

**DEPARTMENT OF TRANSPORTATION**

DIVISION OF AERONAUTICS – M.S.#40

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P. O. BOX 942873

SACRAMENTO, CA 94273-0001

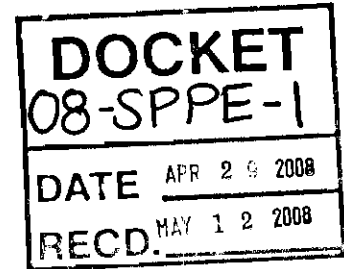
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April 29, 2008

Ms. Eileen Allen, Manager  
California Energy Commission  
Energy Facilities Siting & Compliance Office  
1516 Ninth Street, MS 15  
Sacramento, CA 95814-5512

Dear Ms. Allen:

California Energy Commission's Request for Agency Participation in the Review of Riverside Energy Resource Center Units 3&4 Project Application for a Small Power Plant Exemption (08-SPPE-1)

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document (Document) with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects, and we have permit authority for public-use and special-use airports and heliports.

According to the Document, the City of Riverside (City) filed an application for a Small Power Plant Exemption (SPPE). The City proposes to build, own, and operate two simple cycle units (Units 3&4) at the Riverside Energy Resource Center (RERC). The project will include two 80-foot tall exhaust stacks, two 43-foot tall combustion turbine generators, a 40-foot tall cooling tower and a 96-foot tall communications tower. The project site is located less than a half-mile northwest of the approach end to Runway 16 at the Riverside Municipal Airport.

According to the Document, RERC Units 1&2 "were previously reviewed, including the impacts of their thermal plumes, and were found acceptable" by the Riverside County Airport Land Use Commission (ALUC). The Division also commented on a Negative Declaration for 04-SPPE-1 in the enclosed letter dated November 30, 2004. To ensure that Units 3&4, including the cumulative impacts of all four units, will not negatively impact Riverside Municipal Airport operations, we advise submitting this proposal to the ALUC as well. The proposal should also be coordinated with the Riverside Municipal Airport staff to ensure that the new Units 3&4 will not impact future as well as existing airport operations.

California Public Utilities Code, Section 21659 prohibits structural hazards near airports. The proposal will require submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) in accordance with Federal Aviation Regulation Part 77 "Objects Affecting Navigable Airspace." Form 7460-1 is available on-line at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> and should be submitted electronically to the FAA.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Riverside Municipal Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land

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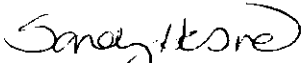
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uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our Caltrans District 8 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-4314.

Sincerely,



SANDY HESNARD

Aviation Environmental Specialist

Enclosure

c: Riverside County ALUC, Riverside Municipal Airport

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November 30, 2004

Dr. James W. Reede, Jr.  
California Energy Commission  
1516 9<sup>th</sup> Street  
Sacramento, CA 95814

Dear Dr. Reede:

Re: Notice of Intent to Adopt a Mitigated Negative Declaration and Proposed Small Power Plant Exemption Decision by California Energy Commission (Docket Number 04-SPPE-1)

Thank you for including the California Department of Transportation, Division of Aeronautics in the environmental review process for the above-referenced project. We have reviewed the Mitigated Negative Declaration, dated November 2004, and offer the following comments with respect to airport land use compatibility planning.

1. The proposed project is to construct and operate a 96-Megawatt electric generation plant, the Riverside Energy Resource Center. The plant would consist of two combustion turbine generators equipped with inlet air chiller coils, exhaust ducting, gas treatment system to meet the proposed emission limits, a common chiller package with cooling tower, gas compressor equipment, water storage and treatment facilities, emission monitoring system, zero liquid discharge wastewater treatment system, approximately 1.75 miles of electrical transmission / interconnection system and auxiliary equipment. The project site is approximately 3000 feet northwest of Riverside Municipal Airport.
2. In the Traffic and Transportation Section of the environmental document, the mitigation measure TRANS-2 addresses airport land use compatibility issues, but it includes factually inaccurate language. The Federal Aviation Administration (FAA) does not approve marking or lighting on structures. Instead, the FAA conducts an airspace determination to assess if a proposed structure is a hazard to air navigation. Through the Form 7460-1, Notice of Proposed Construction or Alteration, process, the FAA may also recommend that some structures have obstruction markings and/or lighting. In addition, obstruction lighting does not guarantee that the structures will no longer pose a hazard to air navigation. Therefore, we recommend that the FAA's airspace determination be concluded before the approval of the project.

Dr. James W. Reede, Jr.

November 30, 2004

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3. Airport land use safety zones, as mentioned in the above-referenced mitigation measure, do not directly relate to airspace protection. The airport land use safety zones are established to avoid and disclose airport-related noise and safety impacts, while the Federal Aviation Regulation Part 77 imaginary surfaces are engineered to protect navigable airspace around an airport.
4. We support the proposed avigation easement as an effective airport land use compatibility planning technique. Please note that avigation easements are typically granted to airport proprietors and recorded by local governments rather than airport land use commissions.
5. In addition, in accordance with CEQA, Public Resources Code 21096, the Department's Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. The Handbook is published on-line at <http://www.dot.ca.gov/hq/planning/aeronaut/htmlfile/-landuse.php>.
6. We strongly feel that the protection of airports from incompatible land use encroachment is vital to California's economic future. Riverside Municipal Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a state issue, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to airport land use compatibility planning. We advise you to contact Ms. Rosa Clark at 909-670-6908 in our District 8 office for surface transportation issues.

We appreciate the opportunity to review and comment on this environmental document. If you have any questions, please call me at (916) 654-5253.

Sincerely,

Original Signed by

DAVID COHEN

Associate Environmental Planner

c: Riverside Municipal Airport