

# WATER RESOURCE INVENTORY AREA 9 (WRIA 9) WATERSHED ECOSYSTEM FORUM



Algona  
Auburn  
Black Diamond  
Burien  
Covington  
Des Moines  
Enumclaw  
Federal Way  
Kent  
King County  
Maple Valley  
Normandy Park  
Renton  
SeaTac  
Seattle  
Tukwila

King Conservation District  
Vashon/Maury Island  
Community Council  
Covington Water District  
Port of Seattle  
Tacoma Public Utilities  
Washington Department  
of Ecology  
Washington Department  
of Fish and Wildlife  
Washington Department  
of Natural Resources  
U.S. Army Corps of Engineers  
  
Washington  
Environmental Council  
Green/Duwamish  
Watershed Alliance  
Trout Unlimited/Mid-Sound  
Fisheries Enhancement Group  
Save Habitat and Diversity of  
Wetlands (SHADOW)  
  
The Boeing Company  
Master Builders Association  
King County Agricultural  
Commission

March 8, 2010

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



RE: Opposition to Proposed Revised Policy Regarding  
Variances from Vegetation Standards for Levees and Floodwalls  
(Docket Number COE-2010-0007)

Dear Mr. Wade:

The following comments are offered on behalf of the WRIA 9 Watershed Ecosystem Forum, a broad-based partnership of governments, businesses, and non-profit groups working on watershed health and salmon habitat recovery in the Green/Duwamish and Central Puget Sound Watershed in western Washington State.

Our Watershed Ecosystem Forum in turn is part of a larger, unprecedented effort called the Puget Sound Partnership, which is coordinating restoration of one of the nation's most important water bodies.

In response to the USACE proposal to change the vegetation variance process, detailed in the Federal Register notice titled "Process for Requesting a Variance from Vegetation Standards for Levees and Floodwalls," we encourage the Corps to withdraw their current proposal and base any future changes to variance procedures on broadly-accepted scientific research.

Our watershed restoration efforts are predicated, at a minimum, on the continuance of the "regional variance" extended to federal partners in the Seattle District. This variance allows the retention of vegetation up to 4 inches in diameter on levees constructed or maintained with federal funding and larger vegetation within 15 feet of the front and back toe of the levee. Most of the lower 20 miles of the Green River includes levees and revetments on one or both banks. Although inadequate to meet the habitat needs of Endangered Species Act-listed salmonids and to fulfill Clean Water Act requirements for temperature and dissolved oxygen standards, retention of vegetation of this size and in these locations provides *some* ecological benefits with no demonstrated negative effects on the stability of flood facilities. Lacking the variance, even this modest vegetation will be removed, with certain negative impacts to ESA-listed salmonids and water quality parameters.

*Financial support provided by signers of Watershed Planning Interlocal Agreement for WRIA 9 including: Algona, Auburn, Black Diamond, Burien, Covington, Des Moines, Enumclaw, Federal Way, Kent, King County, Maple Valley, Normandy Park, Renton, SeaTac, Seattle, Tacoma, Tukwila*

Public safety of levees – the stated objective of this change in policy – is of paramount importance to our partners. Many of our partners depend on flood facilities constructed and maintained in partnership with USACE to protect the lives and property of thousands of people.

We are confident, however, that the retention of vegetation under the regional variance does not jeopardize the stability of these flood facilities and may strengthen them. Our observation over two decades is that levee designs that integrate bioengineering techniques including mature vegetation provide erosion stability to levees, thereby providing flood safety to surrounding people, industry, and agricultural land.

The proposed revocation of the Seattle District regional variance will create a counterproductive situation in which USACE invests millions of dollars in the Duwamish-Green Ecosystem Restoration Project while adopting a policy that simultaneously and unnecessarily undermines the health of that aquatic ecosystem.

The proposed course of requiring entities to apply for new variances for each facility/river reach would be time-consuming, expensive, and do little if anything to improve the stability of our levees. In the interim, larger vegetation on levees will continue to be removed to maintain eligibility for PL84-99 funding, causing unnecessary harm to ESA-listed fish and water quality.

Much of the evidence that we base our conclusions on was presented at the Corps-sponsored levee vegetation symposium on February 26, 2009, in Renton, Washington. In addition, others from the Puget Sound region will be submitting comments that provide detail on the technical aspects of vegetation both in terms of facility stability and ecosystem impacts. We encourage USACE to consider the evidence from both sources in making a final decision on this immediate policy and in making future determinations about levee vegetation standards.

Local governments and citizens look to USACE as a leader in providing flood safety in an environmentally sustainable way. Governments in Puget Sound are willing to work with USACE to develop policies that meet our mutual interests in resilient flood facilities and healthy ecosystems. We urge USACE to take advantage of this opportunity to meet national objectives while taking into account the differing needs of individual regions.

Sincerely,



Dow Contantine  
King County Executive  
Co-Chair, WRIA 9 Watershed Ecosystem  
Forum



Bill Peloza  
Councilmember, City of Auburn  
Co-Chair, WRIA 9 Watershed Ecosystem  
Forum

Douglas J. Wade

March 8, 2010

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cc: Members of the WRIA 9 Watershed Ecosystem Forum  
Honorable Patty Murray, United States Senator  
Honorable Maria Cantwell, United States Senator  
Honorable Jim McDermott, United States Congressman  
Honorable Adam Smith, United States Congressman  
Honorable Dave Reichert, United States Congressman  
Col. Anthony Wright, Commander and District Engineer, US Army Corps of  
Engineers, Seattle District  
Jo-Ellen Darcy, Assistant Secretary of the Army  
Barry Thom, Acting Regional Administrator, Northwest Region, NOAA Fisheries  
Steven Landino, Director, Washington State Habitat Office, Habitat Conservation  
Division, National Marine Fisheries Service  
Kenneth Berg, Manager, Western Washington Field Office, US Fish and Wildlife  
David Dicks, Executive Director, Puget Sound Partnership