



March 14, 2022

**VIA ELECTRONIC MAIL ([info@mofd.org](mailto:info@mofd.org))**

Moraga-Orinda Fire Protection District  
Board of Directors  
1280 Moraga Way  
Moraga, CA 94556

Re: Proposed Adoption of Ordinance No. 22-02

Dear President Donner and Members of the Board:

On March 11, 2022, the East Bay Regional Park District (EBRPD) submitted a comment letter to you to express concerns regarding proposed Ordinance 22-02, scheduled for a second reading at the March 16, 2022 Moraga-Orinda Fire District (MOFD) Board meeting. EBRPD's letter urged you to reject the proposed ordinance as drafted and to direct staff to modify it to exclude its application to undeveloped EBRPD parcels.

I am writing on behalf of the East Bay Municipal Utility District (EBMUD) to join in EBRPD's letter and to urge you to reject Ordinance 22-02 as drafted.<sup>1</sup> EBRPD's excellent and thorough legal analysis explains in detail why MOFD does not have the legal authority to impose this ordinance on undeveloped parcels. I will not repeat that analysis here.

Instead, I write to explain why MOFD's proposed ordinance would interfere with EBMUD's ability to manage its watershed lands. EBMUD lands fall within the State Responsibility Area (SRA) administered by CalFire. EBMUD lands are fenced, posted, and patrolled by contract law enforcement officers and EBMUD rangers to protect water quality and natural resources. To establish long-term management direction and ensure the protection of EBMUD's natural resources and water quality, EBMUD has developed and implemented the East Bay Watershed Master Plan and related Environmental Impact Report, Fire Management Plan, Ranger Resource Management Plan, and Low Effect Habitat Conservation Plan and associated Incidental Take Permit. EBMUD's fuels management, including areas within MOFD must comply with the requirements of the Habitat Conservation Plan (HCP). The HCP contains specific management guidelines to avoid and minimize adverse effects on California red-legged frogs, Alameda whipsnake, pallid manzanita and other biological resources that conflict with the proposed Ordinance requirements. EBMUD has long had an excellent working relationship with MOFD. Within the spirit of that cooperative relationship, we would be happy to work with MOFD staff to develop an ordinance that presents a workable solution to the management of undeveloped

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<sup>1</sup> Like EBRPD, EBMUD only learned of this proposed ordinance in late February when it was brought to our attention by EBRPD.

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lands. We ask that you pause the development of this proposed Ordinance and direct staff to work with EBMUD and EBRPD to develop an ordinance that will benefit all parties.

Sincerely,



Michael T. Tognolini  
Director of Water and Natural Resources

MTT:dec