

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • www.governor.wa.gov

January 7, 2011

Lieutenant General Robert Van Antwerp
U.S. Army Chief of Engineers and Commanding General
U.S. Army Corps of Engineers
441 G Street NW
Washington, DC 20314-1000

Dear Lieutenant General Van Antwerp:

Thank you for your response to my letter concerning the U.S. Army Corps of Engineers (COE) draft Policy Guidance Letter (PGL) regarding variances from the national vegetation management standards for levees.

I appreciate the update about the delay in issuing the final vegetation variance request policy to accommodate new research results and incorporate the latest information regarding the regional round table and framework effort. I am strongly encouraged by the COE's commitment to working with stakeholders to identify solutions that result in reliable levee systems that also retain ecological integrity.

I want to reiterate how important it is that we develop a management approach for levee vegetation that provides the public safety and protection of property, while helping us preserve and restore endangered fish species. I am concerned that the levee-by-levee approach described in your letter is too limited to address the needs we have identified in Washington. I believe that a regional framework that allows us to maintain significant woody vegetation while ensuring the safety and integrity of levees is a superior approach to levee-by-levee variance. I also remain concerned that, under the approach outlined in the draft PGL, local sponsors will continue to bear the brunt of sorting out competing federal demands in seeking a variance for an individual "levee system."

In my previous letter, I requested that the "regional framework," as outlined in the August 5, 2010, letter by the three federal executives from the Pacific Northwest region, be adopted by COE Headquarters. While I remain committed to seeing that all of the recommendations in this letter are adopted, I must stress once again the critical importance of finding a solution that allows for safe and effective levees, in conjunction with preservation and restoration of endangered fish species, within a structure that works for the Pacific Northwest.

Given the significance of these issues to the economy and environment of Washington State, we have enlisted the assistance of Jim Waldo, a mediator/attorney in Washington State. I have known and worked with Jim on a number of difficult and complex natural resource issues over the past twenty years.



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Jim's collaborative approach and impressive record of problem-solving make him an ideal person to assist in finding a mutually acceptable approach to the levee/vegetation issue. Jim will be working on behalf of the state of Washington's Puget Sound Partnership and King County's Flood Control District. Jim has positive working relationships with all of the critical stakeholders interested in this issue.

Given the importance of the decision you have to make, I think there could be value in having a direct conversation with Jim about this issue. I understand that Jim would be willing to come to Washington, DC, if such an opportunity were made available.

I appreciate the seriousness with which you are approaching this significant question and look forward to continuing to work together to solve these types of critical issues.

Thank you for your attention to this matter.

Sincerely,



Christine O. Gregoire
Governor

cc: William Stelle, Regional Administrator, NOAA/NMFS, Northwest Region
Robyn Thorson, Regional Director, U.S. Fish and Wildlife Service, Pacific Region
John R. McMahon, Brigadier General, U.S. Army, Division Commander
Anthony O. Wright, Colonel, U.S. Army Corps of Engineers
Phil Anderson, Director, Washington State Department of Fish and Wildlife
Ted Sturdevant, Director, Washington State Department of Ecology
Gerry O'Keefe, Acting Director, Puget Sound Partnership
Keith Phillips, Policy Advisor, Office of the Governor