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April 17, 2012

U.S. Army Corps of Engineers  
Attn: CECW-CE, Tammy Conforti  
441 G Street NW.  
Washington, DC 20314-1000

RE: Docket Number COE-2010-0007  
Corps' Policy Guidance Letter (PGL)  
Process for Requesting a Variance from Vegetation Standards for Levees and  
Floodwalls

Dear Ms. Conforti:

The Regional Council of Rural Counties (RCRC), representing 31 of California's rural counties, appreciates this opportunity to comment on the U.S. Army Corps of Engineers' (Corps) Policy Guidance Letter (PGL) - Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls." RCRC would like to express our support of the California State Association of Counties' (CSAC's) comments and recommendations dated April 16, 2012.

Specifically, RCRC supports a delay in the implementation of the Corps policy on the vegetation management and seeks modifications to the policy that: consider regional variations across the nation as directed by Congress in the 1996 WRDA Section 202(g); include an exemption provision where appropriate, in addition to a variance procedure; conform to other federal and state laws and allows for risk-based and science-based management decisions; include local government in a transparent and collaborative process; and delegates limited authority to approve variances and exemptions to Corps Division commanders.

Until relatively recently, the Corps not only allowed vegetation on levees, but also designed and built Corps levees to include vegetation, including for the purpose of fulfilling environmental mitigation requirements. As a result, much of the state's levee systems do not meet the current Corps guidance. Levees that fail to meet these new standards will be rated as unacceptable, with the consequence of losing eligibility for federal assistance in post-flood levee rehabilitation. This could also lead to flood insurance rate increases and additional building restrictions, or decertification under

Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP), and further loss of federal funds for flood control projects.

The proposed variance procedure is intended to be flexible and to address local agency needs. However, the eligibility requirements, the process and procedures, restrictions, timeframes, and environmental compliance contribute to an unworkable and unachievable program.

Compliance with the Corps vegetation removal policy needs to include environmental considerations, including the need to comply with the Endangered Species Act (ESA). Clearing vegetation could be in direct conflict with federal and/or state environmental laws and regulations, especially when it provides critical habitat to endangered or threatened listed species.

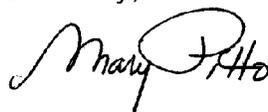
We recognize and appreciate that public safety is the number one priority of the Corps' Levee Safety Program. Public safety continues to be the priority of the local levee sponsors, as well. However, the California Department of Water Resources (DWR) has found that well-managed vegetation does not pose a significant risk to levee integrity. In fact, of the documented levee failures in the Central Valley, none were attributed to vegetation.

In addition, the California Department of Water Resources (DWR) has estimated that the minimum cost of compliance with the Corps vegetation policy will add \$7 billion to levee improvement projects. Rather than spending enormous amounts of scarce public funds by removing the vegetation from project levees, greater consideration should be given to improving and increasing capacity to the levee systems.

RCRC requests you suspend the implementation of these policies and work with local and regional flood protection agencies to develop new policies that evaluate the safety, fiscal, and environmental consequences to the State-federal flood protection system.

We appreciate this opportunity to address our concerns.

Sincerely,

A handwritten signature in black ink that reads "Mary Pitto". The signature is written in a cursive style with a large, looped "P" at the end.

Mary Pitto  
Regulatory Affairs Advocate

cc: RCRC Board of Directors