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April 4, 2011

The Honorable Jo-Ellen Darcy
Assistant Secretary of the Army (Civil Works)
United States Department of the Army
108 Army Pentagon Room 3e446
Washington, D.C. 20310-0108

Dear Assistant Secretary Darcy:

Once again, thank you for appearing before the Transportation and Infrastructure Subcommittee to the Environment and Public Works Committee to discuss on the US Army Corps of Engineers proposed 2012 budget. As a follow up to your appearance, I would like to submit questions for your consideration regarding a couple of specific projects that are very important to my state of Montana. The questions regard: projected flooding in Montana and the Corps' response; levee accreditation in floodplains, especially in light of recent FEMA map modernization; the Missouri River Authorized Purposes Study; the Intake Diversion Dam; and, the St. Mary Diversion and Conveyance Works.

MONTANA FLOODING QUESTIONS:

1. Forecasts indicate Montana faces the likelihood of a high flood risk this Spring. The Milk River Basin has surpassed its' record snowfall amount with approximately 105 inches for the year. The current snow water equivalent maps are showing areas of 8 to 14" of snow water equivalent in the areas between Havre and Malta and areas of 1 to 6" of snow water equivalent between Malta and Wolf Point. Snow water equivalent is the amount of water in the current snowpack. The Corps has stated that given this data, there is a good chance Montana will possibly see record flooding this Spring.

Can you tell me what steps the Corps is taking to prepare for this flood risk?

2. Do you need additional resources to prevent the loss of life and property should these floods turn out as bad as anticipated?

LEVEE ACCREDITATION QUESTIONS:

1. In 2008, the Army Corps changed its policy regarding levee certification and discontinued certifying federally-constructed, non-federally operated levees. This has occurred at the same time that FEMA has undertaken a flood map modernization program, resulting in hardship for small communities in my home state of Montana that can't afford third-party levee

accreditation. In many cases the Corps has built the levee, has inspected the levee for years, and now refuses to provide accreditation for the levee.

Secretary Darcy, in your testimony, you note the Corps is pursuing a $50 million comprehensive levee safety initiative. How does it apply to small cash-strapped communities who suddenly find themselves in a floodplain for the first time and can't afford levee accreditation?

2. During the hearing, you stated you would review the Corps of Engineers' policy on levee accreditation, can you tell me what is the timeline for this review?

3. How soon can my constituents expect to receive a summary of your findings and an indication of the Corps' policy going forward?

4. What steps does the Corps take to ease the financial burden FEMA's map modernization places on small communities?

5. The Corps and FEMA need to work together on these levee certifications. I know that the Corps and FEMA leadership meet quarterly to coordinate policies. What have you learned from these meetings and what steps has the Corps taken in the past year to improve coordination with FEMA? For example, how does the Corps coordinate the Periodic Inspections it routinely conducts on levees with FEMA's map modernization program?

6. Is the Corps' application of this new policy not to conduct levee accreditation being applied uniformly?

MISSOURI RIVER AUTHORIZED PURPOSES STUDY

1. As you know, Congress appropriated $25 million for the Missouri River Authorized Purposes Study to review the project purposes established by the Flood Control Act of 1944. The Study is supposed to analyze the eight authorized purposes in light of current needs to determine if changes to the existing purposes and existing Federal water resource infrastructure may be warranted.

To me, it would seem like a waste of money to do half a report when the scoping portion has been released in draft form just this month. Can I get your agreement that you will not support recent Missouri delegation efforts to zero-fund the Study?

INTAKE DIVERSION DAM QUESTIONS:

1. Secretary Darcy, in your testimony you mention "....$73 million for ongoing work under the Missouri River Fish and Wildlife Recovery program to construction shall water habitat and undertake other activities to recover and protect Federally-listed species, such as the pallid sturgeon." Can you tell me how does that apply to the Intake Diversion Dam project in Montana?

2. The Corps put Phase 2 of the project on hold when the project's cost increased because it was determined that different, more expensive granite was needed for the riverbed ramp. Was this foreseeable that a more expensive material would ultimately be needed?

3. Is the Corps taking steps to prevent future cost overruns?

ST. MARY DIVERSION AND CONVEYANCE WORKS QUESTIONS:

1. Secretary Darcy, as you know, I managed to get a $153 million authorization for the Corps to work with the Bureau of Reclamation on the St. Mary Diversion works, a project that diverts water from the Milk River to systems across northern Montana. Later, Senator Tester and I followed up with a $500,000 appropriation to the Bureau of Reclamation to start the process.

Can you tell me what is being done on this? Can the Corps and the Bureau of Reclamation work together to undertake the cooperative agreement between the two agencies?

Thank you very much, in advance, for your consideration of these questions. The favor of a timely response would be very much appreciated. And, again, thank you for appearing before the Subcommittee.

Sincerely,