

DOCKET

09-AFC-3

DATE _____
RECD. JAN 21 2011

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
Mariposa Energy Project)
)
_____)

DOCKET NUMBER: 09-AFC-3
CALPILOTS Rebuttal Testimony

California Pilots Association (CALPILOTS) offers Rebuttal Testimony in opposition to the Mariposa Energy Project MEP.

Land Use

SSA

The following policies in the Contra Costa County ALUCP are applicable to the MEP: Section 6.7.4 identifies height limitation criteria for projects within Compatibility Zone D, which are the same as those in Compatibility Zone C1. According to this section, Objects less than 100 feet in height or a solitary object, such as an antenna or tower, that is not more than 35 feet taller than other nearby objects, generally are not of concern. An Airport Land Use Commission (ALUC) review is required for objects taller than 100 feet.

CALPILOTS would argue the plume height exceeds the height requirement of Zone D. Furthermore Staff fails to address or consider Trans- 7 Obstruction and Lighting and Trans- 8 Pilot Notification and Awareness which would require pilots to avoid overflight of the MEP power plant located within Zone D¹

The Contra Costa County ALUC letter dated October 14, 2010 and Docketed October 14, 2010 stated the following:

“The Contra Costa County Airport land Use Commission finds, without prejudice, that –absent demonstration of compatibility as the compatibility criteria are set out in the balance of this letter and the November 5, 2009 letter including references to the hearing record (see Chapters 2 (particularly Section 2.4) and Chapter 4 of the Airport Land Use Compatibility Plan -- the Mariposa Energy Project is inconsistent with the Contra Costa Airport Land Use Compatibility Plan. Without authoritative scientific data showing the absence of hazard to aircraft to aircraft and therefor no hazard to airport operations, the ALUC cannot find the proposed use compatible with current and future use and development at or around the Byron Airport.”

¹ Airport Diagram, Figure 2, Mariposa Energy Project – Byron Airport Compatibility Map. SSA Land Use Dated November 2010, CEC 700-2010-017,, Docket Number 09-AFC-3

Airspace and Future Growth

The Byron Jet Center, LLC, Patriots Jet Team, Inc. and Patriots Jet Team Foundation, Inc., currently leases 13,000 square feet of hanger space, operate 10 jet aircraft and 3 propeller driven aircraft from the Byron Airport. They have a 40 year land lease on 2 acres at the Byron Airport with a planned 35,300 square foot hanger that will be completed by the Fall 2011. Phase 2/3 plans will include 4 additional acres at the airport for the construction of an additional 70,000 square feet of hanger space. They have plans to operate a non-profit Museum in these hangers which will include additional flying with expanding operations at Byron. As the airport grows in operations per day the use of airspace will further become stressed and better planning will be required further from the airport. The Byron Airport does not have a control tower and it is up to each pilot to monitor the activity and weather and special conditions at the airport in preparation to land at the Byron Airport.

The airspace over MEP and the East Altamont power plant is used by aircraft transiting to and from the Byron airport^{2, 3}. The airspace space is also used for aircraft separation and the airport pattern becomes full and congested with the varying types of aircraft with pattern airspeed's to include launching of gliders which could take up to 3 minutes to launch. During this time aircraft must use varying techniques create spacing to wait for the runway to be clear of aircraft to begin their approach to the airport or extend their patterns to maintain their separation for safety.

Operations Patterns

The CEC staff and MEP continue to avoid addressing the current and future use of the Byron Airport patterns. With increasing operations with the different types of aircraft the patterns^{4, 5} become more congested and will require more airspace to keep aircraft separated at a safe distance both in the airport traffic pattern and in airspace over MEP and the now CEC licensed East Altamont Power Plant.

² Traffic and Transportation – Figure 4A, Mariposa Energy project – Flight Tracks near the MEP from 12/8/2009 to 1/3/2010, SA Traffic and Transportation , Dated November 2010, CEC 700-2010-017, Docket Number 09-AFC-3

³ Traffic and Transportation – Figure 4B, Mariposa Energy project – Flight Tracks near the MEP from 3/1/2010 to 3/15/2010, SA Traffic and Transportation, Dated November 2010, CEC 700-2010-017,, Docket Number 09-AFC-3

⁴ Figure 3, Mariposa Energy Project, Byron Airport. SA Traffic and Transportation, Dated November 2010, CEC 700-2010-017, Docket Number 09-AFC-3

⁵ CALPILOTS Byron Airport Pattern see attached.

California Pilots Association (CALPILOTS)
Resume / Mission

Mission

The California Pilots Association (CALPILOTS) was established in 1949. Our mission is the promotion, preservation and protection of our state's general aviation airports and aviator privileges. We are a statewide non-profit 501 (3C) served by volunteers.

Partial List of California Airport Related Power Plant Projects

California Energy Commission (CEC) Power Plant Projects near Airports:

Russell City Energy Center (RCEC), California Energy Commission (CEC) Amendment No. 1, (01-AFC-7C). CALPILOTS participated in most if not all CEC Workshops, Public meetings and Alameda County Airport Land Use Meetings. Since the Commissioners Final Decision to Approve RCEC, CALPILOTS has Appealed to the California Supreme Court, Appealed The U.S. Environmental Appeals Board (EAB) and Filed a Petition for Review before the FAA. All in reference to close proximity to the Hayward Executive Airport (HWD)

Eastshore Energy Center – Tierra Energy; California Energy Commission (CEC) (06-AFC-06) CALPILOTS became an Intervener under the Group Intervener. CALPILOTS co-ordinated the appearance of the FAA, California Department of Transportation – Aeronautics, and CALPILOTS witnesses during the Evidentiary Hearing. All in reference to the close proximity to Hayward Executive Airport (HWD)

State of California Power Plant Projects Near Airports:

State of California, Riverside County, French Valley Energy Center, ZAP 1027FV08.

CALPILOTS appeared before the Airport Land Use Commission to oppose the proposed power plant near the French Valley Airport (F70). The applicant retracted their application before the Riverside County Planning Department.

State of California, Modesto Irrigation District (MID), Valley Bio Energy LLC, (VBE).

CALPILOTS opposed the proposed power plant for reason of being under the downwind pattern and being in close proximity to the Modesto Airport (MOD). MID voted against construction of the power plant.

More information about CALPILOTS can be found at <http://calpilots.org/>

Andy Wilson Aviation Resume

Private Pilot with Instrument rating used for business and pleasure.

Time in General Aviation aircraft single engine aircraft to include high performance and complex aircraft. Flying experience includes glider and aerobatics. Geographical areas of experience include mountain and desert flying in different IFR and VFR weather conditions.

Partial list of Power Plant and Airports

Russell City Energy Center (RCEC), California Energy Commission (CEC) Amendment No. 1, (01-AFC-7C). Participated in most if not all CEC Workshops, Public meetings and Alameda County Airport Land Use Meetings. All in reference to close proximity to the Hayward Executive Airport (HWD)

Eastshore Energy Center – Tierra Energy; California Energy Commission (CEC) (06-AFC-06) CALPILOTS became an Intervener under the Group Intervener. Assisted and co-ordinated in documentation, the appearance of the FAA, California Department of Transportation – Aeronautics, and CALPILOTS witnesses during the Evidentiary Hearing. All in reference to the close proximity to Hayward Executive Airport (HWD).

State of California Power Plant Projects Near Airports:

State of California, Riverside County, French Valley Energy Center, ZAP 1027FV08. Appeared before the Airport Land Use Commission to oppose the proposed power plant near the French Valley Airport (F70). The applicant retracted their application before the Riverside County Planning Department.

State of California, Modesto Irrigation District (MID), Valley Bio Energy LLC, (VBE). Wrote an spoke on behalf of CALPILOTS to oppose the proposed power plant for reasons of being under the downwind pattern and being in close proximity to the Modesto Airport (MOD). MID voted against construction of the power plant.

Private Pilot with Instrument Rating
Member of AOPA since 1980
CALPILOTS Director-at-Large

Power Plants and Airports Don't Mix

http://www.calpilots.org/index.php?option=com_content&view=article&id=1631:power-plants-and-airports-dont-mix&catid=55:airport-support&Itemid=86

Andy Wilson
Partial List Industrial and Power Plant Experience
Resume

Teaching

Taught power plant digital and analog control systems for over 4 years

Startup

Primary Startup Supervisor (PSS) for 1,000 megawatt coal fired power plant. Responsible for all power plant control systems including computers. Supervised three 3 startup engineers.

Systems Design

RECLAIM

Designed, engineered and project managed the first oil refinery software RECLAIM system which had over 20 sources being calculated concurrently. Software was first of a kind and the Refinery Data was the first to be sent to the RECLAIM computers. Proved RECLAIM could work. System became the hardware and software model for other refineries in the Los Angeles, CA area.

NOx

Designed, engineered and managed a NOx compliance monitoring system for four power plants over a propriety computer network.

Publications:

Video Tapes

Wrote, Scripted and appeared in over 20 hours of video tapes Video Tapes on both analog and digital control systems used in power plants that were sold internationally for over 20 years.

I Andy Wilson declare as follows

- 1) I prepared the Rebuttal Testimony on Land Use and Traffic and Transportation Testimony of Andy Wilson on the MEP.
- 2) It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
- 3) I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.
- 4) A copy of my professional qualifications is attached.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge and belief, and that this declaration was executed on January 21, 2011 in Hayward, California.

A handwritten signature in blue ink that reads "Andy Wilson". The signature is written in a cursive style with a large initial 'A'.

Signed 2-7-11

DECLARATION OF SERVICE

I, Andy Wilson, declare that on January 7, 2011, I served and filed copies of the attached CALPILOTS First Testimony. The original documents, 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:
[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](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:

- 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:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

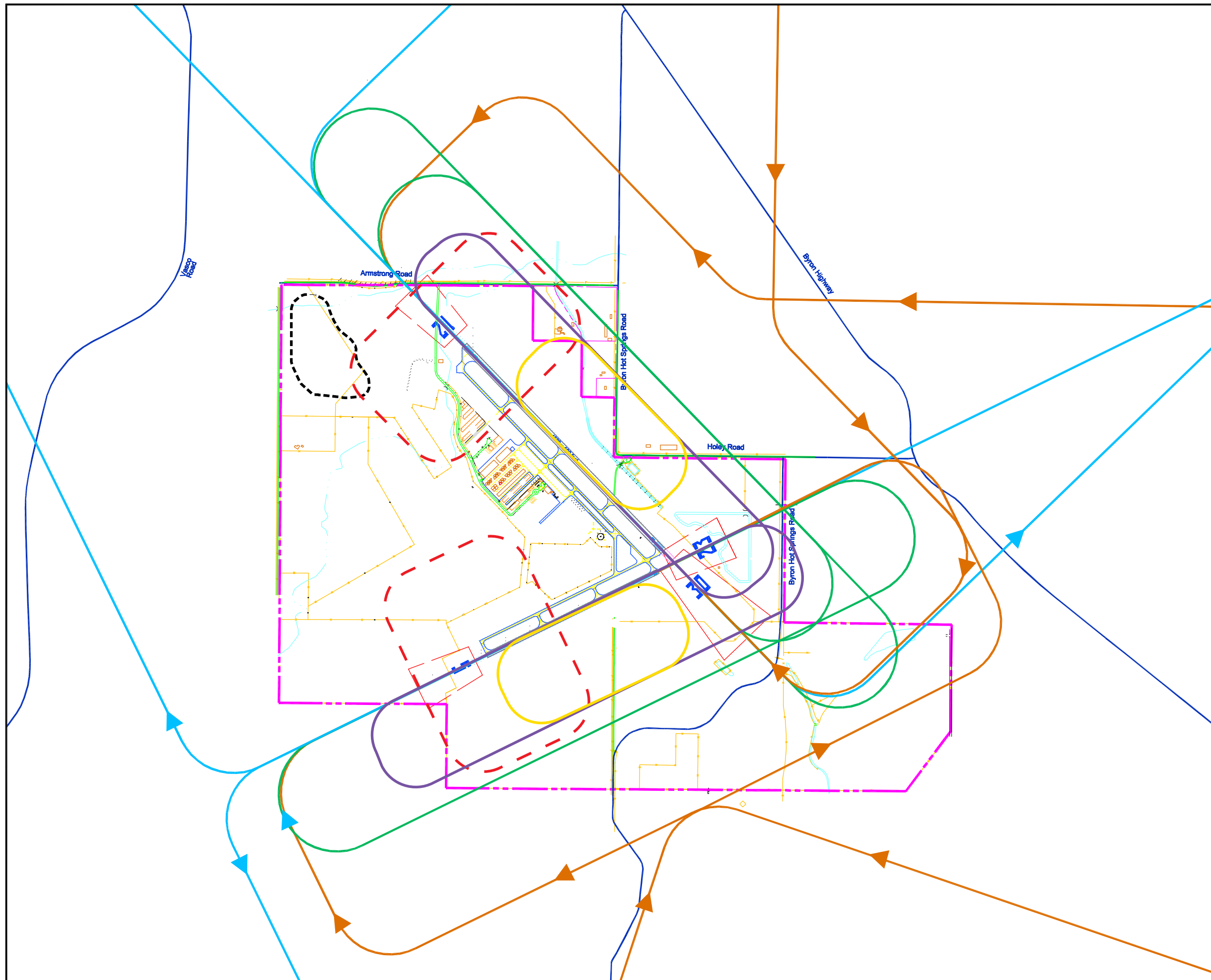
CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 09-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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.



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"kwillis@energy.state.ca.us" <kwillis@energy.state.ca.us>;
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Chris Curry <c.curry@dgc-us.com>



LEGEND

- - - Airport boundary
- Off-airport road
- On-airport road

FLIGHT TRACKS

- Departure flight paths
- Arrival flight paths, 1000' Pattern Altitude AGL
- Touch and go flight paths, 1,000' Pattern Altitude AGL
- - - Helicopter flight training flight paths
- Ultralight flight paths, 500' Pattern Altitude AGL
- Glider flight paths, 1000' Pattern Altitude AGL
- - - Parachute Drop Landing zone

**CALPILOTS
FLIGHT PATHS
Byron Airport C83
Figure No. 1**

