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Steven L. Stockton, SES
Headquarters
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

June 4, 2013

Dear Mr. Stockton:

With a keen interest in public safety and flood management in California's Central Valley, we are encouraged by the many process improvements being implemented by the Corps to ensure that important public safety projects are risk-prioritized to serve the highest good. Yet however worthy, these efforts will be fruitless if physical risk reduction projects are not advanced. We write to you today to express deep concern over a delay of the Sutter Butte Flood Control Agency Feather River West Levee Project (FRWLP) by the Corps' execution of the 33 U.S.C. 408 process. This concern was exacerbated upon inspection of the project, which revealed that the levee at Shanghai Bend, integral to the FRWLP, exhibited signs of internal erosion, a primary mode of levee failure in this region. The deadly 1955 flood resulting from levee failure at this same location cannot be allowed to repeat. Not coincidentally, SBFCA had already prioritized repair of this levee long before physical evidence of distress was discovered in late 2012.

We are confident that the Corps can deliver 408 permission in a timely manner without compromising the important role of federal regulatory oversight. We therefore request that the Corps conduct 1) 408 policy review and 2) draft Record of Decision (RoD) review concurrent with the 30-day Final EIS "cooling-off" period, with the objective of delivering final 408 permission by July 17, 2013. This action is in the federal interest because:

- *FRWLP 2013 Construction must be implemented now to address the critically damaged levee at Shanghai Bend that protects over 40,000 lives.* This levee has already failed twice, resulting in 38 deaths despite prior, unsuccessful repairs by the Corps. Due to the emergent nature of this recently discovered threat to levee safety, SBFCA has already invested local, non-creditable funds to partially remediate this levee; this advance action demonstrates the strong local commitment to flood management. Incorporation of the Shanghai Bend Levee Repair into the larger FRWLP, rather than another piecemeal levee repair or emergency repair, also serves the federal interest by saving taxpayers many millions of dollars.

- *The FRWLP presents very few federal policy issues.* The FRWLP will not make changes to levee alignment, height or geometry, thus avoiding hydraulic and other federal policy issues associated with other levee projects. Furthermore, the recent approval of the Locally Preferred Plan, under the Corps Sutter Basin Pilot Feasibility Study, has confirmed policy compliance of the FRWLP with respect to a federal investment decision.
- *SBFCA has gone to great lengths to conform the FRWLP to federal policy and reduce controversy, thereby facilitating expedient 408 review.* By working with many interested parties, SBFCA has ensured that the Final EIS has an extraordinarily low risk of challenge, as exhibited by only 30 comment letters on the draft EIS. Moreover, several of the nation's most litigious environmental NGOs expressed support for the project in a remarkable letter dated March 15, 2013. This lack of controversy surrounding the FRWLP facilitates review of the 408 package and draft RoD immediately instead of waiting for the end of the 30-day cooling off period.

Concurrent review of the 408 package and the draft RoD during the Final EIS "cooling off" period is a low risk action that saves many weeks of a critical and shortened construction season, while enabling Corps Headquarters ample time to review a project that is relatively policy neutral. The minimal risk that HQ incurs is the commitment of staff resources in the highly unlikely event of significant comments submitted during the cooling off period. When weighed against the very real hazard and deadly consequences of levee failure, this risk is warranted and prudent.

We will continue to follow the progress of the FRWLP and look forward to expedient 408 review of the FRWLP as another positive sign that the Corps regulatory processes are relevant and responsive to State and locally-led projects. Please respond to this letter by June 21, 2013.

Sincerely,



John Garamendi
Member of Congress
California 3rd District



Doug LaMalfa
Member of Congress
California 1st District

cc Senator Dianne Feinstein
Senator Barbara Boxer
Colonel William J. Leady, SPK
Joseph F. Calcara, SPD