



Subject: Request for Modification to MOFD Ordinance 23-08

Dear Mayor Miller and Orinda City Council members,

I am writing to address the proposed Moraga-Orinda Fire District (MOFD) Ordinance 23-08, which pertains to wildfire management and fuel break requirements, this potential regulation poses serious impediments for East Bay Municipal Utility District's (EBMUD) watershed management.

EBMUD is dedicated to the safety of Orinda's residents, especially regarding the ongoing risk of wildfire. We understand that robust fire hazard management is vital for safeguarding both the surrounding communities and our watershed lands. Our goal is to enhance fire safety measures through risk reduction efforts and stringent protections.

As you may recall, EBMUD had previously corresponded with MOFD regarding proposed Ordinance 22-02 on March 14, 2022, expressing our concerns and seeking certain modifications to ensure the effective management of our watershed lands. These lands are vital for safeguarding water quality and natural resources and fall within the jurisdiction of the California Department of Forestry and Fire Protection (CalFire).

MOFD's proposed ordinance could significantly hinder EBMUD's ability to manage our watershed lands effectively. EBMUD lands fall within the State Responsibility Area (SRA) under CalFire administration, necessitating rigorous measures to protect water quality and natural resources. To this end, we have developed and implemented a comprehensive set of management plans and environmental safeguards, including the East Bay Watershed Master Plan, Fire Management Plan, Ranger Resource Management Plan, and Low Effect Habitat Conservation Plan (HCP), among others.

EBMUD's fuel management activities within MOFD jurisdiction, must adhere to the guidelines outlined in our HCP. The HCP prescribes specific measures to mitigate the impact of EBMUD activities on habitats and sensitive species, such as the California red-legged frog, Alameda whipsnake, and pallid manzanita.

In alignment with our counterparts at the East Bay Regional Park District (EBRPD), we share common concerns about the potential impact of Ordinance 23-08 on our respective operations. EBRPD has diligently articulated their legal analysis and reasons for requesting an exemption from certain provisions of this ordinance, which we endorse and support.

As with EBRPD, if necessary, we plan to apply for a modification exemption from MOFD for Ordinance 23-08 to continue our vital work in protecting our lands. This exemption would enable us to fulfill our responsibilities while upholding the ecological balance of our watershed.

We appreciate the City of Orinda's dedication to making our community safer from wildfires and look forward to the opportunity to work together toward a mutually beneficial resolution. Please do not hesitate to reach out if you require any further information or if you would like to discuss this matter in more detail.



Moreover, EBMUD remains open to participating in any future forums or discussions concerning wildfire protection, and land management where MOFD, the City of Orinda, the Town of Moraga, and EBRPD may seek to engage the community on this critical issue. Together, we can ensure the continued safety and well-being of our community and protection of our vital resources.

Thank you for your continued commitment to matters of shared concern and your diligence in keeping EBMUD informed, we appreciate your thoughtful consideration of this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mike Tognolini', is written over a light blue horizontal line.

Mike Tognolini

Director of Water and Natural Resources

East Bay Municipal Utility District (EBMUD)