

MEMORANDUM

Date: 7-8-03
To: City Council
From: Councilmember Spring
Subject: AMENDMENT TO AGENDA ITEM 42. ON LBNL

Please add the following amendments to agenda item 42. LBNL by Mayor Bates:

1. Ask the City Manager to send letters to LBNL, Regional Water Quality Control Board, Department of Fish and Game,, and to the Army Corps of Engineers:
expressing the Council's strong opposition to the LBNL proposal to land fill in Cafeteria Creek in a small valley/corridor that will destroy the ecological integrity of the North Branch area of the Strawberry Creek to create a parking lot. The infill of this creek could be detrimental to the watershed capacity of Strawberry Canyon and create conditions for flooding, soil destabilization and mudslides in an area close to a major earthquake fault. This Canyon is also a high fire hazard area and recently the City of Berkeley had to respond to an acre and a half wildfire in the area.
2. Send to LBNL a copy of the city's long-standing policy to daylight creeks and not allow creeks to be infilled.
3. Send to LBNL the city policy on prohibiting the removal of Live Oak trees.
4. Request a 15-day extension to the EIR scoping period for "Building 49 and parking lot" which closes on July 16.

These comments are intended to be supplemental to the City Manager's comments made in a report to the Council dated June 27 2003 on this project.

Background:

Send letters to:

1) Keith Lichten and Tina Low
San Francisco Regional Water Quality Control Board
1515 Clay Street, Suite 1400
Oakland, CA 94612
510-622-5682
E-MAILS:
khl@rb2.swrwb.ca.gov (Keith Lichten)
tjl@rb2.swrwb.ca.gov (Tina Low)

2) Jeff Philliber
Environmental Planning Coordinator
Lawrence Berkeley National Laboratory, MS 90K
One Cyclotron Road
Berkeley CA 94720
E-MAIL: JGPhilliber@lbl.gov

3) Charles V. Shank
Director, Lawrence Berkeley National Laboratory
(He supposedly has lobbied hard for DOE to pay for site cleanup, etc., so he may have an inclination to act responsibly if he hears more about this)
Lawrence Berkeley National Laboratory
One Cyclotron Rd., MS 50A-4119
Berkeley, CA 94720
510-486-6720
E-MAIL: CVShank@lbl.gov
(also "cc" Terry Powell, the Lab's community liaison, TPowell@lbl.gov)

4) Ed Wylie and Calvin Fong

U.S. Army Corps of Engineers
San Francisco District - Regulatory Branch
333 Market St.
San Francisco, CA 94105-2197
E-MAILS:
~~ewylie@spd.usace.army.mil~~ (Ed Wylie)
~~cfong@spd.usace.army.mil~~ (Calvin Fong)

Dear Colleagues,

Below is a copy of a letter regarding the Rad Lab and LBNL's newest plan to build on the shaky landslide prone ground an office building and to use the soil to fill in Cafeteria Creek in a small valley that will destroy the ecological integrity of the North Branch area of the Strawberry Creek Sib-Watershed. It is planned that a developer do the disturbances and construction, instead of LBNL. If you have ever seen this creek you will realize it is like most creeks in this climate zone, technically called a "Mediterranean strto a few inches depth as a racoon does. Still, you can see the tree line of its course and often find the beautiful deer grazing the luscious leaves along its banks. And too, if you are a bird watcher, you can observe many species of migratory birds in those trees eating grubs etc..Cafeteria Creek likely receives its water from the Lennert Aquifer under Grizzly Peak. Most of the maps on geology, soils and hydrology the Lab cites in land use planning documents are 25 years old--from the days the Lab was the Rad Lab and everything possible was classified "top secret" and out of the public realm. Now, since the Clinton government with O'Leary opening up the Lab to public access and scrutiny, it is now time to request information on the geography, hydrology, geology, the 4 active earthquake faults, groundwater resources and waste disposal.

The aquifer might well serve as a "fresh water bank" for the citizens of Berkeley--especially in the event of a severe earthquake which likely would

rupture EBMUD's aquaducts. However, we don't yet know of studies of the

aquifer and we don't know if that pure geologic water is now contaminated

from the dirty plumes over the aquifer that the Lab still hasn't cleaned up,
presuming that they are "contained"--at least on the surface.
We must insist on a good understanding of the ancient creeks and watersheds
rather than destroy what Nature has provided by imposing an engineering
model building plan that in a few years will be deemed obsolete and need a
retrofit as has been the case for most public buildings. Many engineers agree it is far better to integrate and build with nature's design of the land--especially in hi risk earthquake zones. We know about the earthquake
induced soil liquefaction potential of creek watercourses and the landslide
potential of the shaky ground of the Strawberry Creek Upper Watershed per
the State Department of Conservation's Seismic Hazards Mapping Project that
anticipates the "big earthquake within the next 30 years. (April 2003).
(You
can see those new maps at the main Public Library or the City Planning Permits Office).
The University uses a Watershed Management Plan for the Main Campus up to
the Stadium and a little beyond but surprisingly, despite having a world famous seismic study center, still does not include any discussion of the seismic landslide and soil liquefaction potential of the land leased to the Department of Energy for the Lab! Please review the letter below and write
something.

Jennifer

This from Phil Price & Juliet Lamont.

Date: Wed, 2 Jul 2003 15:10:49 -0700

From: JLamont <jlamont@creekcats.com

Subject: STOP LBL/UCB PROPOSAL TO BURY CREEK, OAKS,
AND WILDLIFE CORRIDOR!

The letter below is from my husband, Dr. Phil Price. LBNL (and UCB) is proposing to fill in a creek and small valley as part of a terrible, anti-environmental building proposal. Please read this, write in opposition letters, put pressure on LBL any way you can, and spread the word! If we're going to allow this in Berkeley, it can happen anywhere.
- Juliet Lamont

Dear Friends of Creeks and the Environment,

Lawrence Berkeley National Laboratory (LBNL), in conjunction with UC

Berkeley, has just begun the EIR process for a project that -if built as planned - WILL COMPLETELY BURY A SMALL CREEK AND FILL

MOST OF ITS VALLEY, in order to build a parking lot. In fact, although LBNL

does want the parking lot, that's not the main motivation: really, they just

need a place to dump over 2000 truckloads of dirt (that's not a typo) that will be generated by excavating for a new building, and disposing of it on-site will save them a lot of money and a lot of hassle. Where can you dump 2000 truckloads of dirt? In a valley. It doesn't seem to bother them

that the valley is a thriving creek corridor that includes several coast live oaks, supports lots of bird life, and is threaded with paths made by the Lab's black-tailed deer. Moreover, it provides wildlife corridor linkage

to Tilden Park open space areas. In short, the project will:

- * completely bury roughly 300 (or more) linear feet of open creek;
- * result in the removal of numerous coast live oaks and other important riparian vegetation;

- * actually fill in (i.e. bury) a riparian corridor with 2000 truckloads' worth of dirt;

- * cut away an extremely steep slope for building construction - an inappropriate building site - thus generating the dirt fill in the first place;

- * construct a new parking lot, thereby actively promoting more vehicle use, traffic, and air pollution

I'm very familiar with this particular creek, having noticed it many times on my daily ride home from the Lab, where I've worked for the past ten years. When the weather conditions are right, I can feel a steady flow of cool air pouring down the valley, creating a local cool zone that is very noticeable as I pass through it.

Because the valley opens onto the road right at a hairpin curve that holds

drivers' attention, most employees have probably never noticed this steep-sided valley and its seasonal creek...but I have, and I don't want to see it destroyed. In fact, I'll quit rather than be a part of an organization that will fill in a creek. I love my job and colleagues, but

LBNL cannot be allowed to act so irresponsibly.

Please help to stop this horrendous proposal.

I've taken a few photos of the site, which you can see at <http://homepage.mac.com/pnprice/PhotoAlbum11.html>

Please do take a look at the photos: as you'll see this is a beautiful and ecologically valuable creek valley - and, contrary to LBL's statements, it is very well vegetated (by the way, the creek is called "Cafeteria Creek" on the Lab's maps, and although it's dry for a few months in summer and fall, it has running water for much of the year).

Much more information on the project is available at the Lab's web site, <http://www.lbl.gov/Community/env-rev-docs.html> where you want the 6-16-03 "notice of preparation" -- most of the other documents there are for another project (NOTE that this project is NOT the nano-technology foundry building - this is yet another building proposal!).

To add to the problems, the building site itself is an extremely poor choice: it contains a grove of Coast Live Oaks, and is extremely steep -- that's why so many truckloads of dirt need to be excavated. If you're unhappy with the Lab's plans for the building in addition to the plans for the parking lot, I encourage you to write about that, too. If LBNL committed to cleaning up and re-using sites currently available for building (i.e. not new open space), this project would be totally unnecessary!

At this point, the Lab is "scoping" the Environmental Impact Report...that is, they're figuring out what should be included. It's vital that they consider reasonable alternative sites; much of the problem is that their proposed building site is on a very steep slope requiring extensive excavation; there are much better building sites at the Lab.

It's also important to immediately show the Lab that they are going to face

substantial opposition to this ridiculously anti-environmental proposal,
so
that they consider alternatives before becoming totally committed to it.

So, please help convince your organization, and all the citizens you
know,
to take a stand against this proposal. Please have your organization, or
you
as an individual, write letters to the Lab, to the Regional Water Quality
Control Board, and to the Army Corps of Engineers, stating your
unequivocal
opposition to filling in a creek corridor, for a parking lot or for any
other reason. Write to the media and your local politicians as well
(Assemblymember Loni Hancock's address is listed below)!

And please, please pass this message on to as many colleagues and
organizations you know - letters to newspapers and the media as well! -
who
also believe in protecting our environment. We need to act NOW, and to
SPEAK
OUT, to stop this terrible proposal.

Please write to as many of the contacts below as you can. Hard copy
letters
are the best, but you can also e-mail (and "cc" everyone below), if that's
all you have time for. But please do write in, and spread the word!

Sincerely,

Dr. Phillip N. Price

-----Original Message-----

From: J M Sharp [mailto:itsa@dnai.com]

Sent: Thursday, June 26, 2003 5:37 PM

To: itsa@dnai.com

Subject: LBNL's double whammy

Greetings.

If you're looking for some local excitement next **Monday evening, June 30**, this message is for you (see below).

The ink is barely dry on the UC Regents' certification of the Mitigated Negative Declaration for Lawrence Berkeley National Laboratory's 90k+ gross square foot Molecular Foundry (ie, nanotechnology) project in Strawberry Canyon.

Now, LBNL has announced another six-story project (this one only 65k gsf) called **Building 49**. It will be just up the hill from upper Hearst Avenue. The purpose of the proposed research building is to "decompress" overcrowded office space for up to 240 Lab employees.

Oddly, neither the Department of Energy, the Lab, nor UC will own Building 49. Instead, a developer will lease it back to UC and the Lab when it is completed.

The project will require the excavation of some 26k cubic yards of soil, which LBNL wants to re-use as the underpinning for a new 90-120-stall parking lot--to be called the **G-4 Parking Lot**--on the hill south of the existing Building 50 and 70 complexes. This site is part of the watershed area for the North Fork of Strawberry Creek.

Apparently because of the environmental sensitivity of this double project, LBNL plans to do a focused Environmental Impact Report (EIR) which will be "tiered off" of the Lab's 1987 Long Range Development Plan.

Permit approvals will be required from the US Army Corps of Engineers, the California Department of Fish and Game, and the San Francisco Regional Water Quality Control Board.

Dear Mayor and Members of the City Council,

This e-mail includes a great description of the latest proposed project at

LBNL. The degradation of what remains of Strawberry Canyon is proceeding at

break neck speed in advance of a Long Range Development Plan with the

inevitable

result of clogging our city streets with traffic and destroying our watershed.

The community dialogue is become broader and deeper. Please be a part of it.

Thanks.

Janice Thomas
President, Panoramic Hill Association

Area Firefighters Swiftly Extinguish Grass Fire Near UC Laboratory
Megan Greenwell, Berkeley Daily Planet, Page 3, 7/1/2003

A grass fire Saturday consumed an acre and a half off Centennial Drive, near the Lawrence Berkeley National Laboratory (LBNL) and the Lawrence Hall of Science, before being extinguished by Berkeley, Oakland and East Bay Regional Parks firefighters.

The blaze, which was reported to the Berkeley Fire Department at 7:41 P.M., began spreading up the hill from the north side of Centennial Drive toward LBNL. Firefighters responding to the scene contained the fire by 8:08 p.m.

"It produced a nice column of smoke and scared everybody, but we took care of the problem pretty quickly," said Berkeley Fire Department deputy chief David Orth.

Because the Strawberry Canyon area, which includes Centennial Drive, runs along the Berkeley-Oakland border, the location is a full-response area, which meant that

companies from both cities and the parks department responded to the call. The Berkeley Fire Department sent three engines and a ladder truck, along with 15 firefighters, to fight the blaze.

A team from the California Department of Forestry also responded, but did not join the fight because the others had contained the fire so quickly. Orth said none of the area structures, including LBNL and the Lawrence Hall of Science, were threatened by the fire.

The cause of the fire was unknown and under investigation as of Monday. Because much of the area is University of California land, the investigation will be directed by the state fire marshal.

"For the moment it is being treated as a crime scene," Orth said.

California State Fire Department personnel said the results of their investigation would be made public later this week.

A second smaller fire was reported about a half-mile north of the Centennial Drive blaze around the same time. It had been extinguished by citizens by the time firefighters arrived at the scene.