



# AGENDA REPORT

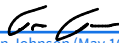
**TO:** Jestin D. Johnson  
City Administrator

**FROM:** Damon Covington  
Chief, Fire Department

**SUBJECT:** SUPPLEMENTAL – City of Oakland  
Vegetation Management Plan

**DATE:** May 16, 2024

City Administrator Approval

  
Jestin Johnson (May 16, 2024 21:02 PDT)

Date: May 16, 2024

## RECOMMENDATION

**Staff Recommends That City Council Adopt The Following:**

**A Resolution:**

- 1. Adopting The City Of Oakland Vegetation Management Plan (“VMP”), Which: (A) Describes The Actions That The Oakland Fire Department (“OFD”) Will Take Over The 10-Year Plan Timeframe To Reduce Fire Hazard On Approximately Nineteen Hundred And Twenty-Four (1,924) Acres Of City-Owned Land And Along Three Hundred And Eight (308) Miles Of Roadway In The City Of Oakland’s Designated Very High Fire Hazard Severity Zone (“VHFHSZ”); (B) Meets OFD’s Stated Goals Of Reducing Wildfire Hazard On City-Owned Land And Along Critical Access/Egress Routes, Thereby Reducing The Likelihood Of Ignitions And Extreme Fire Behavior To Enhance Public And Firefighter Safety; (C) Avoids Or Minimizes Impacts To Natural Resources, And (D) Contributes To Regional Efforts To Reduce Wildfire Hazard In The Oakland Hills; And**
- 2. Certifying The Environmental Impact Report For The VMP That Analyzes The VMPS’s Potential Significant Impacts And Makes Certain Findings Concerning Environmental Impacts, Mitigation Measures, And Alternatives, And Adopting A Mitigation Monitoring And Reporting Program, All In Accordance With The California Environmental Quality Act (“CEQA”).**

## REASON FOR SUPPLEMENTAL

This information is provided in response to a May 14, 2024, request from the Public Safety Committee for additional information on whether the City engaged with State agencies, specifically the California Department of Fish and Wildlife (CDFW) during development of the Vegetation Management Plan.

- Notice of Preparation (NOP) of an Environmental Impact Report (EIR) was sent to CDFW by the State Clearinghouse on 11/1/2019. No comments were submitted on the NOP by CDFW.

City Council  
May 21, 2024

- CDFW received a copy of the Draft EIR from the State Clearinghouse (11/25/20) and submitted no comments.
- CDFW received a copy of the Recirculated Draft EIR from the State Clearinghouse (9/20/23) and submitted a comment letter on 10/31/23 with requested revisions to VMP mitigation measures relating to impacts on special-status plant and wildlife species.
- Many of the requested revisions from CDFW were incorporated into the text and comments were responded to in the Final EIR (5/3/24).
- Responses to comments were provided to CDFW, and CDFW provided additional recommendations regarding Mitigation Measure BIO-8 relating to western pond turtle and California red-legged frog.

***Comment from California Department of Fish and Wildlife:***

“CDFW recommends consulting with U.S. Fish and Wildlife Service to determine proper permitting for relocation of an ESA-listed species and including language to contact CDFW if project activities will result in the need to relocate California red-legged frog or western pond turtle.”

***Responses to CSFW from VMP Project Manager and Consultants are as follow:***

- The impact analysis states: "No Revised Draft VMP treatments are proposed within California red-legged frog breeding habitat or aquatic habitat for western pond turtle. As described above, most Revised Draft VMP treatments would occur in upland habitat and habitats that are more than 100 feet away from streams. Hand labor treatments in areas less than 100 feet from streams would minimize the risk of a potential impact."
- In the event that one of these species is encountered, Mitigation Measure BIO-8.3(A-B) would minimize the potential for impacts to these species "through avoidance of treatment activities immediately following rain storms (when these species are most likely to venture into upland areas farther from aquatic habitat), pre-construction surveys within 100 feet of aquatic habitat, establishment of no-work buffers if these species are detected, and relocation of these species by a qualified biologist."
- Notably, Mitigation Measure BIO-8.3(B.2) states: "II. If adult or juvenile California red-legged frogs or western pond turtles are found, the individual(s) shall be captured and relocated by a qualified biologist (with USFWS and/or CDFW approval, depending on the listing status of the species in question), and work may proceed."
- Approval from USFWS and/or CDFW would require the City to obtain the appropriate permits, as indicated in the CDFW recommendation.

In addition, one commenter at the May 14 Public Safety Committee meeting stated that the City is required to consult with state agencies as part of the CEQA process. The process of "consultation" is part of the regulatory permitting process and is a separate activity from CEQA compliance. CEQA requires the types of agency coordination identified above, which the City completed.

### **ACTION REQUESTED OF THE CITY COUNCIL**

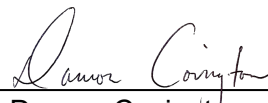
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For questions regarding this report, please contact

Respectfully submitted,



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Damon Covington  
Chief, Fire Department