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## Environmentalist groups' suit attacks Army Corps of Engineers directive aimed at levee safety, flood fighting

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Contra Costa Times

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A federal policy requiring trees and shrubs to be stripped from 1,600 miles of California levees should be overturned, environmentalists argued in a lawsuit filed Monday. The Army Corps of Engineers' no-vegetation policy has been in place for decades but unevenly enforced. After Hurricane Katrina, the agency set out to apply it more consistently.

Last summer, for example, a Contra Costa County crew cut down about 25 trees along Wildcat Creek near Richmond under pressure from federal inspectors, unaware that their superiors were intent on defying the federal policy.

"It is a policy the Corps does enforce, but they haven't gone around and enforced it everywhere, immediately," said Bob Wright, a lawyer for Friends of the River, one of the environmental groups that filed the lawsuit.

It was a story about the Richmond levees in the Contra Costa Times that alerted Wright and other environmentalists to the policy's effect, Wright said.

Near Sacramento, Wright said, crews had to take out 4,000 trees along the Sacramento River, and the cost of a maintenance project grew by more than \$180 million.

"The incident in Richmond ... had a significant impact in what's been uncovered in our investigation," Wright said.

In the Bay Area, the no-vegetation policy could affect the banks of Wildcat Creek and San Pablo

Creek near Richmond, the Napa River and the Alameda Creek flood control channel. In the South Bay, Guadalupe River and Coyote Creek

also fall under the no-vegetation rules.

Levees that do not meet federal standards can be deemed ineligible for federal repair or maintenance funds. Also, failure to meet federal levee standards could result in nearby homeowners having to buy flood insurance.

State and local flood safety officials became concerned about enforcement of the no-vegetation rules in February 2010, when the Corps issued draft instructions for exemptions from the policy. The draft made it clear that getting exceptions would be difficult.

Trees and shrubs can cover up problems in a levee and make repairs or flood-fighting more difficult, said Corps spokesman Pete Pierce. And trees that fall can pull up chunks of levee in their roots.

Critics of the policy, including the state of California, contend roots on balance make levees stronger by holding dirt together. Removing trees would cause their roots to rot, weakening the levees, California officials have argued.

In response to criticism, the Corps is to reissue draft guidelines for exemptions this summer, Pierce said.

The lawsuit, filed Monday in federal court in Sacramento, contends the policy is being enacted

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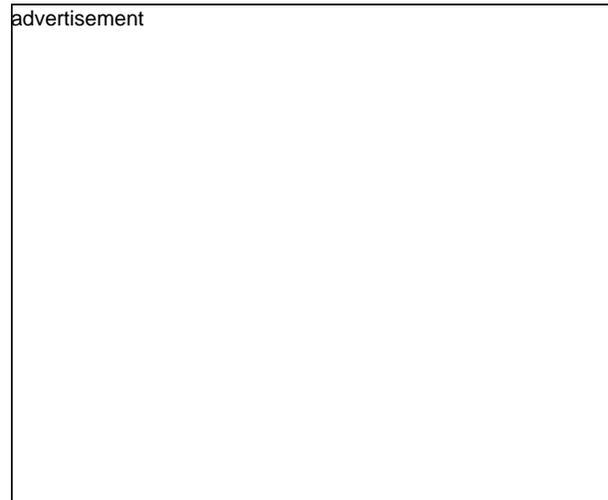
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without an environmental review and without consideration of its effect on endangered species.

The lawsuit says the policy could force the removal of the last 5 percent of remaining streamside forests.

Joining Friends of the River in the suit were the Center for Biological Diversity and Defenders of Wildlife.



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