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March 22, 2010

Mr. Douglas J. Wade
U.S. Army Corps of Engineers
ATTN: CEWC-CE
441 G Street, N.W.
Washington, DC 20314-1000

RE: COE-2010-0007

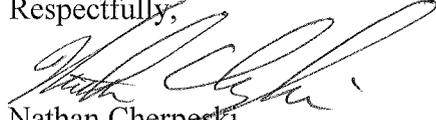
Dear Mr. Wade:

In response to your request for comments in the February 9, 2010, Federal Register (COE-2010-0007) regarding a proposed "Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls," the City of Alamosa would like the following considered. The City of Alamosa Colorado's levee (constructed 1998) was purposefully designed and constructed to save numerous trees. The Corps design incorporated the trees into the levee. In some instances, the rights-of-way acquired by the Corps specifically prohibit the City from removing trees as part of maintenance. Additionally, much of our levee right-of-way is too narrow to meet the clear zones required by the new rules. In at least one instance a home that predated the levee by several decades was identified as too close to the levee and possibly needing to be condemned to meet the strict letter of the new rules.

The City was assured in several meetings with the Corps that, as designed and constructed, the levee was still capable of protecting the City. With the change in vegetation rules, however the City faces the need to reconstruct significant portions of the levee. We paid our local share in good faith and assumed the Corps design staff knew what they were doing. The current rules do not account for how issues have arisen. The variance process needs to recognize that while issues may exist they may not be the result of maintenance deficiencies. The problems could very well have come about during the design and construction phase.

The rules being considered by the Corps for variances should allow for flexibility in the case of a Corps designed and constructed project that incorporated trees as part of the design. Additionally, it should recognize shortcomings in rights-of way acquired by the Corps and not require reopening those issues in communities.

Respectfully,

A handwritten signature in black ink, appearing to read "Nathan Cherpeski", written over a light blue horizontal line.

Nathan Cherpeski
City Manager

Cc: Congressman John T. Salazar