

DOCKETED

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CEC Staff Meeting With CalPilots Aug. 9, 2013 at 1 p.m. - Attachment 2

Additional submitted attachment is included below.

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S.#40

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December 20, 2011

Will Travis, Executive Director
Bay Area Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111

Dear Mr. Travis:

The California Department of Transportation (Caltrans), Division of Aeronautics performs a wide variety of land use compatibility and aviation safety functions such as permitting public and special-use airports, hospital and other special-use heliports, conducting permit compliance and safety inspections of public-use airports and hospital heliports, and evaluating proposed property acquisitions for public schools, community college, and State building sites within two miles of an airport runway. To assist planning agencies in their airport related planning efforts, we recently released the updated California Airport Land Use Planning Handbook, available at: <http://dot.ca.gov/hq/planning/aeronaut/documents/AirportLandUsePlanningHandbook.pdf>.

On July 2, 2007, the California Energy Commission (CEC) Staff Assessment recommended against approving the Russell City Energy Center (RCEC) based in part on aviation safety concerns and the project's proximity to the Hayward Executive Airport (HWD) traffic pattern. The Federal Aviation Administration designates this as a reliever airport for Oakland International Airport under the National Plan of Integrated Airport Systems. To promote aviation safety and to enhance land use compatibility, the California Aviation System Plan (CASP), Policy Element (PE) dated October 2011, states in part, "power project sites should be at least three miles from an operating airport" (CASP, PE, pg. 1-17). According to the CEC Staff findings in the Eastshore proceedings, the RCEC site is located approximately one and one-half miles from HWD. The CEC Staff recommendation, however, was overridden by the Commission which suggested posting a "Notice to Airmen" (NOTAM) to warn pilots as an acceptable mitigation measure.

The California Pilots Association informs us that the Chabot-Las Positas Community College District, which maintains the Chabot campus near the RCEC site, has challenged the Environmental Protection Agency's federal approval of RCEC under the federal Coastal Zone Management Act. To the best of our knowledge, the Bay Area Conservation and Development Commission (BCDC) is the designated agency to make the determination of whether such a federal project is consistent with the San Francisco Bay Plan (SFBP). We note that under the SFBP, airports are deemed as "priority use" areas that "should be reserved" and protected from incompatible development (SFBP, Major Conclusions and Policies, pg 2).

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We believe that the RCEC approval may be inconsistent with the SFBP. Its operation will create thermal plumes that are potentially hazardous to aircraft operating in navigable airspace in the vicinity of HWD, despite the CEC's recommendation that a NOTAM be posted advising pilots to fly around the site (after the RCEC plant is constructed) to avoid its high velocity and mostly invisible 1000' Above Ground Level (AGL) thermal plumes. The HWD traffic pattern altitude for Runway 10R/28L is 598' AGL and aircraft may fly at 488' AGL when executing a circle-to-land instrument approach maneuver to the same runway. The Oakland International Airport (OAK) traffic pattern altitude (located about 3 miles north of the site) for passenger carrying commercial jets and general aviation aircraft alike, ranges between 591' to 991' AGL. Aircraft departing OAK Runway 11 flying at or above the 40:1 obstacle clearance slope could be as low as 794' AGL in the vicinity of the proposed RCEC power plant.

In summary, the congested airspace overlying the site and the unusually low traffic pattern altitude that aircraft must fly at in the vicinity of the proposed power plant, combined with the thermal plumes, creates a situation that is not conducive to aviation safety. If the Ninth Circuit Court of Appeal agrees that the permit issued by the EPA must be remanded, we request that you notify our office of any proceedings by BCDC to review RCEC so that we may participate and offer our technical advice on this significant project.

If you have any questions or request additional information, please contact me.

Sincerely,



GARY CATHEY, Chief
Division of Aeronautics

c: Director of Region 9, Environmental Protection Agency; and
California Pilots Association