



Update on US Army Corps of Engineers Levee Vegetation Policy

Background

Cassandra Nguyen Musto of DWR's Division of Flood Management will provide the Commission with an update on the U.S. Army Corps of Engineers Levee Vegetation Policy the Levee Vegetation Management Strategy of the Central Valley Flood Protection Plan. At its March 21, 2012 meeting the Commission was briefed on the U.S. Army Corps of Engineers' Levee Vegetation policy (which includes aggressive removal of vegetation and would have a negative impact on California's endangered species), their Policy Guidance Letter (PGL), and their System-Wide Improvement Framework (SWIF), as well as the State's Levee Vegetation Management Strategy.

In response to the Corps' policy, the Department of Water Resources (DWR) has implemented a levee vegetation management strategy which states new levees will be constructed and managed in consistency with the guidelines in U.S. Army Corps of Engineers (Corps) Engineering Technical Letter 1110-2-571 with a vegetation-free zone. It also allows for the existing large trees and woody vegetation to live out their normal life cycles unless they pose an unacceptable threat or disrupt visibility for inspection and access for maintenance and flood-fight. The strategy includes removing trees and brush smaller than four inches and retaining lower water-side vegetation for erosion protection and to protect sensitive species. The goal of the strategy is to work towards compatibility with the Corps' vegetation policy. It is also part of the Central Valley Flood Protection Plan (CVFPP), which was approved in June 2012. Approval of the CVFPP confirms that California will not follow the Corps' vegetation policy.

A bill was introduced on May 18, 2012 by Congresswoman Matsui in regards to the Corps' policy. H.R. 5831, otherwise known as the Levee Vegetation Review Act, would require the Corps to be flexible in enforcing their vegetation policy in specific regions. Input from the State and local entities would be taken into consideration for potential exemption from the policy, which Congresswoman Matsui discussed at this year's Levee Vegetation Research Symposium. The bill currently resides before the House subcommittee.

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 near shore 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.

Friends of the River, the Center for Biological Diversity and Defenders of Wildlife filed a joint lawsuit against the Corps' implementation of this policy last June. The California Department of Fish and Game is also in opposition and has filed a lawsuit against the policy for failing to follow the Endangered Species Act and other Federal laws.

At the Commission meeting, DWR Division of Flood Management will provide an update on the proposed policy and the State's most recent efforts to address the issues.

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