Congress of the United States
Washington, DC 20515

April 3, 2012

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
U.S. Army Corps of Engineers
108 Army Pentagon, Room 3E446
Washington, DC 20310-0108

Dear Assistant Secretary Darcy,

Thank you for your continued efforts to work with local communities to address their concerns with the U.S. Army Corps of Engineers (Corps) vegetation policy. In response to our letter dated February 15, 2011 concerning application of this policy in California, we appreciate your continued commitment, and that of the Corps, to our collaborative partnership with the State of California in the face of administrative, legal and resources challenges. In particular, we are heartened by the addition of another public comment period, and a resulting number of changes in the *Policy Guidance Letter--Variance From Vegetation Standards for Levees and Floodwalls* (PGL). We also appreciate the Corps' constructive attempt to address public safety issues in a risk-prioritized way through the *System-wide Improvement Framework* process (SWIF).

Unfortunately, these efforts have not resolved fundamental issues that will adversely affect public safety and cause harm to the environment. These issues were extensively documented in the April 15, 2010 letter to the Corps from the California Department of Water Resources and California Department of Fish and Game. We do not support finalizing the draft PGL and urge you to reconsider many of the important issues set forth in the letter. Specifically, the issues we are concerned about are the following:

- The extremely high costs of levee construction and mitigation resulting from this policy will divert limited resources from the remediation of critical risk factors, with little or no improvement in public safety.
- When the Central Valley flood protection system was turned over to the State to operate and maintain, woody vegetation was already an integral component of the levees and channels. Since that time, vegetation has been encouraged, protected, or introduced by the Corps on many levees. In other parts of the State, the Corps built levees designed with vegetation and then turned the facilities over to local agencies to maintain. The Corps should therefore be a full partner in addressing the consequences of these actions.
- The Corps should make a clear distinction between existing levee systems and new federal project improvements. We accept the concept that new levees should be constructed and maintained in full compliance with Corps vegetation policies, but a regionally adaptable approach that recognizes the integration of woody vegetation is imperative for existing levees.
- The PGL is so stringent, burdensome and expensive that variances are unlikely to be sought or issued except under specialized, local circumstances.

Given the enormous costs of implementation and the resulting destruction of the ecosystem, the Corps' vegetation management policies must be substantially changed in order to make credible, tangible improvements in public safety and the protection of the environment. In particular, the

PGL and SWIF place an unwarranted importance on PL84/99 eligibility that has little or no bearing on the required authorization of tens of billions of dollars of State/local/ federal construction projects that are urgently needed to protect life and property. We are concerned that the PGL could double the cost of levee improvements in the state.

While we are disappointed that the Corps has suspended participation in the California Levees Roundtable (Roundtable) process, we hold out hope that a spirit of collaboration will continue and enable important public safety projects to advance without placing undue burdens on local communities. We encourage the Corps to extend this collaboration to areas outside the Central Valley of California, including our local agencies along the California coast, within the San Francisco Bay Area and in semi-arid Southern California.

Again, we request the following from the Corps:

1. Revise the vegetation variance policy to establish a practical process that considers the incremental risk posed by levee vegetation with respect to all risks that affect levee integrity, and whether or not the financial and environmental costs of vegetation removal are warranted.
2. Continue active collaboration in the Central Valley to work through the identified implementation issues and establish similar collaborative efforts to areas outside the Central Valley to address implementation issues unique to those areas.
3. The SWIF is a promising concept, but as written falls short of being useful. Revise the SWIF to allow projects to expediently remediate the most serious threats to levee integrity in a way that provides for the greatest public safety benefit with limited resources, such as proposed in the recently released draft Central Valley Flood Protection Plan.

Thank you for your time and consideration. We look forward to your reply.

Sincerely,

Doris O. Matsui
Member of Congress

George Miller
Member of Congress

Grace F. Napolitano
Member of Congress

Wally Herger
Member of Congress

John Garamendi
Member of Congress

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Dan Lungren
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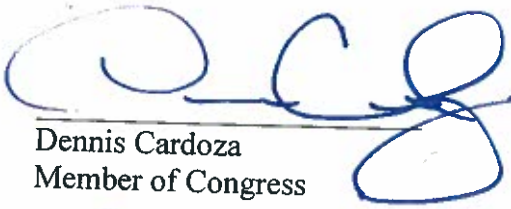

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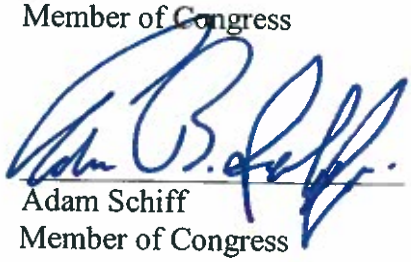

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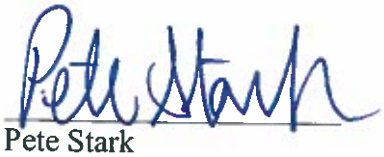

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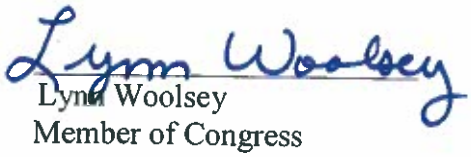

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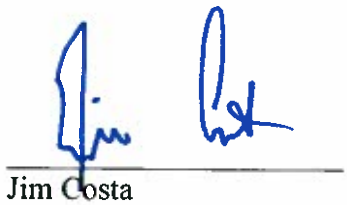

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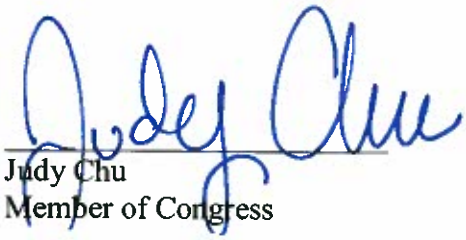

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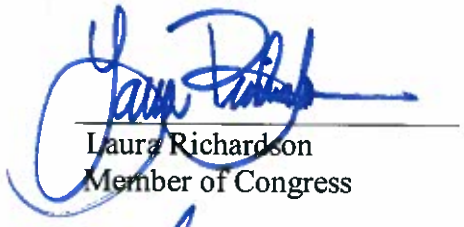

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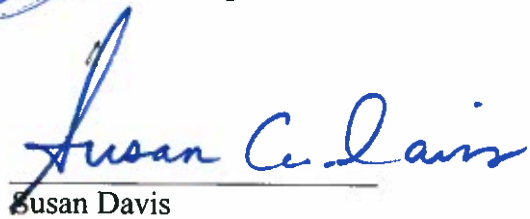

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