

FACT SHEET

U. S. Army Corps of Engineers Proposed Levee Vegetation Policy

Background. The U.S. Army Corps of Engineers (USACE) has constructed thousands of miles of levees throughout the United States to help reduce the threat of flooding. In many communities, the local sponsors of these levees are flood control agencies. The USACE began reassessing its levee maintenance policies after the levee failures in New Orleans in the wake of Hurricane Katrina.

Draft Policy. In February, the USACE issued a draft policy regarding trees, brush and other vegetation growing on levees. In essence, the policy requires all vegetation to be removed from levees in order to allow for easier inspections and to reduce any potential weakening of levees through root growth. Local sponsors can apply for a variance that allows limited vegetation growth in a prescribed vegetation zone (see illustration on back).

The Bay Area Flood Protection Agencies Association (BAFPAA) has several concerns with the draft policy, including:

- **Conflicts with Endangered Species and Environmental Regulations** – For many local sponsors, the draft policy is in direct conflict with federal and/or state regulations which require trees and other plants to provide habitat for endangered or threatened species. Local communities would have to choose between complying with environmental regulations or losing USACE financial assistance. In addition, the policy would create direct conflicts between two branches of the USACE, the regulatory branch (which often partners with local sponsors in ESA consultations) and the readiness branch (which is responsible for dam and levee maintenance). Local agencies could be left in limbo for years as the USACE resolves these internal conflicts.
- **Reduces Water Quality** – Vegetation on levees helps reduce the amount of sediment that enters waterways. Bay Area water quality regulators are likely to oppose attempts by local agencies to remove vegetation in order to comply the USACE policy.
- **Creates Financial Risks for Communities** – Currently, local sponsors receive USACE assistance in rebuilding levees that have failed or are in eminent danger of failure. Local sponsor which don't comply with the vegetation policy are at risk of losing this financial support. This places communities at tremendous financial risk.
- **Variance is Problematic** – The proposed vegetation variance doesn't reflect regional differences in hydrology; it doesn't take into account research currently underway regarding the impacts of woody vegetation on levees; it could lead to unsightly and environmentally inferior levees; and it requires local agencies to be responsible for environmental compliance (an impossible task since the variance requirements conflict with other state and federal regulations).

Recommended Alternatives. The BAFPAA recommends that:

- The USACE prepare a full Environmental Impact Statement on the proposed vegetation variance that includes consultation with National Marine Fisheries Service and U.S. Fish and Wildlife Service.
- The proposed variance guidelines allow local agencies to comply with existing USACE requirements and state and federal environmental and endangered species act regulations.
- An exemption from the new guidelines be created for levees that (a) don't place the public at risk, (b) already have USACE variances or (c) include USACE maintenance manuals which require local sponsors to maintain vegetation for water quality or endangered species act purposes.
- The September 30, 1010, expiration date of the current policy be delayed for at least two years and establish a collaborative process to address the above issues.