

Overview of Levee Vegetation Management and Army Corps Funding Eligibility in King County

Background

Under Public Law 84-99 the US Army Corps of Engineers (USACE) is authorized to provide emergency assistance to cost-share and construct levee repairs following a disaster event. Eligibility for this cost-sharing program requires that levee sponsors comply with the USACE Rehabilitation and Inspection Program (RIP), which requires the removal of vegetation greater than 2 inches in diameter from levees. Through a regional variance the Seattle District allows the presence of vegetation up to 4 inches in diameter. If a recent proposed policy change is enacted by the Corps, regional variances would be repealed in September 2010.

King County's Position on Levee Vegetation

Since the early 1990s, King County floodplain managers have observed that incorporating native vegetation in flood facility repairs (an approach referred to as 'bioengineering' or 'biostabilization') decreases flood damage susceptibility while supporting the objectives of the Clean Water Act and Endangered Species Act. It is King County's position that, when properly designed and constructed, vegetation can actually improve the structural stability of levees. King County is actively pursuing additional research in collaboration with the Seattle District of the USACE to better understand the impacts of native vegetation on levees in the Puget Sound region.

Problem Statement

Local governments in the Puget Sound region continue to be caught between conflicting federal mandates: we are required to degrade riparian areas identified as critical habitat for federally listed species so that we can retain our eligibility for federal PL 84-99 funding for critical public safety projects. In other words, to comply with one federal mandate we must risk violating both the Endangered Species and Clean Water Acts. During 2009 a national environmental organization filed a notice of intent to sue the USACE under the ESA for failure to consult the program, but to date has not filed suit.

Facts about PL 84-99 Program and Levee Vegetation in King County

1. USACE projects cost King County \$1 for a project that costs the USACE \$3.50 and could have been completed by King County for an estimated cost of \$2. While there was a net savings to King County during 2008-9, there was also a higher total cost to the taxpayer.
2. During 2008-9, King County removed 512 trees to become eligible for USACE cost-sharing of levee repairs from the 2006 flood disaster. The tree removal rate was 74 trees per mile.
3. Full compliance with the existing regional variance would require the removal of 8,700-19,000 trees (or 238-544 trees per mile), at a cost of \$61,000,000 to \$133,000,000.
4. Compliance with the National Standard would require the removal of 13,600-35,300 trees (or 354-660 trees per mile) at a cost of \$95,000,000 to \$174,000,000.
5. The total cost for removal of trees, mitigation, and acquisition of property on the Green to provide a mitigation site, is \$5,209,000.
6. During 2008-9 the USACE provided \$25,000,000 and King County provided \$10,470,000, or 29% of the total cost of \$35,531,000.
7. King County's share varied from 19% to 77% for repair projects completed 2008-9.
8. King County's cost share percentage was higher on the Snoqualmie (62%) where projects than on the Green (29%).
9. On average, the Seattle District has provided \$12 million per disaster declaration over three states (WA, OR, ID) since 2004. The amount has ranged from \$2 million to \$26.5 million.
10. Since 1990, King County has received approximately \$27 million through the program, including \$25 million in 2008-9.