



## ***PUBLIC WORKS***

March 11, 2010

US Army Corps of Engineers  
Attn: CECW-CE, Douglas J. Wade  
441 G Street, NW.  
Washington, DC 20314-1000

RE: Comments for Docket number COE-2010-0007

Dear Sirs:

The city of Everett and Diking District No. 5 of Snohomish County, Washington would like to thank you for the opportunity to comment on the Policy Guidance for variance from vegetation standards for levees and floodwalls.

Congress charged the US Army Corps of Engineers (USACE) with nationwide responsibility for the protection of life and property from flood damage. Public Law (PL) 84-99 (33USCA 801n) authorizes the USACE to prepare for floods, conduct flood fights, rescue activities and assist in the restoration of damaged non-Federal flood-control facilities.

We agree with, and support the USACE mandatory vegetation-management standards for levees, floodwalls and appurtenant structures contained in Engineer Technical Letter (ETL) 1110-2-571, *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams and Appurtenant Structures*.

We disagree and do not support variances from mandatory vegetation standards for levees, floodwalls, embankment dams and appurtenant structures. Our concerns are that the safety, structural integrity and functionality will not be retained. We also believe that accessibility for maintenance, inspection, monitoring and flood-fighting will be compromised and potentially unsatisfactory to the local sponsor who has the maintenance responsibility if a vegetation variance from ETL 1110-2-571 as proposed is granted.

Our detailed comments regarding USACE-2010-0007 published in the Federal Register/Vol75, No. 26/Tuesday, February 9, 2010 follow:

Policy Guidance Letter-Variance from Vegetation Standards for Levees and Floodwalls

No. 1 Purpose:

Comments: We do not believe that a vegetation variance should be given to a USACE mandatory vegetation standard otherwise the standards are not mandatory.

We do agree that any vegetation standard should align with the levee safety program goals that make public safety a top priority and assures application of consistent and well-documented approaches. We do not believe that vegetation variances meet the levee safety program goals, Public Law (PL) 84-99 (33 USCA 801n), or Engineer Technical Letter (ETL) 1110-2-571.-

No. 2 Applicability:

Comments: We agree that USACE policy vegetation guidance should apply to all elements of the USACE dike responsibilities.

We believe that the mandatory vegetation standard means no variances to the vegetation standards, which should apply to all elements of the USACE.

No. 6. Process:

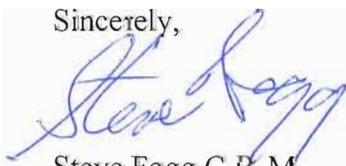
Comments: If variances are allowed, we agree with the statements that any vegetation variance "request shall fully explain the nature of the variance being requested and demonstrate compliance with the following two basic criteria"; and also agree with the second basic criteria "(2) With regard to levee systems, the variance must assure that -- safety, structural integrity and functionality will be retained and -- accessibility for maintenance, inspection, monitoring and flood-fighting are retained."

We believe that a vegetation variance to add root system in the levee system will reduce safety, structural integrity and functionality and will not be retained for the accessibility of maintenance, inspection, monitoring and flood-fighting.

We believe that ELT 1110-2-571 is the engineering and design vegetation standards that all new designs and existing dike maintenance should use to guide levee vegetation operation and maintenance.

Thank you for your considerations of these comments. Please call Roy Harris or Mark Sadler at 425-257-8800 for any questions. Thank you.

Sincerely,



Steve Fogg C.P. M.  
Diking District 5 Commissioner



Dave Davis, P.E.  
Public Works Director