



HAYWARD AREA SHORELINE PLANNING AGENCY

Hayward Area Recreation and Park District
East Bay Regional Park District
City of Hayward

December 24, 2009

Ms. Mary Dyas
Compliance Project Manager
Siting, Transmission and Environmental Protection Division
California Energy Commission
1516 Ninth Street, MS-2000
Sacramento, CA 95814

DOCKET

01-AFC-7C

DATE DEC 24 2009

RECD. JAN 31 2010

RE: **Petition for Amendment No. 2, Russell City Energy Center (01-AFC-7C)**

Dear Ms. Dyas,

The Hayward Area Shoreline Planning Agency (HASPA) at its regular meeting on December 17, 2009 was informed of the consideration by the California Energy Commission (CEC) of the Petition for Amendment No. 2 for the Russell City Energy Center (RCEC), Hayward, CA. Coincidentally, the agency Board of Trustees had just heard a presentation by hydrology consultant Phillip Williams and Associates (PWA) who was commissioned by HASPA to report on the affect of projected sea level rise on the Hayward Shoreline. The basis for the PWA presentation was an inundation map developed for the San Francisco Bay Conservation and Development Commission (BCDC) by the USGS (Knowles 2008), that I have attached for your information and use.

As you may already know, the RCEC project is located on a site that will be affected by the projected rise in sea level and although the floor elevation of the energy center may be built higher than actual flood level, the increase in groundwater levels at this site must also be considered in the design of underground pipelines and conduits in this area. However, nothing in the Amendment No. 1, or in the recently produced Amendment No. 2, addresses how the RCEC building foundation, underground gas and water lines, conduits, cabling, etc, will be engineered to deal with this rise in the level of the groundwater both at and nearby the RCEC site. As the engineers from PWA pointed out in their presentation to HASPA, the rise in groundwater levels associated with sea level rise, will present serious problems for infrastructure that has not been designed to withstand the corrosive effects of being situated below groundwater level.

We are concerned that this issue has not been adequately addressed by RCEC, LLC and request that the CEC require RCEC, LLC to provide a clear statement on their strategy to address the rise in groundwater levels and the potential inundation of the RCEC site. Depending upon the strategy chosen, the need for an environmental assessment and a determination of what will be the affect of their strategy on the interests of the agencies that compromise HASPA may also be required.

We are also concerned about the intense; omni-directional perimeter lighting required for the RCEC by the FAA, whose affect on the adjacent environment has yet to be determined. The CEC must require RCEC, LLC to produce a lighting plan for the energy center and make an assessment of the environmental impact of these lights.

There is also the likelihood that the FAA will in the first quarter of next year, codify its policy that pilots must circle *upwind* of power plant plumes. As the Hayward Airports current "overflow" flight path is basically over the top and east (downwind) of RCEC this would result in an increase in the number of planes and helicopters circling directly over the Snowy Plover, Black Rail and Salt Marsh Harvest Mouse habitat found at the Hayward Shoreline. This seems to pose some obvious reasons for concern that should be weighed by the CEC staff as they consider the new amendment, as well as the USEPA and USF&WS.

Thank you for the opportunity to comment and we hope you will seriously consider these comments in the processing of the subject documents.

Sincerely,



Ms. Carol Severin, Chair
Hayward Area Shoreline Planning Agency

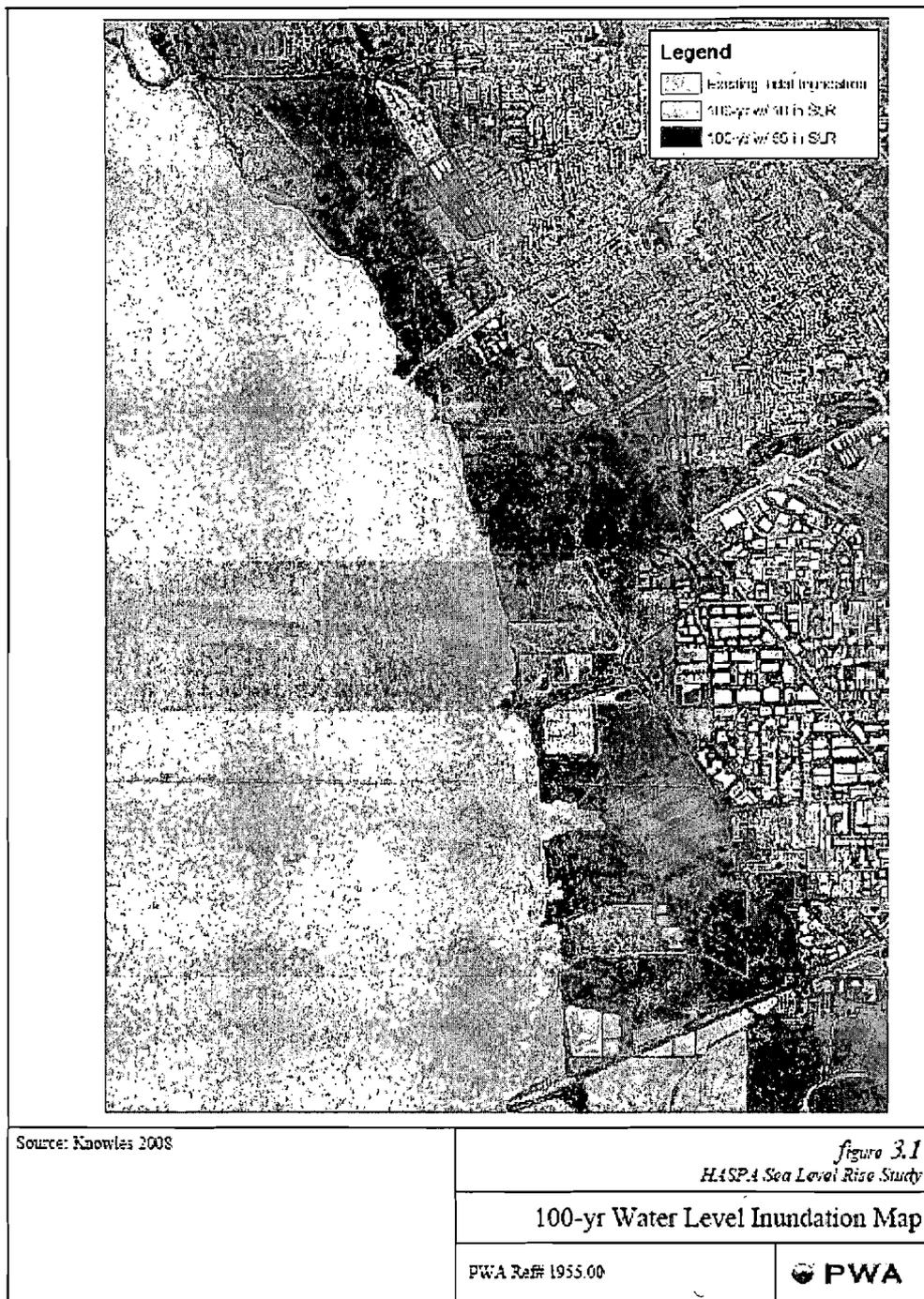
Cc: Agency Trustees

HSCAC members

Shaheer Kelly
USEPA REGION 9
75 Hawthorne Street
Mail Code: AIR-1
San Francisco, CA 94105

Eric Mruz
Refuge Manager
Don Edwards San Francisco Bay National Wildlife Refuge
9500 Thorton Ave.
Newark, CA 94560

Joe La Clair
Chief Planning Officer
San Francisco Bay Conservation and Development Commission
50 California Street, Suite 2600
San Francisco, California 94111



C:\Documents and Settings\Jeremy\Desktop\Figures\Fig3.1 Potential Inundation Area.doc

Mail: c/o East Bay Regional Park District, Attention: Mike Anderson
 2950 Peralta Oaks Court, Oakland, CA 94605-0381
 Telephone: 510-544-2303. E-Mail: manderson@ebparks.org