



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108

OCT 26 2011

The Honorable Kenneth L. Salazar
Secretary of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary ~~Salazar~~ ^{Ken}:

The U.S. Army Corps of Engineers has been working with Federal agencies at the national and regional levels on a long-term program to ensure the safety of levees and to comply with environmental statutes. The intent is to reduce overall flood risk by transitioning non-compliant levees to appropriate engineering standards and to optimize life safety, environmental, endangered species, and Native American considerations. The Corps is working with local levee sponsors to foster solutions that satisfy all of these imperatives. Because these issues have national application and could potentially be very costly to implement, I want to apprise you of the status of the Corps efforts and request your continued engagement and support in implementing this program.

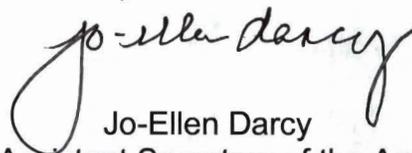
This program centers around three engineering documents: 1) Corps standards for managing vegetation on levees, 2) a proposed process for issuing a variance from the vegetation standards, and 3) a proposed process to assist in transitioning non-compliant levees to meet the standards. Complying with engineering standards allows levee sponsors to remain eligible for Federal rehabilitation funding under the Flood Control and Coastal Emergency Act (PL 84-99). The Corps levee vegetation management standards, published over a decade ago, remain sound and will not be updated at this time. Both the proposed variance process and the levee system transition guidance will be published in coordination with your agency. I have enclosed a more detailed description of these activities and the program schedule.

Fundamental to the program is complying with all environmental, endangered species, and Native American requirements. We believe that addressing these imperatives on a case-specific basis is the most reasonable approach. To support the program, the Corps Engineer Research and Development Center recently conducted a research effort on the impacts of trees on levees. They determined that the impact of vegetation on levees is highly variable. The Corps will host an interagency workshop to develop an intergovernmental strategy for future research to address the engineering and environmental considerations of vegetation on levees. I will have the Corps provide your staff with workshop information when the details are finalized.

As we move forward with our unified program, I respectfully request the continued participation of your agency in finalizing these policy documents, and your

support as they are implemented. I look forward to maintaining the close partnership among Federal agencies as we work to preserve public safety, cultural heritage, and the environment. Thank you for your interest and support of the Army Civil Works program. I am sending an identical letter to Administrator Fugate, Administrator Jackson, Dr. Lubchenco and Chair Sutley.

Very truly yours,

A handwritten signature in black ink that reads "Jo-Ellen Darcy". The signature is written in a cursive style with a large, looping initial "J".

Jo-Ellen Darcy
Assistant Secretary of the Army
(Civil Works)

Enclosures

Flood Risk Management / Levee Vegetation Program Detailed Discussion

The foundation of our program is the Corps vegetation standards, Engineering Technical Letter (ETL) 1110-2-571, *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures*, published in 2009. Both an Independent External Peer Review and an Independent Technical Review validated the ETL based upon existing and available engineering and scientific data. The clarified standards outlined in the ETL, which includes the opportunity for a variance, are used when evaluating flood damage reduction projects that have chosen to participate in the Corps program. Though published over a decade ago, these ETL standards remain sound and applicable and will not be updated at this time. However, they may change over time as we continue to learn more about the impacts of vegetation on levees through holistic and collaborative intergovernmental research.

The draft policy guidance letter (PGL), *Variance from Vegetation Standards for Levees and Floodwalls*, addresses alternative approaches to achieving ETL standards that accommodate local conditions and concerns. Specifically, it outlines the process by which a levee sponsor may request, and the Corps may consider, a permanent variance to current vegetation standards to optimize life safety, environmental protection, and Native American rights. Such a variance is not a waiver, an exemption, or an exclusion – all of which would lower safety standards. Instead, a variance allows for an alternate path to realize the same functionality as the ETL standards while achieving important environmental goals or Native American concerns. As with the ETL, this PGL may change over time as we learn more about the impacts of vegetation on levees. We have updated the current draft PGL based on government agency and public input and intend to publish a new revised draft in December 2011 in the Federal Register for a 60-day public review. The PGL will be published in the Federal Register in its final form in Spring 2012.

The centerpiece of our program is a draft System-wide Improvement Framework (SWIF) which provides committed levee sponsors a process to transition their levees, over time, to Corps standards while remaining eligible for federal rehabilitation funding under Public Law 84-99. The policy allows deficiencies, which may include vegetation, to be addressed on a “worst first” basis as part of a larger system-wide plan that optimizes overall risk reduction and environmental, endangered species, and Native American imperatives. In light of these imperatives, the SWIF recognizes and accommodates for the potential significant increase in time for transitioning levees to Corps standards. We intend to publish the final SWIF policy this fall.

As an integral part of this program, we are committed to complying with all environmental protection and endangered species requirements, on a case-specific basis as the Corps undertakes actions to assist levee sponsors transition their levees. We recognize that each levee is a unique flood risk management system that operates within a broader and equally unique local ecosystem and that potential environmental

impacts are dependent upon the undetermined future actions of individual levee sponsors who operate and maintain levee systems. As a result, we believe that approaching environmental compliance on a case-specific basis is the most reasonable approach.

Also, the Corps Engineer Research and Development Center (ERDC) has conducted advanced, quantitative research on the impacts of trees on levees. Though their research report, "Initial Research into the Effects of Woody Vegetation on Levees", provides additional valuable information, the total impact of vegetation on levees continues to be extremely complex and highly variable. As a result, the Corps will conduct an interagency workshop with the goal of defining an intergovernmental research and development strategy so we can ask the "right" questions and develop the most comprehensive and complete scientific information about the potential impacts of vegetation on levees. Finally, national and selected regional multidisciplinary "solutioneering" teams led by the Corps will investigate technical alternatives that address both levee reliability and habitat concerns.

A long-term solution to flood risk reduction challenges will require extensive collaboration at the federal, state and local levels. We recognize that levee sponsors will require assistance from federal agencies and others to develop plans for transitioning their levees to Corps standards while maintaining eligibility for federal rehabilitation funding and complying with the Endangered Species Act and other federal laws. We are committed to supporting levee sponsors in establishing multi-agency, multi-disciplinary teams such as the "roundtable" forums in California and Washington or leveraging the very successful interagency Silver Jacket teams now operating in twenty-three (23) states.

Flood Risk Management / Levee Vegetation Program Schedule

<i>Date</i>	<i>ACTION</i>
August 2	Issue draft PGL for internal 30-day review, issue ERDC report for internal information
September 2	Internal PGL comments received
September 9	Meeting(s) completed with USFWS, NMFS, and EPA to Review Updated Policy Documents
TBD	Briefings completed to HQ USACE, ASA(CW), CEQ, Senate and House Appropriations and Authorizations, Senate and House two (2) open meetings - Subject: past release of SWIF, immediate release of ERDC report, and future release of PGL
TBD	Media Roundtable for external release of ERDC Report, contact all those briefed by email
TBD	Teleconference with key stakeholders on ERDC research
November 2	Redraft PGL based on internal and resource agency comments
November 18	Public release of System-Wide Improvement Framework Policy (SWIF)
November 23	Briefings completed to HQ USACE, ASA(CW), and CEQ – Subject: past release of SWIF, past release of ERDC report, and future publication of draft PGL in the Federal Register
December 14	Finalize and proof PGL and obtain final buy-in before submitting to Federal Register
December 16	Advance release of Final Draft of PGL and related communication documents to Hill Staff, RA staff
December 19	Publish draft PGL in Federal Register for 60-Day comment
February 17	Receive public comments from 60-day PGL review
March 30	Complete proposed final PGL based on public comments
April 15	Briefings completed to CW leadership, ASA(CW), CEQ. Subject; past release of SWIF, past release of ERDC report, and immediate release of final PGL.
April 22	Final modifications to PGL and obtain approvals
April 23	Publish Final PGL in Federal Register CF: