



**FINAL REPORT  
ON THE  
WILDFIRE PREVENTION ASSESSMENT  
DISTRICT  
CITY OF OAKLAND**

**Public Safety Committee  
Oakland City Council  
JUNE 2017**

# **2017 WILDFIRE PREVENTION ASSESSMENT DISTRICT**

## **ADVISORY COMMITTEE**

**Sue Piper (District 1) Chair**

**Martin Matarrese (District 7) Vice Chair**

**Steve Hanson (District 1)**

**Lin Barron (District 4)**

**Mike Petouhoff (District 4)**

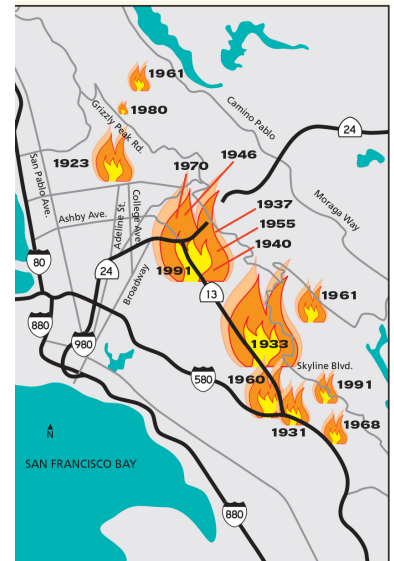
**Glen Dahlbacka (District 6)**

**Doug Wong (At Large)**

# FINAL REPORT OF THE WILDFIRE PREVENTION ASSESSMENT DISTRICT

## History of the Wildfire Prevention Assessment District

Since 1923, more than a dozen major wildfires have raged through the Oakland/Berkeley hills that resulted in extensive damage and loss of life. The Oakland-Berkeley Firestorm on October 20, 1991 ranks as one of California's largest home lost from a single wildfire; the 1923 Berkeley fire ranked fifth. More than 3,000 homes were lost, 25 people died, and 150 were injured. At a cost of \$1.7 billion, it was one of this nation's most costly catastrophes and was one of the fastest moving wildfires in California history, doing most of its damage within the first 2 hours. Firefighters were able to begin to contain the fire 6 hours after it started when the winds died down, although it was not 100% contained until October 22.



In 1993 The Oakland City Council instituted a fire district to reduce the fuel load in the Oakland hills and to enhance fire services following the 1991 Oakland-Berkeley Hills Firestorm, but due to changes in state law in 1997, the Council needed to ask property owners in the designated area for approval. Voters did not approve a new district. From 1997-2003 the City allocated \$1 million a year from its general fund to maintain basic brush removal on city properties and to maintain inspection services in the Oakland Fire Department.

### The Wildfire Prevention Assessment District At A Glance

- 10,590 total acres
- 16.5 square miles
- 33 miles around perimeter
- 21.5% area of City
- 26,000 private properties
- 416 city properties--1400 acres
- 200 geographic locations are City-owned
- 300 miles of public access roadway

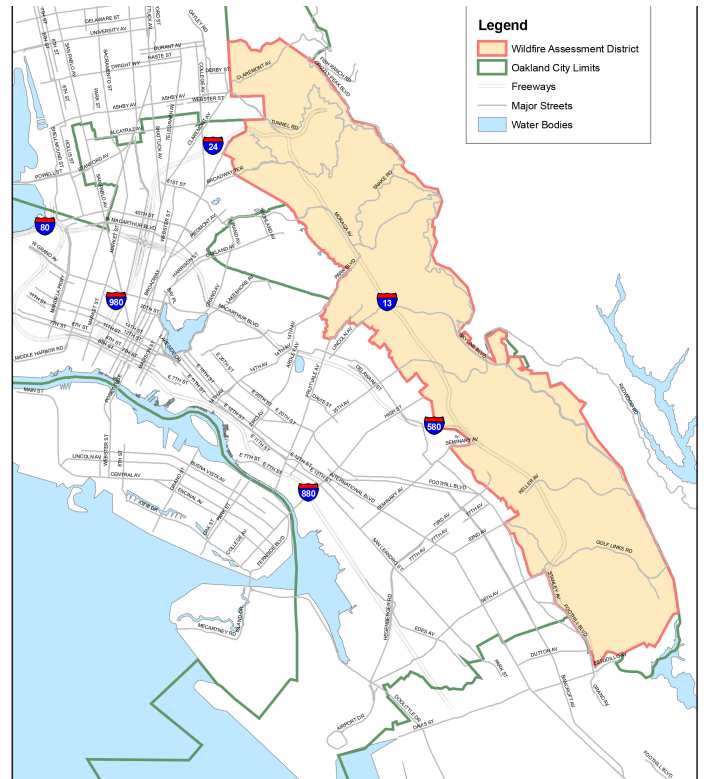
In the years immediately following, economic conditions jeopardized Oakland's ability to maintain the wildfire prevention program. A new effort to form a Wildfire Prevention Assessment District (WPAD) was again set before the residents within the geographic confines of the Oakland Hills designated by CalFire as a very high fire hazard severity zone in recognition of the critical need for stable, long-term solutions to avoid the historical pattern of a devastating fire every 20 years. It was approved by 74% of the property owners in January 2004 for 10 years.

The Oakland Fire Department's Fire Prevention Bureau, under the supervision of the Fire Marshal's Office managed the WPAD. The WPAD ordinance established a Citizens Advisory Committee to develop and oversee the WPAD budget and to recommend program priorities to the Oakland Fire Department. The Advisory Committee consisted of two members appointed by City Council Members in Districts 1,4, 6 and 7, one member appointed by the Council Member-at-Large, and two by the Mayor. One of the Mayor's appointees is required to have fire fighting experience.

As the WPAD neared its 10-year lifespan, the City and community leaders led a campaign to renew the WPAD. Because of changes in case law, the new District was structured slightly differently and required a 2/3 approval, rather than the 50% +1 that was needed in 2003. Unfortunately, the election ran 66 votes short of the 2/3 threshold. The WPAD Advisory Committee continued to meet as long as there were still funds in the account. The final meeting of the WPAD Advisory Committee will be on June 15, 2017, as funds in the account are expected to be spent or encumbered through June 30, 2017. After that date, the responsibilities for roadside clearance and maintenance of defensible space on city properties through goat grazing and contracts will be funded out of the City's General Fund.

## WPAD Accomplishments

Over the past 13 years, 36 residents served as volunteer members of the Citizen's Advisory Committee, which met once a month, first at City Hall and then at the Trudeau Educational Center at 15500 Skyline Blvd. within the confines of the district itself.



Wildfire Prevention Assessment District





## **WPAD Advisory Committee Members**

### **2004-05**

Ken Benson (D7) Chair  
Tamia Marg (D1)  
Robert Sieben (D1)  
Jill Broadhurst (D4)  
Sally Kilburg (D4)  
Susan Burnett (D6)  
Carl Hackney (D6)  
Allene Warren (D7)  
Ben Fay (At Large)  
Gordon Piper (Mayoral Appointee)  
Ernest Robinson (Mayoral Appointee)

### **2005-06**

Robert Sieben (D1) Chair  
Tamia Marg (D1)  
Barbara Goldenberg (D4)  
Carol Berneau (D4)  
Susan Burnett (D6)  
Carl Hackney. (D6)  
Ken Benson (D7)  
Allene Warren (D7)  
Ben Fay (At Large)  
Gordon Piper (Mayoral Appointee)  
Ernest Robinson (Mayoral Appointee)

### **2006-07**

Robert Sieben (D1) Chair  
Barry Pilger (D1)  
Robert Faber (D4)  
Barbara Goldenberg (D4)  
Lilah Green (D6)  
James Williams, Sr. (D6)  
Ken Benson (D7)  
Allene Warren (D7)  
Douglas Wong (At Large)  
Gordon Piper (Mayoral Appointee)  
Ernest Robinson (Mayoral Appointee)

### **2007-08**

Robert Sieben (D1) Chair  
Barry Pilger, (D1)  
Chris Candell (D4)  
Barbara Goldenberg (D4)  
Lilah Greene (D6)  
James Williams. Sr. (D6)  
Dinah Benson (D7)  
Allene Warren (D7)  
Douglas Wong (Mayoral Appointee)  
Dee McDonough (Mayoral Appointee)

### **2008-09**

Robert Sieben (D1) Chair

Barry Pilger (D1)  
Chris Candell (D4)  
Barbara Goldenberg (D4)  
Lilah Greene (D6)  
James Williams. Sr. (D6)  
Dinah Benson (D7)  
(D7) Vacant  
Charles Bowles (At Large)  
Doug Wong (Mayoral Appointee)  
Dee McDonough (Mayoral Appointee)

### **2009-10**

Barbara Goldenberg (D4) Chair  
David Kessler (D1)  
(D1) Vacancy  
Chris Candell (D4)  
Don Johnson (D6)  
Lilah Greene (D6) Treasurer  
Dinah Benson (D7)  
(D7) Vacant  
Chuck Bowles (At Large)  
Nick Luby (Mayoral Appointee )  
Doug Wong (Mayoral Appointee) Vice Chair

### **2010-11**

David Kessler (D1)  
Robert Sieben (D1)  
Diane Hill (D4)  
Barbara Goldenberg, Chair (D4)  
James Williams, Sr. (D6)  
Sean Walsh (D6)  
Dinah Benson (D7)  
Donald Mitchell (D7)  
Douglas Wong (At Large) Vice Chair  
Nick Luby (Mayoral Appointee)  
Dee McDonough (Mayoral Appointee)

### **2011-12**

Doug Wong (At Large) Chair  
David Kessler (D1) Vice Chair  
Robert Sieben (D1)  
Chris Candell (D4)  
Diane Hill (D4)  
Sean Walsh (D6)  
(D6) Vacant  
Dinah Benson (D7)  
Don Mitchell (D7) Financial Liaison  
Dee McDonough (Mayoral Appointee)  
Nicholas Luby (Mayoral Appointee)

### **2012-13**

Bob Sieben (D1) Chair  
Barry Pilger (D1)

Diane Hill (D4)  
 Barbara Goldenberg (D4)  
 (D6) Vacant  
 (D6) Vacant  
 Don Mitchell (D7) Financial Liaison  
 Dinah Benson (D7)  
 Douglas Wong (At Large)  
 Nicholas Luby (Mayoral Appointee)  
 Ken Thames (Mayoral Appointee)

#### **2013-14**

Bob Sieben, (D1) Chair  
 Fred Booker (D1)  
 Mary Thlessen(D4)  
 Diane Hill (D4)  
 Lars Beyer(D6)  
 Katherine Moore(D6)  
 Dinah Benson (D7)  
 Don Mitchell (D7)  
 Doug Wong (At Large)  
 Nicholas Luby (Mayoral Appointee)  
 Ken Thames (Mayoral Appointee)

#### **2014-15**

Fred Booker (D1) Chair  
 Robert Sieben (D1)  
 Diane A. Hill (D4)  
 Mary Thiessen (D4)  
 Katherine Moore(D6)  
 (D6) Vacant  
 Dinah Benson (D7)

Donald Mitchell (D7)  
 Douglas Wong (At Large ) Vice Chair  
 Ken Thames (Mayoral Appointee)  
 (Mayoral Appointee) Vacant

#### **2015-16**

Susan Piper (D1) Chair  
 Steven Hanson (D1)  
 Lin Baron (D4)  
 Michael Petouhoff (D4)  
 Clint Johnson (D6)  
 (D6) Vacant  
 Martin Matarrese (D7)  
 (D7) Vacant  
 Dinah Benson (D7)  
 (D7) Vacant  
 Douglas Wong (At Large)  
 (Mayoral Appointee) Vacant  
 (Mayoral Appointee) Vacant

#### **2016-17**

Susan Piper, (D1), Chair  
 Martin Matarrese (D7) Vice Chair  
 Lin Barron (D4)  
 Glen Dahlbacka (D6)  
 Steven Hanson (D1)  
 Mike Petouhoff (D4)  
 Doug Wong (At Large)  
 (Mayoral Appointee) Vacant  
 (Mayoral Appointee) Vacant

### **Accomplishments:**

- **Goats annually graze 809 acres of city property (more than half of city-owned properties).** Goat grazing has proved to be one of the most cost efficient strategies for creating defensible space on the city's large open spaces. The 2017-18 goat grazing contract is \$491,000.
- **The City annually clears 10 feet on either side of 75 miles of the 300 miles of roads in the Oakland Hills.** The other roads have sidewalks or abut private property where roadside clearance is not appropriate. Roadside clearance keeps grass and brush low in case a fire should ignite from a thrown cigarette or a spark from a car at a cost of approximately \$120,000 per year.
- **Provided up to \$40,000 free chipping and removal services annually through April 1, 2017 to private property owners within the WPAD.** The free chipping encouraged private property owners to maintain defensible space on their properties. Early in the WPAD's existence, City Council negotiated an unlimited green waste pick up from private properties within

the WPAD in the Waste Management of Alameda County trash pick up contract.

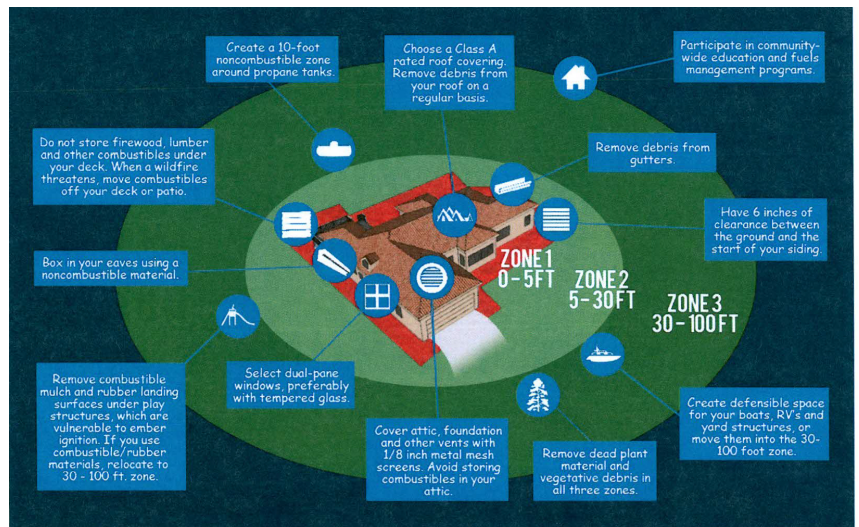
- **Developed protocols for working in and around protected species.** During the early years of the WPAD, a contractor cutback grass in a median above Crestmont Homes (below East Bay Regional Park on Skyline) during the blooming season of the rare *Presido Clarkia*. Protocols were developed and incorporated into the contracts, with Fire Inspectors monitoring the contractors before, during and after the work to protect this rare flower. The current Fire Inspection Staff have been trained to oversee these provisions in the contracts, and a procedure manual is in the final stages of completion so that institutional memory can be transferred from inspector to inspector in the future.
- **Contractor Training**—the Fire Prevention Bureau annually trains contractors on WPAD contracting procedures, including working around creeks in the watershed and requirements for working around protected species. The new procedure manual along with best practices that will be incorporated into the Vegetation Management Plan now being developed will strengthen these efforts.

- **WPAD replaced 20 fire danger signs at key intersections in the hills, installed what not to do on Red Flag Day signs in several key areas, and purchased Red Flags to fly at hills fire stations and parks.**



- **The WPAD purchased and the Fire Department installed new Remote automated Weather Station (RAWS) at the north and south ends of the District.** RAWS provide specific data as to humidity, wind direction and other criteria to tailor fire danger assessments to the unique conditions in the Oakland hills. Otherwise, the Fire Department depends on assessments from CalFire and the National Weather Service, which cover a much larger region and doesn't necessarily take into account the fog patterns of the Oakland/Berkeley Hills. There have been instances when CalFire will call a Red Flag (high fire danger) Warning based on conditions in Contra Costa and the Central Valley, when the Oakland hills are much cooler and have higher humidity and therefore, less of a fire risk.

- **Developed WPAD signage for WPAD sponsored projects on City properties.**
- **Residential Outreach—**
  - Created and revised the annual **Vegetation Management**



**Inspection notice** so that included practical information and visuals to help property owners meet the City's fire code requirements for defensible space in the high fire severity hazard zone (WPAD). This and the funds designated for chipping, along with paying for temporary data entry staff to input the results of the private property surveys were the only items in the WPAD budget that supported private property compliance. The bulk of WPAD funds was designated for maintaining City-owned properties to reduce the spread of fire.

- Created a short DVD about the WPAD that was distributed to all property owners and appears on the City wildfire prevention website.
- Developed the WPAD website at <http://www.oaklandnet.com/wildfireprevention> to provide easy access to defensible space requirements, WPAD services, WPAD Advisory Committee agendas, minutes and reports. However, there are minutes and reports missing, especially for the years 2005-2010 due to turnover in the Fire Prevention Bureau.
- Collaborated with the community on commemorative events for the 10<sup>th</sup>, 20<sup>th</sup> and 25<sup>th</sup> Anniversary of the Oakland/Berkeley Hills Firestorm.
- **Contracting**—within the first few years of the district, the Advisory Committee worked with Fire Prevention Bureau staff to develop multi-year contracts that would save the WPAD funds (i.e. Goat Grazing contract) and expand the number of contractors bidding on WPAD contracts. However, during the last four or five years of the WPAD, the number of contractors has fallen to just 3 who are willing or able to meet the City's contracting requirements. The WPAD Advisory Committee met with OFD and Contracting staff in 2016 to see if contracts could be expanded to include CivicCorps and the less costly CalFire Delta Crews. The Fire Marshal has reported that OFD is in the process of working out Memoranda of Understanding with both organizations to expand the number of contractors so that work on city properties could be completed in a more timely fashion.

## Challenges

- **Public confused about role of WPAD and rest of City in reducing risk of fire in the hills.** Private property inspections are the most visible wildfire prevention efforts in the City. Private property inspections are handled by the Fire Department and not the WPAD. Yet public perception of the effectiveness of these inspections significantly impacts their view of the effectiveness of the WPAD—and was a contributing factor to it not being renewed in 2013. The public—and other city departments—equated WPAD as the funding source with the responsibility for City of Oakland wildfire prevention, which has created great confusion and ineffective wildfire prevention efforts. The public assumed that the WPAD Advisory Committee could mandate actions both in project implementation and OFD personnel policy, which is not

the case. As an advisory committee, it only could set and oversee the budget with the funds available.

- **City departments are siloed and do not see wildfire prevention as a city-wide priority.** Wildfire prevention is the #1 public safety issue in the Oakland hills; yet whenever City leaders talk about public safety, they focus on reducing crime. City staff take their lead from the Mayor and Council and don't consider it their responsibility to help to make city properties in the high fire severity hazard zone more fire safe. City leaders undercut the ability of the WPAD to achieve its goals by shifting all of the management responsibilities to the Fire Department in 2004 and then in 2008 cutting back significantly on PWA involvement with park and open space management, and critically needed tree planting, care and removals. Throughout the WPAD's history, there were conflicts between the WPAD and the Public Works Department in managing trees in the City's Open Spaces.
- **Inefficient, insufficient staffing in the Fire Prevention Bureau** created numerous problems for the WPAD. In essence, the WPAD is merely a dedicated account—it only paid for one staff person (first, an education and outreach coordinator, and then for the past two years, a program analyst). While the Advisory Committee may set the budget and advise OFD on budget priorities, the Fire Department determined when and where to spend the funds. Throughout the past 13 years, Fire Prevention appeared to be a low priority for OFD. It became a significant issue as the end of the WPAD approached. High turnover in inspectors (including the part-time temporary fire inspectors due, in part, to lower salaries for wildfire inspectors), delayed inspections and impacted the quality of the inspections; lack of staff created backlogs in staff response time to public inquiries; lack of staff placed the workload on the shoulders of the few remaining staff, leading to burn out, delays and frustration on both staff and public's part:
  - The City doesn't have enough staff and no experts on staff like a botanist. The Vegetation Management Plan is an excellent step in finding out what we have without destroying everything.
  - No program analyst hired for 2 years. \$190,000 set aside for public outreach funds were not spent. No botanist hired. WPAD web page not kept up to date. A significant number of minutes and agendas not filed with the City Clerk. One of the most competent part-time temporary fire inspectors was not rehired. Time wasted on FEMA grants that didn't materialize.
  - Record keeping and retention, and accuracy of reporting inspections and compliance. Records from 2005 through May 2010 are missing
  - Regular turnover and missing records led to lack of continuity in inspections and monitoring of contracts. This was particularly

significant in the summer of 2013 when there was major turnover in the department.

- The FEMA grant, Skyline Blvd. tree removal project and Chabot Observatory projects were poorly management or delayed, or in some cases funding lost outright. As a result, most WPAD funds went to annual maintenance projects, rather than to those that would have long-term impact.
- In the summer of 2013, there were more than 1000 calls to the WPAD hotline that went unanswered. The public's perception of an unresponsive WPAD was a contributing factor to the district not being renewed in the fall.
- Experience has shown that the Fire Prevention staff's expertise is not in project management or contracting, causing delays and inefficiencies over the past 14 years.

The result has been an ongoing loss of institutional memory that leads to inconsistent inspections and monitoring of contracts.

- **Lack of support from OFD Administration of the Fire Prevention Bureau.**
  - Full time positions were not filled and a heavy reliance on part-time temporary inspectors. It took two years to fill the program analyst position, which had sufficient funds in the WPAD budget.
  - In the last year, Fire Prevention inspectors were prohibited from working at night (to attend WPAD meetings) or on weekends (to staff volunteer efforts and to monitor contracted work that occurred on weekends). The lack of support for volunteer programs required the Advisory Committee to revamp its grant program so that only official city adopt-a-spot groups were eligible.
  - The Fire Prevention relied on old computers, walkie talkies and other essential communications equipment, that was not upgraded or was, in some instances transferred to other departments without replacement. This handicapped them from implementing WPAD programs effectively and efficiently.
  - Minutes from 2004 through May 2010 are still missing and apparently were never filed with the City Clerk, as required under the Brown Act.
  - The website was routinely out of date with incorrect information, including current Advisory Committee members and missing archival information.
- **Proper inspection and fines. Inconsistent enforcement of the Fire Code**—even though the Fire Prevention Bureau regularly reports 98-99% compliance among private property owners, residents and WPAD members repeatedly shared stories of properties that had passed but clearly were out of compliance. In 2014 there appeared to be fabrication of inspection results. Process was undercut by turnover in part-time and

full-time inspectors, causing backlogs as well as inconsistent inspections. Additionally, inspection of city-owned properties occurred late in the season, so that in October 2016, 130 of the City's 16 properties had either not been inspected or the data was in transition from the inspections to actual input into the data system. Throughout its history, WPAD Advisory Committee members repeatedly questioned why the City was inspecting, and then abating city-owned properties so late in the fire season. We've been assured that for this fire season, 2017, the Fire Prevention Bureau will inspect city properties in the same time frame as private properties.

- **No plan for replacing vegetation in aging and fire prone forest of the city.** Managing the fuel load in City-owned large open spaces such as Joaquin Miller Park were not addressed by the WPAD. WPAD funds were limited, and as a matter of triage, the fire inspectors focused on road side clearance and defensible space around city structures. When trees were cut, the stumps and debris were left. The City needs a plan to deal with long-term management of the fuel load in our large open spaces. With the cuts in funding for open space/park maintenance in the City's general fund, the City has had insufficient resources to clear trees that are dead/dying/fallen over. The Vegetation Management Plan now being prepared is designed to address this situation, so that by the time the plan and CEQA is presented to Council in December 2018, a plan will be in place to reduce the risk of spread of fire on all City parks and open spaces within the WPAD.
- **Contracting continues to be a challenge:** The workload for roadside clearance and managing fuel on city properties is fairly constant from year to year, although it may increase in years of heavy winter rains. The City has a legal responsibility and fiduciary responsibility to ensure that city-owned properties meet 365 days a year the City/State Fire Code for structures within the high fire severity hazard zone. A larger pool of contractors can not only increase competitive bidding, but also allows more workers to complete the work in a shorter period of time.
  - Early in the WPAD's history, the Advisory Committee worked with staff to increase the pool and in the early 2000's, the City routinely requested bids from 16 or more contractors. But in recent years, that number has dropped to only 3 contractors willing or able to meet the City's contracting guidelines. Many of these potential contractors are small local businesses that find it difficult to afford the \$1 million liability bond requirement, or meet the City's local hire, minimum wage guidelines. Another issues is the contracting process that required staff to go out to bid in the middle of fire season.
  - The City's fiscal year occurs in the middle of Fire Season. The WPAD ensured there were funds available to initiate contracts before high fire season. In some years, contracts that could have



been signed at the beginning of the Fire Season where not let until just a few days before the work was needed in the middle of Fire Season. The process was cumbersome and caused city properties to be cleared very late in the Fire Season. These delays in clearance of city properties led to distrust of the WPAD.

- In 2016, the Advisory Committee asked the Fire Prevention Bureau to look at writing on-call contracts at the start of fire season to avoid this situation. Part of the challenge is that the contractors need to know actual time periods for the work, especially when they may be fulfilling contracts with other entities at the same time and need to manage their workload.
- Another challenge has been that OFD Fire Prevention Staff are not experienced in the contracting process, and may see guidelines as absolute regulations. There are situations where the guidelines can be waived. There is a need to review the City's guidelines in light of the pool of contractors available to do the necessary work.
- In 2016, the Advisory Committee recommended and Fire Prevention staff is exploring contracts with Delta Crews (at several hundred dollars per day) and with CivicCorps for FY 2017.

## Missed Opportunities

- **Harnessing volunteer power**—Ever since its inception, members of the Advisory Committee and the public encouraged the WPAD to work with park stewards and corporate/large community volunteers on pulling broom and other safe, low tech fuel load reduction projects. For example, pulling French and Spanish broom in the winter before these highly flammable and invasive shrubs go to seed is a very effective wildfire prevention tool. Fire inspectors did work with a number of park steward groups (Claremont Canyon Conservancy, Garber Park Stewards, Friends of Montclair Rail Road Trail, Friends of Sausal Creek and Oakland Landscape Committee). But it wasn't until 2015—after the renewal failed—that the WPAD actually hosted a volunteer broom pulling effort on Skyline Blvd. between Keller and Grass Valley. Subsequent efforts were thwarted when the Fire Chief prohibited fire inspectors from working overtime or flex time on the weekend, when volunteers are typically available. There are a number of part steward groups that could be tapped. The hope is that the Vegetation Management Plan now being prepared would include a list of fuel load reduction projects on city properties that could be done by





volunteers, and thus leverage our limited resources for greater long term impact.

- **Partnerships with other public or private partners**— Other than having a presentation from the University of California Forest Research and Outreach during the first year of the WPAD, there was little visible effort to tap into the knowledge and experience of the wildfire experts at UC.
- **Education and outreach.** As noted above, the public is confused about the purpose of the WPAD. Even worse, homeowners don't know what creating defensible space really means.
  - The annual inspection notice and the city website provide specifics about creating defensible space, but there is little information about how to make structures—which are also major sources of fuel in a fire-- more fire safe.
  - The original WPAD ordinance talked about coordinating communication through the City's CORE program; very little coordinating or dissemination occurred.
  - The education and outreach coordinator paid for by the WPAD did not adapt to the change in information dissemination from print media to the use of social media and list servs. The result is that the public does not know what to do on Red Flag Days, is unclear about the City's defensible space requirements, is confused as to the role of the WPAD.
  - The confusion—and frustration with lack of timely response to calls-emails to the Fire Prevention Bureau (especially in 2013 when a wholesale transition in the department left a huge void) led to the loss of the renewal vote.

The failure of the renewal election falls squarely at the feet of senior city staff. The mayor, city administrator and the fire chief.

Volunteers—Oakland citizens on the WPAD—gave city staff the guidance and tools to fight this fight and win. It's not that those senior city staff dropped the ball, they refused to pick it up in the first place.

- **Use of latest GIS technology.** To date, only the chart that the Fire Prevention Bureau presents to the Advisory Committee tracks this information for the public (and at that, only since last summer.) It is manually put together because the information is located in different data bases that are not integrated with each other. It is unconscionable that our inspection reports have to be manually input into the City's data system
  - In 2015, the Advisory Committee recommended a specific list of items that could be included in a GIS data system so that the staff, the committee and the public could better monitor progress on inspections and abatement of properties.

- Developing a data base system that utilizes GIS and other new technology will improve accuracy, transparency and save much needed dollars.
- It is also critical that the Vegetation Management Plan consultants be an early part of this process. Once the plan is complete and CEQA has been finalized, the information about the City's properties and their special needs (protected species, watershed concerns) can be incorporated into a comprehensive data base. The resulting easy-to-read maps that can be posted on the website and allow the public to track progress.

## Recommendations

It is the City's responsibility and fiduciary liability, regardless of the source of funding, to ensure that its own properties meet the city's fire code concerning structures in the wildland/urban interface 365 days a year. The challenges the WPAD Advisory Committee faced went beyond just dealing with city-owned properties. We present the following recommendations on the broader fire prevention issues to the City no matter which department is charged with managing wildfire prevention, based on lessons learned over the past 13 years:

- Ensure that the **Vegetation Management Plan and CEQA** are as solid as possible, and that the final plan is incorporated into the City's ongoing vegetation management efforts.
  - Need a **consensus on a vision** for what we want the hills to look like—a long term plan needs to be based on what we hope to accomplish, with preserving human life the top priority. It is not clear that the Vegetation Management Plan approach incorporates an inclusionary process for developing this vision.
- Need **full time fire inspectors** that are trained and connected to their neighborhoods so that inspections are consistent, accurate and that the public can trust the results. Use of fire fighter crews for initial inspections leads to too many inconsistencies in interpretation of the fire code. We need strong enforcement.
  - Other cities require CalFire certification as a requirement to apply for a Fire Inspector's position. Oakland let's newly hired inspectors obtain the certification after their hire date. We need fire inspectors who demonstrate that they know the fire codes as they pertain to wildfire.
  - They should be paid at the same scale as other inspectors in the city, otherwise we will continue to have revolving door.
- Place **Wildfire Prevention Management in the City Administrator's Office** rather than in the Oakland Fire Department. Fire Inspectors are skilled in inspections. Management of wildfire prevention contracts

should go to staff that has experience in wildland project management and CEQA. The City Administrator can overcome the roadblocks among departments that have hampered OFD's ability to rely on other city departments to achieve the wildfire prevention goals.

- **Consider a City Urban Forestry and Landscaping Agency** or a different approach for effectively managing our vegetation on public/private properties in the district. It should have a clear plan, capable and experienced staff and significant resources allocated to help in converting our fire-prone and rapidly aging vegetation on both public and private properties into a much more fire-resistant landscape—with long term goals, not just annual plans.
- Any effort must have a **robust public education and outreach plan** so that we can encourage the public to do their share to make Oakland more fire safe. Qualified staff should be hired to coordinate these efforts.
- Need to find more ways to **help private property owners** remove fire-prone vegetation to reduce the fire risk. The WPAD primarily focused on city-owned properties. There needs to be a coordinated approach to both private and public properties, as wildfire doesn't care whether the fuel it burns is on private or public property.
- Develop program to **include schools, youth groups and young adults in fire safety education.**
- Need to **incorporate volunteer activities into the city's efforts** in our parks and open spaces. Wildfire prevention staff need to provide technical support and supervision when volunteers work on the weekends.
- Need to **streamline the contracting process.** We need to expand the pool of contractors who may be deterred by the City's requirements.
  - A thorough review of city bidding requirements should be made to see if we can overcome perceived barriers.
  - We anticipate that the completed Vegetation Management Plan will spell out in detail specific special projects for reducing the spread of fire in our parks and open spaces. And it is our hope that the information concerning those projects, including protected species requirements, would



be incorporated into a GIS mapping and data management system.

- A larger pool of contractors will allow the City to complete more projects at a time and avoid running into past issues of contracting for work in the middle of high fire season.
  - The City's budget cycles does not coincide with the Fire Season. Annual vegetation management work is known, except for the exact timing because the project depends on humidity, temperature and other local conditions at the project area. The City should consider on call contracts where the primary variable is when, not **what or where**.
  - The City Administrator should review the contracting and city budget process so that fire prevention contracts can be entered before the new Fiscal Year so that work is not delayed until after July 1<sup>st</sup>. This is a problem when the funds come from the General Fund, which is on a July 1 to June 30 schedule. In the last 5 years, Fire Season has actually run year round. Consider establishing a **pool of contractors** in the winter, prior to the start of the Fire season, who would serve on an on-call basis.
- **Use GIS for vegetation management.** As the City moves to a better data management system for OFD and for the Fire Prevention Bureau, planning for reporting data in a GIS mapping format should be part of the initial planning process. There should be little need for manual data input when technology can improve turnaround, accuracy and transparency. For the past several years the public is able to pinpoint data for Sudden Oak Death on their cell phones using a simple app. Current technology allows inspectors and fire fighters to input data in the field. The public should have easy access to inspection and project data on a user-friendly mapping platform.
  - **Fire safety is more than vegetation management,** Blocked access on our narrow streets is problematic. There is a pilot project to work with neighbors about street access for emergency and residential vehicles. How houses are constructed and maintained as well as how landscaping is maintained, impacts the spread of fire. This should be part of the City's plan and outreach.
  - Need a **youth employment component** to the plan.
  - Need for regular public monitoring of city's progress on vegetation management and inspections
    - OFD or whoever is managing vegetation management **make quarterly reports to the Public Safety Committee** for regular oversight. The report should include presenting the matrix currently presented to the WPAD, which charts progress on inspections on private property,

city property, goat grazing contracts and contracts for management of city-owned parcels.

- Consider **establishing a fire commission** as a civilian/citizen advisory commission to advocate for the fire department and its mission as well as serve as an important conduit for citizens concerned about fire safety, public safety, budgets, inspections and staffing. Just like a police commission, the fire commissioners do not have to be experts -- they must simply advocate for priorities and policies and provide oversight in a way that the City Council cannot.
- If there is a new district
  - It must be governed by a commission or committee that is more than advisory.
  - Need 3-year terms for board members.
  - It should focus on the projects identified in the Vegetation Management Plan once the plan and CEQA are approved.

We appreciate the opportunity to serve the public. The 36 members who have served on the WPAD Advisory Committee took their responsibilities seriously and will continue to advocate for the City's ongoing efforts to keep fires from spreading in our fire-prone wildland urban interface—the Oakland Hills. This is not just a matter of saving lives and properties, but keep in mind that the Oakland Hills are between the fire and the Bay—we want to keep wildfires from devastating the City of Oakland and the people who live here.



Wildfire Prevention Assessment District

Citizens' Advisory Committee

Approved Retreat Minutes for

Saturday, February 7, 2015, 8:00 AM



Trudeau Center, 15500 Skyline Blvd., Oakland CA (Wheel Chair Accessible)

Committee Members in attendance:

Fred Booker, Chair (District 1)

Doug Wong, Vice Chair (At Large)

Mary Thiessen, Recording Secretary (District 4)

Ken Thames - Mayor's Representative

Susan Piper (District 1)

Clint Johnson (District 6)

Chief Teresa Deloach Reed, Chief Oakland Fire Department

Donna Hom, City of Oakland Assistant City Manager

Vincent Crudele, Vegetation Management Supervisor, Oakland Fire Department

Lin Barron attending for the Oakland Wildland Stewards (OWLS)

Among the 25 participants were current and former WPAD Board Members, representatives of Park Steward Groups, Hills Conservation Network and residents of the WPAD. All Council Districts within the WPAD were represented.

**I. Welcome and Introductions**

Fred Booker welcomed everyone to the WPAD Retreat. Introductions were made and participants were asked to state a positive or negative lesson learned in the past 10 years of the Wildfire Prevention Assessment District (WPAD).

**A. INITIAL LESSONS LEARNED/ POSITIVE**

- Can't wait for the fire—we need to work with the City, public agencies and the private sector to make a difference before a fire occurs.
- Vegetation Management is a "how" questions, not an "either/or" question.
- WPAD should use a species neutral approach to vegetation management—it's low lying vegetation that acts as a fuel ladder to the trees that spreads fire. Trees need to be evaluated.
- Good quality control on trees

**B. INITIAL LESSONS LEARNED/ NEGATIVE**

- Most misunderstood and most co-opted district in the City—over the years the WPAD became the "let's fix Public Works, let's fix the budget department, let's fix Oakland Fire Department" rather than let's reduce the fuel load on city properties.
- Bureaucracy and obstructionism from the City created many roadblocks.
- Neighbors not complying with the Fire Code regulations but still passing—led to perception that WPAD wasn't effective.
- More education of public on wildfire prevention is needed.

## **II. Purpose of the Retreat**

- Establish baseline information about status of vegetation management on City properties in Oakland
- Make informed recommendation of which scenario Oakland should use for future vegetation management efforts on City properties

## **III. Understanding Vegetation Management and the WPAD**

Participants broke into four groups and rotated through four stations to review and discuss baseline information about the WPAD in preparation for the later discussion on WPAD priorities.

### **A. WPAD LOCATION, SIZE AND ROLES OF WPAD AND OFD VEGETATION MANAGEMENT**

#### **1. Oakland's High Wildfire Risk areas as designated by the State's Fire Marshall (MAP)**

- 10,590 total acres
- 16.5 square miles
- 21.5% of the geographic area of City of Oakland
- 33.5 miles around the perimeter
- 26,000 private properties within the WPAD
- 1400 acres of City property within the WPAD
- 300 miles of public access roadway cleared
- Approximately 200 geographic locations within the District that are City-owned properties. \*(24 parcels around Beaconsfield counted as one)

#### **2. Roles**

WPAD Board:

- Recommend Priorities
- Recommend Policies
- Produce a budget to be submitted to City Council
- Evaluate the performance of WPAD programs
- Receive the Auditor Report
- Elect its own officers
- WPAD funds vegetation management on Private and City-owned properties in the state-designated high fire severity zone/wildland urban interface:
  - Chipping services
  - Roving fire patrols on declared red flag days only
  - Community outreach and education
  - Goat grazing

OFD Vegetation Management Unit:

- Inspect all public & private properties
- Determines program priorities
- Vegetation management contracts

#### **Challenges**

- Some neighborhoods below 580 don't want to be included (i.e. Lower Laurel)
- City not maintaining its own properties to the City standards—conflict of interdepartmental priorities
- Aging urban forest—how to manage, what to replace it with and where
- Moving forward, role of Public Works and Oakland Fire Department as WPAD sunsets
- Long term maintenance of volunteer initiatives

- Lack of public understanding of which properties are City-owned and which are privately owned or owned by another agency
- Fire Assessment Map does not differentiate remediated zones, “monolithic red”
- Chipping program too expensive, takes up too much fire inspector’s time, Waste Management has a green waste program
- Problems with contracting/ budget timing constraints, clearance tied to budget not growth cycle/ weather
- Fundamental holes in tree policy
- Re-inventing the wheel- EBRPD already has solid policies
- Fuels Management is a subset of land management
- OFD focus/ policy values suppression vs. inspections/ fuels management/ prevention
- Homeowners ignorant of fire protection
- Inconsistent inspection from fire station to fire station inspectors, but the WPAD’s role is not home inspections
- Does the scope of the WPAD change/ not now- WPAD fiduciary responsibility for public parcels
- Need public information officer for competent outreach to residence and public

### **Opportunities**

- Long-term reduction of fuel load in the hills to reduce the spread of fire
- Reducing risk of wildfire strengthens City of Oakland’s resilience following a major disaster (wildfire and/or earthquake)
- Better integration of volunteers in both processes and outcomes
- Why not use a contractor who will use a mentor program for High School students studying Forestry
- The WPAD should prepare a District-wide Vegetation Management plan with annual reports to the Council on yearly plans and implementation. The plan would include vegetation management plans for specific project areas, informed by volunteers and ecologists.

### **Lessons Learned/ Positive**

- Designated funding over a long period allows for multi-year cost effective contracts, such as goat grazing contract
- Training of contractors includes best practices (timing, methods) along with protecting endangered species
- Use of outside contractors proves to be more cost effective than use of City crews
- As long as active management of vegetation management in the district continues, homeowners will find that they will continue to have ability to renew or acquire property casualty insurance for fire
- Timing of specific vegetation management tactics works

### **Lessons Learned/ Negative**

- Unable to move forward due to lack of agreement within the City as a whole that Wildfire Prevention in the Oakland Hills is a top Public Safety Issue (and therefore a priority for Oakland Fire Department, Public Works, OPR, Planning, Finance and other Departments) (street sweeping in the hills to remove debris from streets, trim or remove at risk trees for fire prevention)
- Lack of a Risk Assessment and Vegetation Management Plan, with CEQA support has been a roadblock to getting beyond just annual maintenance
- Lack of coordination between City departments causes delays that impact a calendar of vegetation management response



- Certain City divisions don't make supporting public safety / fire prevention a priority: street sweeping on major roads in the hills, tree trimming removal, parking enforcement in the evening to cite people blocking narrow streets, building inspectors coordinate with OFD re welding permits, etc.)
- Doing same vegetation management practice(s) year after year doesn't always work
- Though not bad the last couple of years, must be prepared for multiple high wind/ low humidity days
- Currently not power to enforce policies or MOUs with other Departments
- WPAD can't elect their own Outreach Coordinator

## **B. VEGETATION MANAGEMENT PLAN AND WHY IT'S NEEDED**

Elements include

- Description of planning area (State designate high fire severity zone/wildland urban interface)
- On-site fire hazard assessment of city open space
  - Beaconsfield Canyon – 4.37 acres
  - Diamond Canyon Park – 77.06 acres
  - Dunsmuir House and Gardens – 63.94 acres
  - Garber Park – 13.82 acres
  - Grizzly Peak Open Space – 75.01 acres
  - Joaquin Miller Park – 427.03 acres
  - Kings Estates Park – 79.8 acres
  - Knowland Park - 454.94 acres
  - London Road – 10 acres
  - Montclair RR – 16.06 acres
  - North Oakland Sports Field – 53.62 acres
  - Oak Knoll Redevelopment – 4.7 acres
  - Sheffield Village Open Space – 171.42 acres
  - Shepherd Canyon Park – 17.9 acres
- Development of a Defensible Space Vegetation Management Plan to reduce fuel load in the high fire severity zone
  - Inventory of plants and trees
  - Hazard risk of each City parcel
  - Proposed fuel management plan

### **Challenges**

- Sufficient resources (expertise, time and funding) to complete the planning process
- Legal opinion that requires City to complete a CEQA and amending the City Integrated Pest Management Plan
- Size and complexity of project area
  - 10, 590 total acres
  - 16.5 square miles
  - 21.5% of the geographic area of City of Oakland
  - 33.5 miles around the perimeter
  - 1400 City-owned properties

### **Opportunities**

- Completing a comprehensive Vegetation Management Plan provides the city with a road map for annual priorities and long term progress
- A Vegetation Management plan makes transparent locations and contracting elements-(best practices, protection of endangered species, timing)
- Plan/ CEQA- City Committee(s) (safety)- City Council. Communicates #1 priority throughout city structure. Priority of prescription/ most ignition prone areas
- WPAD monitors schedule
- Split plan into a General Plan and a Geo-Site Specific Plan. Specific Prescriptions/ timing/ schedule/ flexibility (weather)

### **Lessons Learned/ Positive**

- Having a plan reduces conflict
- A plan provides prescriptions that work

### **Lessons Learned/ Negative**

- Without a plan, the City has focused its resources on annual maintenance (road side clearance, goat grazing) and not on long-term defensible space projects in the state-designated high fire severity zone/wildland urban interface
- Lack of a plan creates inconsistencies in implementation
- Current plan does not include trees

## **C. ENVIRONMENTAL IMPACT REPORT (EIR) AND WHY IT'S NEEDED**

Needed to meet federal, state and local requirements for City-owned properties only:

- Certain wildfire prevention mitigation practices impact protected species of flora and fauna; ensure those practices most positive for fire mitigation are not a negative impact on protected or threatened species.
- Required for implementation of FEMA Grant—at least for the projects under the FEMA Grant
- Other than routine exempted maintenance (ie. Roadside clearances) the EIR addresses long-term non-maintenance projects.
- We currently have a Federal EIS for the two project areas in the FEMA grant.

### **Challenges**

- Not a general accepted understand of the EIR process and why needed—some people feel it is more than mitigation but for protection and outcomes
- Sheer cost and time of complying---hundred thousands of dollars and years
- Delay is the worst thing to do.

### **Opportunities**

- Can refine the plan for outcomes and the acceptance of those outcomes
- Do it now, do it once
- Get quotes now:
  - FEMA projects only
  - Whole "District"
  - Whole City (Comment: WPAD funds cannot be used outside District)
  - Highest danger areas in the WPAD

### **Lessons Learned/ Positive**

- Where this has been completed and implemented (EBRP) there is less conflict

### **Lessons Learned/ Negative**

- Because it is drawn out, the processes are constantly changing
- Threat of litigation lengthens timing and cost—increasing the risk of major fire

### **Additional Comments**

- How much will an EIR cost to the WPAD and the City?
  - Do we look at % of WPAD houses /all houses in Oakland
  - Or people in WPAD/all people in Oakland
  - Or Miles in WPAD/all miles in Oakland
- EIS/NEPA/CEQA with federal funds—years long process (Comment: geo-sites very different: trees vs. flash fuel clearance.)
- FEMA issues specific to a limited area—holding up the rest of the WPAD
- Staff time too valuable to spend on small parcels vs. entire WPAD
- Current clearance is under a negative declaration—some argue that goat grazing should be under EIR
- FEMA is “central traffic control” to collect, distribute, contact organizations, check-off/bureaucratic checklist, not judging environmental issues
- Is there a CEQA-qualified attorney in the City?
- #300K FEMA match should go to spending on CEQA/EIR
- Piecemeal approach is costly
- Using WPAD funds as matching funds for FEMA (\$300K) is inappropriate use of funds
- Will FEMA funds pay for the Administrative cost of a Program Analyst working on the project?

## **D. ORGANIZATION UNDERSTANDING OF CITY OF OAKLAND AS IT RELATES TO VEGETATION MANAGEMENT**

Unofficial Organizational Chart (Attachment C)

### **Challenges**

- Lack of clarity and value about the high priority of risk of wildfires in the state-designated high fire severity zone/wildland urban interface leads to conflicts among departments in terms of reducing fire risks in the hills
- Inspection fees and fines revert to the General Fund instead of to OFD
- When funding from WPAD sunsets, City still has the responsibility
- Residents within the state-designated high fire severity zone/wildland urban interface don't differentiate between city owned and private property
- Confusion results because residents pay an annual fee for the WPAD to pay for maintenance of public property—it implies that only public spaces are important
- Turnover in Fire Prevention Bureau leads to lack of consistency in inspections, loss of institutional memory and need for constant training. (Questions: what are the right range of skills needed, and where should the function reside?)
- Issues raised in the 2013 City Auditor's Report

## **Opportunities**

- 2015-17 City Budget Process to be completed by July 1, 2015 provides opportunity to improve situation (although now, instead of a surplus, the City is asking departments to come up with 5%-10% cut recommendations) (Comment: What specifics should we advocate for)
- Change in City Administrator should lead to ownership and accountability for the process of vegetation management
- Implement a known policy and procedure within the Fire Department to accomplish the goals of vegetation management
- Need to define how City will handle vegetation management—it needs to be clear who does what
- Educate city staff and public about consequence of current dysfunction (Comment: How can we do this, who's role is what?)
- During Budget process, provide adequate funding for departments (especially PWA) and make clear each department's responsibilities

## **Lessons Learned/ Positive**

- Wildfire Prevention and Vegetation Management is not just an OFD/WPAD responsibility alone—it is City-wide
- What has been done in past has worked—while we have small fires every season, we have not had a major wildfire within state-designated high fire severity zone/wildland urban interface. (Comment: Mostly luck, we haven't had high winds to spread the small fires.)
- Oakland not the only city with these issues
- Residents play a role in identifying non compliant properties
- Power of volunteers and probationary youth and other groups. (Comment: Volunteers are under appreciated and lost in the city structure. Because of an "us vs them" attitude in PWA, it is difficult to coordinate within departments and divisions. Everyone is focused on their own silos.)

## **Lessons Learned/ Negative**

- Budget cuts to all departments and lack of wildfire prevention as a citywide priority has made it difficult to accomplish the goal of reducing the risk and spread of wildfire.
- Vast majority of residents don't comply with defensible space requirements until officially notified. 10% have to be told a second or third time, non-resident owners even worse.
- Vacant lots that cannot be built on are not maintained.
- Lack of inspectors to do the work.
- Large public open spaces—public needs to know who to communicate with so they are communicating with the right owner (EBRP, PG & E, etc.)
- Public concern: "If the City can't provide the basic services, why vote for supplement?"
- Insufficient communication about WPAD accomplishments.
- PWA doesn't want to take back responsibility for parks and open space.
- Current inspection system needs review (Comment: It's an OFD responsibility, not WPAD)
- Resources haven't been allocated to support staff—need sufficient resources for inspectors, tree services, volunteer coordination, etc.
- Haven't engaged new residents.

## **E. ADDITIONAL COMMENTS**

- Develop a GPS application that will show user public/agency vs. private ownership of properties in relation to user's location.
- Identify high-risk situations on specific properties.
- Use PWA Call Center, or See Click Fix to report non-compliant properties (and eventually 3-1-1-)
- Put message out that wildfire is the number 1 public safety priority for the Oakland hills.
- When the funding for WPAD runs out, how will the city pay for roadside clearance, etc.?
- Why not have PWA handle contracting? (Comment: PWA will charge overhead to do it in house and it will cost more than contracting through OFD.)
- Volunteers and wildfire activists need to be supported/ not alienated, if we want to pass a new district in the future.
- The number one priority for the WPAD is clearance of City property—that's where our money should go.
- What is PWA's vegetation management policies, priorities—what do they do?
- Find a California city where all city departments are working well in coordination on vegetation management, and adapt their success.
- State funding from Cal Fire is not supporting urban forestry management in the hills—100% of those funds are earmarked for disadvantaged zip codes alone.
- Public needs clear understanding from the Fire Chief of her direction on vegetation management.
- From the OFD Chief: Her WPAD dream team would consist of 5 full time inspectors, a supervisor and a program analyst.
- From Fire Inspection Supervisor: His WPAD dream team would consist of 11 full time inspectors, a supervisor and a program analyst.
- Consider moving chipping to Waste Management
- PWA/OPR don't perceive OFD as experts on fire

## **F. GENERAL COMMENTS FOR FUTURE DISCUSSION**

- Advocate to state that wildfire issues are critical—because much of the decision making about standards, insurance, etc. is at the state level
- WPAD should connect with insurance companies/banks and mortgage companies about supporting Oakland's wildfire prevention efforts.
- Education of homeowners will help.
- Vegetation Management plan key to wider support of the WPAD.
- In Oklahoma, they sell the liens so that the city is paid up front—this might be a state lobbying issue.
- If every engine company did inspections the same way, we would have a better perception of compliance within the WPAD.
- Invite PWA, and other departments to WPAD meetings so that they are more engaged in the discussion.

#### **IV. DISCUSSING AND CHOOSING PRIORITIES FOR USING THE REMAINING WPAD FUNDS (ATTACHMENT D)**

##### **A. Business as Usual**

- Annual Vegetation Management Only- \$700,000/year
  - Road side clearance & flash fuel treatments
  - Goat grazing on City properties
  - Chipping Program
  - Overtime for fire patrols on designated red flag days only
  - Eliminate funding ecologist
  - Reallocate \$300,000 match for FEMA Grant to vegetation management
  - WPAD funding will extend through 2016-2017 Fiscal Year with only \$555,514 available for 2017-2018 Fiscal Year)

##### **B. Business as Usual and the FEMA Grant**

- Annual Vegetation Management & FEMA Match \$700,000/year + \$300,000 Reserve for FEMA Match & \$172,000 for CEQA
  - Road side clearance & flash fuel treatments
  - Goat grazing on City properties
  - Chipping Program
  - Overtime for fire patrols on designated red flag days only
  - Eliminate funding ecologist
  - Maintain \$300,000 match for FEMA Grant and do \$172,000 CEQA for FEMA projects
  - WPAD funding will extend through 2016-2017 Fiscal Year (with only \$83,514 available for 2017-2018)

##### **C. District Wide Projects**

- Annual Vegetation Management, FEMA Match and District-Wild Vegetation Management Inventory/Plan
  - \$700,000/year
    - Goat grazing on City properties
    - Chipping Program
    - Overtime for fire patrols on designated red flag days only
    - Eliminate funding for program analyst & ecologist
    - Road side clearance & flash fuel treatments
  - \$300,000 Reserve for FEMA Match
    - Maintain \$300,000 match for FEMA Grant and \$172,000 CEQA for FEMA projects
  - \$172,000 for FEMA & CEQA Reports
  - \$167,00 for District Wide Plan
- WPAD funding will extend through 2015-2016 Fiscal Year (with only \$636,514 available for 2016-2017)

##### **D. Develop a Vegetation Management Plan that includes 1 year of regular maintenance prioritizing largest publically owned parcels, and do CEQA on those, and move forward from there.**

##### **E. Do away with the Program analyst altogether and spend \$500K-600K on Vegetation Management Plan and EIR/CEQA**

#### **F. Develop a comprehensive Vegetation Management Plan with EIR, and CEQA**

- WPAD to reallocate funds and recommend at February or March Board meeting.
- WPAD to reallocate funds and recommend by June 2015
- WPAD to reallocate funds and recommend later
- Develop a comprehensive Vegetation Management Plan including specific plans for major open spaces and fire corridors. The plan will include inventory of existing vegetation, goals and objectives (e.g. flash fuels clearance, fire ladder mitigation, prevention of crowning) and will address both the schedule and methodology for each project, and will be informed by input from a qualified biologist and District residents. The goal of the plan will be to achieve long term and cost effective vegetation management to achieve fire safety in the high fire severity zone, wildland urban interface of Oakland (Wildfire Prevention District).
- The Plan will include CEQA analysis and documentation in a tiered structure so that there is quicker, lower level review for continuation of ongoing vegetation management in the short term, and higher level review for those activities with greater environmental impact.

#### **V. FINAL OUTCOME**

After much discussion, there was unanimous consensus that the WPAD should reallocate funds and recommend developing a comprehensive vegetation management plan with EIR and CEQA at its next Board meeting.

##### **A. Additional Comments**

- Will OFD actually take this input and act on it?
- Will Volunteers and their assistance be supported?
- Conflation of old district with a new one to be defined in the future (going out to voters again)



Wildfire Prevention Assessment District  
Citizen's Advisory Committee  
Draft Retreat Notes for  
Saturday, February 25 2017  
9 am-12:30 pm  
Trudeau Center, 15500 Skyline Blvd., Oakland, CA

**Advisory Committee Members in attendance:**

Sue Piper, Chair (District 1)  
Martin Matarrese (Vice Chair (District 7)  
Steve Hanson (District 1)  
Lin Barron (District 4)  
Mike Petouhoff (District 4)  
Doug Wong (At Large)  
Glen Dahlbacka (District 7) (arrived late)

Anette Boulware, Program Analyst, OFD  
Claudia Albano, volunteer scribe

Among the 56 participants were current and former WPAD Board members, representatives of Park Steward Groups, Hills Conservation Network, Oakland Urban Forestry Forum, and residents of the WPAD. All Council Districts within the WPAD were represented.

**1. Welcome and Introductions**

Chair Sue Piper welcomed everyone to the WPAD Public Hearing. Participants were asked to state their name and the group they represented or what neighborhood or Council District they lived in.

**2. Overview of WPAD and Input from February 7, 2015 workshop**

Chair Sue Piper explained that the purpose of the hearing was to gather input from residents to assist the WPAD Advisory Committee in preparing a final report to the Council, now that the WPAD funding will be expended by June 2017. The plan is to present the report to the Public Safety Committee in May, prior to the final meeting of the WPAD Advisory Committee on June 15, 2017. She said that the Advisory Committee had a fiduciary responsibility to complete this final report, as they were charged with developing the budget and providing oversight of the spending of WPAD funds since the district was formed in 2004.

Participants were provided with the notes from the February 7, 2015 retreat that included facts about the WPAD's location, size and purpose; explanation of what goes into a Vegetation Management Plan; explanation of the CEQA (California Environmental Quality Act) review process; and an outline of how the WPAD fits into the City's organizational structure. The notes provided facts and bullet points about challenges, opportunities, positive and negative lessons learned. Participants were given 30 minutes to review the information in their agenda packets and posted on the wall, along with a map of the district and an enlarged organizational chart. The goal was to ensure that participants all have common information to work from prior to the public hearing.



Two questions came up: Sue Piper explained what CEQA was and how it was going to be incorporated into the current Vegetation Management Planning process, which was a unanimous recommendation from the 2015 retreat. Public input for this plan is supposed to begin within the next month, with the goal of completing a fire risk reduction plan for each of the City's large open spaces by December 2016. That plan will then become the "project" for the CEQA review, which is anticipated to be completed by the end of 2018. The plan and CEQA are slated to go before the City Council in December 2018.

The other issue was a correction to the February 7, 2015 notes that incorrectly stated that the WPAD was responsible for both fire inspections on both public and private properties. In fact, it is the Fire Prevention Bureau of the Oakland Fire Department that is responsible for the inspections. The WPAD's funds are primarily used to reduce fire risks on city-owned properties, with a small amount of funds set aside for chipping services for private property owners, the mailing of the annual inspection notice, and paying for temporary data input staff to transfer the inspection data to the City's computer system.

### **3. Public Hearing**

45 statements were made, including several read by WPAD Advisory Committee members from statements emailed in by those who could not attend. (See Attachment 2.) Several participants returned to the podium to make additional comments, for a total of 45 statements.

Statements were organized into three categories:

- A. What Worked
- B. What Didn't Work
- C. Lessons Learned

✓ means more than one person made a similar statement

We are adding a 4<sup>th</sup> category called "Vegetation Management Plan Issues" because there were a number of comments that didn't deal with the WPAD itself but did have something to do with issues concerning the Vegetation Management Plan.

#### **A. What Worked**

- Moved the meetings from City Hall to here in the WPAD
- Developed multi-year service contracts that save money over time.
- Had a major fire in 1991, and haven't had one since. It was caused by humans.
- Chipping program, owners maintain their own property, roadside clearing. ✓
- People volunteered to be on the WPAD board. Appreciate what the board has done, without them it would just be the city. ✓
- WPAD done an adequate job, doing the best they can, but it's worthless if you can't get the city to work with you. And that won't happen unless the Council cares about this topic. So we need to work with others because we are in the same boat. ✓
- The WPAD Volunteers worked well with the City staff, however there is a challenge between the City and its activists/volunteers. Need to model ourselves on best practices so the city values the work of volunteers. ✓

- I appreciate the information I got from the Fire Department about keeping the vegetation around my own house fire-safe. I learned useful information, for example, about fire ladders near the eaves of my roof.

#### **B. What Didn't Work**

- Everything—nothing done about the field; didn't respond to phone calls or emails. The Fire Department is totally unresponsive. ✓
- Education and outreach was insufficient. The homeowner doesn't know what to do. (*Why a book was written to help them*) ✓
- The City didn't work as a partner in the process. No management/oversight or follow through. In its later years, the WPAD Advisory Committee did not have a good relationship with the city.
- Concerned that no one from the command staff from OFD in attendance at this public hearing. ✓
- The WPAD getting involved in trying to change the Integrated Pest Management Ordinance in the City was a big mistake.
- Execution and the efficient use of manpower was not evident. i.e. 98<sup>th</sup> Ave, and Golf Links open space parcel. A crew came in with weed whackers instead of a tractor. Project took a whole day instead of a couple of hours. Inefficient. (*Note: was a CalTrans project.*)
- Clear cutting on Tunnel Road at lower Hiller. All trees destroyed. Bentley School not notified. Eyesore and concerns about erosion. An example of what didn't work in WPAD—no notification to do what they intended to do. The WPAD should represent all people who live in Oakland. Destroying the forests won't result in a fire strategy. (*Note, this was not a WPAD project, but a Diablo Fire Safe Council project on private property.*)
- WPAD must stop. Don't represent who does business here. No poor people in attendance due to the location of the meeting.
- The City Fire Department is dysfunctional with foot dragging to fill positions so inefficiency results.
  - The City doesn't have enough staff and no experts on staff like a botanist. The Vegetation Management Plan is an excellent step in finding out what we have without destroying everything.
  - No program analyst hired for 2 years. \$190,000 set aside for public outreach funds were not spent. No botanist hired. WPAD web page not kept up to date. A significant number of minutes and agendas not filed with the City Clerk. One of the most competent part-time temporary fire inspectors was not rehired. Time wasted on FEMA grants that didn't materialize.
  - Record keeping and retention, and accuracy of reporting inspections and compliance. Records from 2005 through May 2010 are missing
  - The FEMA grant, Skyline Blvd. tree removal project and Chabot Observatory projects were poorly management or delayed, or in some cases funding lost outright. As a result, most WPAD funds went to annual maintenance projects, rather than to those that would have long-term impact.

- Not enough done to clear fallen trees, clean up of debris. Bikes create soil compaction, heavy weeds in medians. Hills Park are not patrolled and in bad shape with a higher fire danger.
- Proper inspection and fines. Inconsistent enforcement of the Fire Code—residents and WPAD members repeatedly shared stories of properties that had passed but clearly were out of compliance. One time there appeared to be fabrication of inspection results. Process was undercut by turnover in part-time and full-time inspectors, causing backlogs as well as inconsistent inspections. ✓
- The District hasn't been honest. The materials didn't say the WPAD was responsible for public property. People assume it is for private property.
- Departments are siloed. OPD doesn't report unsafe conditions. City departments aren't working together. Took weeks to get issues even looked at. ✓
- Who in the city will now manage the goats and other contracts with the WPAD funding goes away? Vegetation management staff in the city was cut by 2/3. We need funds for adequate resources.
- We are working against each other. ✓
- No road access for the fire trucks and for getting people in and out. This makes talking about trees less effective.
- Lack of community involvement regarding fire safety issues. Need to reach out to our neighbors to educate and involve.
- Oakland Fire Department gives fire prevention lip service. Lack of Support of Fire prevention staffing and staff. ✓
- Problems aggravated by the discrepancy in the salary between Fire Prevention Inspectors and Commercial inspectors in OFD, leading to regular vacancies. In some cases, new staff was not properly trained. Still a problem.
- No plan for replacing vegetation in aging and fire prone forest of the city.
- Lack of support from other city departments
- Ineffective partnerships with other public or private partners—such as UC Berkeley.
- Missed opportunities to harness volunteer power—It wasn't until 2015—after the renewal failed—that the WPAD actually hosted a volunteer broom pulling effort on Skyline Blvd. between Keller and Grass Valley. Subsequent efforts were thwarted when the Fire Chief prohibited fire inspectors from working overtime or flex time on the weekend, when volunteers are typically available. There are a number of part steward groups that could be tapped.
- City leaders undercut the ability of the WPAD to achieve its goals by shifting all of the management responsibilities to the Fire Department in 2004 and then in 2008 cutting back significantly on PWA involvement with park and open space management, and needed tree planting, care and removals. Experience has show that the Fire Prevention staff's expertise is not in project management or contracting, causing delays and inefficiencies over the past 14 years.
- The failure of the renewal election falls squarely at the feet of senior city staff. The mayor, city administrator and the fire chief. Volunteers—Oakland citizens on the WPAD—gave city staff the guidance and tools to fight this fight and win. It's not that those senior city staff dropped the ball, they refused to pick it up in the first place.
- Joaquin Miller Park not included in WPAD efforts. It is the elephant in the room. If a fire were to start there. It is the quintessential "aging forest" City has

insufficient staff to clear trees that are dead/dying/fallen over. So include Joaquin Miller in the Vegetation Management Plan (*Note: It is.*)

- Don't hear our voice downtown at Council, public safety committee. We need accountability about what is not being done. Can't get through to our elected officials. ✓
- 85% of firefighters don't live in the area, so in an emergency how can they get here? We need a requirement that fire fighters live within a certain radius so they can attend in an emergency.
- When trees are cut, the stumps and debris are left. The City needs a plan to deal with that.
- Getting the contracts out to clear the brush has been a problem. There is a complex bidding process that needs to be simplified. The City needs to fix this.
- Public doesn't understand roles of WPAD and OFD.
- WPAD doesn't have anything to do about implementation of the money that is budgeted.
- When we hear that the African American Fire Chief needs to be fired, we need to see why the failings happen, because it is complex.

### **C. Lessons Learned**

- Need a consensus on a vision for what we want the hills to look like. ✓
- Develop program to include schools, youth groups and young adults in fire safety education.
- Any effort must have a robust public education and outreach plan. ✓
- Need a process that gets more city departments involved and partners more effectively with private sector organizations and leaders in implementing needed programs for vegetation management.
- If there is a new district
  - it must be governed by a commission or committee that is more than advisory.
  - Need 3 year terms for board members.
  - How can Oakland NOT have a fire district to protect us? We need another election. There is a fire every 20 years.
- Consider a City Vegetation Management and Urban Forestry and Landscaping agency or a different approach for effectively managing our vegetation on public/private properties in the district. It should have a clear plan, capable and experienced staff and significant resources allocated to help in converting our fire-prone and rapidly aging vegetation on both public and private properties into a much more fire-resident landscape—with long term goals, not just annual plans.
- Need to find more ways to help private property owners remove fire-prone vegetation to reduce the fire risk. The fire doesn't care if the property of private or public. Learn to be good stewards. ✓
- Need to incorporate volunteer activities into the city's efforts in our parks and open spaces.
- Residents need to show up
- Need full time inspectors that are trained and connected to their neighborhoods
- We should streamline the contracting process; Management of contracts should go back to Public Works

- Target management of public lands
- Cooperation, collaboration and learn to work together, otherwise we will lose our families, homes, trees ✓
- Use GIS for vegetation management.
- We need to preserve human life
- For those who like trees, plant in the flats where they are really needed. Temperatures are higher there than on the ridgeline.
- Need strong enforcement. We need to do something immediately are we are going to have another fire.
- Need to have a more inclusive policy. No people of color at the meeting.
- Fire safety is more than vegetation management, Blocked access on our narrow streets is problematic. There is a pilot project to work with neighbors about street access for emergency vehicles and residential vehicles.
- Need a youth employment component to the plan.

#### **D. Vegetation Management Issues**

- The City needs to fund this Vegetation Management Plan. Can the Fire Department have a review board for Vegetation Management?
- Save the eucalyptus trees. If you clear cut the hills there will be nothing left but stinkwort.
- I don't support the eucalyptus trees, non-native and not firesafe.
- Pesticide use is a big mistake —pollutes the lakes and poisons get into our bodies. ✓
- Eucalyptus get cut and come back. Decide what to do about resprouting.
- The FEMA EIR process didn't listen to us about putting poison on the areas/trees/lands. The eucalyptus trees are good. Lots of important properties re health, grassland produce more fires.
- Trees produce oxygen and good for the environment so don't cut trees. That won't prevent fires. The trees hold water and protect homes. ✓
- No more vegetation management—that is a deforestation campaign. It took a law suit to stop you. Fires start in the grasslands. Charade of fire prevention. Trees need fire. If you are afraid of trees don't live in a forest.
- WPAD says natives are less likely to burn than non natives and it's not true.
- If you cut down the trees you get grass and that leads to fire. It's low growing vegetation that builds a ladder to the trees. ✓
- Everyone needs to be involved in the Vegetation Management Plan. Tell Angela Robinson Piñon, who is the point person, you want to be involved and she will let you know about the process and dates. 510 238-4055.
- We need a deadline date for a Vegetation Management Plan, because we are going to have a fire season this year.
- The concern about wholesale tree removal is coming from the FEMA grants. WPAD doesn't advocate for widespread tree removal. The FEMA grant was wrong. We need input at the beginning of the process to develop plans. People felt unheard. That is why the Vegetation Management Plan we are now developing is important. Let's get it right.
- The Vegetation Management Plan/CEQA and GIS system need to be knitted together in the plan so it is reflected in the contracts.

- Weed trees, etc., do come back so in the Vegetation Management Plan, it's a waste of money to cut without addressing the seeds. Vegetation Management Plan is very important.
- Clogged gutters are as much a problem as debris. Our homes are fuel load.

Attachment 1: List of attendees

Attachment 2: Written Comments

DRAFT

## ATTACHMENT 1: LIST OF PARTICIPANTS

1. Carole Agnello
2. Adam Ball
3. Jerry Baer
4. Lin Barron
5. Dinah Benson
6. Ken Benson
7. Kate Bernier
8. Olga Bolotina
9. Barbara Brochard
10. Shelagh Broderson
11. Carolyn Burgess
12. Mimi Chan
13. Glen Dahlbacka
14. Isis Feral
15. Aileen Frankel
16. Elaine Geffen
17. Barbara Goldenberg
18. Barbara Gordon
19. Steven Hanson
20. Madeline Hovland
21. Sally Hutchinson
22. Jim Kaller
23. Richard Kauffman
24. Howard Keylor
25. Sue Kramer
26. Barbara Kluger
27. Mary Lancaster
28. Dave McGinness
29. John Madden
30. Helga Mahlmann
31. Martina Matarrese
32. Howard Matis
33. Nelson Max
34. Mary Sue Meads
35. Maeve O'Connor
36. Keara O'Doherty
37. Assata Ologhala
38. Mike Petouhoff
39. Sue Piper
40. Jim Rivers
41. Dee Rosario
42. Emily Rosenberg
43. Martha Rossman
44. Maria Sabatini
45. E. G. Seaman
46. Marla Schmalle
47. Peter Scott
48. Robert Sieben
49. Tanya Smith
50. Teri Smith
51. Elizabeth Stage
52. Roberta Traina
53. Nicholas Vigilante
54. John Ulakovic
55. Zac Unger
56. Doug Wong
57. Bill Woodward

I awoke today nearly unable to get out of bed. I have had spinal stenosis recently diagnosed and today is the worst day by far. I'm afraid I won't be able to sit or stand in the Trudeau Center today for several hours.

Here is what I would have said, had I been able to come. Perhaps someone can read it for me....

Barry

*For the several here who don't know me, I served as co-chair of the campaign that successfully launched the WPAD. Later I served on the advisory committee in years 2 through 5 and again in year 8. I resigned at the end of year 8 without completing my two year term. More about why in a moment.*

*I submit herewith a copy of a letter I read before the WPAD after the renewal failure along with a copy of the public education and outreach plan that the advisory committee approved in 2012. Any new district MUST have a robust communications and education plan. We failed at that miserably. One of the best solutions for private property is having educated owners who manage their fuel load properly themselves.*

*The letter points out the sudden change on the part of senior OFD staff, who, in 2012 began using the words "well, the committee is only advisory". Once staff was not taking the committee's recommendations seriously there was almost no hope. Prior to 2013 we had not only staff who listened, tried hard and were responsive to the advisory committee but had the institutional memory of years of service in their jobs. Once those personnel were gone (I'm talking Leroy Griffin, Camille Rodgers, and James Williams) the sea change was noticeable. Staff was either temporary or resistant to the committee's advice. That's when I resigned. I wanted to spend my volunteer time in a place that my efforts would be effective.*

*I agree with the work the committee has been doing in shepherding the work on the vegetation management plan and subsequent EIR. We must be vigilant and see that this work is completed on schedule.*

*Finally, any new WPAD must be governed by a commission or committee that is more than advisory.*

**THE LETTER, READ BEFORE THE WPAD ADVISORY COMMITTEE**

Thursday, November 21, 2013

Mayor Jean Quan  
City Administrator Deanna Santana  
Fire Chief Theresa Deloach Reed

Dear Mayor Quan, Administrator Santana and Chief Reed,

*The renewal of the Wildfire Prevention District failed at the ballot box. I write to retrace the missteps that led to this failure.*

*In early 2012 the WPAD ad hoc budget committee met to prepare the draft 2012-13 budget for the WPAD. I was invited as a former advisory committee member to participate. Mindful of the upcoming (now two years ago) sunset of the district, and mindful of the absence of a concerted public education program (as mandated by the legislation establishing the district), I proposed increasing the public outreach and education budget from \$65,000 during the 2011-12 year to \$190,000 for the 2012-13 year. That budget was adopted. (Incidentally, of the \$65,000 budgeted for 2011-12, only \$23,000 was spent. That was for the required annual notice mailing.)*



*In 2012, I was reappointed to the WPAD advisory committee. At my first meeting in July, I was shocked to learn that staff had made NO plans to spend the money budgeted. I reiterated to staff the importance of a public education program for two reasons: 1) it was mandated by the district's enabling legislation and 2) a strong education program would increase public awareness of the district's activities and importance, essential to the upcoming renewal effort.*

*In October 2012, an ad hoc committee presented a comprehensive plan to spend the \$190,000 budgeted funds. It was well thought out, having been prepared by an ad hoc committee with extensive experience in corporate and marketing communications and was ready to implement. It was so well received by the steering committee that it passed with little discussion and with a unanimous vote. This program would have engaged a branding and communications vendor to craft messaging and communications (using direct mail) and another vendor to engage residents of the district in a new media/social media campaign.*

*Over the next several months I was assured every two or three weeks by the deputy fire chief that he was working on the RFP or RFQ with procurement staff in the city of Oakland. Members of the ad hoc committee volunteered to assist with the process, stressing its importance. We were rebuffed.*

*Shortly after the deputy chief resigned it became clear that nothing had been done. It seemed that he had been told by his superiors that he was NOT to do anything about this essential initiative. I was later told in person by Chief Reed (I paraphrase here, but not by much) : "just because the steering committee thinks a program is a good idea it doesn't mean that we have to do the work."*

*So here we had a well thought out program, volunteers willing to help identify and select a vendor, and volunteers willing to supervise the work needed to be done to implement a public education program funded by a parcel tax approved by property owners who understand the imminent and real danger wildfires. But staff ignored us. Nothing was done.*

*This 2012-13 fiscal year ended with \$190,000 budgeted and only \$39,000 spent. Of the \$39,000, the majority of the funds were spent for the annual notice. Approximately \$15,000 was spent on a fine video intended to broadcast the important role of the district and its benefits. This video was created due to the tireless efforts of one advisory committee member. It would not have been produced without him. Once produced, it was never distributed or promoted. Thus, in this fiscal year there was no outreach, no public education.*

*In the spring of 2012, discussions began about the sunset of the district in early 2014 and a possible renewal effort. Several long time volunteers, myself among them, urged the mayor and the fire chief to postpone renewal efforts until one year after the current district sunsets, to allow for a year or two of public education to residents of the WPAD (using the \$190,000 in budgeted funds) to increase awareness of the district's good works as well as offering education on homeowner preparedness. City staff decided to proceed with the immediate renewal anyway.*

*As a result, we were left with an underfunded campaign staffed by volunteers (some of whom devoted hundreds of hours to the effort.) It had to take the place of a communications program that was more than adequately funded but never undertaken by city staff designed to inform the electorate of the service the district provides as well as steps a property owner can take to mitigate wildfire danger.*

*We all know the result.*

*One final observation: for the 2013-14, the current fiscal year, \$190,000 of WPAD funds are again budgeted for public outreach and education. In the first two and a half months of this fiscal year, a grand total of \$131 was spent. It was spent for a plaque to honor an OFD retiree.*

*Subsequently, because of the efforts of a volunteer who designed and wrote them, there were postcard mailings in the fall of this year. Well intentioned, but an embarrassing too little, too late. There are no plans for any additional public education and outreach apparent in the minutes of the WPAD, beyond, of course, the annual notice. Yet there is foolish talk of another renewal campaign to create a new district with no plans to initiate, let alone continue a public education effort on behalf of the existing district.*

*The failure of this renewal election falls squarely at the feet of senior city staff. The mayor, city administrator and the fire chief. Volunteers – Oakland citizens on the WPAD – gave city staff the guidance and tools to fight this fight and win. It's not that you, those senior city staff, dropped the ball, You refused to pick it up in the first place.*

*Respectfully submitted,*

*Barry Pilger*

*WPAD advisory committee member 2005-9, 2012-13*

*Co-chair Keep Oakland Fire Safe 2003*

*Webmaster and steering committee member Keep Oakland Fire Safe 2013*

*1991 fire survivor*

## MY HISTORY OF OAKLAND'S WILDFIRE PREVENTION BENEFICIAL DISTRICT

Since the creation of the current Wildfire Prevention District (WPAD), I have attended at least 95% of its meetings either as a commissioner or an interested observer. I hope my observations of the WPAD's creation and operation will be beneficial as I am certain that as the WPAD sunsets the City of Oakland will have to continue dealing with the disaster potential for our Wild Fire Urban Interface.

### Why was the WPAD created?

The City of Oakland would have and continues to this day to be responsible for maintaining City open space properties as required by the State of California and City of Oakland's Fire Code. The creation of the WPAD did not change that legal and fiduciary obligation. Funding to meet this obligation would be required to come out of the City's general fund whether there was a WPAD or not. After the current WPAD sunsets the City will have to appropriate funds to continue fire prevention vegetation management.

Ask yourself, why would hundreds of concerned citizens donate thousands of dollars to create a ballot measure that brought the WPAD into existence then spend hundreds of hours on the phone seeking support for the WPAD, when on the surface it would seem redundant to the City's existing budgetary obligations? My reasons for supporting the creation of the WPAD follow. First, when the City's budget was tight, and it was highly competitive to secure appropriations for vegetation management, we would have a secure source of funding in bad times for the removal fire prone and dangerous vegetation on City Properties. But, we wanted more, that is why we supported the creation of WPAD.

Our goals included managing our vegetation removal contracts into an efficient, effective and environmentally correct operation. We also wanted to educate the public, teach city employees and our contractors on best practices for fire safe vegetation management. We further wanted to incentivize removal of dangerous vegetation on non-city properties, private and public. We wanted to facilitate better fire inspections of all properties in the WPAD boundaries.

The advisory commission was to provide financial and operational oversight. It was a public forum where the public could come to tell us how to do a better job of vegetation management. We wanted to do a better, more competent job of vegetation management in fire prone areas. And so, the Wild Fire Prevention District came into existence. We expected the funding source for the current WPAD to primarily be fees assessed to each property owner, public or private, located within the District. Occasionally grant funds were to be used to supplement these moneys. Also, hard cash did not flow from East Bay Regional Park. The fees they would have paid and much more, they spent directly on Wild Fire Prevention projects. Other large public property owners in the WPAD boundaries did not have similar programs, so they had to pay fees annual WPAD budget came into existence.

The failure to renew the District, came about I believe, because the public confused fire suppression with fire prevention. It did not help when the Fire Chief promised at a public meeting, with the Mayor and several Councilmembers present; she would post online the WPAD financial audits. Of course, she did not follow through with her promise. At this meeting, the public brought to our attention, that the Fire Department was not collecting WPAD fees from public property owners, like the School District.

### The WPAD Budget

First, the WPAD commission would prepare a budget to be submitted to the City Council for actual appropriation of the funds. The budget submitted by the WPAD was usually built after looking at the previous year's budget and allocations. We later learned that Fire Department management practices often hindered how monies were spent.

Most of the funds were spent on actual vegetation removal contracts. Most of these contracts were smaller than \$20,000. The big ticket items included the bi-annual goat grazing contracts, (over \$100,000.00) and setting aside a \$500,000 match for a FEMA grant. A small sum was spent to borrow money for operation of the WPAD until moneys were collected by the County from Property Owners. Administrative costs included paying for one employee (2 different positions), for good part of the time the WPAD was in existence. Administrative costs also included paying for annual financial audits and one performance audit. The County of Alameda took a cut for transferring funds from property owners in the district to the WPAD.

During high fire risk days, monies were transferred to the City of Oakland to cover salaries for personnel doing extra fire patrols. Monies were also spent to cover the cost of mailing fire inspection notices to property owners. The WPAD covered the cost of data input and collection of inspection results. Monies were used to incentivize private property owners to reduce fuel loads by providing free chipping services. Sometimes monies were allocated to match grant funds from outside entities, like Diablo Fire Save Council. Public and private properties benefitted. No money was ever allocated by the WPAD to actually inspect properties within the District.

I was disappointed with the money spent on outside Financial Audits. The contract for these audits was let by another city department other than the Fire Department. I still do not understand why an annual audit which covered a couple of hundred transactions, most of these transactions were less than \$10,000, could annually cost the district about \$20,000. None of these audits caught the fact that no one was collecting fees from public property owners within the district. I think we overpaid.

### ROUGH SPOTS

Along the way, we had problems with the WPAD employee positions. The first employee slot was supposed to further our educational goals. The last person to fill that position did a good job of properly noticing the meetings and preparing the minutes. However, WPAD's

educational programs were not pursued. This was very problematic for many of the strongest WPAD advocates. I had asked for the proper city personnel description for this position, but was not allowed to see it by the Fire Chief. I had hoped a review of the job description would offer an opportunity for better employee supervision and growth. Instead, the only choice given to us by the Fire Chief was new employee category which would be created once we eliminated the current position. When filling this new position took over two years more problems arose. Again, I was never successful in reviewing the official City Personnel employment description for the new position, either.

My biggest beef was, despite the fact the City Attorney told the WPAD they could hire an interim contractor to take minutes and properly post meetings, the Fire Chief refused to let this happen. This caused the WPAD meetings and commissioners to be in conflict with the Brown Act and the City's Sunshine Ordinance. Commissioners could have had to pay substantial fines under the Brown Act because meetings were not properly noticed Under the Brown Act. City employees were not exposed to fines if meetings were not correctly noticed.

Administrative support from the various Fire Chiefs during the life of the WPAD went from warm and hopeful to downright hostile with the current Fire Chief. In addition to the position situation described above, shortly after the arrival of our current Fire Chief, the WPAD found itself unable to let contracts for properly allocated projects. At one meeting, we were told contracts were not let because they were not sure of how much money was available in the account. My memory is these contracts were for less than \$20,000 and we had over a million dollars available to spend.

My most difficult meeting, was the one where the WPAD approved a contract for a Broom Removal and Pilot Program stopping the regrowth of broom, I think it was about \$20,000. The Fire Chief flat out refused to let out the contract. Since those proposing the project were among the most ardent of WPAD supporters, I was thoroughly embarrassed.

### Contractor Problems

We also had contractor problems. We had hoped to create a large list of qualified contractors. The contractors were to be trained to respect and protect endangered species of clarkia and manzanita. Supervision of these contractors was not always done to make sure the best vegetation removal practices were used. Slowly, the available numbers of contractors dwindled probably because they were paid months late.

### Inspection Problems

Inspections of private and public property continue to be a big problem. The fire department will tell us how many private properties are in compliance. The Fire Department will not tell us the level of compliance for City owned property. Lastly, we do not know if the City has in place protocols for collecting fines for code violations. I know there was a time when no one collected these fines.

When Chief Reed first learned, the WPAD had allocated funds for a performance audit of inspections at one of the WPAD meetings, she became visibly upset. She told the WPAD commission they had no right to do the performance audit, since WPAD money was not used to pay salaries for the inspectors. WPAD money was used to pay to mail out inspection notices and for data entry of inspection results.

Keep in mind; fire inspectors do a public safety function, like the police. If need be, to access a property they can get search warrant from a Judge. Somehow, I think our inspectors probably do not know how to do this. Probable cause is probably a mystery.

### The Road Ahead

Lofty ideas are not enough to further the goals sought by the creation of the current WPAD. It is certain, the fire danger that existed 25 years ago, will still be our constant companion. The completion of a comprehensive vegetation management plan is essential. The plan will take into consideration the type of vegetation, the geological conditions and geographical location. In the years ahead, wild fire prevention, and fire inspections could be done by another City Department, or another District, or a Regional Consortium. Until the vegetation management plan is done, there is no appetite for supporting one of these solutions. In the meantime, the City will continue paying for vegetation management on City Property. The City still will continue to have Fire Prevention Inspectors for both public and private property.

Respectfully submitted,  
Dinah Fischbach-Benson

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member**

**February 25, 2017**

**Things That Went Well**

- **Goat grazing** – perhaps best bang for the buck, helping to reduce volume of vegetation in cost effective manner.
- **Chipping program** – program supported private property owner work on their property, which is important because fire does not know any boundaries.
- **Roadside clearance program** – provided important protection not only for fire response and evacuation but also for medical emergencies. Many of the roads in the hills—particularly in Montclair—are very narrow.

**Things With Mixed Level of Performance**

- **Educational efforts** – Efforts of Board were helpful. Staff work by paid coordinator were marginal, and outreach efforts failed to communicate effectively about what the WPAD was accomplishing. As a result, there was confusion about what the WPAD did and insufficient public confidence in the work of the WPAD that resulted in it not being renewed in 2013
- **Vegetation management projects by contractors and administration** – Contracted work was generally effective, but the one-time cuts frequently did not ensure year-round compliance. Some projects occurred late in the season, with certain areas regularly not getting one-time cuts until middle of high fire season. There also appeared to be some real gaps in developing and carrying out vegetation management projects in interior areas of parks and open space areas, leaving the hills vulnerable for major fires. There were times when the contracting process was impacted by a lack of staffing. turnover and failure to train new staff regarding responsibilities and best practices—especially in the 2012-13 Fire Season. Up until recently, there did not seem to be a record of requirements such as those concerning protected species so that when there was turnover, previous mistakes reoccurred.

**Things That Did Not Go Well**

- **Management of Major Vegetation Management Projects** – Projects such as the FEMA grant, the Skyline Boulevard tree removal project, and the Chabot Observatory projects were poorly managed and delayed, or in some cases funding lost, significantly impacting efforts to reduce important fire risks in the WPAD. As a result, most of WPAD funds went to annual maintenance projects, rather than efforts that would have a more long-term impact.
- **Record Keeping and Retention and Accuracy of Reporting of inspections and Compliance** – Records from 2005 through May 2010 are missing completely from City

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former WPAD Advisory Board Member**  
**February 25, 2017**

official records. This not only eliminates any historical record of WPAD proceedings, but is, in fact, a violation of the City's own Sunshine Ordinance.

- **Support of Fire Prevention staffing and staff** – Many problems associated with the WPAD's operation, implementation and effectiveness over many years are related to the inadequate level of support provided by the Fire Chief and OFD Administration for Fire Prevention staff. The problems have been aggravated by the discrepancy in salary between Fire Prevention Inspectors and Commercial Fire Inspectors within the Fire Prevention staff. This has led to regular inspectors leaving for better pay or being overworked when fewer staff were available to carry out the workload. In some cases it appeared new staff was not properly trained regarding the duties they would need to perform. Staffing levels and experience appeared to change frequently and is still problematic.
- **Inconsistent Enforcement of the Fire Code:** The 95% to 99% compliance rate of private property owners reported regularly by Fire Department staff to the Advisory Board was a gross exaggeration of actual compliance with the Fire Code, despite WPAD members repeatedly documenting noncompliant properties within their neighborhoods. In fact, I was advised by a former Fire Marshal that if the Department enforced the Fire Code to the letter of the law, 2/3 of the parcels in the WPAD would be in noncompliance. The use of firefighters to conduct required inspections resulted in firefighters frequently failing to perform required inspections, or to fully inspect the entire parcel and to address deficiencies. There also appeared to fabrication of inspection results when inspections had not been completed as required. The inspection process was also undercut by the frequent turnover in part-time and full-time, causing backlogs as well as inconsistent inspections.
- **Maintenance of and Implementing Plans for Replacing Vegetation in Aging and Fire-Prone Forests**—Developers planted 2 million trees in the early 1900's. Most of these trees are fire prone and now beyond their natural life span. The WPAD's programs never addressed this issue. Furthermore, in 2008 the City cut back on its Public Works' staffing for open space maintenance and reduced tree crews substantially to the point that the one remaining crew only does emergency tree removals. The WPAD Board has relied greatly on Fire Department and Public Works Agency staff to plan for vegetation management projects in the WPAD. Neither the WPAD nor City staff have developed or implemented an adequate plan to substantially reduce fire risks in Oakland's large and aging urban forests that are high hazard zones, nor to address the rapidly spreading fire-prone invasives on city-owned open space. The proposed Vegetation Management Plan now underway will hopefully rectify this lack, but we are already 14 years too late.
- **Other City Departments Lack of Support of the Goals of the WPAD**--The City has neglected to ensure proper staffing in its Tree Services Division in the Public Works



**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member** **February 25, 2017**

Agency, and there has been little coordination and communication between the Fire Department and Public Works Agency staff about plans, programs, and staffing to properly maintain our aging forests and work on establishing a less fire-prone landscape on public and private properties in the Oakland hills. There has been a long standing need not only for a plan for major fire prevention projects to remove fire-prone and aging trees in the Oakland hills, but to plan and work on implementing programs to help transform the parks, open space areas, and our urban forests to a much more diverse and fire-resistant landscape. The Oakland hills have too many trees and too many fire-prone trees and shrubs located in close proximity to homes and structures.

- **Ineffective Partnerships**--The City did not partner effectively with other public and private partners that might have helped in providing funding or resources, such as staffing or plant materials, to create more appropriate fire breaks and open space areas with far less fire-prone vegetation. The WPAD and City for many years did not particularly partner effectively with local tree groups that might have been potential partners to help in efforts to develop either an urban forest management plan or to plant or maintain trees in our urban forests. There have been very limited efforts to secure outside grant funding and partners in planning and planting. We have UC Berkeley's School of Natural Resources with its experts on forestry and wildfire that were rarely tapped for their expertise or as partners on projects.
- **Inadequate Public Education and Outreach** The minimal education program of the WPAD has also not adequately involved and educated WPAD residents on what the WPAD has done, is doing and what help or action is needed from all parcel owners to help in reducing fire risks.
- **Missed Opportunities to Harness Volunteer Power** —For the first 10 years of the WPAD, I would regularly speak about the many opportunities to use volunteer groups from UC Berkeley and local corporations to assist with broom pulling and other fuel load reduction efforts that did not have to necessarily be farmed out to a contractor. It wasn't until 2015 that the WPAD actually hosted a volunteer broom pulling effort on Skyline Blvd. between Keller and Grass Valley. Subsequent efforts were thwarted when the Fire Chief prohibited fire inspectors from working overtime or flex-time on the weekend, when volunteers are typically available. My most recent experience working with 116 volunteers from a Hayward Church as part of the in-kind match for a WPAD grant resulted in filling a 30 cubic yard dumpster with 40 cubic yards of broom—saving the WPAD thousands of dollars. Additionally, there are a number of Adopt-A-Park groups that regularly work in the City's open spaces. The WPAD should have worked more closely with these groups who are invested in keeping these city spaces healthy and fire safe.

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member**

**February 25, 2017**

- **Flawed Management Approach in Implementation of WPAD and City Vegetation Management Programs** — It is clear in hindsight that the City administration's and the WPAD's approach in selecting just the Fire Department to manage most vegetation management efforts in City parks and open space areas east of Highway 13 was a major mistake. The City leaders undercut the ability of the WPAD to achieve its goals and mission by shifting all of the management responsibilities to the Fire Department in 2004, and then in 2008, cutting back significantly on Public Works Agency involvement with park and open space management and needed tree planting, care and removals. Experience has shown that the Fire Prevention staff's expertise is not in project management or contracting, causing delays and inefficiencies over the past 14 years.

**Recommendations:**

- We need a new and improved management process and plans/programs/funding and staffing that gets more City departments involved, such as Fire/Public Works/Planning/City administrator's Office, and partners much more effectively with private sector organizations and leaders in implementing needed programs for vegetation management. We could work more effectively with private and volunteer partners in helping to plant and develop a more fire-resistant landscape on public and private properties in the Oakland hills and WPAD.
- The City should consider a City Vegetation Management and Urban Forestry and Landscaping Agency or a much different approach for effectively managing our vegetation on public/private properties in the WPAD. This agency should have a clear plan, capable and experienced staff, and significant resources allocated to help in converting our fire-prone and rapidly aging vegetation on public and private properties to a much more fire-resistant landscape with goals established for time periods longer than one year—5, 10 or 15 years would be appropriate.
- We need to find ways for the City and its vegetation management program to help parcel owners on private properties remove fire-prone trees and vegetation and not to focus so narrowly on just City of Oakland properties and their maintenance. If the private properties aren't improved based on inspections and actions either of parcel owners or a public-private partnership, then the work focusing on just City properties may be for naught when the major fire comes.
- The WPAD, Fire Department, and City administration also needed to do much more in relation to public education to counter and overcome some of the resistance to tree removals and substantial need for fuel reduction and vegetation in much of the Oakland hills.
- We need to incorporate volunteer activities into the City's vegetation management efforts in our parks and open spaces. We have hundreds of volunteers who are eager to help but need leadership from the City.

BOOKER

1. For FY 2011-13, the OFD spent approximately 1 million dollars on vegetation management contracts, whereas it has averaged \$200,000 the last two years. Funds were allocated by the WPAD Board in 2013 to hire a Program Analyst to assist in contracting vegetation management projects. Two years later and no Program Analyst has been hired.
2. Funds were allocated by the WPAD Board in 2013 to hire a Botanist or Ecologist to provide best management practices in areas with species of concern. Two years later there has been no movement. The Board removed funding for this contract for FY 2015-16, and rolled it into funds being provided for a District Wide Vegetation Management Plan.
3. \$190,000 in funds were allocated in FY 2013-14, by the WPAD Board for public outreach prior to the renewal of the Wildfire District. These funds were not spent.
4. No management or oversight of IT staff and the WPAD website. For almost a year contact information not updated resulting in over a thousand emails and phone calls not responded to. This occurred during the months leading up to the vote on WPAD renewal. The renewal lost by 66 votes.
5. During the period of December 2011 through May 2014, there were 25 meetings. For 8 of those meetings no agenda was ever filed with the City Clerk and for 15 meetings no approved minutes were filed. OFD staff was supposedly responsible for providing this information to the City Clerk. In May of 2014, the WPAD Board took over the responsibility for filing Agendas and Minutes with the City Clerk.
6. Within a week of being told that Supervisor Crudele was applying for a position in Contra Costa County, the Chief <sup>deliberately</sup> ~~informs~~ <sup>told and not</sup> Inspector Crudele not to rehire <sup>for full-time</sup> ~~temporary~~ Inspector Mark Grissom a friend of Inspector Crudele. Inspector Grissom had an exemplary work record and is one of the few Inspectors that lives in the District who was not looking for work elsewhere. He knows the Wildfire District and understands the importance of prevention having previously worked with the Forest Service fire crews. He was the only Vegetation Management Inspector who volunteered his time on weekend vegetation management projects that benefited the fire safety of our community. Inspector Grissom was also the only Inspector who came to WPAD Board meetings on his own time and has volunteered on the Ad Hoc Planning Group. People with his dedication need to be fostered.
7. In a meeting between myself, Chief Reed, Assistant City Administrator Claudia Cappio, and wildland resource consultant Carol Rice, there was a discussion regarding the CEQA process for FEMA and the proposed District Wide Vegetation Management Plan. The Chief, contrary to the WPAD Board's intent suggested that CEQA be done for both projects simultaneously. Both I and Ms. Rice concurred with Ms. Cappio who felt that the FEMA project needed to move forward now as it would take time to develop a District Wide Plan. I thought that at the end of the meeting there was general agreement that we would proceed with CEQA for the FEMA project as soon as possible. One week later, the Chief

slow hiring

WPAD Board  
and voted for  
ecologist - no  
hire

City

Admin

City

Admin

Bias

Attitude  
Prevention  
Qualified candidate  
hiring process



Wildland  
resource  
consultant

at a public event approaches one of the Vegetation Management Plan Ad Hoc Committee Members (not a WPAD Board member) and suggests that CEQA for FEMA and the District Wide Plan be done together.

8. At the meeting with Ms Cappio, Chief Reed mentions that OFD owes Ms. Rice \$150,000 for work done without contract on the FEMA project. This is work awarded under the Pre-Award Environmental Planning portion of the grant previously submitted to CAL OES. However, a review of this spreadsheet reveals that \$70,500 of that award is for City Services rather than the entire award being for contract work.
9. It is my understanding that the Hills Conservation Network (HCN) who is suing the City and whose leadership advocated a NO vote on the WPAD renewal, is saying that they are negotiating with Chief Reed regarding the FEMA Vegetation Management Project. It is my understanding that the Biological Opinion that came out of the EIS is the driving document regarding how the City approaches vegetation management in the areas for which Oakland requested funding. The City still has to complete an EIR/CEQA for the project and should proceed forthwith without negotiating with HCN.
10. It has been my experience these past two years that Wildfire Prevention is not a focus of OFD. Multiple plans of action funded by the WPAD have been ignored. After a couple months on the Board I thought that the WPAD Board was the most dysfunctional entity I had experienced in my entire working life. There has been some improvement this past year but that has primarily been due to the WPAD Board taking the initiative and doing things themselves. I believe the dysfunction is due to the OFD's lack of staffing for fire prevention and unless there is some improvement it's hard to see another assessment District passing muster with Wildfire District residents, a considerable loss of revenue to the City.

OFD  
focus

Nelson Max

(What I forgot to say:)

What worked:

I appreciate the information I got from the Fire Department about keeping the vegetation around my own house fire-safe. I learned useful information, for example, about fire ladders near the eaves of my roof.

Hi Steve: I live on Holyrood Drive and was unable to attend the meeting this morning. I'd love it if there was more advance notice - if there was this time I missed it. My wife and I are very much in favor of a new district and thought the old one worked well. We own two lots and have made much effort to plant comparatively non-inflammable native plants. We found the Fire Department mostly receptive to our planting vegetation that while technically violating fire prevention rules was clearly important to prevent soil erosion. I think that would be my main contribution to any new plans - that Fire Department personnel also be aware of the advantages of vegetation necessary to control erosion and maintain native plant habitat. However, I do understand there is a fine balance and that ultimately fire prevention is the most important goal in an urban environment.

Thanks,

Paul Cheney



from Berkeley  
1st speaker

Water- Lovers Everywhere!

**Lake Anza** is located in Berkeley's Tilden Park and is part of the East Bay Regional Parks District (EBRPD). Occurrences in and near the lake in recent years might serve as a **warning against future herbicide use near bodies of water**. (Under California law, herbicides are considered pesticides). **Herbicides have been used in East Bay Parks for well over a decade, including just up the hill from Lake Anza. These poisons carry with them the potential for run-off into the popular lake, and cannot be ruled out as a cause of the toxic blue-green algae infestation that forced its early closure the last 2 summers.**

**Toxic blooms produce highly toxic 'microcystins.'** A nation-wide EPA survey in 2007 found 'microcystins' in 1 out of every 3 lakes tested. **The EPA estimates that between 30 and 48 million people in the U. S. are drinking water from lakes and reservoirs vulnerable to toxic bloom. Ingestion is known to kill children and dogs, both of whom sometimes swallow water from recreational sources. Residents of the city of Berkeley drink from reservoirs close to the infected lake. Wildlife drinks from the lake itself.**

**BMAA (B-methylamino L-alanine) is another product of toxic bloom algae. Significantly, this neuro-toxin has the ability to cross the human blood-brain-barrier, with great potential for harm. Exposure can lead to kidney, liver and motor neuron dysfunction - and even death. BMAA has been found in drinking water reservoirs globally from Lake Erie to Idaho, California to Australia, the UK and beyond.**

**Toxic bloom infestation is typically a result of too much phosphorous and nitrogen. The major source of this nutrient overload is agricultural run-off from synthetic fertilizers and pesticides. The toxins move up the food chain at successively higher levels. For example, sea otter deaths in Monterey Bay have been attributed to the fact that the otters eat shellfish contaminated with 'microcystins' found in run-off from inland lakes. Climate change might also be a factor...**

**Fundamental to pesticide and herbicide use is the need for ever-increasing doses. These poisons create 'super weeds' that to date have destroyed over 20 million acres of U.S. farmland. Sometimes the old chemicals don't work on the chemical-resistant new growth of unwanted plants. To counter, the EPA approved Enlist Duo, but quickly rescinded its decision because of the synergistic toxicity of its main ingredients. The solution may lie in SUSTAINABLE AGRICULTURE, which precludes the use of environmental poisons.**

**Invasive, 'super weeds' have sprouted around the bases of cut Tilden eucalyptus trees, a result of herbicide paint application. The Claremont Canyon (post 29) has subsequently been sprayed with herbicides, which supposedly was never to be done, and this practice threatens to impact vegetation, soil, wildlife and water.**

Even Monsanto seems to be getting out of the pesticide game, perhaps in response to the **W.H.O.'s recent indictment of glyphosate, found in its popular product Roundup, as a probable "human carcinogen."** Monsanto recently sold out to Bayer.

Heroine Rachael Carson warned us: **"pollution of groundwater anywhere is pollution of groundwater everywhere."** Please have the courage to ban herbicides/pesticides for official use in our county, a move under consideration today in Marin County. The **Marin Carbon Project** has adopted sustainable agriculture; so have others. Can't we follow their lead? Or is poisoned water really the legacy we want to leave our children and grandchildren?

Thank you for your consideration to this matter.

→



<http://bit.ly/1YtoFOI> closed  
early the last 2 summers due  
to toxic algae bloom

1. Devastation to our lakes and watersheds by **toxic algae bloom**, typically a result of **chemical run-off** from synthetic **fertilizers** and **pesticides** that can leech into the soil and water <http://bit.ly/1fEzxU6> 1. A product of the bloom, neuro-toxic BMAA, can increasingly be found in drinking water reservoirs globally. BMAA has the ability to cross the blood-brain barrier, leading to motor neuron dysfunction. The bacteria can result in kidney and liver damage – and death <http://bit.ly/2dU135G>
2. **Herbicide/pesticides kill the soil. Dead soil invites resistant pathogens, like Sudden Oak Death.** <http://npic.orst.edu/envir/soil.html> Dead soil inhibits water penetration, resulting in **erosion, mudslides and groundwater contamination.** <http://bit.ly/28Xbcu3>



**Question:** Do *pesticides* have the same detrimental effects on *phosphorus* and *nitrogen* levels in water as do *fertilizers*? This question was asked in reference to an effort to understand what happened to Lake Anza late last summer to cause its closure due to toxic bloom algae overgrowth. <http://1.usa.gov/1PnghGT>

#1. Phosphorus levels in water are affected by *organophosphates* (*pesticides* - sentence 4 below).

"Low phosphate levels are an important limit to growth in some aquatic systems. The vast majority of phosphorus compounds produced are consumed as fertilisers. Phosphate is needed to replace the phosphorus that plants remove from the soil, and its annual demand is rising nearly twice as fast as the growth of the human population.<sup>[6]</sup> Other applications include the role of organophosphorus compounds ~~in detergents~~, pesticides, and nerve agents.<sup>[7]</sup> At 0.099%, phosphorus is the most abundant nitrogen in the Earth's crust."

<https://en.wikipedia.org/wiki/Phosphorus>

#2. *Glyphosate* (found in *Roundup*) is an *organophosphate*.

"In pure chemical terms *glyphosate* is an *organophosphate* in that it contains carbon and phosphorous."

<http://www.pan-uk.org/pestnews/Actives/glyphosa.htm>

A breakdown product of *Garlon* (*Triclopyr*) is *trichloropyridinol* (*TCPy*), an *organophosphate*.

"*Triclopyr* breaks down in soil with a half-life of between 30 and 90 days. One of the byproducts of breakdown, trichloropyridinol (*TCPy*) remains in the soil for up to a year. *Triclopyr* degrades rapidly in water. It remains active in decaying vegetation for about 3 months."

(click on *trichloropyridinol*, an *organophosphate*, above.

*TCPy*, or *3,5,6-trichloro-2-pyridinol*, is also a metabolite of organophosphate chlorpyrifos (*Dursban*), banned by the EPA for domestic use.\* A study in Massachusetts reported a correlation between exposure to *TCPy* and lower *testosterone* levels in men.<sup>[1]</sup> According to this source, exposure is "widespread" and of "potential public health importance".

\*You'll earn a place in heaven if you can get the EPA to ban it for farm use also, to protect farmworkers and their children.

# Nutrient Deficiencies

For optimal crop yield, producers need to recognize the symptoms of nutrient deficiency, the lack of plant available nutrients or nutrient toxicity, excess nutrient uptake. Crops are affected by immediate factors such as weather conditions or injury, excess fertilizer, pesticide drift or insect infestations which may appear to be nutrient deficiencies. It is critical to perform regular soil testing to determine nutrient levels and monitor changes in soil nutrient status. With historic soils data and information on current growing season conditions, producers, extension agents and crop advisers can more accurately assess what is affecting the crop. This page provides information and photos of the more common nutrient deficiencies that Montanan producers may experience.

SEARCH Clain's websites

## General Information

- **Plant Nutrient Functions and Deficiency and Toxicity Symptoms** - Nutrient Management Module No. 9 (pdf)
- **Nutri-Facts** are fact sheets written by scientific staff of the International Plant Nutrition Institute (IPNI) that focus on essential plant nutrients and their use. They discuss limiting conditions, and deficiency and toxicity symptoms.

## Photos of Specific Nutrients

- Nitrogen Deficiency
- Phosphorus Deficiency



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File No. 062874

November 22, 2016

**VIA U.S. MAIL AND E-MAIL**

Mr. Robert Sieben  
6 Starview Drive  
Oakland, CA 94618

**Re: Revegetation of Hillside Following Tree Removal**

Dear Mr. Sieben:

I write on behalf of Bentley School, which is located at 1 Hiller Drive. It appears that you recently received a grant through the Diablo Firesafe Council to remove trees on the hillside opposite the Firestorm Garden and across the street from the Bentley School. While the removal of trees may have eliminated a potential fire hazard, the hillside area is now virtually denuded. By leaving this area in a denuded state, the work has created the potential for new hazards, including the potential for soil erosion and landslides. The hillside is also very unsightly. Accordingly, Bentley School is asking that you revegetate this area as soon as possible.

We understand that funding for this work came through the Diablo Firesafe Council. Participants in that program must comply with the Council's Best Management Practices Guidebook for Hazardous Fuel Treatments.<sup>1</sup> As you may be aware, these practices recognize that fire protection needs must be balanced with the protection of, among other things, soil resources (i.e., soil erosion), habitat, and aesthetic values. (BMP Guidebook, p. 135.) In that regard, these practices discourage the exposure of bare earth and instead direct property owners to revegetate any such areas with native plants in a "firewise" planting scheme. (*Id.* at pp. 49-60, 136.) For example, one policy states that "[b]are earth will not be exposed in over 50% of the site and no one bare patch will be larger than 15 square feet." (*Id.* at p. 136.)

The bare hillside also potentially creates nuisance conditions. The City of Oakland considers conditions that substantially detract from the aesthetic and economic values of neighboring properties or create dangerous conditions to be nuisances. (Oakland Municipal Code, §§ 8.24.020 (D)(4), (E)(1).) Dangerous conditions include erosion, subsidence, and

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<sup>1</sup> Although title of this document indicates that it is for Contra Costa County, the Alameda County appendix states that the information found in the Best Management Practices Guidebook for Hazardous Fuel Treatments in Contra Costa County serves as the relevant guide in Alameda County as well. The complete Best Management Practices Guidebook is available online at: <http://www.diablofiresafe.org/publications.html#BMP>.



November 22, 2016

Page 2

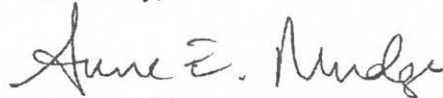
unstable soil conditions. (*Id.* § 8.24.020 (E)(1).) The removal of trees without the planting of new trees detracts from the aesthetic value of the Hiller Highlands neighborhood and creates conditions ripe for soil erosion and subsidence. Failure to abate a nuisance can result in abatement action by the City, including an assessment of fees, charges, penalties, and interest. (*Id.* § 8.24.060(B).)

Bentley School requests that you revegetate your property with native trees and other plants as soon as possible. The planting of trees, which are considerably more effective at reducing landslide hazards as compared to other types of vegetation, are particularly important given the steep slopes of the property. The Best Management Practices Guidebook encourages this re-planting to occur during the wet season. (BMP Guidebook, p. 136.)

Bentley School would be interested in exploring a potential partnership with you to achieve these mutually beneficial goals, and in particular views this as a potential educational opportunity for its students. If, for instance, you would be willing to purchase native trees and other vegetation, our students could participate in planting efforts, at least along the less steep portions of the property.

Bentley School looks forward to further discussions regarding the prompt revegetation of this hillside. In the meantime, please do not hesitate to contact me at (415) 262-5107.

Sincerely,



Anne E. Mudge

cc: Heather Klein, Planning Department  
Chris Patillo, Planning Commissioner  
Dan Kalb, City Council  
Linda Harris, Neighborhood Committee  
Dan Grassetti, Hills Conservation Network

AEM

062874\8361538





Hiller Drive at Tunnel Road, February 2017



Hiller Drive at Tunnel Road, February 2017

**Susaan O., Forestland Heights**

I plan to attend near the end of the meeting but want to to know I am pretty passionate about proper inspections and fines. I lived on Sherwick Drive above Old Tunnel Road in the late 60's until 1971. In 1970, a small fire below Grizzly Peak broke out. It was not put out properly and we returned from dinner out to find the babysitter and kids evacuated to the Claremont Hotel. Fire departments did not know how to fight fires in the forest/urban interface. Hoses from one city did not fit hydrants in neighboring city. We learned about defensible spaces and really practiced it. We moved to Manzanita Drive in 1971. Although the fire departments of Oakland and Berkeley and probably EBRP got serious for awhile about weed abatement inspections and property fines, we need a fire chief who is effective. We lost former neighbors in the big fire.

**Ken Thames, former WPAD member**

Recommendation:

Develop program to include schools, youth groups and young adults in fire safety education. The WPAD focus on homeowners is great, but would definitely benefit with more youth involvement. Perhaps having a high school or college student with an interest in fire safety as an appointed or non-voting member.

WPAD hearing 2.25.17

## WHAT WORKED AND DIDN'T

**In the early years** Ken Benson got us off to a good start. Camille Rodgers (chief inspector) and Leroy Griffin (Fire Marshall) were on board and did very well. There was an inspector for each of the five districts and Leroy did massive work on the vegetation management plan (2007) and the FEMA grant. Fire Chiefs seemed to come and go, so much so that I can't remember their names.

We had meetings with guest speakers which were quite helpful.

Having a guaranteed budget allowed for planning of wildfire protection, whereas this was at first impossible because one didn't know the budget until July 1<sup>st</sup>.

We drew up our goals and a mission statement.

The glaring failure was in our goal of educating (informing) our homeowners.

We tried to get the extreme limits on the limited use of herbicides eased to permit better control of vegetation management.

City Council balked at this. And we got nowhere.

We addressed the issues of protecting endangered species,

which a few speakers at our meetings spent a great deal of time complaining about.

We were given a full time staff person who was competent

but she tended to dictate to the committee.

We had no say in who was appointed to this position

**In the middle years** we spent a great deal of time at our meetings reviewing the inspections and there were many complaints. Gradually, they were moved forward on the calendar to facilitate enforcement in time for earlier implementation, before the highest hazard season.

We spent a great amount of time on evaluating the inspections.

We were forced to accept the arbitrary national wildfire prevention standards, which lacked consideration of the special circumstances in our wildland urban intermix, particularly the ten foot rule. Chief Williams was helpful in interpreting this as appropriate to individual circumstances.

Leroy developed what was eventually to be a fatal illness and Inspector Rodgers retired.

## **The disastrous later years.**

The city council drastically reduced staff in the Fire Prevention Bureau, and Deputy Chief Williams left for another Fire District when he was denied the position of Fire Chief.

The position was not filled for a year. During that time there was an interim "deputy chief" who had no experience with vegetation management, who I had to couch. We fell behind on authorizations for some areas and on timely vegetation management.

The number of fire inspectors was reduced and placed on half year status. They left for full time positions elsewhere, understandably.

All this was before Chief Reed was appointed, and not her fault. Early on she recruited Vince Crudele as manager of vegetation management and fire inspections. His experience in code enforcement was particularly helpful.

I was unfortunately the frustrated chair during these years. We expressed our dissatisfaction with the staff person supplied us. Her position was eliminated and a new position was authorized but never filled. Records were lost or sabotaged, approved minutes not properly published and kept, and

committee members had to be recruited to take minutes and more. Two key board members resigned in protest, and I could not make up for the loss of their expertise.

Funds for vegetation management and a new staff position were budgeted but never put to use, contributing to the defeat of a proposal to extend the Wildfire Prevention Assessment another ten years by only 66 votes.

The advisory committee unanimously approved the booklet I developed to inform homeowners what they could do to prevent losing their homes to wildfire, to distribute a copy of each of the 24,000 residents in our high fire hazard community for about \$24,000 plus the cost of using a mass mailing label on the cover, but the Chief vetoed this for five reasons.

Some key positions were finally filled, but much needed actions were and are delayed.

Most significantly, the advice the Advisory Committee gives, is not taken. So why are we wasting our time?

#### RECOMMENDATIONS:

1. We need three year terms. The turnover is too rapid as committee members need time to learn the ropes. This also makes it easier for Council Members and the Mayor to keep up with appointments. The appointment process must be accelerated in some way.
2. We need full time fire inspectors, paid for by the City. It takes a long time for an inspector to learn the district. It is a year round job, not one that suddenly begins in July. They learn the property lines and who is traditionally out of compliance, whom they target, becoming more effective. Not only is wildfire prevention more cost effective than suppression, it is required by law and its absence exposes the City of Oakland to possible lawsuits. It is a waste of funds retraining inspectors every year.
3. Normal maintenance of vegetation as now performed is better managed by Public Works, trained in vegetation management, than by the Fire Department, which is trained in suppression, not vegetation management. Maintenance was and is a responsibility of Public Works.
4. Any reincarnation of the WPD should target management of public lands with an appropriate EIR to permit use of best practices including limited pesticides. We are not going to make a difference unless we deal with the hazardous brush and trees that threaten us, with the tools we need. This makes more sense for funding by taxed homeowners. As part of this, the WPAD needs some level of authority.
5. The contracting process needs to be streamlined. It is tedious and onerous, making it difficult to recruit the appropriately skilled workers. Each area of our WPD has different needs and each slope and each year is different. We need flexibility and targeted seasonal strategies that can vary quickly with the changing climate and needs.
6. Any reincarnation of the WPAD should not include the area where it is particularly lacking in voter support.



## MY HISTORY OF OAKLAND'S WILDFIRE PREVENTION BENEFICIAL DISTRICT

Since the creation of the current Wildfire Prevention District (WPAD), I have attended at least 95% of its meetings either as a commissioner or an interested observer. I hope my observations of the WPAD's creation and operation will be beneficial as I am certain that as the WPAD sunsets the City of Oakland will have to continue dealing with the disaster potential for our Wild Fire Urban Interface.

### Why was the WPAD created?

The City of Oakland would have and continues to this day to be responsible for maintaining City open space properties as required by the State of California and City of Oakland's Fire Code. The creation of the WPAD did not change that legal and fiduciary obligation. Funding to meet this obligation would be required to come out of the City's general fund whether there was a WPAD or not. After the current WPAD sunsets the City will have to appropriate funds to continue fire prevention vegetation management.

Ask yourself, why would hundreds of concerned citizens donate thousands of dollars to create a ballot measure that brought the WPAD into existence then spend hundreds of hours on the phone seeking support for the WPAD, when on the surface it would seem redundant to the City's existing budgetary obligations? My reasons for supporting the creation of the WPAD follow. First, when the City's budget was tight, and it was highly competitive to secure appropriations for vegetation management, we would have a secure source of funding in bad times for the removal of fire prone and dangerous vegetation on City Properties. But, we wanted more, that is why we supported the creation of WPAD.

Our goals included managing our vegetation removal contracts into an efficient, effective and environmentally correct operation. We also wanted to educate the public, teach city employees and our contractors on best practices for fire safe vegetation management. We further wanted to incentivize removal of dangerous vegetation on non-city properties, private and public. We wanted to facilitate better fire inspections of all properties in the WPAD boundaries.

The advisory commission was to provide financial and operational oversight. It was a public forum where the public could come to tell us how to do a better job of vegetation management. We wanted to do a better, more competent job of vegetation management in fire prone areas. And so, the Wild Fire Prevention District came into existence. We expected the funding source for the current WPAD to primarily be fees assessed to each property owner, public or private, located within the District. Occasionally grant funds were to be used to supplement these moneys. Also, hard cash did not flow from East Bay Regional Park. The fees they would have paid and much more, they spent directly on Wild Fire Prevention projects. Other large public property owners in the WPAD boundaries did not have similar programs, so they had to pay fees. Annual WPAD budget came into existence.

The failure to renew the District, came about I believe, because the public confused fire suppression with fire prevention. It did not help when the Fire Chief promised at a public meeting, with the Mayor and several Councilmembers present; she would post online the WPAD financial audits. Of course, she did not follow through with her promise. At this meeting, the public brought to our attention, that the Fire Department was not collecting WPAD fees from public property owners, like the School District.

### The WPAD Budget

First, the WPAD commission would prepare a budget to be submitted to the City Council for actual appropriation of the funds. The budget submitted by the WPAD was usually built after looking at the previous year's budget and allocations. We later learned that Fire Department management practices often hindered how monies were spent.

Most of the funds were spent on actual vegetation removal contracts. Most of these contracts were smaller than \$20,000. The big ticket items included the bi-annual goat grazing contracts, (over \$100,000.00) and setting aside a \$500,000 match for a FEMA grant. A small sum was spent to borrow money for operation of the WPAD until moneys were collected by the County from Property Owners. Administrative costs included paying for one employee (2 different positions), for good part of the time the WPAD was in existence. Administrative costs also included paying for annual financial audits and one performance audit. The County of Alameda took a cut for transferring funds from property owners in the district to the WPAD.

During high fire risk days, monies were transferred to the City of Oakland to cover salaries for personnel doing extra fire patrols. Monies were also spent to cover the cost of mailing fire inspection notices to property owners. The WPAD covered the cost of data input and collection of inspection results. Monies were used to incentivize private property owners to reduce fuel loads by providing free chipping services. Sometimes monies were allocated to match grant funds from outside entities, like Diablo Fire Save Council. Public and private properties benefitted. No money was ever allocated by the WPAD to actually inspect properties within the District.

I was disappointed with the money spent on outside Financial Audits. The contract for these audits was let by another city department other than the Fire Department. I still do not understand why an annual audit which covered a couple of hundred transactions, most of these transactions were less than \$10,000, could annually cost the district about \$20,000. None of these audits caught the fact that no one was collecting fees from public property owners within the district. I think we overpaid.

### ROUGH SPOTS

Along the way, we had problems with the WPAD employee positions. The first employee slot was supposed to further our educational goals. The last person to fill that position did a good job of properly noticing the meetings and preparing the minutes. However, WPAD's

educational programs were not pursued. This was very problematic for many of the strongest WPAD advocates. I had asked for the proper city personnel description for this position, but was not allowed to see it by the Fire Chief. I had hoped a review of the job description would offer an opportunity for better employee supervision and growth. Instead, the only choice given to us by the Fire Chief was new employee category which would be created once we eliminated the current position. When filling this new position took over two years more problems arose. Again, I was never successful in reviewing the official City Personnel employment description for the new position, either.

My biggest beef was, despite the fact the City Attorney told the WPAD they could hire an interim contractor to take minutes and properly post meetings, the Fire Chief refused to let this happen. This caused the WPAD meetings and commissioners to be in conflict with the Brown Act and the City's Sunshine Ordinance. Commissioners could have had to pay substantial fines under the Brown Act because meetings were not properly noticed Under the Brown Act. City employees were not exposed to fines if meetings were not correctly noticed.

Administrative support from the various Fire Chiefs during the life of the WPAD went from warm and hopeful to downright hostile with the current Fire Chief. In addition to the position situation described above, shortly after the arrival of our current Fire Chief, the WPAD found itself unable to let contracts for properly allocated projects. At one meeting, we were told contracts were not let because they were not sure of how much money was available in the account. My memory is these contracts were for less than \$20,000 and we had over a million dollars available to spend.

My most difficult meeting, was the one where the WPAD approved a contract for a Broom Removal and Pilot Program stopping the regrowth of broom, I think it was about \$20,000. The Fire Chief flat out refused to let out the contract. Since those proposing the project were among the most ardent of WPAD supporters, I was thoroughly embarrassed.

#### Contractor Problems

We also had contractor problems. We had hoped to create a large list of qualified contractors. The contractors were to be trained to respect and protect endangered species of clarkia and manzanita. Supervision of these contractors was not always done to make sure the best vegetation removal practices were used. Slowly, the available numbers of contractors dwindled probably because they were paid months late.

#### Inspection Problems

Inspections of private and public property continue to be a big problem. The fire department will tell us how many private properties are in compliance. The Fire Department will not tell us the level of compliance for City owned property. Lastly, we do not know if the City has in place protocols for collecting fines for code violations. I know there was a time when no one collected these fines.

When Chief Reed first learned, the WPAD had allocated funds for a performance audit of inspections at one of the WPAD meetings, she became visibly upset. She told the WPAD commission they had no right to do the performance audit, since WPAD money was not used to pay salaries for the inspectors. WPAD money was used to pay to mail out inspection notices and for data entry of inspection results.

Keep in mind; fire inspectors do a public safety function, like the police. If need be, to access a property they can get search warrant from a Judge. Somehow, I think our inspectors probably do not know how to do this. Probable cause is probably a mystery.

### The Road Ahead

Lofty ideas are not enough to further the goals sought by the creation of the current WPAD. It is certain, the fire danger that existed 25 years ago, will still be our constant companion. The completion of a comprehensive vegetation management plan is essential. The plan will take into consideration the type of vegetation, the geological conditions and geographical location. In the years ahead, wild fire prevention, and fire inspections could be done by another City Department, or another District, or a Regional Consortium. Until the vegetation management plan is done, there is no appetite for supporting one of these solutions. In the meantime, the City will continue paying for vegetation management on City Property. The City still will continue to have Fire Prevention Inspectors for both public and private property.

Respectfully submitted,  
Dinah Fischbach-Benson

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member**

**February 25, 2017**

**Things That Went Well**

- **Goat grazing** – perhaps best bang for the buck, helping to reduce volume of vegetation in cost effective manner.
- **Chipping program** – program supported private property owner work on their property, which is important because fire does not know any boundaries.
- **Roadside clearance program** – provided important protection not only for fire response and evacuation but also for medical emergencies. Many of the roads in the hills—particularly in Montclair—are very narrow.

**Things With Mixed Level of Performance**

- **Educational efforts** – Efforts of Board were helpful. Staff work by paid coordinator were marginal, and outreach efforts failed to communicate effectively about what the WPAD was accomplishing. As a result, there was confusion about what the WPAD did and insufficient public confidence in the work of the WPAD that resulted in it not being renewed in 2013
- **Vegetation management projects by contractors and administration** – Contracted work was generally effective, but the one-time cuts frequently did not ensure year-round compliance. Some projects occurred late in the season, with certain areas regularly not getting one-time cuts until middle of high fire season. There also appeared to be some real gaps in developing and carrying out vegetation management projects in interior areas of parks and open space areas, leaving the hills vulnerable for major fires. There were times when the contracting process was impacted by a lack of staffing. turnover and failure to train new staff regarding responsibilities and best practices—especially in the 2012-13 Fire Season. Up until recently, there did not seem to be a record of requirements such as those concerning protected species so that when there was turnover, previous mistakes reoccurred.

**Things That Did Not Go Well**

- **Management of Major Vegetation Management Projects** – Projects such as the FEMA grant, the Skyline Boulevard tree removal project, and the Chabot Observatory projects were poorly managed and delayed, or in some cases funding lost, significantly impacting efforts to reduce important fire risks in the WPAD. As a result, most of WPAD funds went to annual maintenance projects, rather than efforts that would have a more long-term impact.
- **Record Keeping and Retention and Accuracy of Reporting of inspections and Compliance** – Records from 2005 through May 2010 are missing completely from City

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member February 25, 2017**

official records. This not only eliminates any historical record of WPAD proceedings, but is, in fact, a violation of the City's own Sunshine Ordinance.

- **Support of Fire Prevention staffing and staff** – Many problems associated with the WPAD's operation, implementation and effectiveness over many years are related to the inadequate level of support provided by the Fire Chief and OFD Administration for Fire Prevention staff. The problems have been aggravated by the discrepancy in salary between Fire Prevention Inspectors and Commercial Fire Inspectors within the Fire Prevention staff. This has led to regular inspectors leaving for better pay or being overworked when fewer staff were available to carry out the workload. In some cases it appeared new staff was not properly trained regarding the duties they would need to perform. Staffing levels and experience appeared to change frequently and is still problematic.
- **Inconsistent Enforcement of the Fire Code:** The 95% to 99% compliance rate of private property owners reported regularly by Fire Department staff to the Advisory Board was a gross exaggeration of actual compliance with the Fire Code, despite WPAD members repeatedly documenting noncompliant properties within their neighborhoods. In fact, I was advised by a former Fire Marshal that if the Department enforced the Fire Code to the letter of the law, 2/3 of the parcels in the WPAD would be in noncompliance. The use of firefighters to conduct required inspections resulted in firefighters frequently failing to perform required inspections, or to fully inspect the entire parcel and to address deficiencies. There also appeared to fabrication of inspection results when inspections had not been completed as required. The inspection process was also undercut by the frequent turnover in part-time and full-time, causing backlogs as well as inconsistent inspections.
- **Maintenance of and Implementing Plans for Replacing Vegetation in Aging and Fire-Prone Forests**—Developers planted 2 million trees in the early 1900's. Most of these trees are fire prone and now beyond their natural life span. The WPAD's programs never addressed this issue. Furthermore, in 2008 the City cut back on its Public Works' staffing for open space maintenance and reduced tree crews substantially to the point that the one remaining crew only does emergency tree removals. The WPAD Board has relied greatly on Fire Department and Public Works Agency staff to plan for vegetation management projects in the WPAD. Neither the WPAD nor City staff have developed or implemented an adequate plan to substantially reduce fire risks in Oakland's large and aging urban forests that are high hazard zones, nor to address the rapidly spreading fire-prone invasives on city-owned open space. The proposed Vegetation Management Plan now underway will hopefully rectify this lack, but we are already 14 years too late.
- **Other City Departments Lack of Support of the Goals of the WPAD**--The City has neglected to ensure proper staffing in its Tree Services Division in the Public Works

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member** **February 25, 2017**

Agency, and there has been little coordination and communication between the Fire Department and Public Works Agency staff about plans, programs, and staffing to properly maintain our aging forests and work on establishing a less fire-prone landscape on public and private properties in the Oakland hills. There has been a long standing need not only for a plan for major fire prevention projects to remove fire-prone and aging trees in the Oakland hills, but to plan and work on implementing programs to help transform the parks, open space areas, and our urban forests to a much more diverse and fire-resistant landscape. The Oakland hills have too many trees and too many fire-prone trees and shrubs located in close proximity to homes and structures.

- **Ineffective Partnerships**--The City did not partner effectively with other public and private partners that might have helped in providing funding or resources, such as staffing or plant materials, to create more appropriate fire breaks and open space areas with far less fire-prone vegetation. The WPAD and City for many years did not particularly partner effectively with local tree groups that might have been potential partners to help in efforts to develop either an urban forest management plan or to plant or maintain trees in our urban forests. There have been very limited efforts to secure outside grant funding and partners in planning and planting. We have UC Berkeley's School of Natural Resources with its experts on forestry and wildfire that were rarely tapped for their expertise or as partners on projects.
- **Inadequate Public Education and Outreach** The minimal education program of the WPAD has also not adequately involved and educated WPAD residents on what the WPAD has done, is doing and what help or action is needed from all parcel owners to help in reducing fire risks.
- **Missed Opportunities to Harness Volunteer Power** —For the first 10 years of the WPAD, I would regularly speak about the many opportunities to use volunteer groups from UC Berkeley and local corporations to assist with broom pulling and other fuel load reduction efforts that did not have to necessarily be farmed out to a contractor. It wasn't until 2015 that the WPAD actually hosted a volunteer broom pulling effort on Skyline Blvd. between Keller and Grass Valley. Subsequent efforts were thwarted when the Fire Chief prohibited fire inspectors from working overtime or flex-time on the weekend, when volunteers are typically available. My most recent experience working with 116 volunteers from a Hayward Church as part of the in-kind match for a WPAD grant resulted in filling a 30 cubic yard dumpster with 40 cubic yards of broom—saving the WPAD thousands of dollars. Additionally, there are a number of Adopt-A-Park groups that regularly work in the City's open spaces. The WPAD should have worked more closely with these groups who are invested in keeping these city spaces healthy and fire safe.

**Comments from Gordon Piper, Chair Oakland Landscape Committee and former  
WPAD Advisory Board Member**

**February 25, 2017**

- **Flawed Management Approach in Implementation of WPAD and City Vegetation Management Programs** — It is clear in hindsight that the City administration's and the WPAD's approach in selecting just the Fire Department to manage most vegetation management efforts in City parks and open space areas east of Highway 13 was a major mistake. The City leaders undercut the ability of the WPAD to achieve its goals and mission by shifting all of the management responsibilities to the Fire Department in 2004, and then in 2008, cutting back significantly on Public Works Agency involvement with park and open space management and needed tree planting, care and removals. Experience has shown that the Fire Prevention staff's expertise is not in project management or contracting, causing delays and inefficiencies over the past 14 years.

**Recommendations:**

- We need a new and improved management process and plans/programs/funding and staffing that gets more City departments involved, such as Fire/Public Works/Planning/City administrator's Office, and partners much more effectively with private sector organizations and leaders in implementing needed programs for vegetation management. We could work more effectively with private and volunteer partners in helping to plant and develop a more fire-resistant landscape on public and private properties in the Oakland hills and WPAD.
- The City should consider a City Vegetation Management and Urban Forestry and Landscaping Agency or a much different approach for effectively managing our vegetation on public/private properties in the WPAD. This agency should have a clear plan, capable and experienced staff, and significant resources allocated to help in converting our fire-prone and rapidly aging vegetation on public and private properties to a much more fire-resistant landscape with goals established for time periods longer than one year—5, 10 or 15 years would be appropriate.
- We need to find ways for the City and its vegetation management program to help parcel owners on private properties remove fire-prone trees and vegetation and not to focus so narrowly on just City of Oakland properties and their maintenance. If the private properties aren't improved based on inspections and actions either of parcel owners or a public-private partnership, then the work focusing on just City properties may be for naught when the major fire comes.
- The WPAD, Fire Department, and City administration also needed to do much more in relation to public education to counter and overcome some of the resistance to tree removals and substantial need for fuel reduction and vegetation in much of the Oakland hills.
- We need to incorporate volunteer activities into the City's vegetation management efforts in our parks and open spaces. We have hundreds of volunteers who are eager to help but need leadership from the City.



BOOKER

1. For FY 2011-13, the OFD spent approximately 1 million dollars on vegetation management contracts, whereas it has averaged \$200,000 the last two years. Funds were allocated by the WPAD Board in 2013 to hire a Program Analyst to assist in contracting vegetation management projects. Two years later and no Program Analyst has been hired.
2. Funds were allocated by the WPAD Board in 2013 to hire a Botanist or Ecologist to provide best management practices in areas with species of concern. Two years later there has been no movement. The Board removed funding for this contract for FY 2015-16, and rolled it into funds being provided for a District Wide Vegetation Management Plan.
3. \$190,000 in funds were allocated in FY 2013-14, by the WPAD Board for public outreach prior to the renewal of the Wildfire District. These funds were not spent.
4. No management or oversight of IT staff and the WPAD website. For almost a year contact information not updated resulting in over a thousand emails and phone calls not responded to. This occurred during the months leading up to the vote on WPAD renewal. The renewal lost by 66 votes.
5. During the period of December 2011 through May 2014, there were 25 meetings. For 8 of those meetings no agenda was ever filed with the City Clerk and for 15 meetings no approved minutes were filed. OFD staff was supposedly responsible for providing this information to the City Clerk. In May of 2014, the WPAD Board took over the responsibility for filing Agendas and Minutes with the City Clerk.
6. Within a week of being told that Supervisor Crudele was applying for a position in Contra Costa County, the Chief <sup>deliberately</sup> ~~informs~~ <sup>told and not</sup> Inspector Crudele not to rehire <sup>for full-time</sup> ~~temporary~~ Inspector Mark Grissom a friend of Inspector Crudele. Inspector Grissom had an exemplary work record and is one of the few Inspectors that lives in the District who was not looking for work elsewhere. He knows the Wildfire District and understands the importance of prevention having previously worked with the Forest Service fire crews. He was the only Vegetation Management Inspector who volunteered his time on weekend vegetation management projects that benefited the fire safety of our community. Inspector Grissom was also the only Inspector who came to WPAD Board meetings on his own time and has volunteered on the Ad Hoc Planning Group. People with his dedication need to be fostered.
7. In a meeting between myself, Chief Reed, Assistant City Administrator Claudia Cappio, and wildland resource consultant Carol Rice, there was a discussion regarding the CEQA process for FEMA and the proposed District Wide Vegetation Management Plan. The Chief, contrary to the WPAD Board's intent suggested that CEQA be done for both projects simultaneously. Both I and Ms. Rice concurred with Ms. Cappio who felt that the FEMA project needed to move forward now as it would take time to develop a District Wide Plan. I thought that at the end of the meeting there was general agreement that we would proceed with CEQA for the FEMA project as soon as possible. One week later, the Chief

slow hiring

WPAD Board  
and voted for  
ecologist - no  
hire

City

Admin

City

Admin

Bias

Attitude  
Prevention  
Qualified candidate  
hiring process

Wildland  
resource  
consultant

at a public event approaches one of the Vegetation Management Plan Ad Hoc Committee Members (not a WPAD Board member) and suggests that CEQA for FEMA and the District Wide Plan be done together.

8. At the meeting with Ms Cappio, Chief Reed mentions that OFD owes Ms. Rice \$150,000 for work done without contract on the FEMA project. This is work awarded under the Pre-Award Environmental Planning portion of the grant previously submitted to CAL OES. However, a review of this spreadsheet reveals that \$70,500 of that award is for City Services rather than the entire award being for contract work.
9. It is my understanding that the Hills Conservation Network (HCN) who is suing the City and whose leadership advocated a NO vote on the WPAD renewal, is saying that they are negotiating with Chief Reed regarding the FEMA Vegetation Management Project. It is my understanding that the Biological Opinion that came out of the EIS is the driving document regarding how the City approaches vegetation management in the areas for which Oakland requested funding. The City still has to complete an EIR/CEQA for the project and should proceed forthwith without negotiating with HCN.
10. It has been my experience these past two years that Wildfire Prevention is not a focus of OFD. Multiple plans of action funded by the WPAD have been ignored. After a couple months on the Board I thought that the WPAD Board was the most dysfunctional entity I had experienced in my entire working life. There has been some improvement this past year but that has primarily been due to the WPAD Board taking the initiative and doing things themselves. I believe the dysfunction is due to the OFD's lack of staffing for fire prevention and unless there is some improvement it's hard to see another assessment District passing muster with Wildfire District residents, a considerable loss of revenue to the City.

OFD  
focus



Nelson Max

(What I forgot to say:)

What worked:

I appreciate the information I got from the Fire Department about keeping the vegetation around my own house fire-safe. I learned useful information, for example, about fire ladders near the eaves of my roof.

Hi Steve: I live on Holyrood Drive and was unable to attend the meeting this morning. I'd love it if there was more advance notice - if there was this time I missed it. My wife and I are very much in favor of a new district and thought the old one worked well. We own two lots and have made much effort to plant comparatively non-inflammable native plants. We found the Fire Department mostly receptive to our planting vegetation that while technically violating fire prevention rules was clearly important to prevent soil erosion. I think that would be my main contribution to any new plans - that Fire Department personnel also be aware of the advantages of vegetation necessary to control erosion and maintain native plant habitat. However, I do understand there is a fine balance and that ultimately fire prevention is the most important goal in an urban environment.

Thanks,

Paul Cheney

from Berkeley  
1st speaker

## Water- Lovers Everywhere!

**Lake Anza** is located in Berkeley's Tilden Park and is part of the East Bay Regional Parks District (EBRPD). Occurrences in and near the lake in recent years might serve as a **warning against future herbicide use near bodies of water**. (Under California law, herbicides are considered pesticides). **Herbicides have been used in East Bay Parks for well over a decade, including just up the hill from Lake Anza. These poisons carry with them the potential for run-off into the popular lake, and cannot be ruled out as a cause of the toxic blue-green algae infestation that forced its early closure the last 2 summers.**

**Toxic blooms produce highly toxic 'microcystins.'** A nation-wide EPA survey in 2007 found 'microcystins' in 1 out of every 3 lakes tested. **The EPA estimates that between 30 and 48 million people in the U. S. are drinking water from lakes and reservoirs vulnerable to toxic bloom. Ingestion is known to kill children and dogs, both of whom sometimes swallow water from recreational sources. Residents of the city of Berkeley drink from reservoirs close to the infected lake. Wildlife drinks from the lake itself.**

**BMAA (B-methylamino L-alanine) is another product of toxic bloom algae. Significantly, this neuro-toxin has the ability to cross the human blood-brain-barrier, with great potential for harm. Exposure can lead to kidney, liver and motor neuron dysfunction - and even death. BMAA has been found in drinking water reservoirs globally from Lake Erie to Idaho, California to Australia, the UK and beyond.**

**Toxic bloom infestation is typically a result of too much phosphorous and nitrogen. The major source of this nutrient overload is agricultural run-off from synthetic fertilizers and pesticides. The toxins move up the food chain at successively higher levels. For example, sea otter deaths in Monterey Bay have been attributed to the fact that the otters eat shellfish contaminated with 'microcystins' found in run-off from inland lakes. Climate change might also be a factor...**

**Fundamental to pesticide and herbicide use is the need for ever-increasing doses. These poisons create 'super weeds' that to date have destroyed over 20 million acres of U.S. farmland. Sometimes the old chemicals don't work on the chemical-resistant new growth of unwanted plants. To counter, the EPA approved Enlist Duo, but quickly rescinded its decision because of the synergistic toxicity of its main ingredients. The solution may lie in SUSTAINABLE AGRICULTURE, which precludes the use of environmental poisons.**

**Invasive, 'super weeds' have sprouted around the bases of cut Tilden eucalyptus trees, a result of herbicide paint application. The Claremont Canyon (post 29) has subsequently been sprayed with herbicides, which supposedly was never to be done, and this practice threatens to impact vegetation, soil, wildlife and water.**

**Even Monsanto seems to be getting out of the pesticide game, perhaps in response to the W.H.O.'s recent indictment of glyphosate, found in its popular product Roundup, as a probable "human carcinogen."** Monsanto recently sold out to Bayer.

**Heroine Rachael Carson warned us: "pollution of groundwater anywhere is pollution of groundwater everywhere." Please have the courage to ban herbicides/pesticides for official use in our county, a move under consideration today in Marin County. The Marin Carbon Project has adopted sustainable agriculture; so have others. Can't we follow their lead? Or is poisoned water really the legacy we want to leave our children and grandchildren?**

Thank you for your consideration to this matter.

→



<http://bit.ly/1YtoFOI> closed  
early the last 2 summers due  
to toxic algae bloom

1. Devastation to our lakes and watersheds by **toxic algae bloom**, typically a result of **chemical run-off** from synthetic **fertilizers** and **pesticides** that can leech into the soil and water <http://bit.ly/1fEzxU6> 1. A product of the bloom, neuro-toxic BMAA, can increasingly be found in drinking water reservoirs globally. BMAA has the ability to cross the blood-brain barrier, leading to motor neuron dysfunction. The bacteria can result in kidney and liver damage – and death <http://bit.ly/2dU135G>
2. **Herbicide/pesticides kill the soil. Dead soil invites resistant pathogens, like Sudden Oak Death.** <http://npic.orst.edu/envir/soil.html> Dead soil inhibits water penetration, resulting in **erosion, mudslides and groundwater contamination.** <http://bit.ly/28Xbcu3>



**Question:** Do *pesticides* have the same detrimental effects on *phosphorus* and *nitrogen* levels in water as do *fertilizers*? This question was asked in reference to an effort to understand what happened to Lake Anza late last summer to cause its closure due to toxic bloom algae overgrowth. <http://1.usa.gov/1PnghGT>

#1. Phosphorus levels in water are affected by *organophosphates* (*pesticides* - sentence 4 below).

"Low phosphate levels are an important limit to growth in some aquatic systems. The vast majority of phosphorus compounds produced are consumed as fertilisers. Phosphate is needed to replace the phosphorus that plants remove from the soil, and its annual demand is rising nearly twice as fast as the growth of the human population.<sup>[6]</sup> Other applications include the role of organophosphorus compounds ~~in detergents~~, pesticides, and nerve agents.<sup>[7]</sup> At 0.099%, phosphorus is the most abundant nitrogen in the Earth's crust."

<https://en.wikipedia.org/wiki/Phosphorus>

#2. *Glyphosate* (found in *Roundup*) is an *organophosphate*.

"In pure chemical terms *glyphosate* is an *organophosphate* in that it contains carbon and phosphorous."

<http://www.pan-uk.org/pestnews/Actives/glyphosa.htm>

A breakdown product of *Garlon* (*Triclopyr*) is *trichloropyridinol* (*TCPy*), an *organophosphate*.

"*Triclopyr* breaks down in soil with a half-life of between 30 and 90 days. One of the byproducts of breakdown, trichloropyridinol (*TCPy*) remains in the soil for up to a year. *Triclopyr* degrades rapidly in water. It remains active in decaying vegetation for about 3 months."

(click on *trichloropyridinol*, an *organophosphate*, above.

*TCPy*, or *3,5,6-trichloro-2-pyridinol*, is also a metabolite of organophosphate chlorpyrifos (*Dursban*), banned by the EPA for domestic use.\* A study in Massachusetts reported a correlation between exposure to *TCPy* and lower *testosterone* levels in men.<sup>[1]</sup> According to this source, exposure is "widespread" and of "potential public health importance".

\*You'll earn a place in heaven if you can get the EPA to ban it for farm use also, to protect farmworkers and their children.

# Nutrient Deficiencies

For optimal crop yield, producers need to recognize the symptoms of nutrient deficiency, the lack of plant available nutrients or nutrient toxicity, excess nutrient uptake. Crops are affected by immediate factors such as weather conditions or injury, excess fertilizer, pesticide drift or insect infestations which may appear to be nutrient deficiencies. It is critical to perform regular soil testing to determine nutrient levels and monitor changes in soil nutrient status. With historic soils data and information on current growing season conditions, producers, extension agents and crop advisers can more accurately assess what is affecting the crop. This page provides information and photos of the more common nutrient deficiencies that Montanan producers may experience.

SEARCH Clain's websites

## General Information

- **Plant Nutrient Functions and Deficiency and Toxicity Symptoms** - Nutrient Management Module No. 9 (pdf)
- **Nutri-Facts** are fact sheets written by scientific staff of the International Plant Nutrition Institute (IPNI) that focus on essential plant nutrients and their use. They discuss limiting conditions, and deficiency and toxicity symptoms.

## Photos of Specific Nutrients

- Nitrogen Deficiency
- Phosphorus Deficiency





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File No. 062874

November 22, 2016

**VIA U.S. MAIL AND E-MAIL**

Mr. Robert Sieben  
6 Starview Drive  
Oakland, CA 94618

**Re: Revegetation of Hillside Following Tree Removal**

Dear Mr. Sieben:

I write on behalf of Bentley School, which is located at 1 Hiller Drive. It appears that you recently received a grant through the Diablo Firesafe Council to remove trees on the hillside opposite the Firestorm Garden and across the street from the Bentley School. While the removal of trees may have eliminated a potential fire hazard, the hillside area is now virtually denuded. By leaving this area in a denuded state, the work has created the potential for new hazards, including the potential for soil erosion and landslides. The hillside is also very unsightly. Accordingly, Bentley School is asking that you revegetate this area as soon as possible.

We understand that funding for this work came through the Diablo Firesafe Council. Participants in that program must comply with the Council's Best Management Practices Guidebook for Hazardous Fuel Treatments.<sup>1</sup> As you may be aware, these practices recognize that fire protection needs must be balanced with the protection of, among other things, soil resources (i.e., soil erosion), habitat, and aesthetic values. (BMP Guidebook, p. 135.) In that regard, these practices discourage the exposure of bare earth and instead direct property owners to revegetate any such areas with native plants in a "firewise" planting scheme. (*Id.* at pp. 49-60, 136.) For example, one policy states that "[b]are earth will not be exposed in over 50% of the site and no one bare patch will be larger than 15 square feet." (*Id.* at p. 136.)

The bare hillside also potentially creates nuisance conditions. The City of Oakland considers conditions that substantially detract from the aesthetic and economic values of neighboring properties or create dangerous conditions to be nuisances. (Oakland Municipal Code, §§ 8.24.020 (D)(4), (E)(1).) Dangerous conditions include erosion, subsidence, and

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<sup>1</sup> Although title of this document indicates that it is for Contra Costa County, the Alameda County appendix states that the information found in the Best Management Practices Guidebook for Hazardous Fuel Treatments in Contra Costa County serves as the relevant guide in Alameda County as well. The complete Best Management Practices Guidebook is available online at: <http://www.diablofiresafe.org/publications.html#BMP>.

November 22, 2016

Page 2

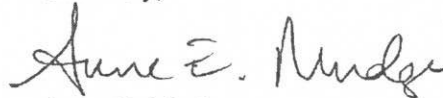
unstable soil conditions. (*Id.* § 8.24.020 (E)(1).) The removal of trees without the planting of new trees detracts from the aesthetic value of the Hiller Highlands neighborhood and creates conditions ripe for soil erosion and subsidence. Failure to abate a nuisance can result in abatement action by the City, including an assessment of fees, charges, penalties, and interest. (*Id.* § 8.24.060(B).)

Bentley School requests that you revegetate your property with native trees and other plants as soon as possible. The planting of trees, which are considerably more effective at reducing landslide hazards as compared to other types of vegetation, are particularly important given the steep slopes of the property. The Best Management Practices Guidebook encourages this re-planting to occur during the wet season. (BMP Guidebook, p. 136.)

Bentley School would be interested in exploring a potential partnership with you to achieve these mutually beneficial goals, and in particular views this as a potential educational opportunity for its students. If, for instance, you would be willing to purchase native trees and other vegetation, our students could participate in planting efforts, at least along the less steep portions of the property.

Bentley School looks forward to further discussions regarding the prompt revegetation of this hillside. In the meantime, please do not hesitate to contact me at (415) 262-5107.

Sincerely,



Anne E. Mudge

cc: Heather Klein, Planning Department  
Chris Patillo, Planning Commissioner  
Dan Kalb, City Council  
Linda Harris, Neighborhood Committee  
Dan Grassetti, Hills Conservation Network

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Hiller Drive at Tunnel Road, February 2017



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**Susaan O., Forestland Heights**

I plan to attend near the end of the meeting but want to to know I am pretty passionate about proper inspections and fines. I lived on Sherwick Drive above Old Tunnel Road in the late 60's until 1971. In 1970, a small fire below Grizzly Peak broke out. It was not put out properly and we returned from dinner out to find the babysitter and kids evacuated to the Claremont Hotel. Fire departments did not know how to fight fires in the forest/urban interface. Hoses from one city did not fit hydrants in neighboring city. We learned about defensible spaces and really practiced it. We moved to Manzanita Drive in 1971. Although the fire departments of Oakland and Berkeley and probably EBRP got serious for awhile about weed abatement inspections and property fines, we need a fire chief who is effective. We lost former neighbors in the big fire.

**Ken Thames, former WPAD member**

Recommendation:

Develop program to include schools, youth groups and young adults in fire safety education. The WPAD focus on homeowners is great, but would definitely benefit with more youth involvement. Perhaps having a high school or college student with an interest in fire safety as an appointed or non-voting member.

WPAD hearing 2.25.17

## WHAT WORKED AND DIDN'T

**In the early years** Ken Benson got us off to a good start. Camille Rodgers (chief inspector) and Leroy Griffin (Fire Marshall) were on board and did very well. There was an inspector for each of the five districts and Leroy did massive work on the vegetation management plan (2007) and the FEMA grant. Fire Chiefs seemed to come and go, so much so that I can't remember their names.

We had meetings with guest speakers which were quite helpful.

Having a guaranteed budget allowed for planning of wildfire protection, whereas this was at first impossible because one didn't know the budget until July 1<sup>st</sup>.

We drew up our goals and a mission statement.

The glaring failure was in our goal of educating (informing) our homeowners.

We tried to get the extreme limits on the limited use of herbicides eased to permit better control of vegetation management.

City Council balked at this. And we got nowhere.

We addressed the issues of protecting endangered species,

which a few speakers at our meetings spent a great deal of time complaining about.

We were given a full time staff person who was competent

but she tended to dictate to the committee.

We had no say in who was appointed to this position

**In the middle years** we spent a great deal of time at our meetings reviewing the inspections and there were many complaints. Gradually, they were moved forward on the calendar to facilitate enforcement in time for earlier implementation, before the highest hazard season.

We spent a great amount of time on evaluating the inspections.

We were forced to accept the arbitrary national wildfire prevention standards, which lacked consideration of the special circumstances in our wildland urban intermix, particularly the ten foot rule. Chief Williams was helpful in interpreting this as appropriate to individual circumstances.

Leroy developed what was eventually to be a fatal illness and Inspector Rodgers retired.

## **The disastrous later years.**

The city council drastically reduced staff in the Fire Prevention Bureau, and Deputy Chief Williams left for another Fire District when he was denied the position of Fire Chief.

The position was not filled for a year. During that time there was an interim "deputy chief" who had no experience with vegetation management, who I had to couch. We fell behind on authorizations for some areas and on timely vegetation management.

The number of fire inspectors was reduced and placed on half year status. They left for full time positions elsewhere, understandably.

All this was before Chief Reed was appointed, and not her fault. Early on she recruited Vince Crudele as manager of vegetation management and fire inspections. His experience in code enforcement was particularly helpful.

I was unfortunately the frustrated chair during these years. We expressed our dissatisfaction with the staff person supplied us. Her position was eliminated and a new position was authorized but never filled. Records were lost or sabotaged, approved minutes not properly published and kept, and

committee members had to be recruited to take minutes and more. Two key board members resigned in protest, and I could not make up for the loss of their expertise.

Funds for vegetation management and a new staff position were budgeted but never put to use, contributing to the defeat of a proposal to extend the Wildfire Prevention Assessment another ten years by only 66 votes.

The advisory committee unanimously approved the booklet I developed to inform homeowners what they could do to prevent losing their homes to wildfire, to distribute a copy of each of the 24,000 residents in our high fire hazard community for about \$24,000 plus the cost of using a mass mailing label on the cover, but the Chief vetoed this for five reasons.

Some key positions were finally filled, but much needed actions were and are delayed.

Most significantly, the advice the Advisory Committee gives, is not taken. So why are we wasting our time?

#### RECOMMENDATIONS:

1. We need three year terms. The turnover is too rapid as committee members need time to learn the ropes. This also makes it easier for Council Members and the Mayor to keep up with appointments. The appointment process must be accelerated in some way.
2. We need full time fire inspectors, paid for by the City. It takes a long time for an inspector to learn the district. It is a year round job, not one that suddenly begins in July. They learn the property lines and who is traditionally out of compliance, whom they target, becoming more effective. Not only is wildfire prevention more cost effective than suppression, it is required by law and its absence exposes the City of Oakland to possible lawsuits. It is a waste of funds retraining inspectors every year.
3. Normal maintenance of vegetation as now performed is better managed by Public Works, trained in vegetation management, than by the Fire Department, which is trained in suppression, not vegetation management. Maintenance was and is a responsibility of Public Works.
4. Any reincarnation of the WPD should target management of public lands with an appropriate EIR to permit use of best practices including limited pesticides. We are not going to make a difference unless we deal with the hazardous brush and trees that threaten us, with the tools we need. This makes more sense for funding by taxed homeowners. As part of this, the WPAD needs some level of authority.
5. The contracting process needs to be streamlined. It is tedious and onerous, making it difficult to recruit the appropriately skilled workers. Each area of our WPD has different needs and each slope and each year is different. We need flexibility and targeted seasonal strategies that can vary quickly with the changing climate and needs.
6. Any reincarnation of the WPAD should not include the area where it is particularly lacking in voter support.

I awoke today nearly unable to get out of bed. I have had spinal stenosis recently diagnosed and today is the worst day by far. I'm afraid I won't be able to sit or stand in the Trudeau Center today for several hours.

Here is what I would have said, had I been able to come. Perhaps someone can read it for me....

Barry

*For the several here who don't know me, I served as co-chair of the campaign that successfully launched the WPAD. Later I served on the advisory committee in years 2 through 5 and again in year 8. I resigned at the end of year 8 without completing my two year term. More about why in a moment.*

*I submit herewith a copy of a letter I read before the WPAD after the renewal failure along with a copy of the public education and outreach plan that the advisory committee approved in 2012. Any new district MUST have a robust communications and education plan. We failed at that miserably. One of the best solutions for private property is having educated owners who manage their fuel load properly themselves.*

*The letter points out the sudden change on the part of senior OFD staff, who, in 2012 began using the words "well, the committee is only advisory". Once staff was not taking the committee's recommendations seriously there was almost no hope. Prior to 2013 we had not only staff who listened, tried hard and were responsive to the advisory committee but had the institutional memory of years of service in their jobs. Once those personnel were gone (I'm talking Leroy Griffin, Camille Rodgers, and James Williams) the sea change was noticeable. Staff was either temporary or resistant to the committee's advice. That's when I resigned. I wanted to spend my volunteer time in a place that my efforts would be effective.*

*I agree with the work the committee has been doing in shepherding the work on the vegetation management plan and subsequent EIR. We must be vigilant and see that this work is completed on schedule.*

*Finally, any new WPAD must be governed by a commission or committee that is more than advisory.*

**THE LETTER, READ BEFORE THE WPAD ADVISORY COMMITTEE**

Thursday, November 21, 2013

Mayor Jean Quan  
City Administrator Deanna Santana  
Fire Chief Theresa Deloach Reed

Dear Mayor Quan, Administrator Santana and Chief Reed,

*The renewal of the Wildfire Prevention District failed at the ballot box. I write to retrace the missteps that led to this failure.*

*In early 2012 the WPAD ad hoc budget committee met to prepare the draft 2012-13 budget for the WPAD. I was invited as a former advisory committee member to participate. Mindful of the upcoming (now two years ago) sunset of the district, and mindful of the absence of a concerted public education program (as mandated by the legislation establishing the district), I proposed increasing the public outreach and education budget from \$65,000 during the 2011-12 year to \$190,000 for the 2012-13 year. That budget was adopted. (Incidentally, of the \$65,000 budgeted for 2011-12, only \$23,000 was spent. That was for the required annual notice mailing.)*



*In 2012, I was reappointed to the WPAD advisory committee. At my first meeting in July, I was shocked to learn that staff had made NO plans to spend the money budgeted. I reiterated to staff the importance of a public education program for two reasons: 1) it was mandated by the district's enabling legislation and 2) a strong education program would increase public awareness of the district's activities and importance, essential to the upcoming renewal effort.*

*In October 2012, an ad hoc committee presented a comprehensive plan to spend the \$190,000 budgeted funds. It was well thought out, having been prepared by an ad hoc committee with extensive experience in corporate and marketing communications and was ready to implement. It was so well received by the steering committee that it passed with little discussion and with a unanimous vote. This program would have engaged a branding and communications vendor to craft messaging and communications (using direct mail) and another vendor to engage residents of the district in a new media/social media campaign.*

*Over the next several months I was assured every two or three weeks by the deputy fire chief that he was working on the RFP or RFQ with procurement staff in the city of Oakland. Members of the ad hoc committee volunteered to assist with the process, stressing its importance. We were rebuffed.*

*Shortly after the deputy chief resigned it became clear that nothing had been done. It seemed that he had been told by his superiors that he was NOT to do anything about this essential initiative. I was later told in person by Chief Reed (I paraphrase here, but not by much) : "just because the steering committee thinks a program is a good idea it doesn't mean that we have to do the work."*

*So here we had a well thought out program, volunteers willing to help identify and select a vendor, and volunteers willing to supervise the work needed to be done to implement a public education program funded by a parcel tax approved by property owners who understand the imminent and real danger wildfires. But staff ignored us. Nothing was done.*

*This 2012-13 fiscal year ended with \$190,000 budgeted and only \$39,000 spent. Of the \$39,000, the majority of the funds were spent for the annual notice. Approximately \$15,000 was spent on a fine video intended to broadcast the important role of the district and its benefits. This video was created due to the tireless efforts of one advisory committee member. It would not have been produced without him. Once produced, it was never distributed or promoted. Thus, in this fiscal year there was no outreach, no public education.*

*In the spring of 2012, discussions began about the sunset of the district in early 2014 and a possible renewal effort. Several long time volunteers, myself among them, urged the mayor and the fire chief to postpone renewal efforts until one year after the current district sunsets, to allow for a year or two of public education to residents of the WPAD (using the \$190,000 in budgeted funds) to increase awareness of the district's good works as well as offering education on homeowner preparedness. City staff decided to proceed with the immediate renewal anyway.*

*As a result, we were left with an underfunded campaign staffed by volunteers (some of whom devoted hundreds of hours to the effort.) It had to take the place of a communications program that was more than adequately funded but never undertaken by city staff designed to inform the electorate of the service the district provides as well as steps a property owner can take to mitigate wildfire danger.*

*We all know the result.*

*One final observation: for the 2013-14, the current fiscal year, \$190,000 of WPAD funds are again budgeted for public outreach and education. In the first two and a half months of this fiscal year, a grand total of \$131 was spent. It was spent for a plaque to honor an OFD retiree.*

*Subsequently, because of the efforts of a volunteer who designed and wrote them, there were postcard mailings in the fall of this year. Well intentioned, but an embarrassing too little, too late. There are no plans for any additional public education and outreach apparent in the minutes of the WPAD, beyond, of course, the annual notice. Yet there is foolish talk of another renewal campaign to create a new district with no plans to initiate, let alone continue a public education effort on behalf of the existing district.*



*The failure of this renewal election falls squarely at the feet of senior city staff. The mayor, city administrator and the fire chief. Volunteers – Oakland citizens on the WPAD – gave city staff the guidance and tools to fight this fight and win. It's not that you, those senior city staff, dropped the ball, You refused to pick it up in the first place.*

*Respectfully submitted,*

*Barry Pilger*

*WPAD advisory committee member 2005-9, 2012-13*

*Co-chair Keep Oakland Fire Safe 2003*

*Webmaster and steering committee member Keep Oakland Fire Safe 2013*

*1991 fire survivor*