

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

TO: Office of the City Administrator
Dan Lindheim
FROM: Fire Department
DATE: January 11, 2011

RE: Report and Resolution authorizing the City Administrator to enter into an Intergovernmental Memorandum of Understanding for Environmental Coordination and Review With The Department of Homeland Security Federal Emergency Management Agency, California Emergency Management Agency, U.S Fish and Wildlife Service, National Park Service, U.S Forest Service, University of California – Berkeley, East Bay Regional Park District regarding review of an Environmental Impact Statement For Hazardous Fuels Risk Reduction in the East Bay Hills.

SUMMARY

The purpose of this report and resolution is to request authorization for the City Administrator to enter into a Memorandum of Understanding (MOU) with federal and state agencies for the purpose of the development of an Environmental Impact Statement (EIS) for fire hazard reduction in the East Bay Hills. This Memorandum of Understanding governs the projects developed and/or proposed for federal financial assistance through the Pre-Disaster Mitigation (PDM) program and the Hazard Mitigation Grant Program (HMGP) to reduce or eliminate damage, through fuel reduction, to vulnerable structures and associated loss of life from future wildfires in the East Bay Hills area, located in Alameda and Contra Costa Counties.

The MOU has been signed by the following parties: the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA), as Lead Agency; and the California Emergency Management Agency (Cal EMA), the U.S. Fish and Wildlife Service (USFWS), the National Park Service (NPS), and the U.S. Forest Service (USFS), the University of California - Berkeley (UCB), the East Bay Regional Park District (EBRPD), and the City Of Oakland as Cooperating Agencies.

The purpose of the MOU is to formalize the commitment among the Lead Agency (FEMA) and the Cooperating Agencies to work in partnership to coordinate and accelerate the review of projects for compliance with environmental and historic preservation (EHP) laws, including the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), National Historic Preservation Act (NHPA), California Environmental Quality Act (CEQA) and other applicable laws to ensure adequate compliance and to conduct environmental review and decision-making processes for the East Bay Hills fire mitigation projects in a timely manner.

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FISCAL IMPACT

There is no direct fiscal impact to the general fund related to the preparation of the East Bay Hills Environmental Impact Statement (EIS). Costs for the EIS have been appropriated by FEMA. However, this funding is only for the NEPA review of the project. The additional expenditures required for CEQA review of the Oakland Fuels Management Project have been identified as part of the environmental review funding portion of the Oakland Pre-Disaster Mitigation Grant (PDMG) 2006 grant project. Staff has received approval from FEMA and CalEMA to use funds from the PDMG 2006 grant to cover the costs for staff-related activities for this project.

BACKGROUND

FEMA has received four hazard mitigation applications for hazardous tire risk reduction projects in the East Bay Hills area. The proposed decision by FEMA is to fund the projects under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Mitigation Assistance Act (Stafford Act), Public Law 93-288, as amended, establishing the Hazard Mitigation Grant Program (HMGP) and Section 203 of the Stafford Act, establishing the Pre-Disaster Mitigation (PDM) grant program. The project area is approximately 1,000 acres of the Wildland-Urban Interface in the East Bay Hills running from Lake Chabot to Wildcat Canyon and Sobrante Ridge.

The need for coordination regarding FEMA's EHP compliance reviews is to streamline project development, implementation and is seen as necessary by all parties to this MOU to fulfill the mandates of NEPA, ESA, NHPA, all other applicable Federal and State EHP requirements and to ensure a timely completion of the projects. City of Oakland EHP requirements will also be coordinated with FEMA's EHP compliance to facilitate project reviews by appropriate regulatory agencies.

The MOU identifies the Lead Agency and Cooperating Agencies for the preparation of an environmental impact statement (EIS) for compliance with NEPA. Additionally, the MOU identifies how the respective parties will coordinate actions taken to comply with ESA, NHPA, and other applicable laws. Particularly, this MOU establishes the responsibilities among the agencies for consultation, coordination, and concurrence of project requirements. Modifications to this MOU, or a secondary MOU (or other agreements), may be developed to address specific issues, projects, or other needs to further the intent of this MOU.

KEY ISSUES AND IMPACTS

The goal of the Hazardous Fire Fuels Management projects that will be reviewed within the scope of the EIS/MOU is to systematically and permanently reduce and manage vegetative fuel loads to significantly reduce the risk of future major fires. Mitigation plans for all fire and open space management agencies, call for vegetation management near structures and maintaining fuel breaks to protect neighborhoods and East Bay cities from rapidly moving firestorms. The

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**Oakland Fire Department – Memorandum of Understanding-East Bay Hills Fire Hazard
Environmental Impact Statement**

creation of fire breaks, provides defensible space, provides space for staging areas, and enhances ingress and egress routes.

The City of Oakland is committed to long-term ongoing maintenance of the fire breaks and vegetation management programs to significantly reduce the threat of major fires along this heavily populated high risk area.

The current fire hazard fuel loads in the project areas make this Environmental Impact Statement analysis time sensitive. Agencies entering into the MOU will agree to make review of the environmental documents prepared during the EIS process a priority. The goal is to complete the review and certify the EIS by November 2011.

SUSTAINABLE OPPORTUNITIES

There are no direct economic, environmental, or social equity opportunities or impacts associated with the City Council action requested in this report.

DISABILITY AND SENIOR ACCESS

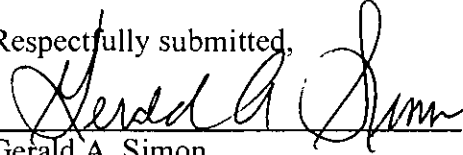
There is no direct impact to people with disabilities or to seniors associated with the City Council action requested in this report.

Oakland Fire Department – Memorandum of Understanding-East Bay Hills Fire Hazard
Environmental Impact Statement

RECOMMENDATION

Staff recommends that the City Council accept the staff report and approve the proposed resolution to enter into the MOU. The resolution establishes the terms and multi-agency roles for the development of the Environmental Impact Statement for the East Bay Hills Hazardous Fuels Reduction Program.

Respectfully submitted,



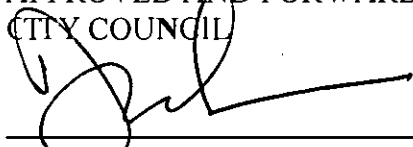
Gerald A. Simon

Chief, Fire Department

Reviewed by: James Williams
Deputy Chief/Fire Marshal

Prepared by: Leroy Griffin
Assistant Fire Marshal

APPROVED AND FORWARDED TO THE
CITY COUNCIL

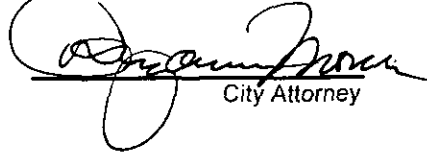


OFFICE OF THE CITY ADMINISTRATOR

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FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. _____ C.M.S.
2011 DEC 23 PM 3:36

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN INTERGOVERNMENTAL MEMORANDUM OF UNDERSTANDING THE DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY, CALIFORNIA EMERGENCY MANAGEMENT AGENCY, U.S. FISH AND WILDLIFE SERVICE, NATIONAL PARK SERVICE, U.S. FOREST SERVICE, UNIVERSITY OF CALIFORNIA – BERKELEY, EAST BAY REGIONAL PARK DISTRICT FOR REVIEW OF AN ENVIRONMENTAL IMPACT STATEMENT FOR HAZARDOUS FUELS RISK REDUCTION IN THE EAST BAY HILLS

WHEREAS, the City of Oakland Wildfire Prevention Assessment District (WPAD) was established on January 20, 2004 under the authority of the Oakland Fire Suppression, Prevention and Preparedness District Ordinance of 2003 (ordinance no. 12556 C.M.S.0); and

WHEREAS, the City requires the Fire Department to conduct a vegetation management strategy to address hazardous fuels conditions on public and private properties within the district boundaries; and

WHEREAS, the Department of Homeland Security, Federal Emergency Management Agency has made the determination that a environmental impact review is required to assess the overall environmental impacts of the wildfire hazard reduction projects in the East Bay Hills; and

WHEREAS, the provisions of the Environmental Impact Statement (EIS) and the Memorandum of Understanding for the Hazardous Fuels Reduction, East Bay Hills are consistent with these goals; now, therefore, be it

RESOLVED: That the City Council approves and authorizes the City Administrator or his designee to enter into an intergovernmental Memorandum of Understanding for environmental coordination and review with the Department of Homeland Security Federal Emergency Management Agency, California Emergency Management Agency, U.S. fish and Wildlife Service, National Park Service, U.S. Forest Service, University of California – Berkeley, East Bay Regional Park District regarding review of an environmental impact statement for hazardous fuels risk reduction in the East Bay hills, and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator or his designee to conduct the appropriate environmental review for the East Bay Hills' EIS and the Oakland Wildfire Prevention Assessment District to address the requirements as defined in the California Environmental Quality Act (CEQA),

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California