

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: July 20, 2006
MEMO TO: Board of Directors
THROUGH: Dennis M. Diemer, General Manager
FROM: Jon A. Myers, Manager of Natural Resources *JAM*
SUBJECT: Staff Concerns Regarding Proposed Highlands Reservoir Project

**WATER DISTRIBUTION
JUL 20 2006
PLANNING DIVISION**

The District's East Bay Watershed and Recreation Division staff has expressed concerns (see attached memo) regarding the proposed site selection for the planned Highlands Reservoir. The selected site as described in the draft Water Treatment and Transmission Improvement Program EIR is within the Lafayette Recreation Area.

Engineering staff will be meeting with Watershed and Recreation staff to review the site selection criteria and process.

JAM:ah

Attachment

July 12, 2006

WATER DISTRIBUTION

To: EBMUD Board of Directors

JUL 20 2006

Fm: Natural Resources Staff

PLANNING DIVISION

Re: Inappropriate Siting of Proposed Highlands Reservoir

EBMUD has proposed an ambitious engineering plan to improve water capacity and pressure in the Lamorina area. Our planning for the future and concern for our customers is exemplary.

However, part of the proposal is to site the huge new Highlands Reservoir inside the Lafayette Reservoir Recreation Area alongside one the main hiking trails. This visual intrusion on recreation is specifically prohibited by the East Bay Watershed Master Plan.

To prepare the site for construction, over three-dozen oaks will be clear-cut. This includes many majestic heritage oaks that are over three feet in diameter and probably over 200 years old. We find this choice unacceptable, especially since a half dozen other sites could have been chosen that would do much less environmental harm.

Oak groves like this one are specifically protected by the EBWMP. We believe that logging the grove would also be a violation of EBMUD's Mission to "protect and preserve our watershed lands for future generations," and hurt our reputation as environmental stewards in the communities we serve.

Please instruct your staff to choose another site for the Highlands Reservoir. Thanks in advance for taking our point of view into consideration.

Sincerely,

Name (print)

Signature

BOB FLASHER

Axel Debus

MARK SILVA

Karen Baer

Jim Dunne

GARY HACKETT

Aileen Wilson

ANDREA BOGARD

2.6 EBMUD Natural Resources

EBMUD_NR-1 Project staff met with the District's East Bay Watershed and Recreation Division staff on July 24, 2006 to listen to their concerns and review the site selection process. In response to these and other, similar comments, the District has revisited potential reservoir layout designs at the preferred site. As a result, EBMUD is proposing to move the reservoir approximately 120 feet north and to use a temporary retaining wall during construction to minimize the number of large oak trees impacted by construction of the new facility.

EBMUD_NR-2 Comment noted.

EBMUD_NR-3 Comment acknowledged. While EBMUD has endeavored to avoid visual impacts, the DEIR concludes that the proposed site would have significant, unavoidable impacts on views from within the watershed area (refer to Section 3.3 in the DEIR). An analysis of the visual impacts associated with the revised site is present in Section 3.3 of this Response to Comments document.

EBMUD_NR-4 Table 3.6-4 indicates that approximately 30 to 35 oak trees with 18-inch dbh or greater may need to be removed at the DEIR-proposed Highland Reservoir site. The removal of a number of large oak trees at this site was recognized as a significant and unmitigable impact in the DEIR. On DEIR p. 3.2-13 it is acknowledged that the proposed project may be inconsistent with EBMUD's *East Bay Watershed Master Plan* Guideline Bio.5 regarding the protection of heritage native trees and trees with outstanding characteristics. Section 6.10.3 in the DEIR (p. 6-62), discusses the nine other potential sites for the Highland Reservoir. The nine candidate sites were screened against five criteria (operational, implementation, environmental, construction, and cost) and the current preferred alternative was determined to best meet these criteria.

In addition, Section 6.6 of the DEIR (p. 6-18), evaluates constructing the Highland Reservoir at an alternative site north of the proposed site to avoid impacts to the grove of large-diameter valley and coast live oaks. Table 6-3 indicates the severity and magnitude of impacts associated with the alternative site relative to impacts of the proposed project. Overall, there would be a tradeoff between impacts to biological resources and impacts to visual quality.

The Natural Resources Staff also presented an alternative site for the Highland Reservoir on the eastern side of the dam. This site was evaluated as fatally flawed by B. Gordon and Burt Marliave in 1954. They concluded that the site is in the middle of an extensive landslide. The landslide has probably not been active for some time, but any construction that upsets the present equilibrium could cause renewed movement. AGS Inc., evaluated the site in September

2006 as part of this study. Test pits dug at the site revealed slide mass material and confirmed the conclusions made in 1954.

Staff believes that the preferred alternative is consistent with EBMUD's Mission Statement. While EBMUD is committed to protecting the environment, this commitment is in context with delivering a safe, clean, and reliable water supply.

As noted in **Response EBMUD_NR-1**, EBMUD has revisited potential reservoir layout designs at the preferred site. As a result, EBMUD is proposing to move the reservoir approximately 120 feet north and to use a temporary retaining wall during construction to minimize the number of large oak trees impacted by construction of the new facility.

EBMUD_NR-5 Refer to **Response EBMUD_NR-4**, above.