

**Wally
Herger**
Congressman

2nd District - California



FOR IMMEDIATE RELEASE
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Herger Urges House Committee on Resources to Include Levee Provision in Endangered Species Act Reform

(WASHINGTON, D.C.) -- Congressman Wally Herger (CA-02) recently contacted Congressman Richard Pombo, Chairman of the House Committee on Resources, urging him to include language similar to his "Species Rescue Act" legislation, H.R. 2779, in any larger Endangered Species Act (ESA) reform legislation considered by the Committee. A copy of the Herger letter is attached to this release.

"I applaud Chairman Pombo for his leadership and attention to this incredibly important issue for our area," Herger stated. "The Committee may soon consider legislation to improve the ESA, and including the levee repair provision is certainly a much-needed component of comprehensive reform. I look forward to working closely with the Chairman in the coming weeks and months as the legislative process continues.

"The Species Rescue Act' would bring some much-needed common sense to the Endangered Species Act by allowing flood protection officials to make critically needed levee repairs in a timely fashion. Although strengthening the ESA remains an uphill legislative battle, I will continue to work tirelessly in support of the levee provision and broader reform," Herger concluded.

H.R. 2779 responds to the tragic levee break that occurred in Arboga, south of Marysville, CA, in January 1997. Three Arboga citizens drowned during the flood.

Attached is a copy of the letter Congressman Herger sent to Chairman Pombo.

For more information, log on to <http://www.house.gov/herger> on the Internet!

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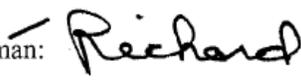
House of Representatives

Washington, DC 20515-0502

June 17, 2005

The Honorable Richard W. Pombo
Chairman
House Committee on Resources
1324 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

 Thank you for the leadership and initiative you have demonstrated in educating the public about the need to enhance the overall performance of the 1973 Endangered Species Act (ESA). As you begin to contemplate possible measures to improve the law, I wanted to bring to your attention some needed reform that is of particular importance to the Northern California congressional district I represent.

I recently re-introduced H.R. 2779, the "Species Rescue Act," to greater facilitate the Section 7 consultation process so that critical flood control levee repairs are able to proceed without excessive delay. This language is similar to that which we have jointly sponsored in past Congresses, and is in response to the catastrophic flooding event that occurred January 1997, in the community of Arboga, south of Marysville, California.

As you recall, more than six years prior to the '97 flood, the U.S. Army Corps of Engineers (Corps) issued an official warning, which identified the Arboga levee as needing immediate repair. The Corps' assessment declared that without repair, the Arboga levee could break if subjected to prolonged periods of high water, and that such a failure would likely result in, "a loss of human life." Despite this sobering declaration, local efforts to repair the levee were stymied by the Section 7 consultation process. A lack of flexibility and, in my opinion, proper perspective, contributed to the more than six-year delay, at a cost of more than \$10 million to local taxpayers, in order to protect the Valley Longhorn Elderberry Beetle. Ultimately, more than six years later, the consultation process finally concluded, but, tragically, the levee broke just months before repair work could occur. Had the repair work been allowed to proceed in a more timely manner, the lives of three of my constituents could have been spared, and the loss of over \$300 million in economic and property damages could have been avoided.

Mr. Chairman, the underlying principle of this bill is a reiteration of the basic fact that people are more important than species, and that when lives are in danger, the ESA should not be

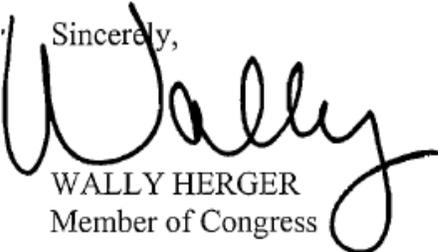
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an obstacle to protecting the public. I cannot imagine that when our predecessors conceived and ratified the ESA that they intended for species protection to take precedence over public safety. In my opinion, never again should a local flood protection district have to haggle with federal agencies for more than six years to repair a levee, particularly when that levee has been designated as posing a potential threat to human life. Yet tragically, absent a change in the law, an episode similar to that which occurred at Arboga could be repeated in the future. Only today, with additional levee weaknesses having been identified throughout the Sacramento Valley, and considering the burgeoning population growth and development that has occurred there, the toll on people and property in my district would likely be much greater.

We both know that even the best built and maintained levees will not completely stop flooding from occurring in California's Central Valley, or in the other flood prone regions of the country. And though we cannot change what happened as a result of the flood of January 1997, we surely can help other rural communities avoid becoming the next "Arboga." Indeed, government at all levels should help - not hinder - efforts to make the citizenry safer from impending danger. It simply does not stand to reason that when human life is at stake, the ESA cannot be made to be more flexible for those who are charged with its implementation.

As such, I believe that any effort to improve the ESA must include a resolution of this very fundamental issue. In my opinion, H.R. 2779 is a reasonable approach, and I urge you to use it, or similar language providing for greater flexibility to protect public health and safety, in any larger ESA reform bill that may be considered this year. I'm sure that H.R. 2779, or other similar legislative language that satisfactorily defines the proper balance between public safety and species protection, would significantly improve the implementation of the 1973 Act.

Thank you again for your commitment to making the well-meaning ESA a more reasonable and responsive law. I look forward to the opportunity to work with you on the appropriate language to address these concerns, and stand ready to assist you in any way that I can.

Sincerely,

WALLY HERGER
Member of Congress

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