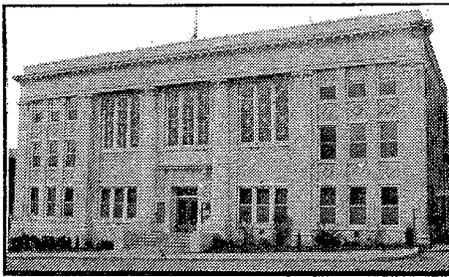


**Board of  
County Commissioners**  
245-2234

**Clerk District Court  
Auditor and Recorder**  
245-3212

**Treasurer and  
Tax Collector**  
245-2421



**Prosecuting Attorney**  
245-2564

**Assessor**  
245-2821

**Sheriff**  
245-2555

**Coroner**  
245-2611

## *County of Benewah*

ST. MARIES, IDAHO 83861

February 26, 2010

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

RE: docket number COE-2010-0007

Proposed Revisions for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures

Dear Mr. Wade,

The Benewah County Commissioners have reviewed the proposed new requirements for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures. (COE-2010-0007)

The Benewah County Commissioners are greatly concerned how these new proposed regulations will affect the citizens of our county. Currently there are four levees in the public law 84-99 Program plus one Certified Levee in Benewah County. The Certified Levee is owned by the City of St. Maries and the four levees in the PL 84-99 program are in separate taxing districts managed by elected commissioners. These levees along the St. Joe River provide protection to a number of our citizens in and around the City of St. Maries.

The levee owners in our County have been receiving a PL 84-99 Levee Vegetation Management variance from the Army Corps of Engineers Seattle District. This is a variance developed specifically by the Army Corps of Engineers to address conditions on the river systems in the Pacific Northwest. The levees in our county have been managed according to the Seattle District variance. It will place an undue burden to change the rules to make them more restrictive.

The understanding of the Benewah County commissioners is that the PL 84-99 program was developed to assist communities with flood fight repairs after an event. Many if not all of the levee districts in our county would have to conduct a lot of work to meet these new criteria. The land along the levees is privately owned and the levee districts do not have the authority to dictate land use policies outside the levee prism. More restrictive rules are apt to cause levee districts to fall out of the program placing homeowners who live behind them at risk. Once Levees fall out of the program, help from the Army Corp of Engineers will not be available during a flood fight. These levee owners will not be able to obtain financial help to repair the damage caused during floods.

Benewah County has a nineteen percent unemployment rate. Unemployed people are not able to absorb additional costs. These levee districts do not have the means to generate dollars to hire an engineer to perform an analysis to develop an application for an individual levee variance.

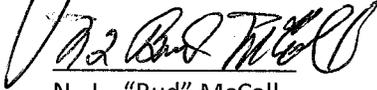
Prior to adopting new standards for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures. (COE-2010-0007), the agency should consult with the other Federal Regulatory partners. Levee owners in Benewah County have experienced problems adhering to Army Corp of Engineer vegetation management regulations when other federal agencies stop the work, claiming violations of their regulations.

The Benewah County Commissioners request that the proposed new requirements for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures. (COE-2010-0007) not be adopted as drafted.

Sincerely,



Jack A Buell Chairman



N . L. "Bud" McCall  
Commissioner



Christina Crawford  
Commissioner

Cc: Senator Mike Crapo  
Senator James E. Risch  
Representative Walt Minnick  
Representative Mike Simpson