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Wildfire mitigation efforts blunted by reluctant residents and public landowners

By Sora O'Doherty



Heavy brush and dense trees on undeveloped land pose a huge fire risk; MOFD ordinance 22-02 requires 100-foot fuel break at perimeter of undeveloped parcels. Photo Sora O'Doherty

Regional Park District, the East Bay Municipal Utility District, and the city of Orinda. According to MOFD Ordinance 22-02 which became effective on April 16 following the board's March 21 approval, undeveloped parcels of 10 acres or greater require that a fuel break of 100 feet be maintained around the entire perimeter of the parcel.

"We issue violations year after year," Winnacker said, and nothing is done. He stressed the importance of such work, saying, "If public lands are mitigated, the risk of fire in the populated areas is slim to none." Such work, he stated, dramatically reduces the probability of wildfire.

Orinda City Council Member Darlene Gee asked if the fire district has done any other strategizing about large public landowners. The chief responded that there has been endless talking to, and also citing of public landowners. "All of the talking and letters have not resulted in those parcels being brought into compliance," he added. In the past, citations were issued without fines, as a courtesy, but this year the citations have been issued with accompanying fines.

While the Chief asserts that the fire district does have the authority to enforce its requirements on these large public landowners, he noted that EBMUD, EBRP, and the University of California have weighed in with what he described as "a novel interpretation" that exempts them from compliance with MOFD requirements. Fay asked the Chief to forward him the list of large public property owners.

In public comment Bernie Riff asked if it was possible to contact state legislators for help. Winnacker said that he has asked both Assemblymember Rebecca Bauer-Kahan and Sen. Steve Glazer for help in getting answers to very specific questions that have been put to Cal Fire. He said that both representatives were unresponsive. Following an inquiry from Lamorinda Weekly, Bauer-Kahan said, "I have and will continue to act as a liaison between Cal Fire and MOFD to promote the safety of all residents. My office was able to get the Chief a response from Cal Fire, and will continue to ensure responsiveness by the agency. As we have seen wildfires worsen in recent years, I have been successful in securing millions in state dollars for wildfire mitigation and will continue to prioritize prevention and the safety of our community."

The Cal Fire response from Jamie Sammut, staff counsel, says, "Per PRC section 4119, the department of forestry and fire protection (Cal Fire) has the duty to enforce the state forest and fire laws or delegate that responsibility. One of the many such laws is PRC section 4290 pertaining to fire safety standards. This specific enforcement authority was delegated to the Moraga-Orinda Fire District on October 27, 2021," and invites specific questions regarding the delegation.

Winnacker noted that the response from Cal Fire does not, in his opinion, answer the specific questions raised.

The July 12 meeting was also attended by MOFD president Michael Donner and board member Craig Jorgens. Other topics discussed included the Orinda chipper program, the formation of Firewise communities, the expanding red flag day parking restrictions, and an additional administrative position to be filled in Orinda. The Chief agreed with the city's request that he participate in the screening of the candidate

In the month of June, of the 2,846 fire inspections conducted by the Moraga-Orinda Fire District, 1,252 properties failed the inspections and by the end of the month only 243 homes either had the work completed and reported or completed and been reassessed, according to MOFD Chief Dave Winnacker who spoke at the second 2x2 meeting of the Orinda City Council and MOFD on July 12.

To date this season 3,474 inspections have been completed and Winnacker said he is confident that MOFD has the right staffing. But he did report a reluctance of homeowners to complete the work to bring their property into compliance with the new fire code.

"Today," he said, "a resident called the police on me because they felt that I was harassing them."

In addition to the reluctance of residents to remove vegetation, Winnacker reported that there is a problem with big public landowners, such as the East Bay

to fill that position, which will focus on fire safety.

Orinda City Manager David Biggs reported that the Orinda City Council has appropriated \$400,000 for a grants and incentives program, which staff and the city attorney are currently working on. He noted that some things that may be addressed by the special program include fuel reduction, including removal of junipers and dead trees, perhaps focused narrowly on evacuation routes. Orinda Mayor Dennis Fay noted that, in relation to evacuation routes, "We are putting the burden of the safety of the entire community on those folks who live on the evacuation routes." Because everyone benefits from the evacuation routes he believes that it is appropriate for the city to help out those residents.

Winnacker reported that MOFD is already distributing some mesh intended for home hardening. More pallets of mesh have been ordered and will be rolled out when they arrive. The purpose of the mesh is to protect vents, particularly attic vents, from being breached by flying embers, which can enter a home and set it on fire. He also reported a \$250,000 grant for an area suitable for grazing. A large open area in the vicinity of Saint Mary's College has been selected and a contractor is being sought to perform the work required.

Orinda has also been considering the issue of "boots on the ground," in terms of greater educational efforts, but the Chief felt that educational efforts are not effective, whereas the inspection and enforcement efforts of the fire district produce better results.

"More information doesn't hurt," he said, "but more enforcement is better, and only the fire district can perform that." In that regard, the city is considering providing an additional inspector to MOFD who would focus on Orinda.

MOFD is currently hiring a new inspector to fill a position created this year.

Reach the reporter at: sora@lamorindaweekly.com

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