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Lawsuit Initiated to Save California Endangered Species From Habitat Destruction Caused by Vegetation Clearing on Levees

SAN FRANCISCO— The Center for Biological Diversity today sent a [notice of intent to sue](#) the U.S. Army Corps of Engineers over a new policy that would require stripping levees of vegetation that provides important habitat for imperiled fish, birds and other species in California. The Corps already has a nationwide policy requiring removal of trees and other vegetation from levees; now it wants to cancel all exceptions to that policy and require all levees to be cleared without evaluating the impacts on endangered species or their habitats in California.

"Levee safety can be achieved without a scorched-earth policy that will destroy habitat for struggling species like salmon, steelhead trout, and willow flycatchers," said Jeff Miller, a conservation advocate at the Center. "The Corps has failed to consult with federal wildlife agencies about the impacts of vegetation-free zones on California's endangered species. It's left too little time for levee operators to get new variances."

After Hurricane Katrina, the Corps made major changes to its nationwide levee policies, including new standards in 2009 banning vegetation on or within 15 feet of levees. Earlier this year, the agency adopted a variance policy requiring trees and bushes to be removed by September 30 unless a new variance was granted, forcing levee owners and operators to scramble to meet the deadline. Although the Corps extended the deadline by an additional year in some areas, such as parts of the Central Valley, the policy could affect many other levees throughout the state.

The changes may significantly affect endangered species that rely on vegetation for shade and complex habitat: the chinook salmon, steelhead trout, giant garter snake, least Bell's vireo, southwestern willow flycatcher and Valley elderberry longhorn beetle. Before the decision was made, the Corps should have consulted with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, as required by the Endangered Species Act. In many Southern California coastal streams, least vireos and flycatchers nest in riparian vegetation; longhorn beetles inhabit elderberry trees along Central Valley levees. Salmon and steelhead populations could suffer from clearing that reduces vegetation and shade along waterways that are confined within levees.

"There's little proof that trees threaten levees in California. In fact, research shows that trees can strengthen levees, and a scientific review by the Corps last year determined that some vegetation may help stabilize them," said Miller. "The Corps' own documents admit that removing vegetation may harm endangered species habitats, but instead of undertaking the necessary consultation with wildlife agencies, the Corps has tried to push that off onto local levee owners."

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