



April 20, 2012

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

The Honorable Dianne Feinstein
Chairman
Subcommittee on Energy and Water Development
Senate Committee on Appropriations
186 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Feinstein:

On behalf of the California State Association of Counties (CSAC), I am writing to urge you to include the attached committee report language in the Fiscal Year 2013 Energy and Water Development Appropriations legislation. The suggested language would provide specific direction to the U.S. Army Corps of Engineers (Corps) to undertake a comprehensive review of its current policy guidelines on vegetation management for levees.

As you know, and pursuant to your discussion with CSAC leaders in Washington, D.C. in early March, counties and local flood control agencies continue to have significant concerns with the Corps' levee vegetation removal policy. For starters, in advancing its policy, the Corps cites no documentation that links actual levee failures to the presence of woody vegetation. Accordingly, and consistent with the attached language, the Corps should be directed to carry out a review of its levee safety standards, while demonstrating the imperative for its vegetation removal policy. It should be noted that in California alone, the Department of Water Resources estimates that the minimum cost of implementing the vegetation policy would be roughly \$7 billion.

Although the Corps has made an attempt to provide some flexibility in its vegetation management standards via the release of its updated draft variance process, the procedure fails to resolve fundamental issues that will adversely affect public safety and cause harm to the environment. For example, the timeline and costs associated with the revised variance process would still be a significant burden on local levee sponsors and would result in local agencies undertaking a significant amount of work at great expense in competition with other public safety needs, including critically needed flood protection maintenance and upgrades. Additionally, the Corps' policy is sometimes in direct conflict with some federal and/or state regulations that often prohibit the removal of trees and other plants on or next to the levees, especially when they provide habitat for endangered or threatened species.

Ultimately, the Corps' vegetation management policy puts local government agencies in California in a difficult position, and, if implemented, would force local agencies to make untenable choices. One choice is to forego eligibility for federal relief in post-disaster levee

repairs and thus undertake the entire repair burden at significant costs. The other choice is to strip valuable ecosystem habitat from levees, violate other federal and state environmental laws (if the Corps does not concur with the environmental necessity), and redesign projects, all of which result in higher costs to taxpayers with no demonstrated benefit.

Again, CSAC strongly urges you to include the attached language in the Fiscal Year 2013 Energy and Water spending bill. Inclusion of this language would ensure that the Corps, in cooperation and consultation with other key parties, undertakes a necessary and comprehensive review of its levee vegetation management standards.

Thank you for your continued support in our efforts to seek reasonable modifications to the Corps' levee vegetation policy while still protecting public safety.

Sincerely,

A handwritten signature in black ink that reads "Mike McGowan". The signature is written in a cursive style with a small dot above the 'i' in "Mike".

Supervisor Mike McGowan
CSAC President

cc: Senator Barbara Boxer
Chairman, Environment & Public Works Committee