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Calif. levee clearing order challenged in court

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A federal order to clear-cut trees and shrubs from thousands of miles of levees in California will destroy precious wildlife habitat and cost the cash-strapped state more than \$7 billion, conservation groups argued in a lawsuit filed Monday.

The U.S. Army Corps of Engineers vegetation removal policy, crafted after the catastrophic levee failures following Hurricane Katrina, would also weaken, rather than bolster, the barriers that channel storm water and hold back rising seas, the groups contend in a suit against the agency.

"Historically, the (Corps) encouraged vegetation on levees because it helped stabilize them and prevent erosion," said Kelly Catlett of Defenders of Wildlife, one of the plaintiffs in the case. "After Katrina, it was a knee-jerk reaction - all the trees, shrubs, bushes had to go."

Catlett's group, the Center for Biological Diversity and Friends of the River on Monday asked the U.S. District Court in Sacramento to invalidate the policy until the Corps of Engineers weighs the program's impacts on the numerous endangered species that forage and breed in the levee greenery.

In addition to providing critical habitat to protected hawks, songbirds, rabbits, snakes and beetles, the trees and bushes on California's 3,000 miles of levees offer shade and woody debris for chinook salmon, sturgeon and other fish. Experts say the levees represent the last vestige of a vast, lush landscape all but erased by residential and commercial development.

"These trees and vegetation represent the last 5 percent of the riparian habitat left in the state," Catlett said. "Mowing it down will have a devastating impact."

Corps representatives would not comment on the lawsuit. But since the program's controversial debut, the agency has maintained that removing levee vegetation is essential to public safety. In driving wind and rain, they say, trees may topple over, pulling down levees and unleashing waves of storm water into neighborhoods, business districts and roadways.

Four years after Hurricane Katrina wreaked havoc on New Orleans in 2005, the agency released an "engineering technical letter" spelling out that unless granted a rare waiver, 14,000 miles of levees around the country must be free of foliage, with the exception of grasses.

But California agencies, which maintain about half of the levees in the state, insist there is little evidence that trees and shrubs have any effect on levee function.

"We are not aware of any levee failures in the Central Valley that were caused by woody vegetation on levees, and interim studies suggest that woody vegetation has negligible detrimental effects on levee performance as well," representatives of the California Department of Water Resources and Department of Fish and Game wrote to the Corps last spring.

Last year, a group of Bay Area legislators, regulators and water agencies held an unusual press conference at Wildcat Creek in Richmond to explain why they refuse to comply with the Corps policy. One of their biggest concerns was the program's impact on a 25-year effort to restore and enhance much of the open space along the East Bay shoreline.

Another concern was cost. Removing the thick stand of trees and bushes from Wildcat Creek's levees alone would cost Contra Costa County about \$2 million, officials said.

Statewide, the Department of Water Resources said stripping vegetation from its 1,600 miles of levees would cost about \$7.5 billion.

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