



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Damon Covington
Fire Chief

SUBJECT: City of Oakland Vegetation
Management Plan

DATE: April 16, 2024

City Administrator Approval


Jestin Johnson (Apr 30, 2024 05:56 PDT)

Date: Apr 30, 2024

RECOMMENDATION

Staff Recommends That The 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”).**

EXECUTIVE SUMMARY

The City has determined areas within the Oakland hills are at high risk of wildfire, and that vegetation management/fuel reduction will significantly reduce wildfire risk. As a result, the City Administration is recommending that the City Council adopt the above-titled Resolution that approves a 10-year Vegetation Management Plan (“VMP”) for the Oakland hills and certifies the Environmental Impact Report (“EIR”) for the VMP. (See **Attachment A** for the draft Resolution for Council consideration.)

Adoption of the VMP, which outlines a framework for managing fuel loads and vegetation on City-owned properties and along roadways in the City’s Very High Fire Hazard Severity Zone

Public Safety Committee
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("VHFHSZ"), will be an actionable step to reduce the likelihood of a catastrophic wildfire, such as the 1991 Oakland Hills Fire. The VMP proposed for adoption is available at the following link:

VMP:

https://cao-94612.s3.us-west-2.amazonaws.com/documents/ER23007_Att.-D-Revised-Vegetation-Management-Plan-Copy.pdf

Certifying the Environmental Impact Report will provide formal environmental approval to ensure that the City's VMP complies with the California Environmental Quality Act ("CEQA"). The Recirculated DEIR and Final EIR proposed for certification are available at the following links, respectively:

Recirculated DEIR and FEIR:

Recirculated DEIR:

https://cao-94612.s3.us-west-2.amazonaws.com/documents/OVMP_Recirculated_DEIR_092023.pdf

FEIR:

<https://www.oaklandca.gov/projects/oakland-vegetation-management-plan>

BACKGROUND/LEGISLATIVE HISTORY

Since 1923, more than a dozen major wildfires have impacted the Oakland hills, resulting in extensive damage, economic harm, and loss of life. Most notably, the 1991 Oakland/Berkeley firestorm burned over 1,500 acres, destroyed more than 3,000 homes, caused the deaths of 25 people, and injured over 150 people. Most of the Oakland hills fall within the VHFHSZ, as designated by the California Department of Forestry and Fire Protection, where vegetation must be actively managed to reduce the threat and devastating effects of future wildfires. The VHFHSZ in the Oakland hills include areas described as the Wildland Urban Interface ("WUI"), which are characterized by hot and dry fall seasons, high winds, dense flammable vegetation, steep and varied terrain, hill slope development, and limited accessibility for emergency responders.

The VMP covers more than 1,900 acres of City property plus treatment areas along approximately 300 miles of roadside. Vegetation management activities conducted on these lands currently include goat grazing on nine sites covering approximately 1,300 acres, vegetation clearing along 16 roadways (58 miles), monitoring for vegetation clearance along approximately 300 miles of road within the High and Very High Fire Hazard Severity Zones (16.5 square miles), and brush clearance on critical City-owned properties (~332 acres). The VMP and EIR evaluate these and additional vegetation management practices to reduce fire hazards.

The VMP and EIR has evaluated these and additional vegetation management practices to reduce fire hazards.

The path to the formal adoption has been lengthy. The effort to engage the community has been sincere and consistent, and the attention to feedback and detail has been unwavering.

The [VMP page on the City's website](#) includes extensive information on the timeline, progression and documents from throughout this process from 2017-present.

Below is a snapshot of the key steps in the process that has led to this recommendation to adopt the Vegetation Management Plan:

- Planning Commission Presentation – November 2023
- Recirculated Draft Environmental Impact Report – October 2023
- Revised Draft Vegetation Management Plan – September 2023
- Revised Draft Oakland Vegetation Management Plan – November 1, 2019
- Plan Specificity Public Meeting Presentation – November 20, 2018
- Stewardship Group Public Meeting Presentation – November 15, 2018
- Draft Oakland Vegetation Management Plan – May 2018
- Draft Oakland Vegetation Management Plan Appendices – May 2018
- Draft Oakland Vegetation Management Plan Comment Card – May 2018
- Public Meeting Poster Boards – May 2018
- Management Actions Fact Sheet – May 2018
- Overview Fact Sheet – May 2018
- Public Meeting Presentation – May 23, 2018
- Stakeholder Briefing Presentation – June 29, 2017
- Overview Fact Sheet – June 2017
- Stakeholder Briefing Presentation – March 29 & 30, 2017

As described in the VMP, the goal of fuel treatment is to alter the structure, composition, and spacing of retained vegetation to moderate potential fire behavior. Retained vegetation can reduce wind exposure, retain soil and surface fuel moisture, and reduce the potential for soil erosion. Implementation of the VMP would involve thinning, pruning, removal, and otherwise modification of trees and vegetation within the VMP area to reduce the likelihood of a wildfire occurring and to minimize/slow the spread of a wildfire, should one occur. The City has identified the following primary goals to guide the preparation of the VMP and its implementation:

- Reduce wildfire hazard on City-owned land and along critical access/egress routes within the City's designated VHFHSZ;
- Reduce the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety;
- Implement practices to avoid or minimize impacts to natural resources; and
- Maintain an active role in regional efforts to reduce wildfire hazards in the Oakland Hills.

The goals, objectives, and recommendations identified in the VMP are based on a combination of evaluating existing field conditions and current vegetation and fire risk conditions at City parcels; analyzing spatial datasets of environmental and wildfire risk factors in a Geographic Information System (GIS); conducting GIS-based analysis and modeling to identify areas that may be subject to extreme fire behavior; identifying locations within the VMP area that may

present increased ignition potential or otherwise contribute to increased fire hazard; and receiving feedback and guidance from many stakeholders through various meetings, site visits, and written comments.

The VMP describes various vegetation management techniques that may be employed depending on site conditions, including hand labor, mechanical processes (e.g., mowing), herbicide use, and grazing.

Appropriate vegetation management techniques to be employed at a specific site would be identified by OFD personnel during annual workplan development. On an annual basis, OFD staff would conduct field assessments of vegetation conditions in the Revised Draft VMP area to guide the development of such annual vegetation management work plans. These plans would identify specific treatment types, areas or properties to be treated, implementation timing, and other monitoring and tracking needs.

The VMP also identifies best management practices (BMPs) to be implemented during vegetation management activities to reduce or avoid impacts on natural resources in the Revised VMP area.

Plan Scope and Timeframe

The timeframe for VMP is ten (10) years. The goals, objectives, methods, and recommendations contained herein should be reviewed at the end of the 10-year timeframe, following a re-evaluation of the Revised Draft VMP Area's wildfire hazard condition and the success of vegetation management actions implemented over the 10-year Revised Draft VMP timeframe. Following such a subsequent review, revisions to VMP goals, objectives, methods, or recommendations may be necessary to reflect wildfire hazard conditions within the VMP Area later.

ENVIRONMENTAL REVIEW PROCESS

Overview of CEQA Requirements

With certain, strictly limited exceptions, CEQA requires all state and local government agencies to consider the environmental consequences of projects over which they have discretionary authority before approving or carrying out those projects. CEQA establishes procedural and substantive requirements that agencies must satisfy to meet CEQA's objectives.

As described in the CEQA Guidelines (Cal. Code Regs., tit. 14, Section 15121, subd. [a]), an EIR is an informational document that assesses potential environmental effects of a proposed project and identifies mitigation measures and alternatives to the project that could reduce or avoid potentially significant environmental impacts. Other key CEQA requirements include developing a plan to implement and monitor the success of the identified mitigation measures and carrying out specific public notice and distribution steps to facilitate public involvement in the environmental review process. As an informational document used in the planning and decision-making process, an EIR's purpose is not to recommend either approval or denial of a project. Note that an EIR does not expand or otherwise provide independent authority for the lead agency to impose mitigation measures or avoid project-related significant environmental

impacts beyond the authority already within the lead agency's jurisdiction. It is an informational document that assists decision-makers (here, the Council) in understanding any potential or actual significant environmental effects from a project, and ways to mitigate those environmental effects to a less than significant level, if possible.

If an impact cannot be mitigated to a less than significant level with mitigation measures, then the decision-makers must weigh the significant, unavoidable impact(s) against the policy benefits of approving the project. The balancing of the significant, unavoidable impact against the public benefit of the project may result in a Statement of Overriding Considerations, which generally accompanies the approval of a Project with a significant, unavoidable impact that the decision-makers still want because of overriding policy benefits stemming from the Project.

Scope and Intent of the EIR

The City is the lead agency for the CEQA process and has discretionary review and approval authority for project activities subject to CEQA (CEQA Guidelines Section 15378).

The intent of the EIR is to evaluate in detail the vegetation management activities to be conducted under the VMP, including the changes to VMP treatment activities since the prior 2020 Draft Environmental Impact Report ("DEIR"). The analysis in the EIR has been prepared at a project level in accordance with CEQA Guidelines Section 15161. Accordingly, the EIR focuses on the changes in the environment that could result during all phases of the project, including maintenance planning and implementation, such that the Recirculated DEIR adequately satisfies all CEQA requirements to support project implementation without the need for further CEQA documentation.

Notice of Preparation

A Notice of Preparation ("NOP") of an EIR for the VMP was prepared in accordance with the State CEQA Guidelines (CEQA Guidelines Section 15082) and circulated to the Office of Planning and Research's State Clearinghouse on November 1, 2019. The original scoping period started on November 1, 2019 for 31 days, ending on December 2, 2019. However, the scoping period was extended to December 12, 2019, to allow the public and interested parties additional time to comment on the scope of the prior 2020 DEIR and to correct the contact name and email address of Angela Robinson Piñon, the person receiving comments during the scoping period.

Thus, the scoping period was extended for a total of 41 days. The NOP presented general background information on the VMP, the scoping process, and the environmental issues to be addressed in the DEIR. Copies of the NOP were distributed by mail and email to various stakeholders, including state, federal, and local regulatory agencies and jurisdictions, utilities, and interested individuals in the area.

In addition, the NOP was published on the City's website (*available at: oaklandca.gov/documents/oakland-vegetation-management-plan-comment-period-extension*). The NOP is included in the prior 2020 DEIR in Appendix B, Scoping Summary.

Opportunities for Public Comments and Participation Regarding the EIR

To provide the public, as well as responsible and trustee agencies, an opportunity to ask questions and submit comments on the Draft VMP and the scope of the 2020 DEIR, the City held a scoping meeting on Wednesday, November 20, 2019. Comments received during the public scoping period were considered in the City's CEQA evaluation and are summarized in Appendix B of the prior 2020 DEIR.

The prior 2020 DEIR was released for a 45-day public review and comment period on November 24, 2020. The public review period allowed the public an opportunity to provide input to the lead agency on the prior 2020 DEIR. On December 16, 2020, the City Planning Commission agreed to extend the public comment period by 15 days from January 7, 2021, to January 22, 2021, for a total of 60 days. The City also conducted a public meeting on the prior 2020 DEIR on December 16, 2020.

As a result of comments received on the prior 2020 DEIR, the City revised the Draft VMP to improve it in areas demanded by the public. The prior 2020 DEIR was then revised/updated and referred to as the "Recirculated DEIR," which evaluates changes to the VMP that arose from public comments.

The City prepared the Recirculated DEIR to disclose environmental impacts associated with the changes to the VMP. The City published the Recirculated DEIR on September 20, 2023, for a 45-day public comment period that ended on November 4, 2023. The City hosted one public meeting before the Planning Commission on November 1, 2023, at which time oral comments were received on the Recirculated EIR.

CEQA requires the lead agency to prepare a Final EIR ("FEIR") that addresses all substantive comments received on the 2020 DEIR and Recirculated DEIR before approving a project that could have significant impacts on the environment. The FEIR must include a list of all individuals, organizations, and agencies that provided comments on the DEIR and must contain copies of all comments received during the public review period along with the lead agency's responses. The FEIR, which is available at VMP webpage on the City's website (*available at: <https://www.oaklandca.gov/projects/oakland-vegetation-management-plan>*), was distributed to the public and public agencies that provided comments at least ten (10) days prior to certifying the FEIR. At the close of the 10-day public agency review period, City Staff is hereby providing recommendation to the City Council to certify the FEIR.

Public Safety Committee and City Council Review of EIR's Findings

The City Council and the Public Safety Committee of the City Council is now being asked to review the FEIR, consider City Staff's recommendation to approve the VMP and certify the EIR, while also considering public testimony and public record. For significant impacts identified in the EIR that cannot be mitigated, findings of fact and a statement of overriding considerations are included in the administrative record of approval for the VMP and, upon certification of the EIR and approval of the VMP, mentioned in the Notice of Determination ("NOD") to be filed with Office of Planning and Research ("OPR") and at the Office of the Alameda County Clerk pursuant to CEQA Guidelines section 15093(c).

The FEIR found one significant and unavoidable impact as to Noise with respect to the use of machinery in the clearing and pruning of vegetation. The Recirculated EIR found the following: Impact NOI-1: Generate Substantial Temporary or Periodic Increase in Ambient Noise Levels; or Generate Noise in Violation of the City of Oakland Municipal Code, in Excess of General Plan Standards, California Noise Insulation Standards, or Applicable Standards Established by a Regulatory Agency.

The Council will need to approve a Statement of Overriding Considerations as to this ambient noise impact due to vegetation management activities using vegetation pruning equipment that will make noise from time to time. All other potential impacts can be mitigated to a level below significance.

ANALYSIS AND POLICY ALTERNATIVES

The VMP has been developed to meet its stated goals of reducing wildfire hazard on City-owned land and along critical access/egress routes, reducing the likelihood of ignitions and extreme fire behavior to enhance public and firefighter safety, avoiding, or minimizing impacts to natural resources, and contributing to regional efforts to reduce wildfire hazard in the Oakland Hills.

The proposed VMP aligns with two of the citywide priorities: Responsive Transparent Government, as it seeks to answer a public call for a clear strategy on mitigating fire risk while also being a good steward of the environment; and Holistic Community Safety, as it reinforces the City's collective and interdepartmental commitment to preventing the start and spread of wildfires which can claim lives and property, costs the city tens of millions of dollars to respond and recover from, while also devastating the natural environment and harming animal habitat in the region.

The Oakland hills presents a complex wildfire environment that presents a significant risk to public and firefighter safety and the built and natural environment. This area is one of the highest risk areas in the country for devastating WUI fires and is the location of one of the state's most destructive historic wildfires, the 1991 Tunnel Fire. Lessons learned from this and more recent, devastating wildfires in Northern California highlight the importance of managing vegetation to reduce wildfire hazards.

The development of this VMP included a detailed assessment of wildfire hazards, which was used to identify and map areas with high ignition potential or where extreme wildfire behavior would be expected, given current terrain and fuel conditions. VMP development also included coordination with OFD personnel and significant public and stakeholder outreach to better understand current vegetation management activities in the VMP Area. Vegetation treatment projects were then identified and prioritized based on proximity to Plan Area structures, roads, ridgelines, and park access gates, where fire behavior is anticipated to be extreme (high flame lengths and/or crown fires), and where continuation of the City's goat grazing program would effectively maintain lower fuel loads. Identified priority projects total of 1,366 acres within the VMP Area's 1,924 total acres. This VMP also prioritizes vegetation management along 310 miles of primary access/egress routes in the VMP Area and the removal of hazard trees on City-owned properties that could strike adjacent roads if they fell.

This VMP also outlines measurable vegetation treatment standards, by dominant vegetation type, and identifies a range of vegetation management tools that can be utilized by OFD, or its contractors, to reach these treatment standards. As vegetation is dynamic in nature, this Plan outlines an adaptive field assessment and work plan development process to be implemented by OFD annually, which accounts for the variability in vegetation condition project site conditions over time.

The goal of fuel treatment is to alter the structure, composition, and spacing of retained vegetation to moderate potential fire behavior. Retained vegetation can reduce wind exposure, retain soil and surface fuel moisture, and reduce the potential for soil erosion. Implementation of the VMP would involve thinning, pruning, removal, and otherwise modification of trees and vegetation within the VMP area to reduce the likelihood of a wildfire occurring and to minimize/slow the spread of a wildfire, should one occur. The City has identified the following primary goals to guide the preparation of the VMP and its implementation.

The proposed VMP is considered to be environmentally superior to the other identified alternatives in the Recirculated DEIR. (See Recirculated DEIR at 5-4 for a description of alternatives studied.)

In comparison to the alternatives, the Revised Draft VMP provides the most appropriate balance of reducing wildfire hazard through limiting ignition potential, reducing fuel loads, and modifying vegetation in an effective manner; avoiding and minimizing impacts to the natural environment through implementation of practices; prioritizing management needs based on fuel loads, terrain, and proximity to roads and structures; and ensuring vegetation management needs are addressed in a reasonable timeframe to protect life and property and reduce public safety and wildfire hazards. The VMP would also ensure that vegetation management activities are conducted consistently in compliance with the methods and approaches identified to reduce effects to natural resources and prevent excess and unnecessary vegetation removal. The Revised Draft VMP would also increase the ability of OFD to suppress wildfire in the VMP area, further protecting VMP area resources and require the routine evaluation of effectiveness of vegetation management activities. (See Recirculated DEIR, at 5-4.)

FISCAL IMPACT

There is no fiscal impact related to the adoption of this proposed resolution or the certification of the Environmental Impact Report.

PUBLIC OUTREACH / INTEREST

Scoping Comments and Meetings

As described in more detail in Section 2.3.2 of the EIR, several public and stakeholder engagement meetings were conducted to support the development of the initial Draft VMP and Revised Draft VMP. Six workshops/meetings were conducted in 2017 and 2018 during the development of the Draft VMP. In addition to the public meetings, a number of additional phone

calls, meetings, and on-site field meetings were held with stakeholders interested in the VMP to collect additional public input. The Oakland City Council, Public Safety Committee further directed the VMP development team to conduct additional outreach to park volunteer/stewardship groups to receive information on current activities being conducted in City parks that occur in the Revised Draft VMP area with the intent of incorporating volunteer/stakeholder input into annual vegetation management planning efforts described in the VMP. In total, 11 additional group meetings were held in spring 2019 with stakeholders interested in the initial Draft VMP and the Revised Draft VMP.

To provide the public, as well as responsible and trustee agencies, an opportunity to ask questions and submit comments on the initial Draft VMP and the scope of the prior 2020 DEIR, the City held a public scoping meeting during the public scoping period. As described above, notices of the meeting were mailed to interested parties; in addition, scoping meeting information was published on the City's website prior to the event (www.oaklandca.gov/projects/oakland-vegetation-management-plan).

The scoping meeting was held before the Oakland Planning Commission on Wednesday, November 20, 2019, at 6:00 p.m. at Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland.

The City also presented an update on the initial Draft VMP and prior 2020 DEIR as an item to the Public Safety Committee of the City Council on Tuesday, December 3, 2019.

The City accepted verbal and written comments at the scoping meeting, as well as the Public Safety Committee meeting, and accepted both written and electronic comments (via email) during the 41-day scoping period. During the scoping period, 41 comment letters were received. These comments were considered in this CEQA evaluation and are summarized in Appendix B of the prior 2020 DEIR, Scoping Summary.

The prior 2020 Draft Environmental Impact Report (DEIR) was released for a 45-day public review and comment period on November 24, 2020. On December 16, 2020, the City Planning Commission, by motion, voted 4-0 to extend the public comment period 15 days from January 7, 2021 to January 22, 2021, for a total of 60 days. The City also conducted a public meeting on the prior 2020 DEIR on December 16, 2020.

As a result of comments received on the prior 2020 DEIR, the City revised the Draft VMP. The prior 2020 DEIR was then revised and updated to become the "Recirculated DEIR," which evaluates changes to the VMP that arose from public comments.

The City prepared the Recirculated DEIR to disclose environmental impacts associated with the changes to the VMP. The City published the Recirculated DEIR on September 20, 2023, for a 45-day public comment period that ended on November 4, 2023. The City hosted one public meeting before the Planning Commission on November 1, 2023, at which time oral comments were received on the Recirculated EIR.

COORDINATION

The Office of the City Attorney was consulted in the preparation of this report and proposed Resolution at **Attachment A**.

SUSTAINABLE OPPORTUNITIES

Economic: Completing the VMP stands to improve the City's approach to wildfire prevention, and thus mitigates the financial risk of the city should another fire occur. The economic loss from the 1991 Oakland Hills fire was estimated at \$1.5 billion (\$2.99 billion in 2023 dollars)

Environmental: Poorly managed vegetation can have negative impacts on the environment whether that is wildfires, soil erosion, or water quality issues. These impacts not only affect humans but also wildlife habitats. By taking the right approach, cities can help to create natural, diverse, and sustaining ecosystems, helping to reduce wildlife habitat fragmentation and allow species to be geographically diverse.

Race & Equity: There are no significant race and equity impacts related to the passage of this resolution.

ACTION REQUESTED OF CITY COUNCIL

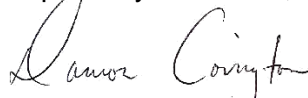
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For questions regarding this report, please contact Michael Hunt, Assistant to the Director, Oakland Fire, 510.238.6353

Respectfully submitted,



DAMON COVINGTON
Fire Chief
Oakland Fire Department

Attachments:

Attachment A: Proposed Resolution for City Council Adoption