

WILDLIFE CORRIDOR CONSERVATION AUTHORITY

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MEMORANDUM

Date: May 4, 2011

To: The Governing Board Members

From:  Joseph T. Edmiston, FAICP, ASLA (Hon), Executive Officer

Subject: **Agenda Item XIII: Discussion and possible action regarding United States Army Corps of Engineers Vegetation Policy for Levees, San Gabriel Valley.**

According to facts sheet provided to WCCA staff, the United States Army Corps of Engineers (Corps) has constructed thousands of miles of levees throughout the United States to help reduce the threat of flooding. The Corps issued a draft policy regarding trees, brush and other vegetation growing on levees. The policy requires vegetation to be removed on the levee and 15 feet on either side of the levee. Local sponsors can apply for a variance that allows limited vegetation growth in a prescribed vegetation zone. According to San Gabriel Valley Council of Governments (SGVCOG), the Corps certifies levees in the U.S. under the Rehabilitation & Inspection Program (RIP) to ensure they provide the proper amount of safety. If a levee does not pass this certification process or loses this certification, the local flood control district becomes ineligible to receive Federal assistance under the RIP.

In California, there has been opposition to, and requests to delay implementation of, this policy. SGVCOG wrote a letter (attached) requesting that the Corps delay implementation of the policy because it conflicts with endangered species and environmental regulations, reduces water quality, creates financial risk for communities, and introduces problems with the variance option. SGVCOG was concerned with several levees in the San Gabriel Valley including those along the San Gabriel River between the Santa Fe Dam and confluence with San Jose Creek, and along Rio Hondo above Whittier Narrows Dam. SGVCOG stated that this policy would negatively affect local projects including the Emerald Necklace greenway, Watershed Conservation Authority's Duck Farm Regional Park, and river-side trail projects, such as along San Jose Creek.

California lawmakers have objected to this policy. Los Angeles County Supervisors have taken an action to send a letter to the Corps urging the delay of the implementation of their levee vegetation policies and to work with the various impacted flood control agencies to address the various unintended consequences of implementing the policy as currently written. The San Gabriel & Lower Los

Angeles Rivers and Mountains Conservancy and the Watershed Conservation Authority have also been working on this issue.

Bay Area Flood Protection Agencies also expressed concerns (similar to those of SGVCOG) with the draft policy. They made the following recommendations:

- The Corps prepare a full Environmental Impact Statement on the proposed vegetation variances 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 Corps 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 Corps variances or (c) include Corps maintenance manuals which required local sponsors to maintain vegetation for water quality or endangered species act purposes.
- The September 20, 2010 expiration date of the current policy be delayed for at least two years and establish a collaborative process to address the above issues.

The Governing Board may wish to consider directing staff to send a letter to the Corps in accordance with the SGVCOG letter (attached), which requests that the Corps delay implementation of the policy.