



Briefing on US Army Corps of Engineers Levee Vegetation Policy

Background

For decades, DWR and the U.S. Army Corps of Engineers have managed California levee systems in a way that allowed vegetation to remain on levees providing habitat, erosion protection and other purposes. In recent years, the Corps initiated a significant policy change that would require most of this vegetation to be removed.

- ❖ 2007 – The Corps signaled through a “White Paper” that it intended to require substantial vegetation removal, ostensibly in response to the Katrina disaster.
- ❖ 2009 – The Corps adopted stringent vegetation guidelines applicable nationwide (including California), significantly expanding the requirements for vegetation removal.
- ❖ 2010 – The Corps proposed new restrictions to its vegetation variance process (VVP) that would employ a piece-meal approach and sharply restrict the vegetation on levees:
 - Removal of vegetation on the upper third of the river-side slope, the crown, and the land-side slope of all Central Valley levees. In the absence of a variance, removal of all vegetation over 2” in diameter on the remainder of the system would be required.
 - A site-by-site variance process with no option for a regional, system-wide solution.

An overwhelming number of comments critical of the VVP were submitted following the Corps’ February 2010 request for public comments. Throughout 2010 and early 2011, public agencies and members of Congress urged the Corps to reconsider finalization of the policy.

- ❖ 2012 – The Corps announced that its policy would be finalized following a 60-day public review period; comments are due by April 17, 2012.

DWR is on record strongly opposing the Corps’ new approach. The policy impairs the state’s ability to improve public safety by diverting significant funds from more important repairs and improvements, and is already delaying important projects. An assessment by DWR of the safety risks associated with trees and shrubs on, and adjacent to, levees concluded that properly trimmed and spaced levee vegetation poses a low threat to levee integrity in comparison with indisputable risk factors such as under-seepage, slope instability, erosion, and burrowing rodents; vegetation can also help stabilize soils and reduce nearshore velocities. The State’s approach to levee vegetation management considers

vegetation as only a “potential risk factor”, in a balanced recognition of its role in sustaining ecosystem viability and levee integrity.

If implemented as currently written, the Corps vegetation policy will be devastating to the environment, especially to salmon, steelhead and other species listed under the State and federal Endangered Species Acts. Although much of the focus has been on the Central Valley of California--the highest flood risk area in the United States before Hurricane Katrina--this policy also has significant adverse consequences outside the Central Valley.

Other groups opposing this policy include Friends of the River, the Center for Biological Diversity and Defenders of Wildlife, who filed a joint lawsuit against the Corps’ implementation of this policy last June, and the California Department of Fish and Game, which has noticed its intent to file a similar lawsuit.

At the Commission meeting, DWR Division of Flood Management will provide an overview of the proposed policy, DWR’s concerns, and the state’s most recent efforts to address the issues. Legal Counsel will provide an update on litigation.

Attachment

DWR Letter to U.S. Army Corps of Engineers, April 15, 2010

Fact Sheet: CVFPP Levee Vegetation Management Strategy, March 2012

DWR Letter to Senator Feinstein, February 8, 2012

White Paper: The Corps’ Vegetation Removal Policy: Jeopardizing National Public Safety, April 2010

USACE Vegetation Variance Request Policy Fact Sheet

Press Release Regarding Lawsuit

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