California Business and Professions 6450c2.)

(1971-1976) **B.A. Christopher Newport College, College of William and Mary** Major in Political Science (with Economics and Geography): U.S. Constitutional Government/ State and Local Government/ Comparative Government/ Theory/ Policy/ Environmental Law. Minors in Sociology and History (with research methods).

Military Service: 21+ years **U.S. Army, California National Guard, and U.S. Army Reserve. Duty included 2 ACR and 340 FSB/ 129 ARG/ 140 Aviation/ 91 D.** Training included Aviation/ Quartermaster/ NBC Defense/ OCT. Duty locations included Alabama/ Germany/ California/ Panama. Disaster logistics experience included California fire sites.

Referrals All relevant references and records are available on request.

Personal interests include art/ music/ travel/ archaeology. Overseas residence included Guam/ Australia/ Turkey/ Hawaii.