

Congress of the United States
House of Representatives
Washington, DC 20515-0505

November 14, 2012

The Honorable Barbara Boxer
Chairwoman
Senate Committee on
Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable James Inhofe
Ranking Member
Senate Committee on
Environment and Public Works
456 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairwoman Boxer and Ranking Member Inhofe:

I am writing to express my strong support for your legislative discussion draft that outlines your key legislative and policy proposals that should be included in the next Water Resources Development Act (WRDA). Your leadership on these issues is very much appreciated by my constituents. As you know, much of our nation's flood protection infrastructure is in dire need of improvement and Congressional action is necessary to prevent future floods. As the Senate's WRDA process moves forward, your discussion draft proposal includes a number of key policies that will be critical to improving flood protection in the Sacramento region.

I understand the constraints that the current earmark ban has placed on infrastructure projects, many of which are necessary to prevent future floods. I am pleased that the committee's WRDA discussion draft, through generic language, includes the authorization of the Natomas Levee Improvement Project (NLIP) in Sacramento. I introduced similar language in the House (H.R. 4353). This flood risk reduction project has been fully vetted and includes a Chief's Report, with an endorsement by the Assistant Secretary of the Army (Civil Works) on behalf of the Administration.

The area to be protected by the NLIP is heavily urbanized, home to over 100,000 people, two interstate highways and the Sacramento International Airport. Levee deficiencies were found in the area in 2006 and the area was remapped by FEMA in 2008. The Corps of Engineers has said the area has a level of flood protection of below 1 in 33 years, a third of the minimum national standard of 1 in 100 years. The Corps of Engineers has developed a levee improvement plan that would reduce 96 percent of expected flood damages, return an average of \$502 million in annual economic benefits and has a benefit to cost ratio of 6 to 1. Local taxpayers have voted to tax themselves on two separate occasions to pay for these improvements.

The state and local governments have already begun construction and will have spent upwards of \$350 million on 18 miles of levee improvements, with 24 miles of work remaining. Without federal authorization and further federal support, construction will come to a halt. Authorizing the NLIP is my highest priority and I applaud your leadership to help move this project forward.

I am also pleased that your committee's WRDA discussion draft includes legislative language to address the issues surrounding the Corps' vegetation on levees policy. As you know, the Army Corps of Engineers released a revised PGL regarding vegetation on levee policy. The State of California and a wide variety of stakeholders remain extremely concerned that the latest proposal does not provide enough flexibility that takes into account each region's unique challenges. For decades, the Corps' practice has been to protect and encourage woody vegetation on many levees in California and other parts of our country. This practice is in stark conflict with the Corps' current vegetation policy.

In a time of declining federal, state and local resources, public funds should be spent first on crucial levee fixes, rather than on removing the remaining vegetation from California's riparian environment without a site-specific, science-based evaluation. The Committee's WRDA discussion draft includes language, which is identical to legislation I introduced (H.R. 5831) in the House last Spring. I strongly support your language that would require the Corps to thoroughly review and reconsider their current position. Instead of a one-size fits all national standard, the bill would require the Corps to move to regional variances with input from the state and local entities that are most familiar with the unique challenges facing each community. Among other things, as part of its regional variance policy, the language provides the Corps with the flexibility to exempt areas from the policy, where deemed necessary by the Assistant Secretary of the Army Corps of Engineers. I applaud your committee for including levee vegetation language in your discussion draft and encourage you to continue to include this language as the WRDA process continues.

Lastly, I would like to express my support for the crediting language included in the committee's WRDA proposal. I was concerned with the Corps' recent decision to discontinue crediting under Section 104 of the 1986 WRDA. It has had a ripple effect across the country, including communities in the Sacramento area, making it more difficult for local stakeholders to invest in flood damage reduction projects. In some cases, the effect of this decision has already been to delay, and may eventually be to halt, local flood protection projects. The language included in your WRDA discussion draft is a step in the right direction, encouraging State and local initiatives and accelerating flood control improvements by allowing appropriate crediting for work accomplished by non-federal interests.

Again, I applaud the committee's leadership in crafting a WRDA discussion draft and for holding a subsequent hearing on legislative and policy goals to upgrade our nation's flood protection infrastructure. As the WRDA process moves forward in the Senate, I remain committed to assisting your efforts in any way possible.

Thank you in advance for your consideration and for any assistance you may provide.

Sincerely,

A handwritten signature in blue ink that reads "Doris O. Matsui". The signature is fluid and cursive, with a long horizontal flourish at the end.

DORIS O. MATSUI
Member of Congress