

DOCKET

09-AFC-3

DATE DEC 09 2010
RECD. DEC 09 2010

CALPILOTS C/O Andy Wilson 31438 Greenbrier Lane Hayward, CA 94544 (510) 303-9027

December 9, 2010

Mr. Craig Hoffman Project Manager California Energy Commission 1516 Ninth Street, MS 15 Sacramento, CA 95814-5512

Subject: Mariposa Energy Project (09-AFC-03)

Re: Comments to Staff Assessment November 2010, CEC 700-2010-017

Dear Mr. Hoffman,

Following are California Pilots Association (CALPILOTS) comments as referenced above:

General Statement:

CALPILOTs objects to Mariposa Energy (09-AFC3) and East Altamont (08-AFC-07 and 08-AFC-07C) power plants with their visible and invisible thermal plumes and plume emissions being sited in their respective locations within in the Byron Airport (C83) airport influence area and within compatibility Zone D, (CCCALUC 2000, Byron Airport Compatibility Map). Requirements of **Trans 7** and **Trans 8** confirm a Hazard and to pilots, passengers and aircraft to avoid over flight. NOTAMS and lighting notices to prevent over flight which reduces useable airspace which is required for the diverse aircraft using the airport and are not acceptable mitigations.

No reference or studies were made for future demands (20 years) and use of the Byron airport (C83) as compared to the future life expectancy use of the Mariposa energy power plant in excess of 40 years. This would include but not limited to airspace requirements, control tower requirements and additional Instrument Approaches or Terminal Instrument Procedures (TERPS).

CALPILOTS requests that Mariposa Energy be denied a license for construction.

Air Quality 4.1-1

CALPILOTS objects to both the Mariposa Energy and East Altamont power plants which will cause pilots and passengers and aircraft to be subjected to continuous exposure to thermal plume both visible and invisible, exhaust gasses and particulate matter. The Bay Area Air Quality Management (BAAQMD) continues to ignore pilots and passengers as sensitive

receptors in their PDOC and FDOC documents flying into plumes that do not have time to disperse in the atmosphere.

Hazardous Materials (4.4-23)

Staff continues to ignore pilots, passengers and aircraft flying in and near both Mariposa Energy and East Altamont power plants. CALPILOTS requests Byron Airport be informed **CALPILOTS** December 9, 2010 Staff Assessment Response

Page 2

of any Hazardous Materials release occurs considering pilots and passengers and aircraft will potentially be flying between two power plants which increases the risk of a hazardous release.

Land Use (4.12-1)

Request:

Staff to show consistency:

Distance of Mariposa Energy from Byron Airport

Distance of Mariposa Energy from Byron Airport Runway 30

Distance of East Altamont from Byron Airport

Distance of East Altamont form Byron Airport Runway 30

Re: Figure 2:

Add East Altamont and comments to location in Airport Zone D.

Re: Page 4.10-2

This would apply to both Mariposa Energy and East Altamont.

Contra Costa County Airport Land Use Compatibility Plan (CCC-ALUCP), Policies: 4.3.4, FAA Notification; 4.3.6 Other, Flight Hazards; 6.7.4 and 6.5.4 Height Limitations; 6.9.3 Hazards to Flight Provides requirements for: protection of airspace; FAA notification for objects that may exceed a Federal Aviation Regulation (FAR) Part 77 conical surface (and intrude into airspace); definition of the airport influence area to encompass the FAR Part 77 conical surface; Airport Land Use Commission (ALUC) review for any proposed object taller than 100 feet in

Compatibility Zone "D"; and prohibition of land uses which would cause flight hazards

Re: Page 4.12-18

East County Area Plan (ECAP)

Program 63: The County shall delineate the boundaries of the Byron Airport's referral areas on Alameda County land use and zoning maps to identify areas that are subject to airport compatibility review.

<u>Program 64</u>: The County shall refer all discretionary permit applications (e.g., Conditional Use Permits. Site Development Review, etc.), in addition to general plan amendments and zoning changes, that are proposed within the Byron Airport referral area to the Contra Costa County Airport Land Use Commission for review and comment. (This action shall not constitute a referral as described under state ALUC law, Public Utilities Code section 21676.) In addition, all discretionary permit applications in the referral area shall be required to include an aeronautical study and noise study (if the study(ies) are appropriate for the type and scale of project being proposed) prepared by a qualified aviation consultant to determine if the proposed project would create a hazard to avigation or an adverse impact on airport operations. The County may consider height restrictions on structures, marking or lighting of structures, noise impact

analyses, noise insulation in structures, avigation and/or noise easements, and other appropriate measures to minimize or eliminate potential adverse impacts of development on avigation or airport operations. The recommendations of both the Contra Costa County ALUC and the Federal Aviation Administration (FAA) will also be considered in formulating project conditions of approval in addition to the recommendations in the aviation consultant's report. If a proposed project, including any mitigation measures, is determined by the County, in

CALPILOTS
December 9, 2010
Staff Assessment Response
Page 3

consultation with Contra Costa County ALUC, the FAA, and other affected parties, to create a hazard to avigation or an adverse impact on airport operations, the County shall not approve the project.

<u>Policy 150</u>: The County shall recognize the Byron (East Contra Costa County) Airport as a regional resource, and shall work with Contra Costa County to ensure that land uses approved in Alameda County within the Byron Airport's referral area are compatible with the airport's operations.

Traffic and Transportation (4.10-1)

Request:

Staff to show consistency:

Distance of Mariposa Energy from Byron Airport

Distance of Mariposa Energy from Byron Airport Runway 30

Distance of Mariposa Energy from Centerline of RNAV Approach Obstacle Clearance Surfaces And RPZ's

Distance of Mariposa Energy from outer edge of RNAV Approach Obstacle Clearance Surfaces and RPZ's

Distance of East Altamont from Byron Airport

Distance of East Altamont form Byron Airport Runway 30

Distance of East Altamont from Centerline of RNAV Approach Obstacle Clearance Surfaces And RPZ's

Distance of East Altamont from outer edge of RNAV Approach Obstacle Clearance Surfaces and RPZ's

Re: Figure 3.

Add East Altamont

Add Runway 30 RNAV Approach Obstacle Clearances Surfaces and Protected RPZs. Note: only center line is shown.

Re: Figure 4A:

Add East Altamont CEC East Altamont

Re: Figure 4B:

Add East Altamont CEC East Altamont

Add and Calculate RNAV Approach to Runway 30 Clearances

Ref. 4.10.32 Aviation impacts

Attachment No 1

Byron Airport (C83) RNAV Horizontal Protection Zones.

CALPILTS Requests CEC Staff to review and calculate the horizontal obstacle / hazard clearance to the RNAV Approach to the Byron Airport (C83) RNAV Approach to Runway 30 (Attachment 1) and as per U. S. Department of Transportation, Federal Aviation Administration (FAA), National Policy, Order 8260.54A, And Effective Date: 12/07/07, Subj.: The United States

CALPILOTS
December 9, 2010
Staff Assessment Response
Page 4

Standard for Area Navigation (RNAV).

http://www.faa.gov/about/office org/headquarters offices/avs/offices/afs/afs400/afs420/policies guidance/orders/me dia/Order 8260.54A.pdf

This should be applied but not limited to Mariposa Energy and East Altamont. East Altamont would not only have the invisible thermal plumes but the visible plumes as well. Both would interfere with the Obstacle Clearance Surfaces to Runway 30.

Add to References:

Add FAA Aeronautical Information manual (AIM), Feb 2011, 7-5-15, Flight Hazard Exist Around Thermal Plumes. http://www.faa.gov/air_traffic/publications/ATPubs/AIM/aim.pdf

Add RNAV Approach to the Byron Airport (C83) RNAV Approach to Runway 30 (Attachment 2) as per U. S. Department of Transportation, Federal Aviation Administration (FAA), National Policy, Order 8260.54A, and Effective Date: 12/07/07, Subj.: The United States Standard for Area Navigation (RNAV).

http://www.faa.gov/about/office_org/headquarters_offices/avs/offices/afs/afs400/afs420/policies_guidance/orders/me_dia/Order_8260.54A.pdf

Re: Page 4.10-50

Both **Trans 7** and **Trans 8** are inadequate to mitigate the plume hazard and does nothing more than reduce useable airspace within the Byron Airport influence area. Pilots will be focusing on avoiding the declared visible and invisible plume hazard and not on seeing and avoiding other aircraft. **Trans 7** and **Trans 8** do not adequately locate Mariposa Energy on the Aeronautical charts due to their scale.

Verification

CALPILOTS opinion is Verification is inadequate to confirm **Trans 7** and **Trans 8**.

Regards,

Andy Wilson

California Pilots Association

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US DEPARTMENT OF TRANSPORTATION INSTRUMENT APPIFEDERAL AVIATION ADMINISTRATION FAR PA

RNAV (GPS) - STANDARD INSTRUMENT APPROACH PROCEDURE FAR PART 97.33

Bearings, headings, courses, and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, TCH, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

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PAGE 1 OF 6 PAGES

US DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION RNAV (GPS) - STANDARD INSTRUMENT APPROACH PROCEDURE - FAR PART 97.33

Bearings, headings, courses, and radials are magnetic. Elevations and altitudes are in feet, MSL, except HAT, HAA, TCH, and RA. Altitudes are minimum altitudes unless otherwise indicated. Ceilings are in feet above aiport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles or in feet RVR.

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U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION RNAV (GPS) STANDARD INSTRUMENT APPROACH PROCEDURE FLIGHT STANDARDS SERVICE - FAR PART 97.33

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LTP/FTP LATITUDE	374936.8925N
LTP/FTP LONGITUDE	1213714.0485W
LTP/FTP ELLIPSOIDAL HEIGHT	-00174
FPAP LATITUDE	375040.2600N
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THRESHOLD CROSSING HEIGHT (TCH)	00040.0
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GLIDEPATH ANGLE (GPA)	03.00
COURSE WIDTH AT THRESHOLD	106.75
LENGTH OFFSET	1376
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CRC REMAINDER	A72E1707
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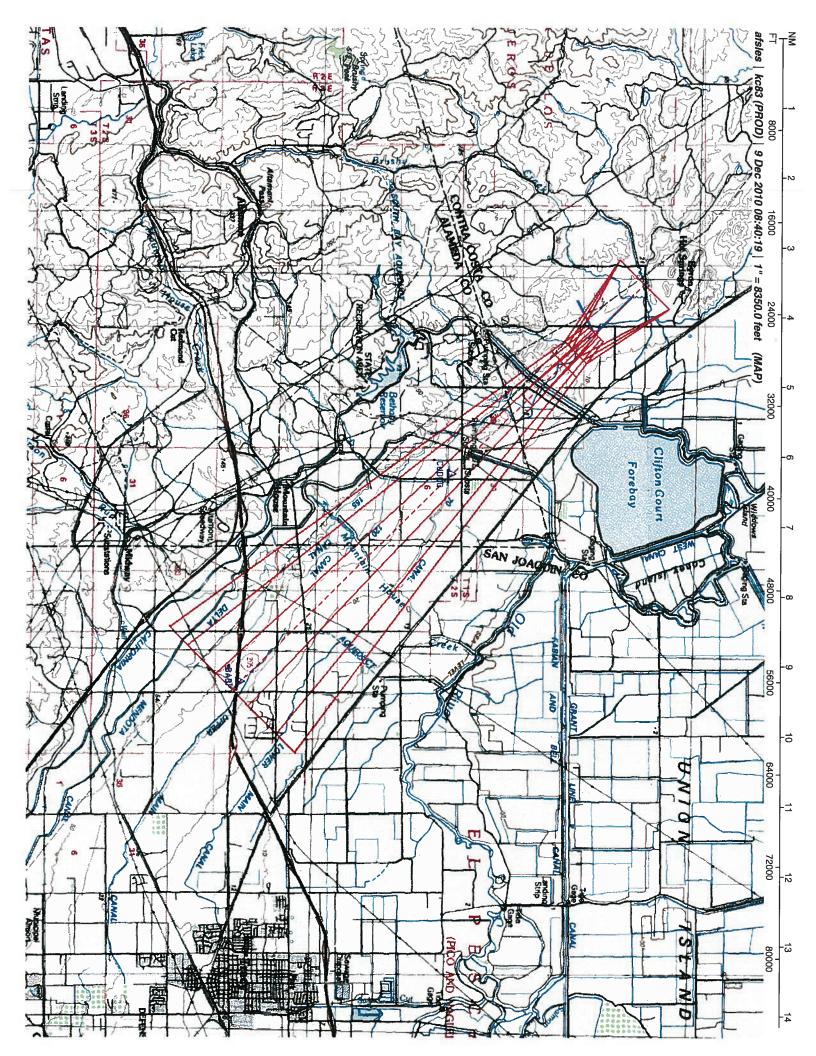
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		BABPI		N374433.12	.12	W1213055.45	5.45	N3744.552	52	W12130.924	
		CUDUG		N374733.08	.08	W1213439.59	9.59	N3747.551	51	W12134.660	
		EKIYU		N374059.09	60.	W1212629.46	9.46	N3740.985	85	W12126.491	
		HAIRE		N375425.69	. 69	W1212849.36	9.36	N3754.428	128	W12128.823	
		HOXAV		N375831.77	.77	W1213356.32	5.32	N3758.530	30	W12133.939	
		ROGOY		N375248.89	. 89	W1214114.02	1.02	N3752.815	115	W12141.234	
		SHARR		N374748.64	.64	W1211631.06	1.06	N3747.811	311	W12116.518	
		RW30		N374936.89	68.	W1213714.05	4.05	N3749.615	515	W12137.234	
RUNWAY DATA	K	RWIV	THRESHOLD	HOLD	H.						
		THAT		NOTE							
		RW30	00048		40						

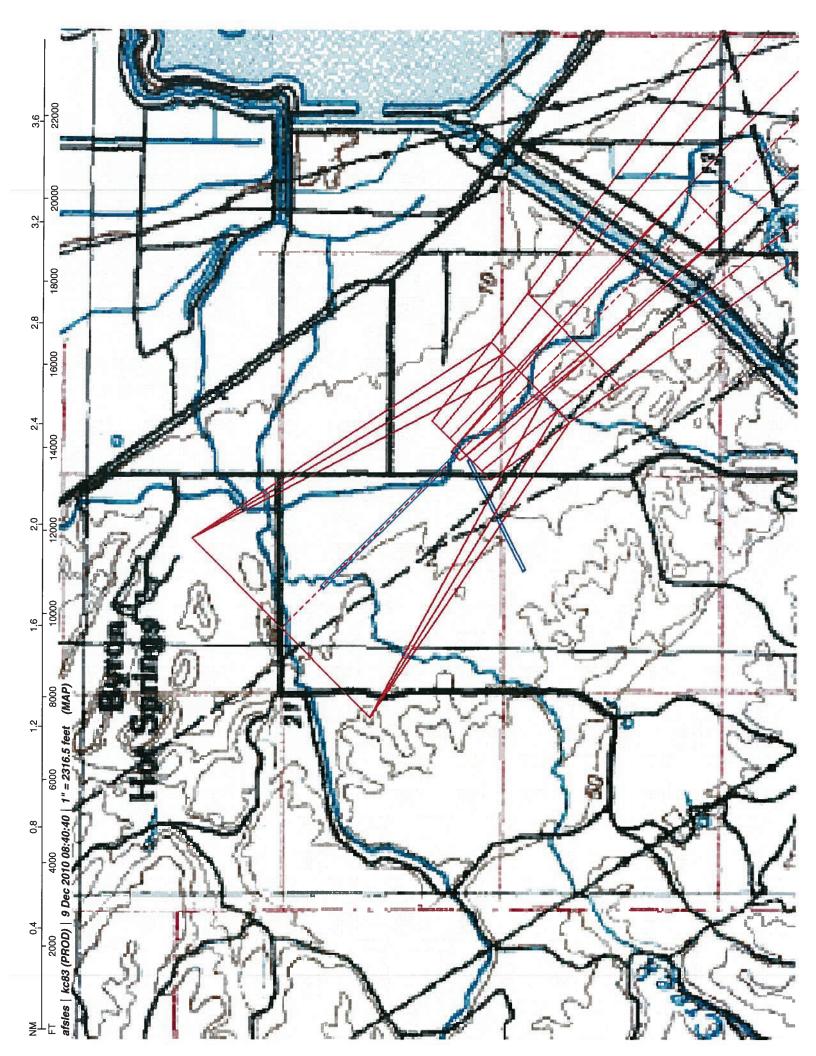
DEC 2 0 200		BYRON	
	RNAV		
RNAV (GPS) RWY 30, OR	DENTIFIEK:	AIRPORT NAME:	BYRON, CA
PROCEDURE NO./ AMDT NO./EFFE	FACILITY	ELEVATION: 79 TDZE: 55	CITY AND STATE

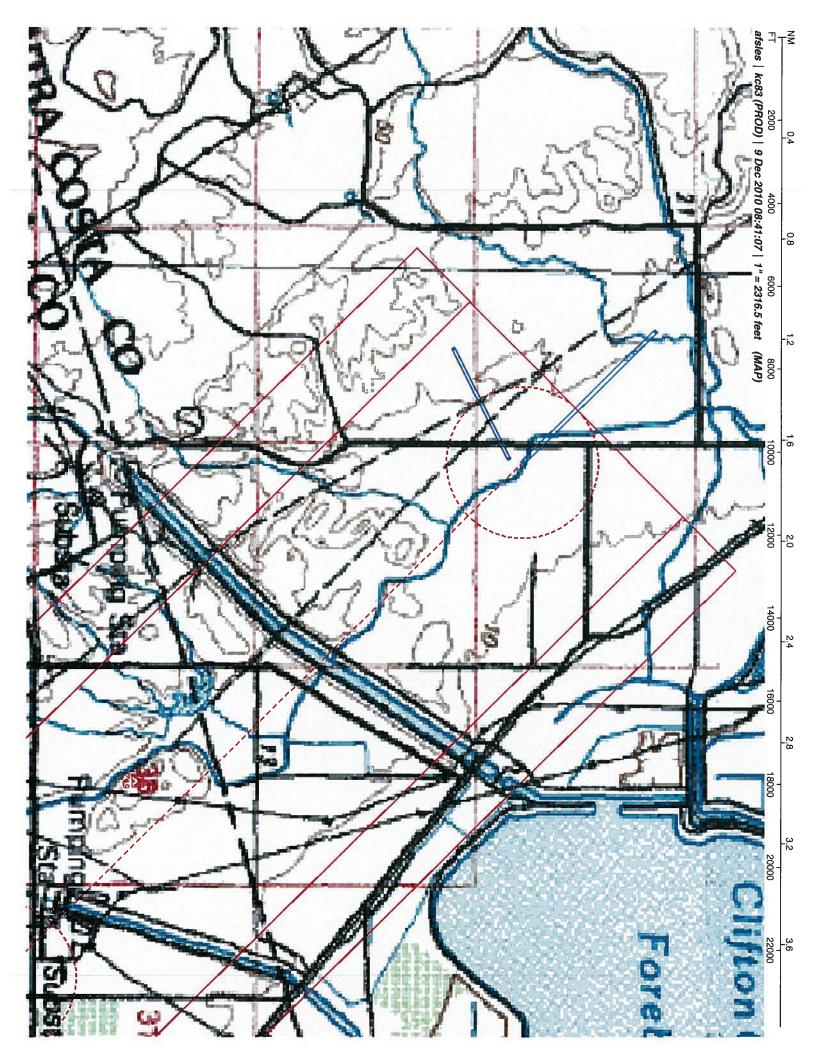
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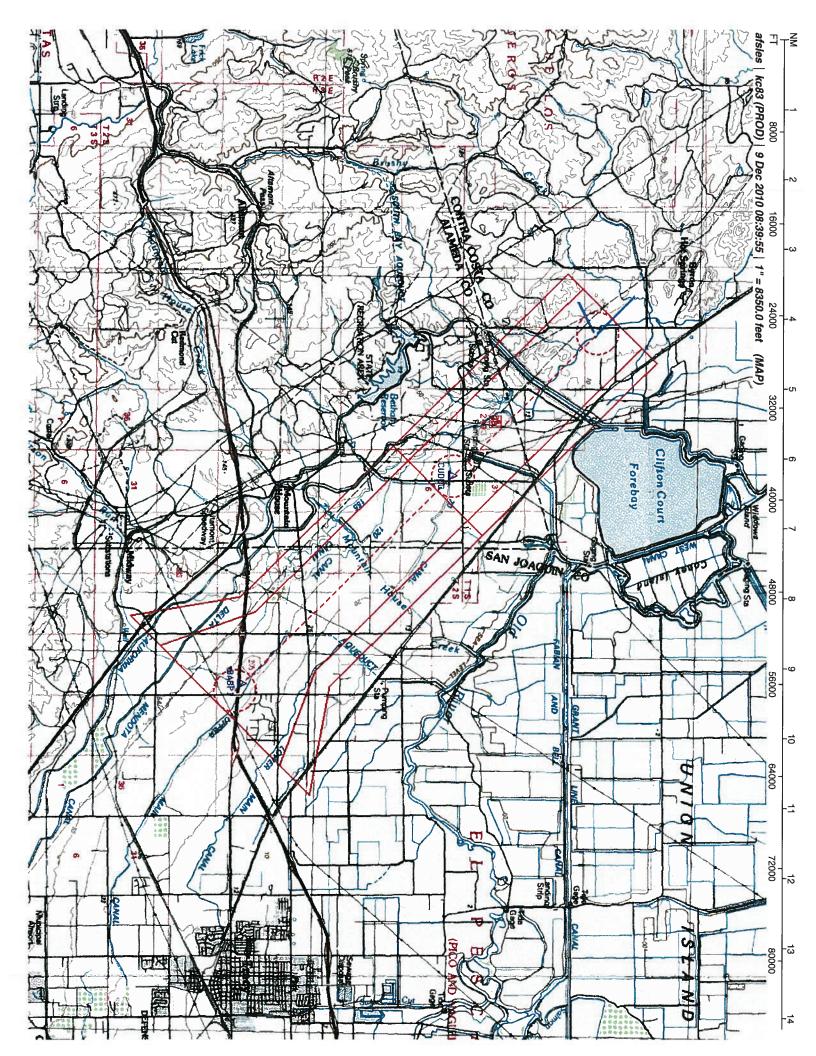
ORIG DATED: AMDT:

SUP:











BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA 1516 NINTH STREET, SACRAMENTO, CA 95814 1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE *MARIPOSA ENERGY PROJECT*(MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE (Revised 10/20/2010)

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DECLARATION OF SERVICE

I, Charlene L. Fulton declare that on December 9, 2010, I served and filed copies of the attached Comments to Staff Assessment November 2010, CEC 700-2010-017 with attachments. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/mariposa/index.html].

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

	FOR SERVICE TO ALL OTHER PARTIES:
X	sent electronically to all email addresses on the Proof of Service list;
	by personal delivery;
	by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "email preferred."
AND	
	FOR FILING WITH THE ENERGY COMMISSION:
X	sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (<i>preferred method</i>);
OR	
	depositing in the mail an original and 12 paper copies, as follows:
	CALIFORNIA ENERGY COMMISSION Attn: Docket No. 09-AFC-3 1516 Ninth Street, MS-4 Sacramento, CA 95814-5512

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

docket@energy.state.ca.us

/S/_		
	Charlene L. Fulton	