



October 29, 2010

Ms. Nancy Sutley, Chair  
White House Council on Environmental Quality  
Executive Office of the President  
730 Jackson Place, NW  
Washington, DC 20503

Dear Ms. Sutley:

*Nancy*

I am writing to you to reiterate my concerns with the U.S. Army Corps of Engineers' (Corps) policy to regulate vegetation on levees. This policy has the potential to enact negative environmental impacts throughout California and especially in the Central Valley and Sacramento-San Joaquin Bay Delta (Bay-Delta), identified as a Council on Environmental Quality federal "Ecosystem of National Significance." If implemented as currently written, the new vegetation management policy would be devastating to the ecosystems of the Central Valley and Bay-Delta, especially to salmon, steelhead and other species listed under the California and Federal Endangered Species Acts. Additionally, the policy would result in the reallocation of limited flood funding from high priority public safety projects to low priority vegetation related projects.

Since Hurricane Katrina resulted in flooding of New Orleans, the Corps has been unilaterally moving towards a more restrictive nationwide policy regarding vegetation on levees. Adoption of the Corps' policy in California would essentially require removal of all woody vegetation from existing levees, diverting State and local agency funding from correcting more serious factors that affect levee safety and devastating habitat and the endangered species dependent on that vegetation. The Corps' policy is not supported by scientific evidence and, in the view of California's resources agencies and a number of renowned experts, rigid application of the vegetation policy and procedures have the potential to actually lower public safety, contrary to the Corps' desired outcome. California foresees that strict, one-size-fits-all enforcement of vegetation policy by the Corps over the next two years will result in several hundreds of miles of levees being denuded of vegetation, including legacy trees that provide critical riparian and shaded riverine aquatic habitat in the Central Valley, Bay-Delta and other areas in the State.

Whereas overtopping, underseepage, through-seepage, erosion and other modes of failure are well-documented and understood in the Central Valley, the Department of Water Resources (DWR) has not seen evidence that well-managed vegetation poses significant risks in the Central Valley. Existing vegetation that currently provides erosion protection and soil reinforcement would be eliminated under the Corps' proposed policy, increasing the risk of water-side scour and slope failures.

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



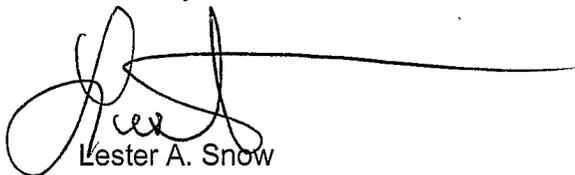
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Under federal law, the Corps is required to initiate preparation of an environmental impact statement under the National Environmental Policy Act and consultation under the Endangered Species Act (ESA), which it has not done. The proposed requirements in the vegetation variance (exemption) process, released earlier this year, are so stringent and ambiguous that variances are unlikely to be issued except under rare, specialized, local circumstances (DWR and the California Department of Fish and Game (DFG) submitted a response to this proposed variance process on April 15, 2010, attached, full comments available at [http://www.water.ca.gov/floodsafe/docs/DWRLetter\\_and\\_attachment.pdf](http://www.water.ca.gov/floodsafe/docs/DWRLetter_and_attachment.pdf).

As we discussed earlier this year, we are working to reverse environmental damage from past failed resource policies and to move forward into 21<sup>st</sup> century resource management. With history in mind, I ask you to join me in asking the Corps to carefully study the environmental implications of their policy, and to work collaboratively with California's Departments of Water Resources and Fish and Game and other agencies on a practical regional variance process consistent with the state-federal *Central Valley Flood System Improvement Framework developed in February 2009*.

Over the past several years, California's resources departments, including DWR and DFG, have had many discussions and exchanged many letters with the Corps asking them to reconsider their policy and to engage in a cooperative scientific effort to formulate and implement a workable regional levee vegetation variance process. I have attached some recent correspondence on this matter for context. I would be happy to discuss these issues further with you. Please feel free to contact me at 916-653-7310. Thank you for your attention to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lester A. Snow', with a long horizontal line extending to the right.

Lester A. Snow  
Secretary for Natural Resources

Attachments