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## Harming People, Animals, and the Environment

The City of Oakland, in partnership with the East Bay Regional Parks District and U.C. Berkeley, is embarking on a catastrophic plan to deforest and poison East Bay public lands. Although billed as a fire abatement plan, the plan will actually increase the risk of ignition and the spread of fire, endangering firefighters, residents, and property. Indeed, various agencies and individuals with relevant expertise have been highly critical of this plan, including:

- URS, FEMA's environmental consultant, which stated that "there is no scientific evidence to support the project as proposed;"
- The U.S. Forest Service which objected, saying it would "increase the probability of [fire] ignition over current conditions" because "removal of the overstory trees can introduce changes to the environment which increase fire behavior in undesirable ways;"
- David Maloney, a former Oakland firefighter, Chief of Fire Prevention at the Oakland Army Base, and member of the Task Force for Emergency Preparedness convened after the 1991 fire, who stated that this plan "turns fire science on its head" and called it "a land transformation disguised as a wildfire hazard mitigation plan," that "will endanger firefighters and the general public; and ... be an outrageous waste of taxpayer money;"
- Former Oakland Fire Department Battalion Chief Tyehimba Peyton who stated that "removing the trees does not reduce, but in fact increases fire danger to the Oakland hills;"
- A U.S. Forest Service study which found that reducing the risk to homes from a wildfire does not involve clear cutting vast amount of trees: "home losses can be effectively reduced by focusing mitigation efforts on the structure [such as requiring a fireproof roof] and its immediate surroundings;"
- The Environmental Protection Agency which stated that, "the project could result in degradation of natural resources," is not likely to "provide for natural regeneration," and is predicated on "extensive use of herbicides" and "risks posed to human health and the environment from that use;" and further expressed concerns about the "potential impacts of climate change on the Project area," including "the length and severity of the fire season," "stressed water supplies," and "the rate and distribution of harmful timber insects and diseases;" all of which would further elevate the risk of fire posed by this plan;
- And FEMA's admission that the plan will result in "unavoidable adverse impacts ... to vegetation, wildlife and habitats, protected species, soils, water quality, aesthetics, community character, human health and safety, recreation, and noise."

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**A coalition of Oakland hills residents opposed to the  
deforestation & poisoning of East Bay public lands**

In addition to increasing the risk of fire, it will also expose citizens to large amounts of dangerous chemicals,<sup>1</sup> exacerbate climate change by releasing 17,495 metric tons of greenhouse gases into our environment,<sup>2</sup> poison, displace and kill wildlife (including several protected species), radically alter the appearance and therefore the experience afforded by our public recreation areas, threaten homeowners values by degrading the aesthetics upon which those values depend, eliminate erosion control for hillside homes, result in (according to FEMA) “significant alteration of community character,” as well as cause a variety of other harms that FEMA admits are “unavoidable.”

In proceeding, the City, the EBRPD, and U.C. Berkeley have failed to consider whether these many and varied *certain* harms are worth the cost of implementing a plan to reduce the risk of one—*fire*—that may or may not ever occur with a plan that many experts claim will in fact exacerbate, rather than reduce, that very risk. Moreover, alternative fire abatement proposals which would decrease fire risk through the cleanup of ground fuels and which do not require destroying our forests, eliminating wildlife habitat, or exposing citizens and wildlife to large amount of toxic herbicides have been summarily rejected.

The increased risk of fire created by replacing forest with brush and reducing moisture rich trees to piles of shredded leaves and wood chips as this plan prescribes is very real and immediate. Not only did three brush fires ignite in the Oakland hills this summer, but on Friday, September 4, Oakland Fire Department Vegetation Manager, Vince Crudele, was witnessed standing in front of a large pile of mulch on Skyline Blvd., just west of the Redwood Regional Park entrance. Subsequently, a fire truck arrived and firefighters were seen dousing the mulch pile with water due to the risk of combustion. A firefighter on the scene explained that the mulch pile was from a recently felled and chipped pine tree which had started to compost and had become so hot, it had begun to let off steam.

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<sup>1</sup> FEMA states that, “The proposed and connected actions would take place in regional parks and other open space areas used for recreation. Visitors and campers in these areas could be exposed to herbicides directly during application and indirectly after application. In addition, because residential neighborhoods are adjacent to the parks and open space, residents could also be exposed to herbicides directly during application and indirectly after application. Because a university, a high school, three elementary schools, and a preschool are also close to project areas, students of all ages have the potential to be exposed.”

While the EBRPD tells reporters, and those reporters repeat the claim, that “less than 20 gallons a year” of herbicides would be used, a simple review of the FEMA EIS shows that they will, in fact, use more than ten times that amount: a total of 2,250 gallons. Made by Dow Chemical, *Garlon* has been linked to breast cancer and genetic damage called dominant lethal mutations. It has been found to cause severe birth defects when tested on poor animals including rats born with their brains outside their skulls, to harm birds and aquatic species and to damage the kidneys, liver and the blood of dogs, the latter being an issue of particular concern to the legions of dog walkers which regularly visit our public parks. It not only contaminates groundwater and persists in the environment for a year, but, ironically, alters the soil by killing fungi essential to the health of oak trees, one of the species of trees proponents of the plan will not be chopping down, thereby imperiling even those few trees that will be left behind. And this does not even include the herbicides to be used by the City of Oakland and U.C. Berkeley which will add hundreds, if not thousands, of gallons of Monsanto’s *Glyphosate*, associated with an increased risk of non-Hodgkin’s lymphoma and which the State of California just reclassified as “cancerous,” as well as *Imazapyr*, which increases risk of adrenal, brain, and thyroid cancer.

<sup>2</sup> FEMA EIS, Sec. 6.5, Climate Change and Greenhouse Gases. This is in addition to the loss of over 9,600 tons of CO<sub>2</sub> absorption per year by the trees.



We subsequently asked how it made sense from a “fire abatement” standpoint for the City of Oakland, U.C. Berkeley, and the EBRPD to cut down hundreds of thousands of trees and spread their chipped remains in thick carpets of decomposing mulch of up to two feet throughout the hills as they are planning to do and a firefighter responded that in fact it did not make sense, that he agreed the plan was reckless and dangerous, and that as a resident of the hills himself, the plan was a source of great concern to him.<sup>3</sup> When asked if he was alone in that opinion, he stated that no, in fact, many of the Oakland firefighters opposed it as he did and for the very same reasons. When further asked why they did not speak out against it, he stated that they had tried to do so, but that their comments were dismissed by upper management as the complaints of “disgruntled union employees” and ultimately, ignored. But he and they are right.

The plan doesn’t make sense, for all the reasons documented and expressed by the U.S. Forest Service, URS, and several others, to wit,

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<sup>3</sup> The strategy for the 2,059 acres of public lands to be deforested in any of the many areas to be targeted in seven Bay cities is exemplified by the FEMA EIS language for the North Hills-Skyline area near the Caldecott Tunnel in Oakland which reads: “3.4.2.3.1 North Hills-Skyline - This proposed 68-acre proposed project area is on the southwest side of Grizzly Peak Boulevard north of State Route (SR) 24 and above the Caldecott Tunnel. It includes eucalyptus, pine, and brush... Oakland’s goals are to remove eucalyptus and Monterey pine and to convert brush to grassland along Grizzly Peak Boulevard ... Eucalyptus would be chipped, and the chips would be spread over a maximum of 20% of the site at a maximum depth of 24 inches...”

But according to URS, these mulch layers would pose a fire risk both from sparks that can lead to a subsurface smoldering fire and through spontaneous combustion when decomposition of organic materials creates enough energy in a pile to ignite a fire. Moreover, they not only pose a threat to sustain a localized burn, but they can also connect fuels in vegetation types located adjacent to the treatment areas. Therefore URS recommend against chipping Eucalyptus and to avoid spreading mulch in areas like the East Bay Hills which are subject to long, annual periods that are hot and dry. Aside from these concerns, URS also states that the recommended depth for mulch is less than four inches, well below the 24 inches proponents are planning for which not only increases the threat of fire, it extends the length of time the threat persists: in this case, at least a decade, if not more.

*- Fire Science:*

- According to David Maloney, former Oakland firefighter and Chief of Fire Prevention at the Oakland Army base, "Fire Science has proven that every living tree—regardless of its species—due to its moisture content and canopy coverage of ground fuels, contributes to wildfire hazard mitigation."
- The U.S. Geological Survey notes that only about 3% of fires occur in forests. The remainder—97%—burn mostly in shrublands and grasslands (and urban areas), the exact environment in which the 1991 Firestorm ignited and which native plant ideologues want to recreate in the hills.
- The stated aim of the deforestation effort is to replace the East Bay's Eucalyptus and Monterey Pine forests with shallow grasses, grasses that are highly susceptible to fire and which even the EBRPD has admitted on their website are "one of the most dangerous vegetation types for firefighter safety due to the rapid frontal spread of fire that can catch suppression personnel off guard."

*- Expert Testimony:*

- During the FEMA environmental review process, the U.S. Forest Service weighed in, objecting to the plan to remove all Eucalyptus trees for the following reasons:
  - Removal of the trees would lead to growth of highly flammable brush species: "the removal of the overstory, is likely to result in rapid establishment of native and non-native herbaceous and brush communities, bringing an increase in available surface fuels;"
  - Increase in "available surface loads" would "result in increases in potential surface fire behavior" and thus, "a dramatic increase in fire hazard;"
  - The U.S. Fire Administration Technical Report on the 1991 Fire noted that "brush fuel types played a significant role in the progression of the fire" and that brushland made up "a large portion of the available fuel;"
  - Cutting down tall trees "does little to address the surface fuels which are typically the primary carrier of an advancing fire;"
  - "Removal of the eucalyptus overstory would reduce the amount of shading on surface fuels, increase the wind speeds of the forest floor, reduce the relative humidity of the forest floor, increase the fuel temperature, and reduce fuel moisture;"
  - These factors would increase the probability of a fire starting and once started, the probability of the fire spreading faster and burning more intensely, the exact opposite of the stated aim of this plan. Doing so would "result in a more severe range of fire behavior effects."

*- Experience:*

- The Scripps Ranch fire of 2003 burned 150 homes, but not Eucalyptus trees abutting many of those homes:



- When Angel Island erupted in flames in 2008, it was the areas where the Eucalyptus trees were cut down that burned; burned to the very edge of the Eucalyptus forest, then stopped for lack of fuel: "At the edge of this burn belt lie strips of intact tree groves... a torched swath intercut with untouched forest..." (Fagen, K., "After fire, Angel Island is a park of contrasts," *San Francisco Chronicle*, October 15, 2008.)
- The 2007 Oakland fire in Broadway Terrace ignited in and burned brush, but none of the Eucalyptus trees:



- The 2015 fires in the Western states started in dry grass, which ignited easily and spread rapidly, and generated more heat as they reached shrubs. In other words, they all began in "grassland with islands of shrubs" which FEMA admits is the goal of the East Bay project.
- And as a Firestorm survivor writes: "I was a student at Cal during the 1991 fires. I lived in the Berkeley hills above campus near Strawberry Canyon. The eucalyptus and other trees saved the houses on my street by serving as a barrier between us and the fire."

Finally, a study published by the U.S. Forest Service, "Reducing the Wildland Fire Threat to Homes," concludes that reducing the risk to homes from a wildfire does not involve clear cutting vast amount of

trees. It shows that “home losses can be effectively reduced by focusing mitigation efforts on the structure [such as requiring a fireproof roof] and its immediate surroundings.” The study notes that “ignitions from flames occur over relatively short distances—tens of meters not hundreds of meters.” If there are no trees within about 30 feet of a home, there is upwards of a 95% chance the home will not burn. At about 50 feet, there is virtually no chance. It goes on to conclude that cutting down trees not adjacent to homes does nothing to protect those homes: “Extensive wildland vegetation management does not effectively change home ignitability.”

And yet this plan does not focus on residences or their immediate surroundings, but rather our public lands and parks. Why is a plan which claims to be about reducing fire risk for East Bay homes also targeting areas where no homes exist? Given public statements by proponents, it is clear that fire abatement is a ruse for a different underlying motivation: to remove those trees which were not here during the pre-Colombian era, even though this would increase the probability of a fire starting and once started, the probability of the fire spreading faster and burning more intensely, without regard to public safety.

According to the former head of the University of California environmental compliance office, “While purportedly for the purposes of fire management, the proposed actions appear to be mostly motivated by a dream of restoring the EB Hills to some imagined Eden prior to the European and American colonization of California.” In order to achieve that, he writes, proponents failed to apply “scientific and policy analysis to the impacts of the proposed actions” and instead “cherry-picked evidence” to support their contentions while rejecting “out of hand fire management alternatives that do not involve clear cutting and massive application of herbicides.” (Adams, C., Comments on Hazardous Fire Risk Reduction, [fema.gov/media-library/assets/documents/100411](https://fema.gov/media-library/assets/documents/100411).)

That is not only dangerous, it is illegal.<sup>4</sup> It also may constitute fraud, as it is being paid, in part, using federal funding for non-permitted uses of a FEMA pre-disaster mitigation grant. The Stafford Act “authorizes FEMA to provide funding for the purpose of reducing or eliminating risks to property and human life from future hazard events, including wildfire.” To do that, FEMA is mandated to focus on “at-risk structures” only, not forests. Specifically, “FEMA hazard mitigation assistance for wildfires is ONLY focused on long-term and cost-effective actions taken to reduce the risk to specific property or structures from future wildfires.” They are only authorized to do this “through creating defensible space, structure protection through the application of ignition resistant construction, and limited hazardous fuels reduction to protect life and property beyond defensible space but proximate to the at-risk structure.... Funding under these programs is *not* available for wildfire mitigation in an extended range beyond the parameters described in this policy.” And yet, the plan prescribes action which violates these various limitations. There are vast and contiguous acres of forest to be targeted under this plan. For example, the FEMA EIS notes that the southern area of Anthony Chabot Regional Park which is to be targeted is parkland: “4.10.6.2.2. There are no adjacent communities because the proposed and connected project areas are entirely surrounded by parkland.”

Should proponents proceed with this dangerous plan and should a disastrous fire from combustion of mulch piles or of resulting grass and brush occur, the public will be made aware that their elected

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<sup>4</sup> Federal law requires that the agencies, “Rigorously explore and objectively evaluate all reasonable alternatives and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.” The agencies must also “Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.” (40 CFR 1502.14.)

officials were forewarned time and again about the potential for just such a fire, but that those concerns—just like those of Oakland firefighters who bravely and willingly put their lives at risk to protect public safety and do not deserve to have the need for such sacrifice intentionally nurtured—were ignored in favor of seeing to fruition the reckless, dystopian vision of a small but vocal group of zealous, native plant ideologues.<sup>5</sup> When the fire subsides and the search begins for who is to blame, we want the public record to reflect that like Captain Edward John Smith of the Titanic, proponents had the iceberg warning in their hands and yet rather than proceed with caution, ordered “full steam ahead.”

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<sup>5</sup> Though the small number of native plant ideologues who are the primary driving force behind this plan are just that—*small*—and in no way representative of the views of most residents who actually oppose this plan, their influence with our public officials—the result of nearly two decades of intensive lobbying for their destructive, native plant agenda—is to credit for their success, and not the validity of their objective nor the number of individuals they represent. This is evident by the 13,000 comments submitted to FEMA during its deliberations, 90% of which were in opposition. It is also evident by the fact that over 65,000 people signed a petition to the Oakland City Council urging that they abandon this reckless plan.