Congress of the United States

Washington, DC 20515

December 14, 2010

Steve Stockton, P.E. Director of Civil Works U.S. Army Corps of Engineers 441 G Street, NW Washington, DC 20314-1000

Dear Mr. Stockton,

We are writing on behalf of our constituents who continue to express their concerns with the Corps' proposed variance policy on levee vegetation management. We have heard from several counties and other local governmental entities tasked with levee maintenance that this proposed policy places them in an untenable position that will significantly impact their efforts to meet Corps' standards for levee certification and possibly cause them to be noncompliant with other state and federal regulations for levee maintenance.

As you are aware, counties and other local agencies throughout the State of California are vigorously working to bring their levees into compliance with the Corps' standards to provide flood protection for their communities, while also avoiding the financial burden of increased flood insurance premiums as the Federal Emergency Management Agency revises decades-old flood insurance rate maps. In addition to these difficulties, since the proposed revisions to the Corps' variance policy were first released last February, several state and local agencies have commented on the impacts to public safety that could occur as a result of this policy.

In short, our constituents believe that this policy represents a one-size-fits-all approach to levee maintenance that will force many flood control entities to redirect scarce funds to vegetation removal and other requirements at the expense of more pressing public safety needs, while also placing them in direct conflict with the requirements of other state and federal agencies. Importantly, the 1996 Water Resources Development Act specifically instructed that the Corps' vegetation management guidelines be "undertaken in cooperation with interested Federal agencies and in consultation with interested representatives of State and local governments and the public." As such, we request that the Corps take our constituents' comments into account and work with these entities to develop a more workable approach to vegetation management and public safety.

The Army Corps of Engineers has time and again proven to be a valuable and respected partner in addressing flood control throughout California, and it is our hope that relationship continues with the proposed policy revisions. We certainly appreciate the Corps' dedication and look forward to continue working with you and all of our state and local flood control agencies in this important cause.

Thank you in advance for your consideration and attention to this issue.

Sincerely,

WALLY HERGER

Member of Congress

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Member of Congress

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Member of Congress