

SAVE STRAWBERRY CANYON

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January 14, 2011

Russell Gould, Chairman
The Regents
Leslie Tang Schilling, Regent Chair
Committee on Grounds and Buildings
University of California

Anne.shaw@ucop.edu

Re: GB4 Budget Amendment for Capital Improvements, Certification of Environmental Impact Report (EIR) and Approval of Design for Solar Energy Research Center Project (SERC) at Lawrence Berkeley National Laboratory (LBNL)

Dear Mr. Gould, Ms. Schilling, and Members of the Board of Regents:

Save Strawberry Canyon (SSC) urges the Board of Regents to restrain from taking action on item GB4, including budget amendments, certification of EIR, and design approval for the proposed SERC. Such action would appear to be untimely, both because the EIR is inadequate and because plans for moving forward on SERC are premature until proper federal review is undertaken in compliance with the National Environmental Policy Act (NEPA).

The EIR Executive Summary disclosure that the Department of Energy (DOE) is in the process of conducting NEPA review for SERC is reassuring. However, information that construction is scheduled to start on SERC in August 2011 is perplexing. A NEPA Environmental Impact Statement (EIS) cannot be expected to be completed within six months.

The EIR most notably concludes that any potential environmental impacts and risks to health and safety of human life are “less than significant.” This appears to be expedient, rather than a thorough analysis of significant questions facing the public, the University, and LBNL, a National Laboratory. Issues of long-standing WWII era contamination, potential nanotechnology impacts and regulatory standards for operation, geological instability, long-term impairment of a significant water body, and further detriment to a natural resource are, all, deserving of adequate analysis.

SSC is offended by the FEIR’s attempt to misrepresent its video “The Fault, Quakes, Slides, & the Lawrence Berkeley Lab” and its analyses of the SERC site.

- Why are the Moraga landslides, described in so many previous reports, now dismissed in the FEIR as stable? They are still shown in Fig. 1 as landslides.
- Why does the FEIR say that SSC has wrongly declared that the trench placement was sited to miss the site of SERC when it so clearly avoided the landslide area?
- Why have photos of the trench been omitted from the reports, replaced by schematic, general sections? Why were there no descriptions of the trench in the DEIR? A summary in the Master Response is too late and too little.

- Why were there no photos or analyses of the more recent borings samples in the DEIR?
- How can the FEIR declare that there is no collapse caldera? The LBNL geologists have never dismissed the evidence of Moraga volcanics, andesite, basalt, and perched water tables. As for semi-welded tuff, there has been no testing of the upper rim of the caldera where semi-welded tuff exists, the rest of the tuff having been eroded. How does LBNL account for the dramatic change between the caldera and the Franciscan Formation that outlines the western edge?
- Why have two paleolandslides described by Alan Kropp Associates (AKA), one overlaying half the other under the Hazardous Wastes Handling Facilities, been reduced to one in the final report by AKA? If the slides are to be stopped by piers, what are the assumptions about the very deep soil below the borings, which the piers must reach? This is not the subject of the present EIR but the changes from one report to the next with little or no evidence published is not credible to substantiate “less than significant” conclusions.

SSC is deeply troubled by the obfuscations and by what appears to be pressure on supposedly independent consultants to modify previous findings.

Questions of hydrology, water quality, and long-term impairment of a significant water body are equally disquieting. The EIR is remarkably superficial, given the complexity of the “Old Town” site’s unknown sources of contamination, whether surface water run-off or ground water flow. DOE’s current project of decontamination, demolition, and environmental restoration at the site is left without explanation in the EIR. While the work is scheduled through 2014 and while it is exempt from NEPA by a “categorical exclusion,” it is not understood how the findings of the ongoing work would relate to the construction project of a SERC facility. It can be assumed that during this time pre-existing hazardous substances, pollutants, or contaminant groundwater will be found, including radioactive mixed waste and radioactive waste, but to what extent remains unknown. The public deserves absolute disclosure, review, and participation before the California National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction Activity proceeds to permit any SERC construction project at the site.

Additional information in the FEIR regarding state-of-the-art “non-releasable” nanomaterial research for which SERC is being designed, is not adequate, specifically or cumulatively. The SERC project would add to a multitude of research facilities at the LBNL hill site that collectively have not had adequate environmental review. Is not LBNL the most, if not one of the most, concentrated centers of “user facilities” undertaking nanoscale research in the world? Disclosure in the FEIR, as in the DEIR, that no state or federal regulations have been developed for project operation calls for caution. The public deserves accountable oversight regarding potential adverse effects of nano science. To proceed with the SERC project before the Environmental Protection Agency (EPA) has developed the Significant New Use Rule (SNUR) and “other regulations to address potential health and environmental risks from nanoscale materials” (ref: EPA) is not responsible

The EIR conclusion that the hill “Old Town” site is the most feasible location for SERC also begs further analysis. How can it be determined feasible to build on unstable terrain, subject to major earth movement, at a location nearly inaccessible? Is not such a location deserving of serious fiscal impact assessment, comparing development net costs and revenues

with the alternative options? In fact, one of the major reasons given for selecting the proposed SERC site was that it is a “user facility” — but, might not an alternative site actually be more user-friendly and not pose liability issues?

LBNL’s January 3rd, 2011, issuance of a “Request of Qualifications” seeking proposals for a second development site indicates that there are, indeed, potentially preferable areas for expansion. In this regard, it is not explicit in the SERC EIR as to why, for purposes of nanoscale research synergy, it is a material or physical necessity for SERC to be in close proximity to the Molecular Foundry, Advanced Light Source, National Center for Electron Microscopy, and connecting Energy Sciences Network. Two of the cited related solar energy projects, the General Purpose Laboratory and the Computational Research and Theory Facility (CRT), are still in the review stage and may need to undergo further environmental review, including alternative site analysis.

Again, SSC, representing over 300 members, wishes to emphasize its overriding mission to promote protection and preservation of the hillside terrain that encompasses the Strawberry Creek watershed lands. Since the late 19th century the public has learned to appreciate this landscape “opposite the Golden Gate” as being a public trust held by the University. The map presented by the Olmsted Brothers in 1930 to delineate the proposed East Bay Regional Parks, indicates as much. Since the introduction of secret nuclear research in the 1940s into what was then an obscure Blackberry Canyon, including Old Town, and subsequently spreading over the ridge into Strawberry Canyon, the area has suffered from cumulative degradation. Construction of SERC on the Old Town site would leave another unnecessary chapter of environmental ruin.

The University and LBNL’s recent initiative to relocate its National Laboratory programs to a new research campus in the East Bay is hopeful. With this initiative in mind, toward achieving the best environmental practices and sound economic decisions, SSC urges the Regents to postpone approval of GB4.

Sincerely,

Lesley Emmington Jones, for
Save Strawberry Canyon

Geotechnical comments by Georgia S. Wright Ph.D.