



Linda S. Adams  
Secretary for  
Environmental Protection

# State Water Resources Control Board

## Executive Office

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Arnold Schwarzenegger  
Governor

April 23, 2010

Douglas J. Wade  
CECW-CE  
U.S. Army Corps of Engineers  
441 G. Street, NW  
Washington, D.C. 20314-1000

Dear Mr. Wade,

**COMMENT LETTER REGARDING THE U.S. ARMY CORPS OF ENGINEERS  
"PROCESS FOR REQUESTING A VARIANCE FROM VEGETATION STANDARDS  
FOR LEVEES AND FLOODWALLS." (DOCKET NUMBER COE-2010-0007)**

State Water Resources Control Board (State Water Board) staff are submitting this letter in response to the recently published proposed regulations in the Federal Register (75 FR 6364 and 75 FR 11147, published February 9, 2010 and March 10, 2010, respectively) for the "Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls." (Docket Number COE-2010-0007).

Although we acknowledge the important role of levees and floodwalls in protecting public safety, State Water Board staff are concerned that the Corps' proposed approach towards these vital structures would compromise water quality. The Corps' proposed regulations would result in the removal and suppression of riparian vegetation along streams with levees. These management measures will have direct impacts on water quality, quantity and beneficial uses, as is noted below. This concern is shared with the California Levees Roundtable, a partnership of federal, State, and local agencies formed in August 2007 to address vegetation management on the State-federal levee system in California.

Due to intensive farming, urbanization, and water conveyance projects, it is estimated that 85 to 98 percent of California's stream riparian habitats have been lost (Riparian Habitat Joint Venture; 2004, p.xi)<sup>1</sup>. The ecological benefits of riparian vegetation are well documented. Riparian vegetation slows surface water velocities and increases

<sup>1</sup> Riparian Habitat Joint Venture. 2004. The riparian bird conservation plan: a strategy for reversing the decline of riparian associated birds in California, ver. 2. California Partners in Flight.

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infiltration. Riparian vegetation filters pollutants and reduces bank erosion and sedimentation. Sediment-laden waters impact municipal water supplies, recreational uses, and conditions for anadromous fish and other aquatic organisms. Riparian vegetation provides cover and shade for aquatic species. Shade reduces water temperatures which is critical for many aquatic species including salmonids. Riparian areas are also important to many plant and animal communities. Removal of riparian vegetation has a negative impact on the food web of the localized stream area. In addition, riparian habitat provides habitat for federal and state listed species.

In California, most of the stream levees do not have setbacks between the water and the levee. In most cases, the levee is the stream bank, and therefore riparian habitat has become well established along the levee system. State Water Board staff are concerned that the probability of effectively and completely mitigating for this large a cumulative environmental effect is highly unlikely. Additionally, given the possible destruction of the habitat for federally listed endangered species and detriment to water quality and supply, State Water Board staff urge that an Environmental Impact Statement be prepared for this rule.

State Water Board staff support the approach taken by the California Levees Roundtable. This agency workgroup has initiated the California Levee Vegetation Research Program (CLVRP). The objective of this program is to conduct scientific research that will determine the extent to which woody vegetation may affect the safety of levees in California's Central Valley. The CLVRP is coordinating with the Corps' Engineer Research and Development Center (ERDC) which has been charged with implementing the national levee vegetation research.

State Water Board staff recommend that the Corps delays implementation of the proposed new measures in California until the joint CLVRP/ERDC studies are completed. This research effort will provide a scientific basis to levee vegetation management in California and could inform the Corps' procedures in this regard.

Thank you for the opportunity to comment on the Corps' proposed changes to the vegetation variance standards for levees. If you have further questions, please contact Bob Solecki at (916) 341-5483 ([rsolecki@waterboards.ca.gov](mailto:rsolecki@waterboards.ca.gov)).

Sincerely,



Dorothy Rice, Executive Director  
State Water Resources Control Board

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U.S. Army Corps of Engineers

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cc: (Continuation page)

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