

DEPARTMENT OF WATER RESOURCES

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January 13, 2010

Ms. Jo-Ellen Darcy
Assistant Secretary of the Army
108 Army Pentagon
Room 3E446
Washington, DC 20310-0108

Dear Assistant Secretary Darcy:

The Department of Water Resources (DWR) appreciates the United States Army Corps of Engineers (USACE) efforts in collaborating with state and local agencies to develop a shared vision for addressing California's flood risk in a systematic fashion. As you know, this collaboration resulted in the February 2009 document entitled, *California's Central Valley Flood System Improvement Framework* (Framework), which describes a short-term approach for flood system improvements that are already underway or will be initiated before a comprehensive plan is ready in 2012. The plan will be developed by federal, state and local agencies as part of the Central Valley Flood Protection Plan process.

On January 7, 2010, DWR staff met with your representatives to discuss the next steps in implementing the framework and in strengthening our agencies future collaboration. Much of the discussion centered on the forthcoming USACE letter regarding process changes to variance guidance for vegetation standards, previously established in the *Emergency Employment of Army and Other Resources – Civil Emergency Management Program* document of September 2001. We want to ensure that any subsequent USACE policy changes are in line with the previously approved Framework, the *Interim Federal Action Plan for the California Bay-Delta* of December 22, 2009, and do not inadvertently compromise public safety.

As DWR has not yet seen the details, we are unclear as to the new variance process and content; therefore, we anticipate additional discussions on changes to the policy guidance including the resultant policy implications prior to its public release. DWR is seeking assurance that any policy changes do not:

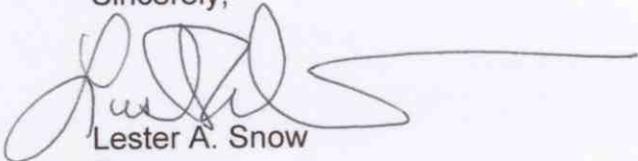
- Delay critical public safety construction projects.
- Steer limited funding to low priority actions.
- Jeopardize the ability to develop flood solutions that also meet environmental goals.
- Lead to the loss of levee certification.
- Imperil already declining species such as Central Valley salmon and steelhead.

Our expectation is that the variance policy will effectively address these issues, and will be consistent with NEPA and ESA obligations.

As stated in the *Interim Federal Action Plan for the California Bay-Delta*, the USACE has committed to partner closely with DWR and other state and federal agencies in developing "holistic plans for stabilizing existing flood control infrastructures and managing flood risk." This same vision was the basis for the Framework, which specifically called on the partners to collaborate on ongoing research, an appropriate levee risk prioritization, strategic flood system investments, and the forthcoming vegetation variance policy.

As discussed in the Framework, the "legacy levees" built immediately adjacent to California's major riverine systems present unique challenges that will likely require regional variances and other engineered alternatives. Vegetation management on levees will be addressed by collaboratively transitioning from the interim criteria towards the Corps' national standards within the context of many levee risk factors. While we appreciate the efforts of USACE staff to work with us on these issues, the Department would like to see greater partner involvement, including state and federal resource and flood management agencies, prior to the final drafting of any new vegetation variance. We look forward to working closely with the USACE on this urgent matter.

Sincerely,



Lester A. Snow
Director

cc: (See attached list.)

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