



June 4, 2013

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Dear Members of the California Congressional Delegation:

On behalf of the California State Association of Counties (CSAC), I urge you to seek inclusion of language in the next Water Resources Development Act (WRDA) that would require the Secretary of the Army to undertake a comprehensive review of the U.S. Army Corps of Engineers' levee vegetation removal policy. As you know, the Corps' one-size-fits-all vegetation policy creates considerable challenges for local governments and flood control agencies, which are responsible for maintaining thousands of miles of levees throughout California.

As you may be aware, Section 2020 of the Senate-passed WRDA bill (S 601) would require the Secretary to carry out a comprehensive review of the Corps' national guidelines on vegetation management. CSAC is strongly supportive of this section of the bill. S 601 also would require the Secretary to consider whether the Corps' policy can be amended to promote and allow for consideration of variances on a statewide, tribal, regional or watershed basis, a key factor promoted by CSAC. Additionally, under the Senate legislation, the Secretary would need to solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences as part of the policy review process.

CSAC urges that the aforementioned provisions be included as part of the House WRDA bill, as these essential directives would ensure that the Corps' narrow and restrictive policy is comprehensively reviewed and revised.

CSAC also urges Members to ensure that the House WRDA legislation, like the Senate bill, would require the Secretary to consider a number of key, specific factors when allowing for and promoting variances, including: soil conditions; hydrologic factors; vegetation patterns and characteristics; environmental resources; levee performance history; effects on water supply; any scientific link between vegetation and levee safety; institutional considerations; the availability of limited funds for levee construction and rehabilitation; the economic and environmental costs of removing vegetation on levees; and, other relevant factors that may be identified in public comments.

In addition, CSAC encourages you to include additional factors for variance considerations that are not specifically enumerated in the Senate bill. Namely, the Secretary should be required to consider the potential for conflicts with or violations of Federal and state environmental laws, including but not limited to the Endangered Species Act, the Clean Water Act, and the Migratory Bird Treaty Act, or existing Federal or state permits. This language would provide the Corps with additional flexibility to grant local levee sponsors a variance in cases in which the Corps' levee vegetation policy is incompatible with an existing environmental law(s) or regulation(s).

Finally, we urge the inclusion of language clarifying that national associations representing local governments and public flood management agencies be consulted during the comprehensive policy review process, as well as during the peer review process. As you know, local officials possess a great deal of expertise and knowledge as it pertains to flood management practices, particularly with respect to local and regional diversity of flood protection systems, and therefore should be utilized during all aspects of the policy review.

Thank you for your continued support in efforts to seek reasonable modifications to the Corps' levee vegetation policy while still protecting public safety. If you have any questions or need any additional information, please feel free to contact CSAC's Washington representative, Joe Krahn, at 202-898-1444 (jk@wafed.com).

Sincerely,



Matt Cate
CSAC Executive Director

cc: Representative Bill Shuster, Chairman, Transportation & Infrastructure Committee
Representative Nick Rahall, Ranking Member, Transportation & Infrastructure Committee
Representative Bob Gibbs, Chairman, Water Resources & Environment Subcommittee
Representative Timothy Bishop, Ranking Member, Water Resources & Environment Subcommittee