

From: [Charles Porges](#)
To: [Info](#)
Subject: Ordinance 23-08
Date: Saturday, September 2, 2023 3:40:17 AM

I like it. It seems that it includes better requirements for spacing non irrigated brush.

What it seems to lack is requirements for dense (continuous canopy) neglected oak "forests" with many saplings that have not been thinned out on lots that are less than one acre. It is not obvious to me that even on larger lots trees need to be spaced at some minimum distance.

Although a crown fire in an oak forest is unlikely I believe it may occur in high wind conditions. Simply clearing low branches may not be enough. Should a crown fire occur it will endanger all adjacent properties.

I suggest that a tree spacing requirement be added. I have seen many such neglected "oak forest lots". It is just good forestry practice to remove saplings and thin out over dense "forests".

Charles Porges

Holbrook, Marcia

Subject: FW: MOFD Code 23.04 Sec 4 (b)(1)(B)

From: History Dojo <historydojo@gmail.com>

Sent: Monday, September 4, 2023 11:18 AM

To: Inga Miller <IMiller@cityoforinda.org>; Darlene Gee <Dgee@cityoforinda.org>; Latika Malkani <lmalkani@cityoforinda.org>; Brandyn Iverson <biverson@cityoforinda.org>; Janet Riley <jriley@cityoforinda.org>; Sheri Smith <ssmith@cityoforinda.org>

Subject: MOFD Code 23.04 Sec 4 (b)(1)(B)

Dear Orinda City Council,

I am writing to add my name and voice to object to the recent imposition of MOFD Code Section 23.04 Sec. 4 (b) (1) (B), requiring the removal of hazardous vegetation on parcels greater than one acre through the creation of a 100' fuel break around the entire perimeter of the Parcel. I feel that this code is a burden upon the owners of parcels larger than one acre, is equivalent to a tax upon these parcels in the form of mandated maintenance, and does not effectively prevent the threat of wildfires.

I reside at 616 Miner Road in Orinda, a property situated on an easement of the Bodfish Land Trust, a property protected by the John Muir Land Trust. Under the terms of the trust it is my responsibility to maintain the land trust without any financial support from John Muir Land Trust. The requirement under Code 23.04 Sec. 4 (b)(1)(B) that I maintain a 100' fuel break around the perimeter of a seven acre land trust is a burden upon me financially, and which cannot be completed without endangering the protected species and habitat present on the Bodfish Land Trust. After meeting with MOFD and showing them these protected areas, it was determined that the fuel break would not be possible around the perimeter of the property, nor anywhere that protected species and habitat were discovered. Nevertheless, there still remains extensive acreage to be cleared, representing annual financial expenses imposed upon me by MOFD. As of this date I have already spent over \$1200 on fire abatement around the Bodfish Land Trust, and spent over fifteen hours of my own time cutting and clearing brush to conform with the MOFD fire codes. At the meeting with MOFD, I requested clear documentation of the annual requirements for this code, but unfortunately MOFD has not responded with this documentation. This leaves me without clear guidance on the ongoing costs and requirements for compliance with the code.

The passage of the new requirements by MOFD is equivalent to a new tax upon homeowners. The code has placed upon me and other property owners a new financial burden to be met every year, without clear understanding of what the requirements are. Indeed, this year the expense was very significant, and the application of the code was open to the determination of the MOFD. Next year the application of the code may change, and my expenses may be more or less. This new tax upon homeowners is confusing and burdensome.

When I met with the fire marshal, I suggested that we create a fuel break that would conform with the wildfire strategy already in place. The North Orinda Fire Break was created in anticipation that the wildfire threat was greatest from the north, pushing south because of the Diablo Winds that return every Fall. A fuel break along the northern boundary of my

acreage would be in keeping with that same strategy. A fuel break along the western, southern and eastern boundary would not aid in the success of that strategy. It seems that the application of a 100' fuel break around every property is a "cookie cutter" approach to wildfire prevention, and not informed by the current strategy pursued by the City of Orinda and the MOFD.

Please reflect upon the new MOFD Code 23.04 Sec 4 (b) (1) (B) requirements. I encourage you to consider what this code represents to homeowners in terms of burden and expense. I would like to see a new code to replace this code enacted. I encourage you to revisit this issue and change the code.

Sincerely,

Tyler Rust

September 4, 2023

Honorable Mayor Miller and Councilors:

I am increasingly concerned about the fact that the City of Orinda has ceded so much of its authority to the Moraga Orinda Fire District. I am extremely concerned about the deteriorating tone of the civic conversation on the topics of fuel management, fire protection and natural resource protection and enhancement. I am appalled by the aggressive posture MOFD has taken towards the very community it is supposed to serve. We can do better.

The purpose of this letter is to urge you to do all within your power to help establish a public forum for advancing fuel management, fire prevention and natural resource conservation. Doing so will help Orinda advance and enhance each of these important priorities in a civil and constructive way. It will also help alleviate concerns that MOFD is pursuing fire protection to the exclusion of what makes Orinda scenically beautiful and socially appealing. There are many precedents statewide to turn to. Each shares an earnest effort to engage with the community and address multiple and often seemingly conflicting priorities collaboratively. With all due respect, the Fire Safe Councils, with their singular focus on fire safety, are not up to this task as presently comprised.

I would like to share some not-unique personal experiences and impressions in hopes that they can help illustrate my concern.

My family takes fire prevention seriously. We've removed an entire forest, installed attic screens and gutter guards, built rain catchments to keep soil and vegetation moisture content high during summer months. We've expended in excess of \$50,000 on fuel management and home hardening. I volunteer to pull French broom (ladder fuel on steroids) and practice rotational grazing on a nearby horse pasture to keep vegetation levels down. I've removed a 1/3-acre brush field and restored a native grass meadow in its place. I've happily utilized Orinda's well-organized chipper program. Our new reality of extended dry periods and higher fire risk requires such actions. I am a natural ally to MOFD, and I consider myself a good citizen: The Moraga Orinda Fire District disagrees.

In appreciation for my efforts, I have received two pre-citations and a fine. The first contact addressed a lonely rose branch extending towards the street, but remained silent on the backdrop of our home; 25 bark-beetle infested dying and dangerously flammable Douglas fir trees which I subsequently but proactively removed without MOFD asking, primarily because they posed a huge fire risk. The second citation I received was for the now horizontal and far less flammable temporarily staged logs from my new shaded fuel break and associated wood chips. And although I live on an active landslide, and am participating in litigation concerning a nearby active landslide that closed a private road, I am now to understand that the last few remaining shrubs holding the upper El Toyonal hillside in place must be removed, which will simply promote more French Broom, an even higher fire risk. I suppose that next we shall learn that our iconic oaks (or what is left of them after PG&E butchered them) must go, and that street trees are forbidden.

But at least I'm not alone in being punished for my sincere and costly efforts. The East Bay Municipal Utility District and East Bay Regional Park District, who have collectively invested untold career decades and millions of dollars into fuel reduction and land management on their uniquely beautiful lands that we all love to hike on and be surrounded by are branded "non-compliant" land managers by Chief

Winnacker and his acolytes, who seem to take pleasure in abusing partners. Chief Winnacker refuses to publicly acknowledge that the Park District's Fire District is a "real" fire agency, nor will he honor their titles in public. Even our elected leaders are publicly condemned for "not doing enough" though they've appropriated millions of dollars for fuel management statewide. It seems nothing is enough to satisfy MOFD leadership, which brings me to the topic of the newly proposed ordinance.

You may recall the last time MOFD tried to ram a new ordinance down the City Council's throat. Chief Winnacker lobbied forcefully for it in Council Chambers while his acolytes booed then-Councilmember Miller for having the temerity to question the language of the ordinance. It would seem some in the audience forgot the purpose of an elected City Council. The aggressive tone of MOFD's attacks combined with their lucrative fine system and expansive legislative efforts frighten me. Call me old-fashioned, but I prefer to be governed by an elected City Council.

In the coming days I'm sure you will hear a lot about CEQA, the environment, fire risk, and more. You may even wade into the MOFD proposed ordinance language, which reads even to the trained eye like unintelligible magical realism. But I am urging you to consider a different question. Do we want to live in a community that is scenically beautiful, socially respectful, and civically engaged, or not?

Our community has made incredible progress in the last few years, learning valuable lessons along the way, but a problem 100 years in the making won't be solved in a year or two. We are all in this together, and we are all sincerely attempting to make Orinda safer while protecting the beauty and nature that attracted so many of us here. Therefore, I urge the Council to help the community strive to reach consensus on a strategy embraced by the entire community. That is why I urge you to do all within your power to help establish a public forum for advancing fuel management, fire prevention and natural resource conservation as coequal goals. We can do this.

Thank you for your consideration of this letter.

Very sincerely,



Michael Bowen

Orinda



September 5, 2023

Mayor Miller and Members of Orinda City Council
City Of Orinda
22 Orinda Way
Orinda, CA 94563

Via email: cityclerk@cityoforinda.org

RE: Item H-1 - Moraga Orinda Fire District Proposed Ordinance 23-08 Regarding Fuel Break Requirements on Certain Parcels

Dear Mayor Miller, Vice Mayor Darlene Gee, and Council Members Brandyn Iverson, Latika Malkani, Janet Riley,

The East Bay Chapter of the California Native Plant Society follows and comments on vegetation management plans to support practices that also conserve the region's diverse and rich native flora.

This summer one of our members, Sandy Pearson, spoke to us about elements of the Moraga Orinda Fire District's newly-adopted ordinance, including the requirement to treat a 100' wide strip around the property line of larger parcels, as well as the level of vegetation removal specified in the ordinance. For instance, grasses are to be cut below 3" and all hazardous vegetation, non-irrigated brush, and combustible material must be removed within this 100' strip.

In 2019, District staff made time to meet and discuss vegetation management practices with CNPS and other environmental organizations when the Emergency Fuel Break project was being planned and implemented. Last year we commented on MOFD's plan for the current Tunnel East Bay Hills Fuel Break Project. The District included several CNPS recommendations in the Tunnel Project plan.

It may be fair to say that how we respond to changing fire seasons and increasing aridity due to our effects on the climate is complex for fire personnel and the public alike. We are all seeking ways to combine effective fuel management and conserve native plants and wildlife habitat in a dramatically-changing fire regime. However, even the California Fire Science Consortium, a research clearinghouse, provides little scientifically-based guidance on how to achieve this objective in oak woodland, shrub, and grassland, systems like ours.

Indeed, fire personnel are now being asked to decide on vegetation management in diverse, finely ecologically-tuned landscapes. Our response to a changing fire regime can and should be part of the public's discourse and understanding. It seems we're all in this together.

There are practices for properties in the Tunnel East Bay Hills Fuel Break Project plan (page 2-8) that include several native plant conservation measures, such as:

- Prioritize removal of remove invasive plants and noxious weeds
- Selectively mow /cut live native understory species (e.g., snowberry, fern, etc.) to 6 inches or more to allow for regrowth.
- Strategically retain native shrub species (e.g., elderberry, manzanita, toyon, coffeeberry) to reduce fuel load while retaining natural woodland structure;

As part of this discussion, can the native flora conservation measures being used in the Tunnel Project's overall wildfire prevention strategy also be incorporated for larger private properties?

Regarding grasslands, the vegetation treatment for grasslands by the East Bay Regional Park District as outlined in the environmental document for the Wildfire Hazard Reduction and Resource Management Plan (WHRRPM) states that mowing heights for grasslands should be no lower than 4" to prevent scalping of native perennial bunchgrasses and desirable forbs. We note that this grassland management practice has been used by EBRPD for what's coming on one-and-a-half decades. Can evaluation of this grassland practice be useful for larger properties in Orinda?

Another resource comes from the Marin Wildfire Prevention Authority (MWPA) that was formed to develop common standards from the experience and knowledge of member fire agencies across Marin County. The MWPA developed and published "Ecologically Sound Practices for Vegetation Management" a document that relies on ongoing evaluation of vegetation management practices to set and calibrate priorities. For instance, they follow a "house out" approach that prioritizes fire risk reduction strategies in and around communities ahead of fuel breaks in remote wildlands. Of note, the Moraga Orinda Fire Department has also been helping residential property owners to "harden" their homes against wildfires.

In dealing with the new fire regimes, we appreciate that Orinda City Council's interest in wildfire risk reduction practices that combine effective fuel management with the conservation of native plants and wildlife habitat.

Sincerely,



Lesley Hunt, President



Jim Hanson, Conservation Chair

Cc: Chief Winnacker, Moraga Orinda Fire Department