

Congress of the United States
Washington, DC 20515

February 22, 2011

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 December 16, 2010, response to our letter concerning the Army Corps of Engineers Levee Vegetation Policy and its application in California. We appreciate your quick response and your continued commitment to our collaborative partnership in the State of California. We also wish to acknowledge that the Corps of Engineers (Corps) is a critical partner with the State of California and local agencies in protecting public safety, and we value the many projects and programs produced by this successful partnership. There are, however, substantial issues that must be resolved before the Corps can successfully implement the Vegetation Policy as it is currently written.

We recognize and appreciate the Corps' critical role in the California Levees Roundtable (Roundtable) process and the successful development of the February 2009 California Central Valley Flood System Improvement Framework. Unfortunately however, the Roundtable process has been unable to resolve inherent conflicts in implementing the Vegetation Policy, requiring a reformulation of the Roundtable process and participants. Although we appreciate the Corps' decision to grant a Framework-based variance for the Natomas area, this process and resolution are not practical for the rest of California. In spite of these issues, we believe the Roundtable holds great promise and look forward to the vital participation of Corps headquarters in this process.

We are pleased that the Framework could someday serve as a model for other states, and we encourage the Corps to extend this model to other areas of California. Our local agencies along the California coast, within the San Francisco Bay Area and in semi-arid Southern California are grappling with implementation issues that differ from those in the Central Valley. We ask that the Corps develop a way to work with California State and local agencies to identify and address regional implementation issues with the Vegetation Policy.

For many decades, Corps practice has been to protect and encourage woody vegetation on many levees in California. This practice is in stark conflict with the current Vegetation Policy. For example, there are levees that were designed and built by the Corps to include vegetation and, if properly maintained, should therefore be exempt from the Vegetation Policy. In addition to conflicts with federal, state, and local statutes and policies, California flood protection agencies are facing difficult fiscal challenges in implementing the Vegetation Policy. Implementation costs often exceed acceptable cost/benefit standards. Agencies also question the wisdom of

spending their limited funds on vegetation when much higher risk factors should be prioritized instead. Attached are a few examples of the implementation issues faced by California, as described by the California Department of Water Resources.

We again appreciate the Corps' continued willingness to collaborate with California. We ask the Corps to:

1. Delay finalization of the Vegetation Variance Policy
2. Continue to review stakeholder comments and revise the policy to address them.
3. Continue with the Roundtable in the Central Valley and work through the identified implementation issues
4. Establish a similar mechanism for other areas of California to address implementation issues unique to those areas

Finally, we request a report from you on the Corps' progress on these endeavors by this April.

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

Sincerely,



DORIS MATSUI
Member of Congress



GEORGE MILLER
Member of Congress



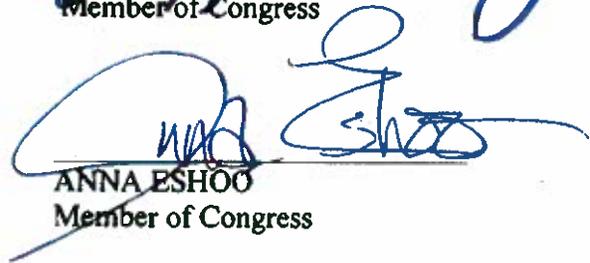
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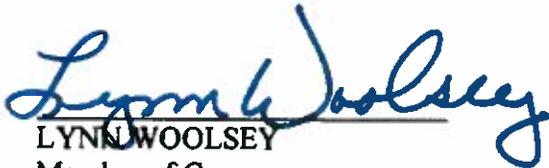
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