



September 26, 2013

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Dear Members of the California Congressional Delegation:

On behalf of the California State Association of Counties (CSAC), I am writing in strong support of language in Section 124 of the House *Water Resources Reform and Development Act* (WRRDA, HR 3080) that would require the Secretary of the Army to undertake a comprehensive review of the Corps of Engineers' policy guidelines on vegetation management for levees. As you know, the Corps' vegetation removal policy creates considerable challenges for California's local governments and flood control agencies, which are responsible for maintaining thousands of miles of levees throughout the state.

Under the House WRRDA bill, the Secretary, in conducting the policy review process, would be required to examine the Corps' guidelines in view of the varied interests and responsibilities in managing flood risks, including the need to provide the greatest levee safety benefit with limited resources. The Secretary also would need to consider other important factors, such as how vegetation impacts the performance of a levee system during a storm or flood event, as well as the potential benefit that vegetation can have in providing habitat for species of concern.

In addition, HR 3080 would require the Secretary to consider factors that promote and allow for consideration of potential variances from the Corps' guidelines on a regional or watershed basis, a key priority for CSAC. Pursuant to the bill, such factors could include: soil conditions; hydrologic factors; vegetation patterns and characteristics; environmental resources; levee performance history; institutional considerations; and, other relevant factors.

As the House prepares to take up HR 3080, CSAC encourages the inclusion of language clarifying that the Secretary, in conducting both the policy review and in considering factors that allow for variances, 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 proposed 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).

It should be noted that, unlike the Senate-passed WRDA bill (S 601) and Representative Matsui's bipartisan *Levee Vegetation Review Act* (HR 399), HR 3080 does not include a section on Peer Review. CSAC believes that it is important that the Secretary solicit and consider the views of the National Academy of Engineering and the National Academy of Sciences as part of the policy review process. Furthermore, we recommend the inclusion of language clarifying that national associations representing local governments and public flood management agencies be consulted during the Secretary's policy review and as part of the

proposed peer review. 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 process.

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