

RESPONSE TO GRAND JURY REPORT FORM

Report Title: ***Marin on Fire Redux***

Report Date: March 19, 2013

Public Release Date: March 25, 2013

Response by: Marin Municipal Water District Board of Directors

FINDINGS

- I (we) agree with the findings numbered: F1, F2, F3, F4, F7, F9 _____
- I (we) disagree wholly or partially with the findings numbered: F4, F5, F6, F8, _____

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore.)

RECOMMENDATIONS

- Recommendations numbered R3 _____ have been implemented.

(Attach a summary describing the implemented actions.)

- Recommendations numbered R2 _____ have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

- Recommendations numbered R1, R5 _____ require further analysis.

(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)

- Recommendations numbered R4 _____ will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 6/25/13

Signed:



Number of pages attached: 5

Response Form

MARIN MUNICIPAL WATER DISTRICT
RESPONSE TO FINDINGS AND RECOMMENDATIONS FROM
MARIN COUNTY CIVIL GRAND JURY REPORT
"MARIN ON FIRE - REDUX"

FINDINGS

F1. There has been a long history of fire on Mt. Tamalpais, and it is likely that wildfire will occur again.

Response:

Agree. Fire ignitions (accidents or arson caused fires) combined with extreme fire weather conditions and the high fuel loads in the wildland-urban interface, can result in large catastrophic fires. Even small fires can cause loss of life, property, and plant diversity. The last large fire on the Mt. Tamalpais Watershed was in 1945 and it burned over 20,000 acres. More than 25,000 structures, housing approximately 45,000 residents are located within two miles of MMWD watershed lands.

F2. Wildfire danger is rated very high owing to substantial fuel-load growth especially for invasive weeds and particularly various species of Broom.

Response:

Agree. According to the California Department of Forestry and Fire Protection most of the Mt. Tamalpais Watershed has a fire severity rating of "High" to "Very High." Wildfire also poses a threat to water quality and distribution, and to the ecosystem functions and values provided by watershed lands.

Partially disagree: Although broom is a major component of the vegetation near the developed neighborhoods surrounding the Mt Tamalpais Watershed and therefore contributes greatly to the overall fuel load, much of the natural vegetation, particularly chaparral and scrub woodland plant communities are extremely hazardous. Also, mortality of tan oak and live oak trees from Sudden Oak Death has increased fuel hazards in certain areas as well.

F3. Property development in areas adjacent to open space places these adjacent communities at great risk to fire and the loss of life and property.

Response:

Agree. Homes built adjacent to the open space are at risk from wildfire, but that risk can be reduced by maintenance of fuel break systems on lands that are managed by MMWD, other public land managers and private landowners, by constructing defensible space around structures, by using ignition resistant building materials, and by maintaining adequate water supplies on ridge tops (fire flow). All are critical tools that

firefighters need to contain a fire during the early stages before it grows beyond suppression capabilities.

F4. Traditional vegetation management methods have not been effective in the control of Broom infestations.

Response:

Agree: Although we are unsure by what is meant by “traditional” methods, the District has been unable to control broom over most of its lands with the level of expenditure and the tools used to date. The District has used mechanical methods and prescribed fire most broadly. It has also experimented with a number of innovative methods including for example goats, hot foam, and organic herbicides. These latter methods have not been effective.

Partially disagree: Broom has been successfully managed in limited areas using combinations of hand-pulling, mechanical methods or fire over a number of years of treatment, but broom is spreading faster than current resources can control it.

F5. The use of herbicides in conjunction with traditional vegetation management methods is the most effective means to eliminate Broom, and is cost effective compared to less productive alternatives.

Response:

Partially disagree. Limited use of carefully applied herbicide used in conjunction with other treatments is what is called for under one alternative in the draft Wildfire Protection and Habitat Improvement Plan, and should result in the elimination of broom from Zones 1 and 2 of the watershed. However, neither of the alternatives considered in the WPHIP will result in the elimination of broom over the entire watershed. A final decision on which alternative MMWD will choose must wait until the environmental review process is completed.

F6. Current scientific studies indicate that the recommended application of glyphosate with a surfactant approved for use within Watershed areas pose no significant risk.

Response:

Partially disagree. The use of glyphosate and other herbicides, as proposed in the plan has been evaluated under a carefully designed risk assessment last updated in 2010. The assessment identified some potential risks associated with the use of herbicides, but found that risks can be minimized by taking appropriate safeguards. The risk assessment is currently being revised to evaluate scientific studies that have been published since 2010. The findings of the revised risk assessment will be incorporated into the Environmental Impact Report (EIR) being prepared for the Draft WPHIP. The EIR will identify the specific impacts associated with the use of glyphosate as proposed in the plan, and if that level is deemed potentially significant, mitigation will be identified that would reduce the level of risk to a less than significant level.

F7. Approved glyphosate based herbicides have been certified as safe by the EPA, are used by the Marin County Parks & Open Space District and on Federal, County and State owned lands. Extending the use of glyphosates to MMWD lands to control Broom should be practical and controllable based on experiences gained from these other glyphosate applications within the county.

Response:

Agree. Other land management agencies have been successful in reducing the spread of broom with the limited use of glyphosate-based herbicides with appropriate safeguards in place.

F8. The MMWD Board of Directors' agreement to stop using herbicides to control Broom has resulted in over 300 additional acres in increased Broom infestation over the past 8 years. This has led to a high risk of fire, and exposes communities adjacent to the MMWD lands to the consequent loss of property and lives.

Response:

Partially disagree. Although our preliminary results from mapping broom extent in 2013 show that there are approximately 300 more acres of broom on the Mt. Tamalpais Watershed than there was when the last mapping occurred in 2006, it is not possible to ascribe the increase to any single factor or action.

The increase in the acreage of broom does contribute to increased fuel loading. An increasing level of broom on the land also increases the level of effort needed to implement our vegetation management goals. At the same time we continue to mow and pull broom to maintain our fuel break system's effectiveness on an annual basis. Also, broom, as a fuel load, is one component of a complex of conditions on watershed lands (see response to F2 above).

F9. Some community activists refuse to consider any information showing that a managed application of herbicides approved by the EPA can be used in any form. Decisions concerning the use of herbicides to control fuel load on MMWD lands should be based entirely on science, economics and the broad public welfare.

Response:

Agree: We agree that decisions should be based on the best scientific information, cost and benefits, and the public's welfare.

RECOMMENDATIONS

The Grand Jury recommends that:

R1. The MMWD Board adopt Approach 2 with the expectation that the findings of the EIR will support the program to control Broom using glyphosate based herbicides, an action also recommended by their own subject matter experts.

Response: MMWD will not select a preferred approach until the environmental review process is completed. As you are aware, MMWD is in the process of preparing a Draft Environmental Impact Report (EIR) which will evaluate the potential environmental impacts associated with implementation of the two implementation approaches to

managing vegetation, including Broom on Mt. Tamalpais, as well as at Nicasio and Soulajule reservoirs. The EIR will also examine alternatives to those two approaches which would eliminate or reduce the severity of any impact associated with implementation of either approach. One approach includes a variety of mechanical means; the other approach includes all of the same mechanical means as well as the limited use of herbicides within controlled conditions..

R2. The MMWD Board act on policies that they conclude are the most effective in the control of Broom, wildfire and the effective management of the MMWD lands.

Response:

Although effectiveness is an important criterion for choosing a course of action, safety and environmental concerns may be overriding factors. The MMWD Board will act on policies that safeguard the quality of drinking water derived from watershed lands, protect watershed visitors and ensure the ecological integrity of the lands under their stewardship.

We agree that MMWD should make a decision based on what best meets the District's goals of safeguarding the water supply, reducing the risk of wildfire and protecting native species from being overtaken by non-native species.

R3. Existing codes governing defensible space and other fire regulations be rigorously enforced on MMWD and adjacent developed and open-space lands.

Response: All land owners, including private land owners and public land management agencies, should place community safety from the threat of wildfire on their list of land management priorities. MMWD works closely with Marin County Fire Department to ensure that all of its facilities are compliant with Wildland Urban Interface codes. MMWD also works closely with local jurisdictions adjacent to watershed lands in the management of fuel breaks. MMWD has no authority for enforcing fire codes on adjacent lands.

R4. The Marin County Board of Supervisors go on record that control of Broom within the MMWD lands is a high priority and that the most effective means of control should be utilized. This is consistent with the Board of Supervisors existing policy for the county's open space lands.

Response:

All the actions in either alternative in the WPHIP are consistent with the County's Integrated Pest Management Policies.

R5. Should a less effective approach to vegetation management be selected (Approach 1), new funding sources should be pursued by the most affected communities.

Response:

Since no decision will be made on the WPHIP alternatives until the completion of the environmental review process, it is not possible to determine the WPHIP's effectiveness or which communities may or may not be affected.



MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169
www.marinwater.org

Rich Treadgold, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

June 25, 2013

Subject: Response to Grand Jury Report, Marin on Fire Redux

Dear Foreperson Treadgold:

On behalf of Marin Municipal Water District Board of Directors, I would like to express our appreciation for the focus the Grand Jury's report "Marin on Fire Redux" places on the risk of catastrophic wildfire in Marin County. The District is committed to doing its part to reduce that risk by maintaining a functioning fuel break system, while at the same time doing our utmost to protect and restore the health of Mt Tamalpais. Our responses to your findings and recommendations are attached.

As you know, MMWD is currently going through the environmental review process for the draft Wildfire Protection and Habitat Improvement Plan, and protection of the drinking water quality is the focus of this environmental review and is the District's highest priority. Within that context, the plan aims to address fire hazard reduction and biodiversity protection on the 22,000 acres of watershed land managed by MMWD. We recognize that all of the actions we take on Mt Tamalpais and elsewhere have implications for our water, our air, and our health.

The decision as to which of the two alternatives, included in our plan, is superior has not been made, and must wait until the environmental impact report is completed. The timing of the release of the Grand Jury's report and questions complicates our response, as we appear to have gotten the cart in front of the horse. We can assure the Grand Jury that, MMWD will continue to fully evaluate alternatives through an open and accessible public process and encourage you to monitor our progress in this matter.

We thank you for your interest in the critical issues of wildfire control and invasive species elimination, and commend the Grand Jury for its contribution to the discussion of these very important community issues.

Sincerely,

Larry L. Russell, Ph.D., P.E.
Board President