

DEPARTMENT OF TRANSPORTATION

DIVISION OF AERONAUTICS – M.S. #40

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Governor's Office of Planning & Research

SEP 04 2019**STATE CLEARINGHOUSE**

September 3, 2019

Mr. Ammon Rice
Sacramento Municipal Utility District
6201 S Street, MS H201
Sacramento, CA 95817

Re: Draft Environmental Impact Report - Solano 4 Wind Project; SCH# 2019012016

Dear Mr. Rice:

The California Department of Transportation, Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise, and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The Solano 4 Wind Project (project) proposes the construction of up to 22 new wind turbine generators (WTGs) within the Solano County Wind Resource Area in southern Solano County. The closest of the two project areas is located approximately 15 miles southeast of Travis Air Force Base (Travis AFB), and five miles southwest of Rio Vista Municipal Airport. The existing WTGs will be decommissioned, and new, technologically advanced WTGs will be constructed in the project areas.

In accordance with CEQA, Public Resources Code Section 21096, the California Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within airport land use compatibility plan (ALUCP) boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all airports and is available on-line at:

<https://dot.ca.gov/programs/aeronautics/airport-land-use-planning>

The project site is completely within the Travis AFB ALUCP boundaries as adopted by the Solano County Airport Land Use Commission (ALUC). Therefore, in accordance with the Handbook and relevant sections of Article 3.5 of the State Aeronautics Act (SAA) in the Public Utilities Code, this project

must be referred to the ALUC for a consistency determination with their ALUCP. The ALUC has prepared and adopted an ALUCP for Travis AFB pursuant to the SAA and the Handbook. Despite the assertion in the Draft Environmental Impact Report, that the Federal Aviation Administration (FAA) aeronautical study and determination of no hazard would preempt the ALUC's policies preventing aviation radar system interference, the ALUC could still find this project inconsistent with their ALUCP. An ALUC review and consistency determination is required to be a properly noticed and public process.

Also, the FAA aeronautical study states clearly that it does not relieve sponsors from compliance with other laws and regulations of any federal, state or local governing body.

This project is not exempt from ALUC review under the SAA, as Government Code section 53091 (d) and (e) expressly refers to building and zoning ordinances of a *county* and *city*, and thus inapplicable. Unlike a county and the city, the ALUC was established, pursuant to the SAA for the purposes of ensuring the orderly expansion of airports and promulgating appropriate land use measures in Solano County. (see section 21670) The ALUC is a statutorily created, quasi-legislative, public administrative agency that is responsible for conducting airport land use compatibility planning and preventing the creation of new noise or safety problems in the vicinity of public use airports. An ALUC is not a county or city as defined in Government Code section 53091(d) and (e).

The SAA mandates the ALUC to prepare and adopt an airport land use compatibility plan, as it is one of the ALUC's primary duties. The ALUCP shall be guided by the height, use noise, safety and density criteria contained in the Handbook, a handbook published by the Division; and not by a county or a city. The Division reviews the ALUCP for compliance.

If the ALUC determines that the proposed action is inconsistent with the ALUCP, the referring agency shall be notified. The local agency may, after a public hearing, propose to overrule the ALUC by a two-thirds vote of its governing body after it makes specific findings. At least 45 days prior to the decision to overrule the ALUC, the local agency's governing body shall provide to the ALUC and the Division a copy of the proposed decision and findings. The Division reviews and comments on the specific findings a local agency intends to use when proposing to overrule an ALUC. The Division specifically looks at the proposed findings to gauge their relationship to the overrule. Also, pursuant to the PUC 21670 et seq., findings should show evidence that the local agency is minimizing "...the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses."

Mr. Ammon Rice
September 3, 2019
Page 3

In addition to submitting the proposal to the ALUC, it should also be coordinated with Travis AFB staff to ensure that the proposal will be compatible with future as well as existing airport operations.

The protection of airports from incompatible land use encroachment is vital to California's economic future. The public-use and military airports in Solano County are economic assets that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports is both a local and State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. Thank you for the opportunity to review and comment on this proposal. If you have any questions, please contact me at (916) 654-6223, or by email at philip.crimmins@dot.ca.gov.

Sincerely,

Original Signed by

PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, Solano County ALUC, Travis AFB, FAA