

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

May 11, 2007

The Honorable Fortney Pete Stark
Member of Congress
39300 Civic Center Drive, Suite 220
Fremont, California 94538

DOCKET	
06-AFC-6	
DATE	MAY 11 2007
RECD.	MAY 11 2007

Dear Congressman Stark:

Thank you for your letter of April 10, 2007 regarding the Eastshore Energy Center project proposed by Tierra Energy in the City of Hayward. We appreciate your concerns and those of Hayward's mayor, Michael Sweeney, as noted in his March 30, 2007 letter to you. With regard to the issues that you and Mayor Sweeney raised, I would note that in its role as the lead agency for the California Environmental Quality Act (CEQA), the Energy Commission's facility certification process carefully examines 23 technical disciplines involving public health and safety, environmental impacts, and engineering aspects of the proposed project. This evaluation includes the environmental areas of air quality, land use, hazardous materials, worker safety and fire protection, and traffic and transportation. The Energy Commission is also responsible for preparing a CEQA alternatives analysis. Finally, in its cumulative impact analysis, the staff is examining the potential impacts of the Eastshore project in conjunction with the new proposed location for the approved Russell City Energy Center project. The two projects' sites are approximately one-half mile apart in an Industrial Zoning District.

We are presently in the discovery and analysis phase of our permitting process. As part of our information gathering activity, on March 16, 2007, the Energy Commission staff sent a letter to the City of Hayward seeking clarification of its March 13, 2007 resolution that the Eastshore project is not consistent with the City's General Plan Policies and Industrial Zoning District provisions. In addition to the land use items, the staff also sought the City's views on the potential for both the Eastshore and Russell City projects causing significant aviation safety hazards in the vicinity of the Hayward Executive Airport. Our letter touches on several of the concerns that you and Mayor Sweeney raised and it illustrates the breadth of our environmental impact analysis process. We received the City's response to our letter on April 23, 2007, and we are reviewing it prior to preparation of our Preliminary Staff Assessment (PSA) which we plan to release in late June or early July. We believe that your concerns and those of the City will be addressed by the PSA as it will provide multi-disciplinary conclusions on the potential for significant impacts and the efficacy of the project proponent's and the Energy Commission staff's proposed mitigation measures.

Honorable Fortney Pete Stark
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When the PSA is released, the Commission will schedule a publicly noticed workshop that will be held in Hayward. We will notify you of the availability of the PSA and the workshop date.

For your future information, the status of the project, copies of notices regarding public events held by the Energy Commission on the Eastshore project, an electronic version of the Application For Certification, and other relevant documents are available on the Energy Commission's Internet web site at:

<http://www.energy.ca.gov/sitingcases/Eastshore/index.html>.

If you have any questions regarding this letter, the Eastshore project, or the Energy Commission's review and permitting process, please contact Roger Johnson, Siting Office Manager, of my staff at (916) 654-4206, or by email at rjohnson@energy.state.ca.us.

Sincerely,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

B. B. BLEVINS
Executive Director

cc: Michael Sweeney, Mayor of Hayward
Mike Monasmith, Energy Commission Public Advisor's Office
Mike Smith, Energy Commission Office of Governmental Affairs