

Congress of the United States
Washington, DC 20515

March 27, 2007

The Honorable John P. Woodley, Jr.
Assistant Secretary of the Army (Civil Works)
Department of the Army
Pentagon, 3E446
Washington, DC 20310-0108

RE: Tucson Drainage Area, AZ (Arroyo Chico)

Dear Mr. Secretary,

The Congress recently passed House Joint Resolution 20 which authorized continued funding in FY '07 at FY '06 levels for various agencies within the Executive Branch, including monies for U.S. Army Corps of Engineer projects. As part of that legislation, the Congress provided, *inter alia*:

Sec. 20302. The limitation concerning total project cost in Section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2007 to any project that received funds provided in this subdivision.

It is our belief that this language permits the Corps to fund construction of the final phase of the Tucson Drainage Area, Tucson, AZ (Arroyo Chico) project. Phase I construction has already been completed. Funds through H.J. Res. 20 would allow Phase II construction, (which has been on hold for years), to commence immediately.

The Congress clearly included the 902 language in the bill to provide the Corps with the administrative flexibility to proceed with its pending projects despite the fact that WRDA has not been reauthorized since 1999.

Sometime in mid-2006, you conducted a site visit of the Arroyo Chico project and you were sufficiently impressed with the importance of proceeding with project construction that you issued the attached letter authorizing the Corps to use the Continuing Contract Clause in the Corps contract for Arroyo Chico. For that we are most grateful.

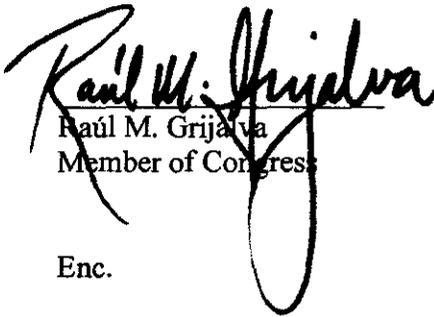
Unfortunately the estimated cost of construction has increased dramatically since it was authorized in 1999 because of the worldwide increase in demand for construction materials. Construction costs alone have almost doubled the overall cost of the project, exceeding the 20% Section 902 limits.

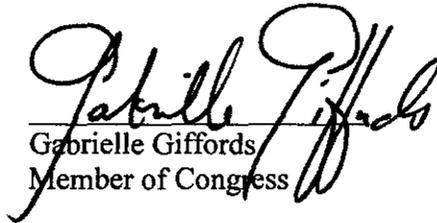
With that in mind, we request assurances that the "lifting of the 902 limits" authorized by the H.J. Res. 20 will apply to the Tucson Drainage Area (Arroyo Chico) project in Tucson, Arizona. This would allow the Corps and the Pima County Flood Control District (local sponsor) to proceed with the final phase of the project on a timely basis as was your expressed desire in 2006.

We hope you will agree that completion of the Arroyo Chico project has been delayed long enough. Those delays have caused the estimate for construction of the final phase of the project to increase significantly. We request you exercise your executive authority to ensure that it is completed.

Thank you for your continued support.

Sincerely,


Raúl M. Grijalva
Member of Congress


Gabrielle Giffords
Member of Congress


Harry E. Mitchell
Member of Congress

Enc.



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
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JUL 31 2006

Mr. John M. Bernal
Deputy County Administrator for Public Works
Pima County Governmental Center
130 W. Congress
Tucson, Arizona 85701-1317

Dear Mr. Bernal,

Thank you for your gracious letter and for the information about the storm shortly after my visit that caused flooding at the High School Wash drainage channel of the Tucson Drainage project's Arroyo Chico feature. I found the visit to Pima County very informative, and I thank you for your hospitality.

I have approved use of the continuing contract clause in the Army Corps of Engineers contract for Tucson Drainage Project (Arroyo Chico). This decision was based on my understanding that sufficient funding is not available at this time to fully fund the contract; waiting until sufficient funding is available could cause a 2-year delay in project completion; a series of smaller contracts would be less efficient and more costly; and the Arroyo Chico contract needs to be closely sequenced with follow-on work on other project elements and completed within the timeframe negotiated with the Tucson Unified School District.

I am pleased that I was able to approve a continuing contract for Arroyo Chico. Thank you again for helping to make my visit to Pima County and the Tucson Drainage project a productive occasion.

Very truly yours,

John Paul Woodley, Jr.
Assistant Secretary of the Army
Civil Works