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 controls with a more immediate and direct response. All of this means that lift and thrust are more substantially/ directly affected by vertical velocities/ 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.)

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

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