



February 12, 2013

1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327-7500

Facsimile  
916.441.5507

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

Dear Chairwoman Boxer:

On behalf of the California State Association of Counties (CSAC), I am writing to thank you for your leadership in working to advance a reauthorization of the Water Resources Development Act (WRDA). In particular, CSAC is strongly supportive of Section 2017 of your WRDA Discussion Draft, which 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 continue to refine the draft prior to the Environment and Public Works Committee's consideration of the bill, CSAC would like to work with you to further strengthen the measure's levee vegetation language.

As you know, the Corps' one-size-fits-all vegetation management guidelines represent a narrow and restrictive policy that is unworkable for California's flood control agencies. To begin with, the cost of complying with the vegetation removal policy is prohibitive and draws limited local resources away from other public safety needs, including critically needed flood protection maintenance and upgrades. Additionally, the Corps' directive is often in conflict with federal and/or state laws that prohibit the removal of vegetation on or next to levees, particularly when the vegetation provides habitat for endangered or threatened species. Accordingly, local officials can be put in the untenable position of choosing between removing vegetation - and therefore potentially violating environmental laws - or leaving vegetation in place and foregoing eligibility for federal relief to conduct post-disaster levee repairs.

The Discussion Draft recognizes the need for the Secretary of the Army to conduct a comprehensive review of the Corps' vegetation policy and also properly calls for the Secretary to consider factors that promote and allow for consideration of potential variances from national guidelines *on a regional or watershed basis*. Additionally, the legislation would require the Secretary to solicit and consider the views of the National Academy of Engineering as part of the policy review process. These are important and necessary changes in light of the Corps' current policy guidelines.

CSAC would like to offer the following suggestions that we believe would further strengthen the draft WRDA legislation. First, we urge you to include an additional factor for variance considerations, specifically 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).

In addition, we urge you to include language clarifying that national associations representing local governments and public flood management agencies shall 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 process.

Thank you again for your continued leadership on WRDA and for your sustained efforts aimed at reexamining the Corps' levee vegetation removal policy. We also appreciate the continued engagement of your staff and your willingness to work with our association to advance the best solution to this challenge.

Sincerely,

A handwritten signature in blue ink that reads "Matthew Z. Cate". The signature is written in a cursive style with a large, stylized initial "M".

Matt Cate  
CSAC Executive Director