

<b>DOCKET</b> 01-AFC-7C
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from Public Advisor's Office <Pao@energy.state.ca.us>  
to John Mccarthy <jmccarthy3@horizon.csueastbay.edu>

date Wed, Mar 19, 2008 at 10:35 AM  
subject Re: Eastshore EC & aviation

hide details Mar 19 Reply

Hi Mr. McCarthy,

Thank you for your e-mail. I have forwarded your e-mail and attachment to the Energy Commission's Dockets Unit for docketing. A copy of your e-mail and attachment will be sent to the Eastshore Energy Center's Proof of Service list, which includes the Energy Commission's five Commissioners.

Please e-mail or call the Public Advisor's Office at (916) 654-4489 or (800) 822-6228, if you have further questions.

Thank you,

Laura Murphy

Public Advisor's Office

>>> John Mccarthy <jmccarthy3@horizon.csueastbay.edu> 3/18/2008 7:29 PM >>>

- Show quoted text -

In having provided a graphic and verbal description (January 2008) of factual differences between rotorcraft and fixed wing aircraft, these differences were shown to be critical to the different performance characteristics. The graphic display materials and text excerpts were forwarded with staff, following the hearing (January 2008). It is now urgent that you are fully aware of consequences which could ensue, as a result of decisions concerning "Eastshore" EC. A 2 page review will be forwarded as extended public comment.

J.V. McCarthy  
(USAR Retired)

P.S. In attachment to this email transmission, #3 of same, copy is provided of the 2 page review, noting possible consequences.

**P.S. In comment relating to the "Russell City" energy center, be advised that there are unresolved issues concerning this matter. Prior to any construction, issues are:**

- 1. Aviation findings included legitimate conditions expressed by aviation witness, concerning airspace restriction. These concerns do not appear to have been adequately addressed by California Energy Commission staff in their findings.**
- 2. Currency of need and technology issues should be considered in the financing.**

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

AS DETAILED FOR POSSIBLE LITIGATION (\*PENDING FURTHER DETAIL AND CASE HISTORY).

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. (Hayward has recently dropped it's aviation industry periodicals from Hayward public library materials.)
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. (It is not yet clear whether this "Airport Director" ever acquired her expected pilots license, as appropriate.)
6. City of Hayward insists on its disregard of state code and case law regarding Airport Land Use Commission. (Was there a collusion with the county, in the county counsel denial of the published existence of case law?)
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, as an admitted previous mistake before the rezoning for "Home Depot" as an example of unrelated land use on immediate airport access.
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.

What, if anything, has the City of Hayward done to inform residential neighborhoods at risk from air traffic? If the specific risks of layered airspace, over Hayward, have ever been detailed graphically or otherwise, by Hayward, this has not been well disclosed. The risk level over Hayward neighborhoods comes most obviously into focus in areas immediately south of "Southland" mall (see pink highlighter trapezoid of second graphic). In that area SFO 28 L/R east loop to final approach directly overlies Oakland 29 east loop to final approach, which there directly overlies Hayward final approach. Hayward takeoff, west loop, directly underlies Oakland final approach, with the first ascending toward where the other descends (see yellow highlighter triangles of second graphic). Some risks implied by airspace crowding have been suggested (13 March 2008). To consider mid-air collision possibilities, in either area, from contingency which may include IFR, fuel shortage, flameout, fire, storm fronts, or other aircraft presents risk from airspace crowding, in addition to the contingency factors.

J.V. McCarthy  
8 June 2008

**P.S. The same basic conditions, which apply to "Eastshore" EC (Docket 06- AFC- 6), also apply to RCEC (Docket 01- AFC- 7C) where aviation is concerned. The air space graphics were provided in 06- AFC- 6.**