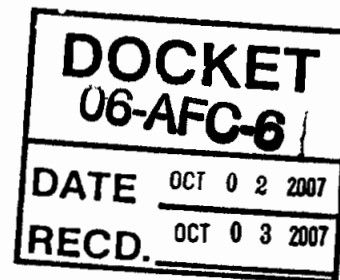


Bill Pfanner - FAA Comments on Eastshore Energy Center

From: Eric Knight
To: david.butterfield@faa.gov
Date: 10/2/2007 2:20 PM
Subject: FAA Comments on Eastshore Energy Center
CC: Bill Pfanner; Paul Richins; Shaelyn Strattan
Attachments: Bill Pfanner; Paul Richins; Shaelyn Strattan



David,

Thank you for your return call last week that you will be coordinating with George Aiken in a response to our request (see below) for comments on the proposed Eastshore Energy Center. We look forward to the FAA's comment on this project. In your review, we request that the FAA consider the cumulative effect of not just having one power plant (Russell City Energy Center) but two power plants within the airspace of the Hayward airport. Also, we request that you coordinate your review with U.S. Department of Homeland Security. We spoke with a Homeland Security representative who suggested the opposite of what was stated in the FAA's 9/25/07 letter regarding the RCEC project, that "The Western-Pacific Flight Standards Division has subsequently obtained further guidance from FAA headquarters that this NOTAM [national security flight restriction over/in the proximity of critical infrastructure] does not apply to aircraft departing from or arriving to an airport." In addition, an FAA official told us that he couldn't advise us on what "avoid flying in the proximity of" means since the NOTAM/TFR was issued by FAA at the request of Homeland Security. We're curious if it's only existing critical infrastructure near airports that the NOTAM/TFR doesn't apply to (i.e., they're "grandfathered in") and if Homeland Security was consulted they'd respond that locating a new power plant or other critical infrastructure near an airport would be inadvisable and would in effect undermine the intent of the NOTAM/TFR. If it would apply, an indication on the extent of the area to be avoided in this case would be helpful. This is a question on the mind of the Alameda County Airport Land Use Commission, who are concerned about the utility of the Hayward airport airspace. The ALUC will be making their (advisory) decision on the EEC project at their meeting on October 17, 2007.

Thank you,

Eric Knight, Supervisor
Community Resources Unit
California Energy Commission
(916) 653-1850

[illegible]

Dear Mr. Aiken,

California Energy Commission (CEC) staff sent a request to the FAA on August 23, 2007 (see attached letter to Mr. Joseph Rodriguez and Mr. Andy Richards, Airports Division) for comments on the proposed Eastshore Energy Center (EEC) in the City of Hayward. If approved by the CEC, this power plant would be

located approximately one mile south of the Hayward Executive Airport runway areas and within the Airport Influence Area for the Hayward airport. The EEC should be considered from a cumulative standpoint in your review of the proposed Russell City Energy Center. In addition, CEC staff requests that the multi-divisional team that you are assembling at the FAA also review the proposed EEC and provide comment in this licensing proceeding. On August 17th CEC staff published its Preliminary Staff Assessment (PSA) on the EEC. The PSA and other relevant documents can be viewed and/or downloaded from the CEC's website at: <http://www.energy.ca.gov/sitingcases/eastshore/documents/index.html>. The aviation issues are addressed in the Land Use and Traffic/Transportation sections of the PSA. The attached letter provides a summary of our conclusions regarding this project's impact on air traffic safety and the utility of the Hayward airport and its airspace. Staff is now preparing our Final Staff Assessment (FSA) on the EEC, which will serve as staff's testimony for the evidentiary hearings that will be held later this year. We request that your team provide comments on the EEC by October 8, 2007, which would allow us time to incorporate the FAA's input into our FSA without significantly delaying publication of the document.

If you have any questions about the Land Use and Traffic sections of the PSA please contact Shaelyn Strattan of my staff at (916) 651-0966 or by email at mstratta@energy.state.ca.us. If you have concerns about the schedule for the EEC please contact me via phone or email.

Sincerely,

Eric Knight

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



August 23, 2007

Joseph R. Rodriguez
Andy Richards
Federal Aviation Administration
Airports Division – Airports District Office
Environmental Planning and Compliance Section
831 Mitten Road, Room 210
Burlingame, California 94010

RE: Request for Comments
Eastshore Energy Center

Dear Mr. Rodriguez and Mr. Richards:

The California Energy Commission has received an application for certification of the Eastshore Energy Center, a nominal gas-fired 115.5-megawatt (MW) power plant that has been proposed for a 6.22-acre site at 25101 Clawiter Road in the City of Hayward. This location is approximately one mile south of the Hayward Executive Airport runway areas and within the Airport Influence Area (AIA) for the Hayward airport. Energy Commission staff has completed its Preliminary Staff Assessment (PSA) of the proposed Eastshore project and would appreciate comments from the Federal Aviation Administration (FAA) regarding the suitability of siting the Eastshore facility at the proposed location, with particular emphasis on the project's potential impacts to air traffic, aircraft safety, and the utility of the airport and its associated airspace. The Eastshore facility would produce high-velocity, thermal plumes in excess of 4.3 meters per second (m/s) from fourteen 70-foot high exhaust stacks. However, because the plume velocity would dissipate to less than 4.3 m/s below minimum flight altitudes for the Hayward airspace, staff believes the project-generated thermal plumes would not present a substantial hazard to aircraft flying at or above 500 feet above ground level (AGL).

Additionally, the presence of a power plant in the vicinity of the Hayward Executive Airport would impact operations within the Hayward airspace by requiring pilots (and air traffic controllers) to comply with Temporary Flight Restriction/Notice to Airmen (TFR/NOTAM) FDC 4/0811. Staff has determined that compliance with the advisories contained in this national security TFR would:

- Create an obstacle to flight in the southwest quadrant of the Hayward airspace, effectively damaging the airport's operating environment (Hayward airport's navigable airspace).
- Significantly impact existing traffic patterns, due to the proximity of the Eastshore facility to the downwind departure for Rwy. 28L and the Hayward airport traffic pattern.
- Place additional limitations within an already complex and congested airspace, thereby impeding the orderly expansion of the Hayward Executive Airport and the safe, efficient use of the airport's airspace.

- Further limit the use of a significant portion of the airport's usable airspace and interfere with or unduly restrict existing and future use of the Hayward Executive Airport when combined with the constraints and potential impacts associated with the proposed Russell City Energy Center.

Because of these impacts, and inconsistencies with the Alameda County Airport Land Use Policy Plan and Hayward Municipal Codes, as discussed in the enclosed PSA sections, staff is not prepared to recommend approval of the Eastshore project.

I have enclosed a copy of the Land Use and Traffic & Transportation sections of the PSA for your consideration. The complete PSA and all other public project files and notices can be viewed at the following Energy Commission website:

<http://www.energy.ca.gov/sitingcases/eastshore/documents/index.html>.

Written comments, recommendations, or determinations should be received no later than September 20, 2007 and should be sent to the attention of Mr. Bill Pfanner, Project Manager, at the address on this letterhead.

A public workshop to discuss the PSA will be conducted on September 6, 2007, starting at 1 p.m. at the Hayward City Hall Building (Room 2A) in Hayward, California. This project will also be reviewed by the Alameda County Airport Land Use Commission at its September 19, 2007 meeting. Energy Commission staff plans to attend both meetings and will be available to address any questions regarding the project's potential impacts to the Hayward Executive Airport. If you have any questions regarding the Land Use or Traffic & Transportation sections of this PSA, you may contact me directly at (916) 651-0966 or by email at mstratta@energy.state.ca.us. Your comments regarding the potential impacts of this project would be greatly appreciated.

Sincerely,

/s/ Shaelyn Strattan

Shaelyn Strattan
Planner II
Energy Facilities Siting Division
Environmental Office, MS 40

Enclosures

cc: Docket - Eastshore Energy Center (06-AFC-6)
Proof of Service list for Eastshore Energy Center