

June 27, 2008

Dockets Unit  
California Energy Commission  
1516 Ninth Street, MS 4  
Sacramento, CA 95814

RE: Hayward Regional Shoreline  
RCEC Project (01-AFC-7C)

<b>DOCKET</b>	
01-AFC-7C	
DATE	JUN 27 2008
RECD.	JUN 30 2008

California Energy Commission:

The East Bay Regional Park District has reviewed the notification of petition to extend the construction deadline for the Russell City Energy Center project (RCEC; 01-AFC-7C) and has the following comments regarding the proposed project. The Park District previously identified numerous concerns regarding direct park impacts from the original RCEC (01-AFC-7) project proposed at Enterprise Avenue and Whitesell Drive. The relocated RCEC (01-AFC-7C) project proposed at Depot Road has also raised a number of concerns from public stakeholders including, but not limited to, Alameda County, the California Native Plant Society, Audubon California, and various members of the public.

The Park District is concerned with the impacts of the proposed project to the Hayward Regional Shoreline area and reiterates its concerns as identified in the Park District's letters dated August 8, 2001 and August 20, 2001 (copies attached). The Park District requests that the impacts to the area be fully avoided and that the concerns that have been raised are fully addressed prior to the California Energy Commission decision regarding an extension to the construction deadline.

Sincerely,

Larry Tong  
Interagency Planning Manager

Attachments:

- 1) Letter to Keese, Aug. 8, 2001
- 2) Letter to Keese, Aug. 20, 2001

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cc's

Hardcopy

C. Bazar, DC Director, Alameda County  
L. Naumovich, California Native Plant Society – East Bay  
M. Perlmutter, Audubon California

Electronic

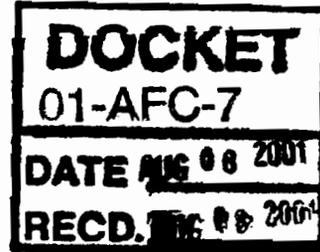
EBRPD Board of Directors  
P. O'Brien, General Manager  
R. Doyle, Assistant General Manager, LA&IP Division  
M. Anderson, Assistant General Manager, P/S&D Division  
Ted Radosevich, District Counsel  
A. Pulido, Clerk of the Board



*Letters given to all staff in areas listed below 8/2*

August 8, 2001

William J. Keese  
Chairman  
Russell City AFC Committee  
California Energy Commission



Re: Hayward Regional Shoreline  
Russell City Energy Center, AFC (01-AFC-7)

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Dear Mr. Keese,

The East Bay Regional Park District's Hayward Regional Shoreline is in close proximity to the proposed Russell City Energy Center. The Hayward Shoreline facility includes salt, fresh, and brackish water marshes, seasonal wet lands and portions of the San Francisco Bay Trail. The Hayward Shoreline Marsh is a restoration project that relies on carefully balanced amounts of fresh and brackish waste water.

For the August 7, 2001 informational hearing, the District is submitting the following background materials for consideration:

- 1) Hayward Regional Shoreline informational brochure
- 2) Letter dated June 14, 2001 to the City of Hayward regarding the Russell City Energy Center
- 3) Letter dated August 6, 2001 to East Bay Municipal Utilities District regarding the Bayside Ground Water Treatment EIR

The District is concerned with potential significant impacts on parklands from the proposed project. In particular, the potential impacts include, but are not limited to, the following:

- Air Quality = parkland visitors, wildlife, vegetation, wetlands
- Biological Resources = wildlife, vegetation, wetlands
- Cultural Resources = parkland visitors
- Land Use = parkland usage
- Noise = parkland visitors, wildlife
- Socioeconomic = parkland visitors



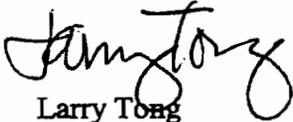
Mr. W. J. Keese  
August 7, 2001  
page 2

Visual Resources = parkland visitors  
Waste Management = parkland visitors, wildlife, vegetation, wetlands

The District is also concerned with the potential significant impacts of the radio tower relocation on the Hayward Shoreline facility. Because the tower relocation is a critical part of the Russell City Energy Center's proposed project, we believe that its environmental impacts need to be considered as part of the proposed project as a whole, rather than in a piece-meal manner.

The District would like to work with the applicant and the California Energy Commission either to avoid the impacts or to mitigate them.

Sincerely,



Larry Tong  
Interagency Planning Manager

enclosures (3)

cc R. Doyle, Assistant General Manager



August 20, 2001

**William J. Keese**  
**Chairman**  
**Russell City AFC Committee**  
**California Energy Commission**

**Re: Hayward Regional Shoreline**  
**Russell City Energy Center, AFC (01-AFC-7)**

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**General Manager**

Dear Mr. Keese,

Thank you for the opportunity to submit additional testimony regarding the proposed Russell City Energy Center project. This letter is a follow up to the letter that the East Bay Regional Park District previously submitted. The District is very concerned that the proposed Russell City Energy Center project may result in a significant adverse impact on the environment. The most critical environmental concerns for the District are:

1. Significant impacts on wetlands, plant and animal species in Hayward Regional Shoreline park;
2. Significant impacts on scenic vistas in Hayward Regional Shoreline park;
3. Significant impacts from toxic pollutant emissions on the public and District employees in Hayward Regional Shoreline park; and
4. Significant impacts from noise impacts on the public and District employees and on animal species in Hayward Regional Shoreline park;

The project information fails to provide adequate analysis of the potentially significant impacts and the project does not include mitigations to those impacts. Additional analysis is needed as well as additional mitigations. The following comments provide additional clarification regarding these concerns.

**Potential impacts on wetlands, plants and animals**

The project information provides inadequate analysis of potential impacts on:

- seasonal wetlands;
- alkali grasslands;
- special status wildlife species, including, but not limited to, Burrowing Owl, Peregrin Falcon, Salt Marsh Harvest Mouse, and Clapper Rail;



- special status plant species, including, but not limited to Britblescale, Congdon's tarplant; Lathyrus; and spikerush.

Regarding biological resources, the project information states that with mitigation, the project would result in a "net benefit" to the environment. The project does not provide adequate information, such as where and how values were determined, to support the finding.

The project information states that "temporary fencing" will be provided to ensure that entry into the sensitive salt marsh areas is avoided. The project does not adequately discuss or provide mitigation for the potential long term loss of sensitive habitat.

The project information fails to adequately address potential impacts to the District's Salt Marsh Harvest Mouse Preserve. The preserve is contiguous with similar habitat owned by the City of Hayward. Runoff from the project during rain events, emergencies, and normal routine may carry toxic substances into these lands and be distributed throughout the preserve. Additionally, the hydraulic dynamics of the preserve are linked with the District's operation of the freshwater marsh. Draining the preserve is dependent on the management of the freshwater marsh and it can take several days to drain water to reduce the impacts to the preserve.

New available perches can increase predation or harassment of sensitive species by perching birds. The project information fails to identify the type of devices and document their level of success in reducing perching by predators.

The District has applied for grant funds to develop new California least tern habitat within the freshwater marsh. Development of the habitat will result in the likely increase in nesting of least terns and potentially western snowy plovers at the site.

The project fails to address the impact on migratory birds. The project's structures, lights, vibrations, low-level noise, and change in atmospheric temperature and vapors from the cooling towers could adversely impact the waterfowl. Up to 40,000 ducks and other waterfowl winter annually within the freshwater marsh at Hayward Regional Shoreline park. The birds are easily disturbed and frequently flush throughout the day and night hours. These birds fly at varying distances and heights after flushing, and are likely to come into contact with the proposed project buildings, structures, and screens. Increased mortality and injury, due to the bird's minimal ability to maneuver around obstacles, is likely.

Many of the potentially impacted plants would not be identifiable until December, rather than the February, March, and April times identified. Scientific surveys need to be taken at the appropriate time of year to determine the extent of potentially significant impacts to many of the special status plant species.

#### Potential impacts on scenic vistas

The project information does not adequately analyze the impact on scenic vistas from within the Hayward Regional Shoreline park.

Potential impacts from toxic pollutant emissions on the public and District employees

The project information fails to adequately analyze the significant impacts from bio-accumulation of air borne pollutant emissions on the public and District employees in Hayward Regional Shoreline park and the impact to wildlife from accumulation in animal tissue from ingestion of plants subject to the air borne pollutants.

Potential impacts from noise on the public and District employees

The project information fails to adequately analyze the significant impacts from noise on the public and District employees in Hayward Regional Shoreline park.

Sincerely,



Larry Tong  
Interagency Planning Manager

cc R. Doyle, Assistant General Manager