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COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE:

WM-3

Ms. Tammy Conforti
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-100

Dear Ms. Conforti:

PROCESS FOR REQUESTING A VARIANCE FROM VEGETATION STANDARDS DOCKET NO. COE-2010-0007

On behalf of the Los Angeles County Flood Control District, thank you for the opportunity to comment on the U.S. Army Corps of Engineers process for requesting a variance from vegetation standards for levees and floodwalls. Enclosed are our comments for your review and consideration.

If you have any questions, please contact me at (626) 458-4300 or ghildeb@dpw.lacounty.gov or your staff may contact Ms. Angela George at (626) 458-4325 or ageorge@dpw.lacounty.gov.

Very truly yours,

GAIL FARBER
Director of Public Works

GARY HILDEBRAND
Assistant Deputy Director
Watershed Management Division

GD:sw

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Enc.

**COMMENTS OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT ON
THE PROCESS FOR REQUESTING A VARIANCE FROM VEGETATION
STANDARDS ON LEVEES AND FLOODWALLS
DOCKET NO. COE-2010-0007**

1. For years, the effect of vegetation on the structural integrity of levees has been fervently debated due to the absence of conclusive scientific evidence. The U.S. Army Corps of Engineers (Corps), is now conducting a study to determine the effects of this woody vegetation. Agencies throughout the country are anticipating the study results to determine where to most effectively apply their limited resources to reduce the flood risk to their residents. As such, the Corps' vegetation management guidelines should not be enforced until the conclusion of the study, when a better understanding of the vegetation effects is known.
2. The proposed process should allow for the request of a variance not just for levees which had vegetation as part of the original design as per 6.c.(2), but which were subsequently improved and incorporated vegetation in the nonvegetation area in their design. Such improvement projects were conducted with Corps approval.
3. The proposed process should automatically grant a variance for well-maintained, Corps-designed, levees originally designed, and constructed with woody vegetation.
4. In some cases, the Corps approved vegetation plantings, without issuing vegetation variance or deviation agreements. Therefore, the proposed process, 6.b.(1) should be modified to also qualify these projects.
5. The proposed variance process should include a response from the Corps to the levee sponsor to indicate a variance request can be submitted for the levee. This will prevent a levee sponsor from initiating unnecessary, costly analysis. In addition, the deadline for the submittal should be extended to two years and be based on the Corps' response date. This helps to stagger when the variance requests and their documentation is submitted. These changes will not only help the Corps to review the many requests on a more timely basis, but also help the levee sponsors who must complete complete applications for many miles of levees.
6. The proposed process should also qualify nonfederal levees to request a variance if the vegetation in the nonvegetation area was present before the levee entered the Rehabilitation and Inspection Program for PL 84-99.
7. To expedite the review process of the numerous anticipated variance requests, the responsibility for final review and approval should remain with the Corps' Divisions. The regional characteristics affecting levees are well understood by their respective Division and can, therefore, be best applied in

making the determinations. In addition, a review period for final approval, (i.e., six months) should also be included in the proposed variance process.

8. The proposed process requires an extensive amount of information and engineering analysis. Given the current limited scientific evidence of vegetation impacts on levees, the Corps should publish more guidance to standardize how to conduct the analysis. This will help ensure it meets the Corps' requirements and eliminate random process development by agencies.
9. The proposed process indicates local sponsors must continue to comply with all environmental laws. Some environmental laws mandate that vegetation be left untouched within flood control facilities. With this in mind, there is a potential for conflicts between the proposed variance process and compliance with the laws. It is recommended that this conflict be addressed in future drafts of the process.

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