

**PERSPECTIVES ON ARMY CORPS OF
ENGINEERS PROJECTS IN SMALL RURAL
AND UNDERSERVED COMMUNITIES**

FIELD HEARING
BEFORE THE
SUBCOMMITTEE ON TRANSPORTATION AND
INFRASTRUCTURE
OF THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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C O N T E N T S

	Page
FEBRUARY 15, 2024	
OPENING STATEMENT	
Kelly, Hon. Mark, U.S. Senator from the State of Arizona	1
WITNESSES	
Baker, Colonel Andrew, P.E., 64th Commander, Los Angeles District, U.S. Army Corps of Engineers	4
Prepared statement	7
Daggett, Hon. Becky, Mayor, City of Flagstaff	19
Prepared statement	21
Yucupicio, Hon. Peter, Chairman, Pascua Yaqui Tribe Council	23
Prepared statement	25
Peshlakai, Alberto L., Supervisor, District II Supervisor, Navajo County Board of Supervisor	31
Prepared statement	33
ADDITIONAL MATERIALS	
Statement of Senator Thomas R. Carper	41
Statement of Roberta "Birdie" Cano, Mayor of Winslow	43

PERSPECTIVES ON ARMY CORPS OF ENGINEERS PROJECTS IN SMALL RURAL AND UNDERSERVED COMMUNITIES

THURSDAY, FEBRUARY 15, 2024

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Flagstaff, AZ.

The subcommittee met, pursuant to notice, at 10:30 a.m. MST, in Flagstaff City Hall, 211 West Aspen Avenue, Flagstaff, Arizona, 86001, Hon. Mark Kelly (chairman of the subcommittee) presiding.
Present: Senator Kelly.

OPENING STATEMENT OF HON. MARK KELLY, U.S. SENATOR FROM THE STATE OF ARIZONA

Senator KELLY. Welcome, everyone, to the first field hearing of the Transportation and Infrastructure Subcommittee for the 118th Congress, and the first field hearing the Senate has held here in Flagstaff in more than 30 years.

I want to thank everybody who made this hearing possible, including the committee staff, the staff here at the city of Flagstaff, the staff of the Army Corps Los Angeles District, and all of our witnesses.

I have had the honor of serving on the Senate Committee on Environment and Public Works since I was sworn into the Senate about 3 years ago. Last year, I was named chair of the Transportation and Infrastructure Subcommittee. This subcommittee is responsible for considering legislation and conducting oversight on issues related to Federal transportation and infrastructure programs, including overseeing all the civil works projects carried out by the U.S. Army Corps of Engineers.

Once every 2 years, my subcommittee negotiates and passes a bill called the Water Infrastructure Development Act, or WRDA, Water Resources Development Act, for short. In advance of considering the next Water Infrastructure bill, I wanted to make sure that this subcommittee left Washington, DC. and came to Arizona to hear first-hand from local Army Corps officials and community leaders about how the Corps is working to support Arizona's water infrastructure.

As everyone here in Arizona knows, water is a critical issue for our continued prosperity. We have a number of unique water infrastructure needs here in Arizona, which I hope we will learn more about at today's hearing.

As everyone knows, Arizona has been in a drought for the last 20 years. This is the worst drought that this planet has seen, this part of the planet has seen, for nearly 1,200 years. Responding to these drought conditions requires an all-hands-on-deck approach. That means that we need Federal agencies like the Army Corps working in close partnership with State, local, and tribal leaders.

I think at today's hearing, we are going to hear a lot of success stories. I hope we do. For example, I championed the creation of the Section I-95 Rural Arizona Water Infrastructure program, along with my colleagues, Congressman Stanton. This program helped small and underserved communities in Arizona partner with the Army Corps to build drinking water, water conservation, flood control, and wastewater infrastructure.

Programs like this are a great example of how the Army Corps can make investments in Arizona that will respond to long-term drought conditions. After we created this program, the first recipient of funding was the Pascua Yaqui Tribe. I am honored that the Chairman of the Pascua Yaqui Tribe, Peter Yucupicio, is here today. Thank you, Mr. Chairman, for being here. I look forward to hearing from him about the tribe's water conservation project and their work with the Army Corps.

I also look forward to speaking with the District Commander for the Army Corps Los Angeles District, Colonel Andrew Baker, whose office has worked hard to make this new program a success. Thank you for doing that.

The challenges posed by drought conditions do not just impact our drinking water infrastructure. Prolonged drought conditions here in northern Arizona have led to some of the worst wildfire seasons in recent memory. The burn scars that these fires leave behind, that when it rains during monsoon season, parts of Flagstaff see significant flooding that threatens lives and livelihood and damages property.

That is why I am glad to be joined here by Flagstaff Mayor Becky Daggett, who will talk about how the city's partnership with the Army Corps on the Rio de Flag project, and this project is going to significantly reduce the flooding risk through the central Flagstaff region. Thank you, Mayor, for being here.

I am also glad that we are joined by Supervisor Alberto Peshlakai to discuss Navajo County's partnership with the Army Corps and the Winslow Levee project. I recall getting on the phone with the Army Corps and the Office of Management and Budget in December 2021, it was less than a month after the Bipartisan Infrastructure Law had been signed into law, to advocate that this Winslow Levee project get fully funded.

We were successful. In fact, the Winslow Levee was the first project in all of Arizona that got funding from our Infrastructure Law that we had spent months negotiating. Right now, the entirety of the city of Winslow lies within a flood plain. The Winslow Levee project will rebuild the flood control infrastructure along the Little Colorado River and permanently protect Winslow from flooding.

I am really looking forward to hearing from all of our witnesses today about the importance of these projects. Making sure that the next Water Infrastructure Bill gives the Army Corps of Engineers

the tools it needs to respond to the challenges we are facing here in Arizona is a priority of mine.

That is why over the past few months I have been working on legislation called the Drought Resilient Infrastructure Act that gives new authorities to the Army Corps so that they can take on more projects that help Arizona and the west respond and adapt to drought conditions. I am planning to introduce this bill when the Senate is next in session.

Making sure that the Army Corps has the tools that they need to support Arizona communities is a priority of mine. Today's hearing is an important step forward to making sure that we are doing just that.

With that, I would like to start out and introduce our witnesses. Before we begin with witness introductions, I want to go over some logistics for this hearing today. This hearing is going to be split into two separate panels, one made up by a Federal witness, Colonel Baker, and the second made up by three non-Federal witnesses. I will introduce the four witnesses before recognizing Colonel Baker as our Federal witness for his opening remarks and questions. When we are done with that, we will bring up the three non-Federal witnesses.

Let me start by introducing Colonel Baker. Colonel Andrew Baker is currently serving as the 64th Commander of the L.A. District of the U.S. Army Corps of Engineers. In this role, Colonel Baker leads more than 750 military and civilian personnel in southern California, Arizona, Nevada, and Utah.

This means that Colonel Baker and his team are responsible for all the Army Corps projects in Arizona. All these projects that we are going to discuss today he is responsible for.

Before this assignment, Colonel Baker served as the Chief of Operations for Joint Task Force Bravo at Soto Cano Air Base in Honduras. Colonel Baker began his Army career at Fort Hood, Texas, serving as a platoon leader and company executive officer in the Eighth Engineer Battalion, First Cavalry Division. Colonel Baker earned a bachelor's degree in civil engineering at the U.S. Military Academy and holds master's degrees from the National Defense University, the University of Virginia and the Missouri University of Science and Technology.

Mayor Becky Daggett is the Mayor of Flagstaff, Arizona. She was elected to the Flagstaff City Council in 2020, before being elected Mayor 2 years later. Mayor Daggett has spent over 20 years protecting open space, enacting growth strategies, supporting local businesses and strengthening support for the arts and education throughout, not just here in Flagstaff, but throughout northern Arizona.

Mayor Daggett holds a master's degree in sustainable communities and a Bachelor of Science in public relations from Northern Arizona University.

Supervisor Peshlakai serves as the Navajo County Supervisor for District II. Supervisor Peshlakai served as the Tribal Government Relations Director for Navajo County prior to being elected to the Navajo County Board of Supervisors. He was elected in November 2020.

Supervisor Peshlakai began working for Navajo County in 2008 as the Public Works Department Planning and Zoning Secretary, then served as the Transportation Project Manager for the Office of Public Works. Supervisor Peshlakai has been a lifelong resident of Navajo County, residing in the Navajo Nation community of Indian Wells.

Chairman Yucupicio is the Chairman of the Pascua Yaqui Tribe, which is a federally recognized tribe with a reservation southwest of Tucson, Arizona, with 22,000 members. The chairman first ran for tribal council in 2000, and since then he has served as treasurer, vice chairman, and now four terms as the chairman of the tribe. The chairman is one of 12 children. He attended Tucson High School and Pima Community College.

I also want to briefly acknowledge a few other elected officials from Arizona who are joining us today. The Mayor of Winslow, Roberta Cano, is in the audience. The Vice Mayor of Flagstaff, Austin Aslan. Council members Miranda Sweet, Jim McCarthy, and Deb Harris from the city of Flagstaff. Also Flagstaff city council member Lori Matthews.

Council members Jim MacLean and Melissa Nelson from the city of Winslow. Coconino County Supervisor Lena Fowler, Coconino County Supervisor Patrice Horstman, and Navajo County Supervisor Fern Benally.

Thank you to our witnesses for joining us today, and thank you to everybody who showed up for this hearing. I am going to start this hearing by recognizing Colonel Baker for 5 minutes of opening remarks. Colonel Baker?

STATEMENT OF COLONEL ANDREW BAKER, P.E., 64TH COMMANDER, LOS ANGELES DISTRICT, U.S. ARMY CORPS OF ENGINEERS

Colonel BAKER. Chairman Kelly, I am honored to testify before you today at this Arizona field hearing regarding U.S. Army Corps of Engineers projects in small, rural, and underserved communities in Arizona.

Through the Army Civil Works program, the Corps works with other Federal agencies, tribal nations, State agencies, and local governments, as well as non-governmental organizations, to develop, manage, restore, and protect water resources, primarily through the study, construction, and operation and maintenance of water-related infrastructure projects.

The Corps is helping to advance the Administration's environmental justice goals by working with Indian tribes and other underserved and disadvantaged communities to help them address their water resource challenges. One avenue has been the Los Angeles District's work to deliver environmental infrastructure projects to small, rural, and underserved communities in Arizona through our Water Resources Development Act Section 595 program.

The Corps has three main mission areas, which are flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. Some Corps projects also provide ancillary benefits, such as municipal and industrial water supply or recreation.

I would like to highlight two specific flood risk management projects in Arizona that illustrate how the work of the Corps of Engineers can benefit small, rural, and disadvantaged communities: the Rio de Flag at Flagstaff and Little Colorado River at Winslow projects. These projects will help the Cities of Flagstaff and Winslow manage their flood risks.

I will also discuss the Pascua Yaqui waterline project near Tucson, which is an environmental infrastructure project within our larger 595 program.

The Rio de Flag project is a few steps from these Council Chambers. This project will benefit the city of Flagstaff and surrounding communities, to include underserved and disadvantaged populations. This project includes flood channel modifications, bridge enhancements, a detention basin, and floodwalls that will substantially reduce flood risk.

Three features of this project are complete. The Los Angeles District completed the Butler Tunnel and Clay Avenue Wash. The city of Flagstaff completed the Thorpe Road Bridge. Remaining features include additional channels and box culverts designed to convey floodwaters away from the city. This is a complex project that the city of Flagstaff is incorporating in concert with other environmental infrastructure projects.

We expect to complete the initial phase of our design for the next phase of this project, a reach that extends from Clay Avenue Wash detention to Butler Tunnel in September 2024. This project will require the city of Flagstaff to acquire certain lands and easements and negotiate a construction maintenance agreement between the City and Burlington Northern Santa Fe Railroad.

The second effort I would like to highlight is the Little Colorado River at Winslow flood risk management project. In 2006, due to the condition of a locally constructed levee on the western bank of the Little Colorado River, FEMA decertified this levee. This had a dramatic and immediate effect on an already predominantly underserved and overburdened community, causing property values within the flood plain to plummet and stymying economic growth and development for the past 18 years.

In Fiscal Year 2022, Congress appropriated \$2.5 billion in Bipartisan Infrastructure Law funding for inland flood risk management projects. Of that amount, the Department of the Army allocated \$65 million to this project.

I recently had the opportunity to visit the project area with some of our partners here today along with other city of Winslow and County officials. Being there and seeing firsthand the impact that this project will have on the community is astounding and I am honored to serve with the team that will make it a reality.

The first items we will accomplish include an update to the project topographic survey, a geotechnical survey, and we will model the hydrologic and hydraulic conditions to refine project design characteristics to prepare plans and specification. This brings us one step closer to construction.

With respect to the Pascua Yaqui project, we executed a Project Partnership Agreement with the Pascua Yaqui Tribe in September 2021. This tribe has since completed their design, received Federal reimbursement for this work, and expects to award a contract for

construction in fall 2024. This project will allow the Tribe to reduce its dependence on water currently imported from Tucson, reducing costs for an important cultural hub within the community.

The estimated cost for this project is \$1.9 million, which includes a Federal cost share of \$1.47 million. The project will support the historically underserved tribal community.

The Pascua Yaqui project is an example of a section 595 project. WRDA 2022 amended WRDA 1999 Section 595 for environmental infrastructure projects, increasing the authorization of Arizona projects from \$150 million to \$200 million. This program can help underserved communities in Arizona to improve efficiencies in water use and stewardship and to reduce dependence on imported water.

The Corps and the L.A. District, specifically, is excited and honored to be able to partner with the State of Arizona and our local sponsors on these great projects.

Thank you, Chairman Kelly. This concludes my statement. I appreciate the opportunity to testify today and look forward to answering your questions.

[The prepared statement of Colonel Baker follows:]

**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS**

COMPLETE STATEMENT OF

**COLONEL ANDREW BAKER
COMMANDER, LOS ANGELES DISTRICT
U.S. ARMY CORPS OF ENGINEERS**

**BEFORE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE**

ON

**PERSPECTIVES ON ARMY CORPS OF ENGINEERS PROJECTS IN
SMALL, RURAL, AND UNDERSERVED COMMUNITIES**

FEBRUARY 15, 2024

Chairman Kelly, Ranking Member Cramer, and distinguished members of the Subcommittee, I am honored to testify before you today at this Arizona Field Hearing regarding U.S. Army Corps of Engineers (Corps) projects in small, rural, and underserved communities in Arizona.

Through the Army Civil Works program, the Corps works with other Federal agencies, Tribal Nations, State agencies, and local governments, as well as non-governmental organizations, to develop, manage, restore, and protect water resources, primarily through the study, construction, and operation and maintenance of water-related infrastructure projects. The Corps is helping to advance the Administration's environmental justice (EJ) goals by working with Indian tribes and other underserved and disadvantaged communities to help them address their water resources challenges. One avenue has been the Los Angeles District's work to deliver environmental infrastructure projects to small, rural, and underserved communities in Arizona through our Water Resources Development Act (WRDA) Section 595 program.

The Corps has three main mission areas, which are flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. Some Corps projects also provide ancillary benefits, such as municipal and industrial water supply or recreation.

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dramatic and immediate effect on an already predominantly underserved and overburdened community, causing property values within the flood plain to plummet and stymying economic growth and development for the past 18 years. In FY 2022, Congress appropriated \$2.5 billion in Bipartisan Infrastructure Law (BIL) funding for inland flood risk management projects. Out of that amount, the Department of the Army allocated \$65.75 million to this project. I recently had the opportunity to visit the project area with some of our partners here today along with other City of Winslow and County officials. Being there and seeing firsthand the impact that this project will have on the community is astounding and I am honored to serve with the team that will make it a reality. The first items we will accomplish include an update to the project topographic survey, a geotechnical survey, and we will model the hydrologic and hydraulic conditions to refine project design characteristics to prepare plans and specification. This brings us one step closer to construction.

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Thank you, Chairman Kelly, Ranking Member Cramer, and Members of the Subcommittee. This concludes my statement. I appreciate the opportunity to testify today and look forward to answering any questions you may have.

Senator KELLY. Thank you, Colonel.

When I first started coming up to Flagstaff as a candidate in 2019 is when I first learned about Rio de Flag. It has been one of my top priorities to get this done. It has such an impact on so many people. Colonel Baker, thank you for your testimony and your leadership at the L.A. District.

I would like to take some time to go through each of these projects we are focused on today, and then maybe discuss some broader Corps projects and priorities in Arizona.

First, let's talk about Rio de Flag. I understand that you are very close to being able to award a construction contract and break ground on the project. I want to find out what are the barriers that remain to beginning construction. In your testimony you mentioned that you have to update the project topographic survey, geotechnical survey, hydrologic and hydraulic.

Do you expect any surprises in those? Does that relate to when you could begin construction of Phase One?

Colonel BAKER. Sir, we do not expect any surprises with those two efforts. I will say that the two main aspects of the project that need to be completed before we start construction are, one is real eState related. This is related to the city of Flagstaff's requirements to obtain real eState access or ownership for all property that the contractor needs to access during construction. Part of this is the negotiation and execution of a construction and maintenance agreement between BNSF, Burlington Northern Santa Fe, and the City.

The second part is any change to the plans and specifications based on working through the real eState issue. We had a great meeting on January 23d with all parties to include BNSF, and talked about a way ahead for this. I personally feel confident that these will not be an issue for September delivery.

Senator KELLY. Any eminent domain issues, are you going to have to take control over the property when individuals maybe do not want to give it up? Is that part of the issue?

Colonel BAKER. Sir, that remains to be seen.

Senator KELLY. Can you share a little bit about what the schedule is going to look like once work begins?

Colonel BAKER. Yes, sir. Once work begins, we expect the first stage of construction to take about 4 years to finish. It will be about 3 years of construction and then 1 year of a warranty period.

The second stage of construction will start no later than finishing the first stage of construction.

Senator KELLY. Stage two would begin potentially in about 2028? Is that a possibility?

Colonel BAKER. Sir, I would say no later than 2028.

Senator KELLY. Then when do you expect the entire project to be finished?

Colonel BAKER. Sir, right now we do not have a good feel for how long construction of phase two will take. I can consult with my team and get back to you on that more accurately.

Senator KELLY. What is the difference between phase one and phase two?

Colonel BAKER. There are six total phases or segments of construction. The first three phases are actually complete. Phase one

is the Clay Avenue Wash detention basin. Phase two is the Butler Tunnel, and phase three is Thorpe Road Bridge. Phase four, five and six remain to be constructed.

What we are calling stage one includes phase four and phase six. It is a little bit confusing.

Senator KELLY. OK, stage one is phase four and six.

Colonel BAKER. That is correct.

Senator KELLY. Everything before that is already done?

Colonel BAKER. Everything before that is already done, yes, sir, that is correct.

Senator KELLY. Once stage one is completed, what benefits do we expect the city to see?

Colonel BAKER. Sir, the total benefit will be available on completion of both phases. However, there will be an immediate benefit upon completion of phase one for the communities that are adjacent to that part of the construction.

Senator KELLY. Is there a way to quantify how much more water is Rio de Flag going to be able to handle in a flood? Is the capacity going to go up by a certain percentage?

Colonel BAKER. Sir, I can say that the flood risks of those communities and businesses within the first phase will be lower. I do not have a number. I can certainly consult with my team and provide that for you.

Senator KELLY. That would be great if you can get back with us, also for stage two and when the entire thing is complete.

What is the plan for bidding out the contracts on each stage of the process? Is the plan to do a spec and then build or a design and build with the same contractor?

Colonel BAKER. Sir, I will answer the first question first. We will put out a request for proposal. We will receive proposals from firms that are interested in doing the work. Then we will select a firm that meets or exceeds the qualifications outlined in the contract. Also, a firm that will deliver the project at the lowest price technically acceptable.

The design work on these two phases is nearing completion, we have decided to use a design-bid-build approach as opposed to a design-build approach.

Senator KELLY. Design-bid-build, so they will do the design first, they will bid on the project, you will select, figure out who is actually capable of doing the job, and then go with the lowest bidder?

Colonel BAKER. Yes, sir, that is correct.

Senator KELLY. Do you ever do best value to the government as opposed to lowest bid within the Army Corps? Is that something that is ever used in a bidding process? I am just curious. I have flown on spacecraft that was built by the lowest bidder. I am a little sensitive to that.

Colonel BAKER. Yes, sir, I understand that, certainly. Also as an individual who has jumped out of perfectly good aircraft, you want to make sure those perfectly good aircraft are perfectly good.

I can certainly provide more information on that. I do not have the information to answer that directly.

Senator KELLY. In 2022, the city of Flagstaff received an INFRA, Infrastructure for Rebuilding America, grant courtesy of the Bipartisan Infrastructure Law for the Downtown Mile transportation

project. While this funding does not directly go to the Rio de Flag project, can you share more about how this funding for related city projects has enabled the entire project to move forward?

Colonel BAKER. Yes, sir. I believe the city can best answer this. However, I am very aware that there are many projects involved in the Downtown Mile that require a great bit of synchronization in order to happen, to include our two. I imagine it has helped quite a bit.

Senator KELLY. My understanding is that the coordination with BNSF has been critical throughout the planning process for Rio de Flag. What challenges has the Corps experienced when dealing with the railroad? Do you have any unresolved issues with BNSF?

Colonel BAKER. Sir, we feel, at the current time, we have a great partnership, both with the city of Flagstaff and with BNSF on these efforts. I mentioned our January 23d meeting a little bit earlier. We had an executive level personnel to discuss the challenges that we have in front of us.

Really, the challenges at this point with BNSF are securing the construction and maintenance agreement, which is tied directly to the real eState issues we are working through. However, we feel that we have a way ahead to get this complete by September.

Senator KELLY. They have to move some of their infrastructure in order to enable this. Could you describe what that is?

Colonel BAKER. Yes, sir. Really, at this point, the biggest looming issue is allowing the contractor to gain access to areas where the contractor needs to work. Some of these lands belong to BNSF, others belong to private citizens and businesses and such. That is the biggest issue.

With regard to the construction and maintenance agreement, there are certain provisions within the agreements that the Corps has to satisfy the contractor's means and methods of doing business, such as operating within a specified distance from a railroad track, these sorts of things.

At this point, it is just coming to an agreement on the nuances of how to work around BNSF, I would say.

Senator KELLY. OK. You still have some of that we have to resolve here before moving forward?

Colonel BAKER. That is correct, sir.

Senator KELLY. Section 902 of WRDA in 1986 set a requirement that the Army Corps, that any project where construction costs exceeded their congressionally authorized level by more than 25 percent would need to be reauthorized. I have a couple 902 limit questions for you.

What does it mean when you hit that 902 limit, that 25 percent above the estimate? What does it mean to the Army Corps? Is it likely that Rio de Flag will hit this 902 limit any time here in the near future?

Colonel BAKER. Sir, as you mentioned, the 902 limit is basically calculated by inflating the authorized costs of current dollars and adding another percentage. This amount represents the 902 limit, which is a limit that the project's cost cannot exceed, and is set by law.

Regarding the likelihood of Rio de Flag hitting the 902 limit, due to rising construction and real eState costs we would say that there

is a strong chance. We do not know for sure whether it will, but there is a chance that it will exceed the current 902 limit. This will require project reauthorization for a larger amount.

Senator KELLY. If you see it coming and you expect it, please let our office know. Then we are going to have to go through and reauthorize whatever the additional amount is. Let's stay in touch on that topic.

Colonel BAKER. Yes, sir.

Senator KELLY. Now I want to turn to the Winslow Levee project. As you know, we provided the Army Corps additional funding in the Bipartisan Infrastructure Law to begin work on this project. Since the Army Corps received funding in 2022 for this and other types of projects, what steps have been taken to begin work on the Winslow Levee?

Colonel BAKER. Sir, we have done quite a bit. We are very proud of our work that we are doing with our partners on this project.

We signed a design agreement in July, 2023, and since then we have used funds to initiate the preconstruction engineering and design phase. There are several things that we have done in this effort. We have completed the update to our project management plan. USACE, United States Army Corps of Engineers, has finalized the survey scope of work and provide this to Winslow. They are going to award the prime contractor for this survey work here sometime soon.

We have initiated the review plan. We have initiated geotechnical drilling and basic program plan. We have initiated the recertification of the project costs. That is on schedule to send to our cost certification team in March.

Senator KELLY. How long do you think, so you do not expect this all to be done, all that survey work, review plan, geotechnical drilling, and the reevaluation of the costs done by March, did you say?

Colonel BAKER. No, sir, not the whole package. That was the cost certification.

Senator KELLY. How long do you think the whole package is going to take?

Colonel BAKER. Sir, we expect the entire effort to take between 2.5 and 3 years. We still have some big ticket items remaining. We have our hydraulic and hydrologic modeling and also culture and environmental coordination. All of these efforts will feed the final plans and specifications of the project.

Senator KELLY. Once all of that is done, that two and a half years, which is essentially the pre-construction, engineering and design phase, so maybe we would expect here sometime in 2027, beginning of 2027, to start construction. How long do you expect the construction to take?

Colonel BAKER. Sir, right now our plan for that is for it to take approximately 4 years from when we award the contract.

Senator KELLY. Then is this going to be a design-build or a design-bid-build?

Colonel BAKER. Sir, for this we are still really in the process. We have some room to consider different acquisition strategies, to include design-build, to include design-bid-build. Yes, sir, we are evaluating design-build as an option to possibly accelerate the project timeline and to maintain budget.

Senator KELLY. Are there any opportunities to try to maybe keep it under budget and get it done early because we are so early in the design phase?

Colonel BAKER. Sir, I can not speak to that specifically. I can definitely engage my team on that one to give you a better answer.

Senator KELLY. Yes, since we have time, it would be great if we could come in under budget on some of these.

Obviously, as we have discussed here, the reason this is so critical is that much of the city of Winslow and also portions of the Navajo Nation lie within a flood plain. This means that anyone who gets a mortgage is required to have flood insurance on the property. It can mean thousands of dollars a year. In some cases, the flood insurance payment for some homeowners is more than their monthly mortgage payment.

Right now, we estimate about 4 years after we start building, so we are looking at six and a half years from now that these homeowners could expect their mortgage payments to come down. That is a long time. I understand; we have to do this right. We are trying to correct something that wasn't construction right the first time.

It is important to get this right instead of getting it early. Just be mindful that this is years of residents here having these out of pocket costs that for many is really putting a lot of stress on their budgets.

How have the BNSF issues for the Winslow Levee gone compared to Rio de Flag?

Colonel BAKER. Sir, I would say it is going well. With this project, it is a crossing. Navajo County has already started coordination with BNSF. They have completed a preliminary engineering assessment. This is really going to help our efforts going forward.

We at the Corps have begun working with our transportation system center out of the Omaha District on this. We have, as an enterprise, a lot of experience working with railroads and a lot of experience working with BNSF specifically. We are confident on the way ahead.

Senator KELLY. Do you know where their headquarters is, what State?

Colonel BAKER. Yes, sir, it is in Texas.

Senator KELLY. OK. The dreaded salt cedar, one of my favorite topics. I understand a portion of this work is going to be removing salt cedars along the bank of the Little Colorado River. These salt cedars present a problem in so many areas. It is not only in Arizona. I think New Mexico has issues as well.

Could you explain for this project why it is so important to remove salt cedars? How do you do it?

Colonel BAKER. Yes, sir. Very simply, salt cedars are a barrier to conveyance of flood waters. We need to remove them by any means from the flood channel.

Senator KELLY. They slow the flow of water downstream?

Colonel BAKER. That is correct, yes, sir.

Senator KELLY. Then in drought conditions, when we actually need the water, they also consume a lot of water.

Colonel BAKER. Yes, sir.

Senator KELLY. We have two reasons to kill them.

Colonel BAKER. Yes, sir. The way we will go about this, we will remove them via mechanized equipment, we will push them up to create temporary stockpiles, and then load them in trucks and take them to a site for offsite disposal.

Senator KELLY. In the method you use to remove them, do they tend to grow back?

Colonel BAKER. Sir, I know it is a very hardy plant. From what I understand, the way to remove it is, you have to completely remove it down to the root. There are some steps that we are going to take in operations and maintenance to assure that they do not come back, to the best of our ability.

Senator KELLY. I know there is a lot of research into other methods that are not fully baked yet on how to do this. Hopefully at some point that will be an option for you as well, because it will be something that might be easier and more effective.

The Federal share of this project was fully funded thanks to the Bipartisan Infrastructure Law. Do you foresee any additional funding being needed for the project?

Colonel BAKER. Sir, at this time, no, but we are updating our costs this summer. We will continue to do so every 2 years, now that the project is funded. We will keep you informed as soon as there is an indication that this might be the case.

Senator KELLY. Colonel, next I want to discuss the Rural Arizona Water Program, also known as Section 595. WRDA 2022 secure an additional \$200 million to carry out this program, which is Section 595 of the 2022 WRDA. Colonel Baker, can you explain how the Rural Arizona Water Program is different from other projects that the Corps has carried out?

Colonel BAKER. Yes, sir. The 595 program's primary objective is to provide design and construction assistance to non-Federal sponsor interests for carrying out water-related environmental infrastructure and resource protection and development projects. These projects include wastewater treatment and related facilities, water supply and related facilities, environmental restoration and surface water protection and development.

Typical Corps projects undergo extensive and comprehensive evaluation to determine if there is a Federal interest to implement. They require specific project authority.

The 595 program allows local governments to evaluate the benefits of a project, and if it complies with the program requirements and funding is provided, we can build the project. Also notable is the fact that these projects are done under a 75–25 percent Federal cost share.

Senator KELLY. Have you seen a lot of interest from communities in Arizona for these?

Colonel BAKER. Sir, we have seen a whole lot of interest. We continue to receive letters and phone inquiries about the projects. At our last tally, we have exactly 17 funded projects as part of the 595 program in Arizona. We have signed two agreements and we have three ready for signature in the next few weeks, and one more that will happen in the next month.

Senator KELLY. How many of these have begun construction? Any of them?

Colonel BAKER. Sir, Pascua Yaqui Tribe will be our first. We hope to word a contract this fall for that.

Senator KELLY. Great. We are going to talk a little about that project later.

Can you describe the process that a local government here in the State of Arizona that is interested in receiving Section 595 funding should follow?

Colonel BAKER. Yes, sir. I would say the first step is to contact the L.A. District Corps of Engineers. If an interested party opens up a web browser and types in "595 projects Arizona," the first search term will be our website, which describes what the 595 project is, who to contact, and it also talks to a monthly open house that we hold, a virtual open house.

Through contacting us, we can provide information on whether or not the project meets criteria, and also help in initial stages of gaining authorization for this project.

The next step is to submit an official letter of interest. After that, we add the project to our list of potential projects.

The final step is receiving the appropriation from Congress. After that, we move ahead with our partnership agreement. That normally takes about seven to 8 months to execute.

Senator KELLY. From beginning to end, how long do you think it should take if one gets approved and gets the necessary funding to begin construction?

Colonel BAKER. Sir, is your question to go to construction?

Senator KELLY. Yes, the timeline to get to construction.

Colonel BAKER. Sir, it really depends on the projects. I will tell you that we have become much more efficient in our delivery of this, really just since we started. There are some challenges that we were dealing with at the beginning of the program, challenges kind of on both sides, on the sponsor side and on our own side.

On the sponsor side, I would say many of the sponsors that we were working with just did not have the experience of working with the Corps and did not necessarily understand the processes and procedures to get to an authorized project.

From our own side, when we started, we didn't necessarily have the expertise to provide this to the prospective sponsors. We have come quite a long way and we have built a lot of momentum with each new project. We feel good about accelerating this timeline.

Senator KELLY. Why do not we have the Chairman of the Pascua Yaqui Tribe, Chairman Yucupicio, join us here. Actually, give me a second. The Pascua Yaqui Tribe, can you give some updates on that project specifically?

Colonel BAKER. Yes, sir. This is a water line project. It was our first 595 project in Arizona. We signed a PPA on this in 2021. The design is complete, and we expect the Pascua Yaqui to award construction for construction in the fall of 2024.

Senator KELLY. Do you have any lessons learned from working with the tribe that you could apply to other projects?

Colonel BAKER. Yes, sir, absolutely. As I mentioned, we have had some challenges getting this program started. We built a lot of momentum. I think misunderstanding the amount of time that is involved in educating our own staff and the sponsors on the requirements for the 595 program and successfully negotiating many 595

agreements concurrently, it was an issue at the beginning. As I mentioned, we have gained a lot of momentum in delivering this program.

Senator KELLY. Please let my office know if there is anything we can do to help you effectively implement the program.

Finally, I want to talk a little bit about flood control. Flood control curves was a topic of a hearing we had in Washington. Can you explain what role the Army Corps plays in setting flood control curves for certain federally regulated reservoirs?

For the folks in the audience who are watching, the amount of, we have to keep a lot of extra space in reservoirs in order to accommodate floodwaters, so we do not get flooding, so reservoirs do not overflow and flood communities. We have been in this drought for 20 years, and those flood control curves are rather old. We potentially need to update them.

Can you talk about the Army Corps' role here in flood control curves?

Colonel BAKER. Yes, sir. USACE is mandated to develop water control plans for all federally funded built dams that were purpose built for flood control. These include dams like Painted Rock, Alamo, and Roosevelt here in Arizona.

Senator KELLY. Talk about what happens when water enters into the flood control space.

Colonel BAKER. Yes, sir. When water enters into the flood control space, we work with downstream communities and water districts to release the water whenever possible in a way to maximize capture. Our first priority is flood risk management, always. Very often, we are able to release it in a way that maximizes capture.

Senator KELLY. How often are flood control curves updated for any particular reservoir?

Colonel BAKER. Sir, every 10 years at a minimum or when there is a modification to the flood control structure.

Senator KELLY. When you do that, do you ever take into consideration drought or water conservation conditions?

Colonel BAKER. Sir, yes, we do. Water control plans, we have to consider the impacts of drought and what else can be done to support increased water conservation, if the project is capable of providing such support. As I mentioned, flood risk management is our No. 1 priority. The extent to which water conservation, we do evaluate it, depends on the original authorized purpose of the project and whether that includes water conservation.

Senator KELLY. One example I think of note here is Roosevelt Dam stores water for Phoenix, Phoenix metro area. Last year, due to increased snow melt, which is good, we got a lot of extra snow pack in the mountains, which is where the water comes from to go into the Colorado River. That was a really positive thing.

Last year, due to increased snow melt, which we wanted, SRP, Salt River Project, had to release more than 300,000 acre-feet of water unexpectedly out of Roosevelt Dam because it got into the flood control space, and we have to make sure we do not put Phoenix at risk.

That is a lot of water, 300,000 acre-feet. To put it in perspective, we get about 2.8 million acre-feet from the Colorado River every year. It is not all of Arizona's water, but it is a lot of it. Three hun-

dred thousand of it just had to be released. This is water that could have been used for drinking water but instead just flowed downriver. Eventually a lot of it just ends up in Mexico, and we do not ever benefit from it.

Colonel, I understand the Corps is working with SRP to update the flood control manual for Roosevelt Dam. What can you share about the work with SRP to get these curves updated?

Colonel BAKER. Yes, sir, we are. Right now we are working with SRP to process what is called a minor deviation request through our South Pacific Division. This is one level up in the chain of command. What this will allow us to do is to allow for water encroachment, extra water in the flood control space late in flood season, when the flood risk is low. Then gradually drive down in order to allow for downstream communities and water districts to catch it without compromising flood control operations.

We will implement this from three to 5 years. During this time we will gather data to best allow us to improve water conservation without compromising flood risk management. We will have the secondary benefit of providing additional opportunities for water capture.

We will use this information to complete, to update the water control manual. This is the testing phase for eventually updating the water control manual.

Senator KELLY. When do you think the manual will be finalized? What is your hope here?

Colonel BAKER. Sir, normally, it takes about 3 years, and this runs concurrently with the minor deviation. It could be anywhere from, I would say from about three to 5 years.

Senator KELLY. Let me just say one thing I am hoping my legislation will do, is to give you clear authority to take and consider the drought conditions when we update the flood control curves. If we can find ways to save drinking water, make sure we are not wasting water in the wet years like we had last year, this is going to help us have water for when we come back to a drier year, which is actually what we expect this year. Usually when we have a big snow pack in the Rockies, like we did last year, historically the following year has been just extra dry.

There is no real science behind that, this is the history. Hopefully that will change here in the later part of February and in March.

Now what I would like to do is bring up the second panel. Thank you, Colonel. I really appreciate your testimony. Thank you for making the trip, and thank you for all the hard work you do for our western States that are suffering from a climate-driven event that we have not seen in nearly 1,200 years. Thank you for your work in helping us.

Colonel BAKER. It is my privilege. Thank you.

Senator KELLY. Thank you.

Mayor Daggett, Supervisor Peshlakai, and Mr. Chairman, why do not you join us?

We will start with opening remarks for each of you. Mayor Daggett?

**STATEMENT OF HON. BECKY DAGGETT, MAYOR,
CITY OF FLAGSTAFF, ARIZONA**

Ms. DAGGETT. Chairman Kelly, first and foremost, welcome back to Flagstaff. We are proud to host you here at Flagstaff City Hall once again.

We appreciate your service on the Senate Environment and Public Works Committee and especially as the Chairman of the Transportation and Infrastructure Subcommittee that has jurisdiction over the Water Resources Development Act, which is so important to our community and many others in Arizona.

We are also thankful to you for chairing this important field hearing today to hear perspectives on Army Corps of Engineers projects in small, rural, and underserved communities.

We also want to thank Army Corps Regional Commander, Colonel James Handura, and District Commander, Colonel Andy Baker, for being here today. We have been working closely with the Army Corps of Engineers since 2001 on the Rio de Flag Flood Control Project and we continue to push to complete what will be the most transformational infrastructure project in the City's history.

Although it has been a long road to today, we are making considerable progress and have passed many important milestones. Three major project components have been constructed to date, including a large detention basin on the Clay Wash reach, a bridge structure in the upper reach, and a large culvert under Butler Avenue. We are approaching final plans and specs that will allow the project to be advertised for bid.

We are working toward acquiring the real eState from property owners and businesses to construct the project, and BNSF Railway is also a large landowner in the project footprint. We are engaged in complicated negotiations with the railroad on several construction maintenance agreements for project approval and property rights. Our goal is to have this project out to bid in early 2025 and have shovels in the ground by the spring of 2025.

We received the final \$52 million of Federal funding for construction in Fiscal Year 2020. Thus far, \$84 million in Federal funds have been committed to this project. To date, the City has contributed \$22 million as part of its cost share.

When this project is completed, it will have a transformational effect on our town. First, it will remove over half of our residents and over 1,500 structures from the flood plain including Northern Arizona University and, yes, City Hall where we are sitting right now.

Second, it will allow for the first time in many people's lifetimes, including our former esteemed Mayor and your current northern Arizona Director, Coral Evans, to make improvements to their houses and businesses in the Southside neighborhood that they have not been able to make in decades because of the simple fact that they lie in the flood plain. Third, it will eliminate costly flood insurance requirements for many residents.

Finally, it will allow for more than \$1 billion in economic development that will be a boon for residents and visitors alike. In short, this project will transform this great City.

Regarding this project, we have one final request. It is our understanding that you have once again inserted a provision in WRDA

2024 that will waive the 902 limit, or the maximum cost cap, for this project. We ask that you fight for inclusion of this provision as we may be bumping up against our limit due to inflation and the high cost of materials and real estate acquisition. Expediting this process greatly benefits these projects that are overdue for delivery and can not afford any additional delay.

I would also like to highlight another important Army Corps program that you were instrumental in bringing to Arizona, the Section 595 or Arizona Environmental Infrastructure program. The City was one of the first in the State to send a letter of interest to the Corps and be placed on the priority list for this program.

In early 2021, we were awarded two 595 projects known as the Downtown Flood Lateral Tunnel and W.F. Killip Elementary School regional flood detention basin. We are excited to announce that we have signed our first Project Partnership Agreement with the Corps on January 23d for the Downtown Lateral Project and we expect to sign the Killip Basin PPA, power purchase agreement, very soon.

We ask that you work to increase the authorization for the 595 program to \$400 million in WRDA 2024 to help communities such as ours.

In conclusion, Mr. Chairman, we have a long and very important relationship with the Army Corps of Engineers. We are currently working with them on three important projects that will benefit the City, the \$122 million Rio de Flag Flood Control Project, the \$1.2 million Downtown Lateral Project and the \$1.5 million Killip Detention Basin Project. We value our relationship with the Corps and they have been very responsive to our needs.

Is everything perfect? Certainly not. We would like to move these projects from inception to completion in a much more expeditious manner. However, many of these projects, especially the Rio de Flag, are very complex and complicated.

Despite these setbacks in our partnership with the Corps, we have always been able to figure out a way to move city projects forward together.

Senator Kelly, thank you again for holding this important hearing in Flagstaff to discuss Army Corps projects. We thank you for your leadership on this committee and the work you have done in the U.S. Senate that benefits our amazing and diverse community here in Flagstaff. I am happy to answer any questions you may have.

[The prepared statement of Ms. Daggett follows:]

**Senate Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
February 15, 2024 Field Hearing on *Perspectives on Army Corps of Engineer
Projects in Small, Rural, and Underserved Arizona Communities*
Flagstaff City Hall**

Chairman Kelly, first and foremost, welcome back to Flagstaff. We are proud to host you here at Flagstaff City Hall once again. We appreciate your service on the Senate Environment and Public Works and especially as the Chairman of the Transportation and Infrastructure Subcommittee that has jurisdiction over the Water Resources Development Act (WRDA) which is so important to our community and many others in Arizona. We are also thankful to you for chairing this important field hearing today to hear *Perspectives on Army Corps of Engineers projects in small, rural, and underserved communities*.

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insurance requirements for many residents. Finally, it will allow for more than \$1 billion in economic development that will be a boon for residents and visitors alike. In short, this project will transform our great City.

Regarding this project, we have one final request. It is our understanding that you have once again inserted a provision in WRDA 2024 that will waive the 902 limit, or the maximum cost cap, for this project. We ask that you fight for inclusion of this provision as we may be bumping up against our limit due to inflation and the high cost of materials and real estate acquisition. Expediting this process greatly benefits these projects that are overdue for delivery and can't afford any additional delay.

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Senator Kelly, thank you again for holding this important hearing in Flagstaff to discuss Army Corps projects. We thank you for your leadership on this Committee and the work you have done in the U.S. Senate that benefits our amazing and diverse community here in Flagstaff. I am happy to answer any questions you may have.

Senator KELLY. Thank you, Mayor.
We will now recognize Mr. Chairman for 5 minutes.

**STATEMENT OF HON. PETER YUCUPICIO, CHAIRMAN, PASCUA
YAQUI TRIBE COUNCIL**

Mr. YUCUPICIO. Thank you, members. I am honored to be here with our humble tribe. We also thank the Mayor and the tribes from the north and the other 22 tribes that live in the great State of Arizona.

My name is Peter Yucupicio, and I am the Chairman of the Pascua Yaqui Tribe. I am here to testify about our work with the U.S. Army Corps of Engineers on our Water Resource Development Act Section 595 environmental infrastructure project. Thank you for this opportunity.

My tribe is a federally recognized tribe with a small reservation near Tucson, Arizona. Even though we have been around for a very long time, we were officially recognized in 1978. Today, we have more than 21,000 tribal members who live on our reservation and in our tribally recognized communities across Arizona.

Our main focus as a tribal government is providing housing, public services, and economic opportunities. Our tribal members, like many other tribes here in the west, has limited access to potable water supplies. Our reservations do not have any surface water and access to groundwater is extremely limited.

Our tribe receives potable water service from our neighbor, the city of Tucson through an intergovernmental agreement we entered in 2011. Tucson caps the amount of water it delivers to our reservation at 900 acre-feet per year. It is not enough water.

With the development of much-needed housing for our tribal members and other tribal facilities, we are on a course to exceed our water delivery limit from Tucson in only a few years. As a result, we are doing everything we can to manage the water sources we currently have in the best way possible. The Section 595 program is helping us do that.

As you know, the Pascua Yaqui Tribe was the first entity in Arizona to receive 595 program funding from the Army Corps. We are using this funding to construct a non-potable water line to provide water to our tribal wellness center, and we will irrigate our ballfields and public park. This encourages healthy lifestyles for our tribal members.

Currently, our tribe is using potable water from the city of Tucson to irrigate the wellness center and the it directly reduces the amount of water we have available to meet our other water needs on the reservation. However, once the water line project is built, we will be using non-potable water for this outdoor irrigation, and this will conserve about 50 acre-feet, or 60 million gallons of potable water each year. Freeing up this amount of potable water will allow us then to build another maybe 375 homes on the reservation for our Yaqui people.

The implementation of our 595 has not been without challenges. We hope that by illuminating these, it will help inform the committee and the Corps about improvements to the 595 program which will be helpful. The tribe recognizes that administering the 595 program in Arizona is a new responsibility for the Army Corps,

and it has had to work on developing the necessary administrative infrastructure and facilitate the efficient and timely completion of the 595 projects.

We have had delays working with the Corps on our 595 project over the past few years, but we are happy to know that Colonel Baker is working hard at the Los Angeles District to establish the administrative foundation that is needed to move these projects forward.

Currently, we are preparing our bid documents for construction of the project, and we hope to break ground in September of this year. However, inflation has significantly increased our construction costs and our initial 595 funding amount is now insufficient to complete the project. We will be requesting additional funding from the Corps to hopefully help us make up the cost difference.

We are also facing a challenge in securing the water filtration systems we need to due to the war in Israel where the systems are made. We also know that it will be difficult to secure contractors who are already working on so many other federally funded infrastructure projects. As a disadvantaged community with a small 595 project, our tribe is disproportionately affected when the challenges occur as they drive up our overall project costs. This then reduces our ability to deliver our important tribal environmental services to our Yaqui people.

Given our experience in the 595 program over the past few years, we have some observations and recommendations for Congress and the Corps. My written testimony submitted for the record has much more detail about these recommendations. Here are a handful.

The Army Corps should keep working to improve its administrative operations to be responsive to the needs of a 595 program guarantee in order to avoid long project delays. For transparency, we recommend that the Corps provide regular notices of funding opportunities on the grants.gov website so that small and disadvantaged communities become more aware of the programs.

No. 3, the 25 percent cost share requirements for Indian tribes should be eliminated or at a minimum, the tribes should be allowed to combine other sources of Federal funding to meet the cost share requirement, such as the Bureau of Indian Affairs and the Bureau of Reclamation.

No. 4, the overall charge by the Corps for each project should be allowed to be reduced to the amount of funds available for actual construction of the project. Our overhead should be added on top of the actual project cost and should be 100 percent funded by the Corps in the 595 program. Otherwise, small, rural disadvantaged communities will have difficulty bearing these additional costs.

Those are some of the few, and we thank you very much. Many blessings for your efforts in trying to help all our tribes and all our towns and cities.

[The prepared statement of Mr. Yucupicio follows:]

PASCUA YAQUI TRIBE

OFFICE OF THE CHAIRMAN



United States Senate
Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
Flagstaff City Hall
211 West Aspen Avenue
Flagstaff, Arizona 86001

**"Oversight of Projects Supported by the Water Resources Development Act of 2022 and
Infrastructure Investment and Job Act in Small, Rural and Underserved Communities in
Arizona"**

**Written Testimony of Peter Yucupicio, Chairman
Pascua Yaqui Tribe
Tucson, Arizona**

February 15, 2024, 10:30 am MST

Lios enchim aniaavu, Chairman Kelly, Ranking Member Cramer, and Members of the Subcommittee. My name is Peter Yucupicio and I am the Chairman of the Pascua Yaqui Tribe of Arizona (Tribe).

I am here today to testify regarding the oversight of projects supported by the Water Resources Development Act of 2022 (WRDA) in small, rural and underserved communities in Arizona. I would like to acknowledge and express our appreciation for the opportunity to testify and thank the Subcommittee for your continued support of the Section 595 Environmental Infrastructure Program in WRDA (595 Program) in Arizona.

As discussed in greater detail below, our Tribe would like to tell you about our experience with the Section 595 Program administered by the U.S. Army Corps of Engineers (Corps) and recommend that the Committee consider additional measures to improve the ability of Tribal communities and other small, rural and disadvantaged communities to utilize the Section 595 Program in Arizona.

The Pascua Yaqui Tribe and Our Limited Access to Water

The Pascua Yaqui Tribe is a federally recognized tribe with a Reservation near Tucson, Arizona. Our Tribe was recognized by Congress pursuant to the Act of September 18, 1978, P.L. 95-375

(92 Stat. 712), as amended, and the Indian Reorganization Act of 1934 (48 Stat. 984) (IRA). We are an historic tribe with a small, 2,255 acre Reservation established for the use and benefit of our Tribe's 21,363 members. Since our Tribe's federal recognition in 1978, our Tribal government has focused on providing housing, public services, and economic opportunities for our Tribal members on our Reservation and in our Tribally recognized communities in Arizona.

Like many other tribes here in the west, the Pascua Yaqui Tribe has limited access to potable water supplies. In the case of our Tribe, we do not have a surface water supply of our own on the Reservation and our access to groundwater is extremely limited. Under a *2011 Intergovernmental Agreement between the City of Tucson and Pascua Yaqui Tribe for Potable Water Service* (Water Service IGA), our Tribe receives potable water service from our neighbor, the City of Tucson, but Tucson caps the amount of water it will deliver to the Tribe at 600 acre-feet per year + 300 acre-feet per year for public facilities. With the development of much-needed housing for our Tribal members and associated Tribal facilities, we are on course to exceed our water delivery limits with Tucson in only a few years.

The Tribal Wellness Center Non-Potable Water Line Project

The Pascua Yaqui Tribe was the first entity in Arizona to receive 595 Program funding when WRDA was authorized for use in Arizona in 2020. This 595 Program funding is being used to construct a non-potable water line to provide water to our Tribal Wellness Center where we irrigate recreational facilities, including ballfields and a public park, to encourage healthy lifestyles for our Tribal members.

Currently, the Tribe must use potable water from the City of Tucson for the Wellness Center irrigation, which directly reduces the amount of water we have available to meet other potable water needs under our Water Service IGA with Tucson. However, once the Project is built, the Tribe will conserve approximately 50 acre-feet (16,292,550 gallons) of potable water each year on the Reservation, thereby contributing to the protection of the Tribe's limited water resources and making it possible for the Tribe to provide a future potable water supply for up to 375 new homes on our Reservation. While we have many more water challenges to overcome, our 595 Project will help secure an important additional potable water supply that is needed for our growing Tribal population.

Challenges with Implementation of the 595 Program

The implementation of our Project has not been without challenges, but we hope that by illuminating them, it will help inform the Committee and the Corps about improvements to the 595 Program which would be helpful.

The Tribe recognizes that administering the 595 Program in Arizona is a new responsibility of the Corps and with that responsibility comes the obligation to develop the necessary internal Corps administrative infrastructure that will help facilitate the efficient and timely completion of projects. We also understand that providing a strong foundation for any new federal program takes time and we are happy to know that Colonel Baker in his new appointment to the Corps' Los Angeles District is working hard to make that a reality.

When the Tribe first entered into its 595 Program funding agreement with the Corps in September 2021, the Tribe had already completed Project design and engineering and was prepared to complete the necessary federal environmental compliance work to move to construction in 2022. However, due to administrative delays within the Corps during 2022 and 2023, the Tribe's Project was further delayed. Currently, the Tribe is preparing bid documents for construction of the Project, but the significant delay has increased Project costs and caused additional timing issues related to certain materials.

Cost Escalation, Supply Chain Issues and the Federal Budget

As is widely known, inflation has significantly increased construction costs in the past few years, which now makes our original Project funding amount insufficient to complete the Project. In addition, the war in Israel is expected to delay our ability to obtain a critical water filtration system that is manufactured in Israel and that is necessary for our Project. Further, the wholesale increase in the number of projects under construction as a result of recent federal investments in infrastructure across the country, is making it difficult to secure local available contractors without a substantial price increase. And finally, the lack of a federal budget for FY2024 is impeding the ability of the Corps to allocate the additional funds we need to build the Project.

While the Tribe is preparing its bid documents and would like to break ground on the Project in September 2024, these challenges may cause yet another delay in our construction schedule. As a disadvantaged community with a small 595 Project, our Tribe is disproportionately affected when these challenges occur, as they drive up our overall Project costs, which then reduces our ability to deliver other important Tribal governmental services to our Yaqui People.

Administration of the 595 Program

As the Chairman of the Pascua Yaqui Tribe, I frequently interact with tribal leaders from federally recognized Indian tribes located throughout the West and see first-hand the glaring need for additional federal investments in the development, repair, and replacement of water and wastewater infrastructure on Tribal lands, among other environmental infrastructure projects. As we are struggling with years of drought and the reality of a much hotter and drier future, Indian tribes, just like many of our neighboring communities, need increased access to financial resources and technical assistance – like those that can be provided by the 595 Program – to enhance, and in many instances retool, our existing water supply and wastewater systems to conserve water, offset potable uses, and recycle water to support the health of our environment and provide a more flexible water supply for our future.

Yet, without a 595 Program that is efficient and responsive, the overall cost of these projects will be disproportionately high on small, rural and disadvantaged communities like the Pascua Yaqui Tribe. We implore the Corps to develop a strong administrative infrastructure for the 595 Program so that it can adequately help to meet the serious water and wastewater infrastructure challenges our communities face.

In addition, we recommend more transparency for the 595 Program so that small, rural and disadvantaged communities are provided information about the Program and have the opportunity to request funding on a fair and equitable playing field. For instance, like other federal programs, the Corps should consider using Grants.gov or a similar forum to release notices of funding opportunities.

Further, we encourage the Corps to provide written standardized guidance documents for the 595 Program that can be readily accessible for Project grantees to understand the 595 Program's administrative requirements. In our experience, due to a lack of this written guidance, we have had to ask questions that have taken long periods of time for Corps' staff to answer, thereby delaying our Project. If written guidance were readily available, the Corps' staff would likely not have to field so many direct questions from the grantees and this would directly enhance the Corps' ability to manage the 595 Program.

25% Cost Share Requirement

While there are several federal grant programs available to help tribes build critical water and wastewater infrastructure on tribal lands, in many instances, these programs require a non-federal cost-share match by the tribe, often from 50% to 75% of the total project cost. While the 595 Program is an improvement, since the non-federal cost share is only 25%, even this can be a significant barrier for participation in the Program for tribes.

As this Committee knows well, constructing and repairing water and wastewater facilities and other environmental infrastructure projects requires a substantial capital expenditure for any community. In non-native communities, these types of capital improvements are typically funded through tax-payer dollars and bonds, as well as impact fees assessed to private developers. However, tribal communities do not have the same mechanisms to generate or receive tax benefits or otherwise use bonding capacity. Moreover, because tribes develop and maintain these large water resource projects to facilitate their own economic development projects or to support tribal services and tribal housing, tribes do not have the benefit of assessing impact fees on developers to help fund these projects.

The inability of Tribes to tap into sources of revenue like certain taxes, bonds, or impact fees on par with their neighboring communities magnifies the difficulty presented by the 595 Program's non-federal 25% cost share. First, without sufficient water and wastewater infrastructure, tribes are unable to engage in robust economic development projects that could provide a source of revenue to meet the 25% cost share requirement, even though the very lack of water related infrastructure is what makes the tribe eligible for the 595 Program in the first place. This presents a difficult chicken and egg situation for tribes. Second, because the 25% cost share must be non-federal, tribes are unable to use other sources of available federal dollars that they typically have access to in order to fund the non-federal 25% cost share, even if cost share is allowable under other federal programs.

In recognition of the unique circumstances faced by Indian tribes, including the limited access of tribes to revenue sources that are available to non-native communities and the dire need for water and wastewater infrastructure on tribal lands, the Tribe recommends the Committee consider

allowing Indian tribes to use available federal funding sources to meet the 25% cost share requirement of the 595 Program or eliminate this cost share requirement for tribes entirely.

The Corps' Overhead Charge

As part of the 595 Program, the Corps charges a fee for its overhead expenses related to the Project. The fee is intended to cover the costs of the Corps' management of the project and expenses for environmental compliance which must be performed by the Corps as the responsible federal agency. For the Tribe, the overhead fee is being charged against the funds that were budgeted for actual construction of the Project in proportion to the 75% / 25% cost share. This means that the overhead charge is directly reducing the amount of funds available from the Corps to construct the Project. It is also increasing the cost of development that would not otherwise be required if the Project was constructed without federal funds.

Given that the 595 Program is designed to assist small, rural and disadvantaged communities, we recommend that overhead expenses of the Corps not be allocated to projects in such a way as to reduce the actual funding that is needed by the grantee to construct a project, but rather, the overhead cost should be permitted to be added to the total project cost, with the overhead cost to be borne solely by the Corps. Without relief for the way the Corps currently allocates its overhead costs to projects, the small, rural and disadvantaged communities, like the Tribe, are still not able to develop on a level playing field with other communities that have access to other non-federal funding sources.

State Revolving Funds for Water and Wastewater Infrastructure as a Non-Federal Cost Share Resource

In Arizona, the Water Infrastructure Finance Authority (WIFA) is an independent state authority that finances the construction, rehabilitation, acquisition, and improvement of water infrastructure throughout Arizona. WIFA receives federal funds from the U.S. Environmental Protection Agency (EPA) and deploys those funds under the Drinking Water State Revolving Fund (DW-SRF) and Clean Water State Revolving Fund (CW-SRF) in combination with state funds. These SRFs provide low interest loans to communities, including Tribes, who are seeking to improve water and wastewater infrastructure, ensure reliability to safe drinking water, conserve water, improve efficiency and reuse of water resources, and augment existing water resources with renewable water supplies.

Notably, the missions of WIFA and the 595 Program are similar and complimentary. However, due to the federal nature of a portion of the funds utilized as part of the SRFs, it is challenging to utilize WIFA funds to meet the non-Federal cost share requirement of the 595 Program, even though the SRFs are primarily providing loans for projects which require payback by the non-Federal entity. If it were clear that small, rural and disadvantaged communities, like the Tribe, could pair WIFA's SRF funds with the 595 Program to meet the non-Federal cost share, the ability of the 595 Program to meet its mission would be further enhanced while also providing a solution for communities who desperately need to implement environmental infrastructure projects but remain challenged by the 25% cost-share requirement.

Reimbursement Requirement

In addition, the reimbursable nature of the 595 Program also presents barriers to tribal participation. Specifically, the 595 Program requires participating tribes to fund 75% of the construction costs of approved projects up front, with the Corps providing a subsequent reimbursement of costs to the tribe after the fact. In many instances, however, tribes lack the financial tools or tribal funding sources (as discussed above) to participate in programs like the 595 Program that only reimburse the tribe for construction costs after the fact. To ensure greater participation of tribes in the 595 Program, the Committee should consider changes to these requirements for tribal participants.

Conclusion

The changes to the 595 Program discussed in our testimony today would be a big step in helping small, rural and tribal communities to meet our critical water needs both now and into the future. We urge the Committee to consider the recommendations set forth in our testimony that have the potential to magnify the impact of the WRDA and the 595 Program in small, rural and tribal communities. We are also grateful for the inclusion of Arizona in the 595 Program and for the benefit it is bringing to help meet the water needs of our Tribe, and we hope the Program will continue to be funded in the future.

On behalf of the Pascua Yaqui Tribe, thank you for the opportunity to testify today.

Senator KELLY. Thank you, Mr. Chairman.
Supervisor Peshlakai?

STATEMENT OF SUPERVISOR ALBERTO L. PESHLAKAI, DISTRICT II SUPERVISOR, NAVAJO COUNTY BOARD OF SUPERVISORS

Mr. PESHLAKAI. Good morning, Senator. I am Supervisor Peshlakai, representing the Rural District II on the Navajo County Board of Supervisors. On behalf of Navajo County, the city of Winslow, and the State of Arizona I deeply appreciate the opportunity to provide you and the subcommittee testimony on the County's perspective as the non-Federal sponsor for the Army Corps of Engineers' Lower Colorado River and Winslow flood mitigation project, or the Winslow Levee project as it is known in Navajo County.

While the Winslow Levee was constructed decades ago, the critically important need to repair it dates to the mid-2000's. The year 2008 was a defining year in the early life of the project: the Federal Emergency Management Agency decertified the levee, which financially impacted residents, businesses and property owners in the area, more on that in a moment, and Navajo County and the Army Corps of Engineers signed a Feasibility Cost Share Agreement that initiated a 10 year-long feasibility study which culminated in the recommended plan that is moving ahead today.

Before providing an update on where the project stands, I want to touch very briefly on the significance of this project and its importance to the community of Winslow and the northeastern region of the State of Arizona. First, locally, once the levee is repaired and certified and accredited by FEMA, residents will realize financial relief from the approximately \$15 million in costly flood insurance premiums they have been forced to endure since the decertification of the levee in 2008.

Relatedly, without this essential life safety infrastructure project nearly every one of Winslow's homes, businesses, schools and key services are in harm's way from dangerous flood events.

Regionally, completion of the Winslow Levee project is a key to unlocking economic growth in northeastern Arizona. The area is primed for development and construction once the flood mitigation concerns are greatly reduced, as I-40 and the BNSF railroad provide robust transportation infrastructure throughout the region.

You will find more specific project impact information in your handout. Today, the project's technical pre-construction, engineering, and design work is underway. A joint project development team of our non-Federal and Army Corps partners has been meeting regularly and reports that the initial survey, topography, and geotechnical analysis is moving forward as planned.

Relatedly, another team is working through a process that will determine the most efficient acquisition strategy, design—build and design-bid-build, for constructing the project.

The Army Corps and Navajo County are acutely aware that the project has received 100 percent Federal funding for design and construction, and that expectations are high for delivering a completed project expeditiously. While we understand the Corps has its traditional chain of command processes and strict public engineering requirements and the regulations to follow, in every interaction

we have had with the Los Angeles District Command, both the County and the Corps have expressed a strong commitment to meet or exceed those expectations.

I am confident that as the preliminary engineering design and construction phases progresses, should significant project challenges arise, our teams will work to solve them at the level nearest the problem. Should that not be enough, my expectation is that both sides will work in good faith to escalate issues for quick a chain of command resolution, draw on appropriate resources and expertise at the local, State and Federal level, and collaborate with our State and Federal congressional leadership as necessary.

With that, I will conclude my remarks and thank you again for the opportunity to provide testimony to the Transportation and Infrastructure Subcommittee on the Senate Committee on Environment and Public Works as it relates to our essential life safety infrastructure project in Winslow, and the importance of optimizing our partnership with the Army Corps which is so necessary for delivering a project that means so much to the Winslow community and northeastern Arizona.

Thank you.

[The prepared statement of Mr. Peshlakai follows:]



NAVAJO COUNTY

Board of Supervisors

Fern Benally • Alberto L. Peshlakai • Jason E. Whiting • Daryl Seymore • Dawnafe Whitesinger

"We are Navajo County"

I am Supervisor Alberto Peshlakai, representing rural District One on the Navajo County Board of Supervisors. On behalf of Navajo County, the City of Winslow and the State of Arizona I deeply appreciate the opportunity to provide you and the subcommittee testimony and the County's perspective as the non-federal sponsor for the Army Corps of Engineers' Lower Colorado River at Winslow flood mitigation project, or the Winslow Levee project as it's known in Navajo County.

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So today, the project's technical pre-construction, engineering, and design work is underway. A joint project development team of our non-federal and Army Corps partners has been meeting regularly and reports that initial survey, topography, and geotechnical analysis is moving forward as planned. Relatedly, another team is working through a process that will determine the most efficient acquisition strategy – Design/Build or Design Bid Build – for constructing the project. The Army Corps and Navajo County are acutely aware that the project has received 100% federal funding for design and construction, and that expectations are high for delivering a completed project expeditiously. While we understand the Corps has its traditional chain of command processes and strict public engineering requirements and regulations to follow, in every interaction we've had with the Los Angeles District Command, both the County and the Corps have expressed a strong commitment to meet or exceed those expectations. I am confident that as the PED and construction phases progress, should significant project challenges arise, our teams will work to solve them at the level nearest the problem. Should that not be enough, my expectation is that both sides will work in good faith to escalate issues for quick chain of

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command resolution, draw on appropriate resources and expertise at the local, state and federal level, and collaborate with our state and federal congressional leadership as necessary. With that, I'll conclude my remarks and thank you again for the opportunity to provide testimony to the Transportation and Infrastructure Subcommittee on the Senate Committee on Environment and Public Works as it relates to our essential life safety infrastructure project in Winslow, and the importance of optimizing our partnership with the Army Corps which is so necessary for delivering a project that means so much to the Winslow community and northeastern Arizona.



Senator KELLY. Thank you.

Let me start with a few questions for Mayor Daggett, then I am going to go to Chairman Yucupicio, then to Supervisor Peshlakai.

Mayor Daggett, as you discussed in your testimony, the Rio de Flag project has the potential to be transformative for downtown Flagstaff. Can you explain how Rio de Flag will fit in with other projects the city is working on, like the Downtown Mile Project or the upgrades to the downtown transit center?

Ms. DAGGETT. Thank you, sir. The common element with these community projects is the proximity to the main line of BNSF and trying to alleviate the barrier that the rail corridor poses for transportation, multimodal and flood control needs. As our community has grown, packaging these projects together has allowed us to leverage our Federal funding for grant opportunities like the INFRA grant we were awarded for the Downtown Mile in 2022. Thank you, Senator Kelly, for your support in this grant application.

It also allows for a more streamlined process to design and construct these projects together to reduce impact on BNSF and Amtrak operations. Reconstruction of so many points across the corridor enabled us to attract BNSF into a partnership so they could also plan improvements of a third main line track during construction, which incentivized them to become a substantial funding partner.

When we started the Rio de Flag, that project stood on its own in trying to get under the rail corridor and the financial burden was too great on that single project. Spreading the effort across so many beneficial community projects like the Downtown Mile and the Lone Tree Overpass has really been the key to our success in managing funding and the ultimate delivery of the Rio.

Senator KELLY. As I said in the beginning of my statement, Rio de Flag has been one of my highest priorities for northern Arizona, for the Flagstaff area. Mayor, before I go to the chairman, what are some things that Congress and my committee, EPW, Environment and Public Works, in particular should know? Is there anything else we should know about Rio de Flag? Are there any ways that we can help you help the Army Corps make sure this project is a success?

Ms. DAGGETT. Mr. Chair, thank you so much for that question. We are often focused on engineering costs and schedule. This is a project that is helping real families and businesses, families that have been in our community for generations and have always known flooding inside their homes. With your support, we are very humbled that we get to do something in our lifetime that makes these conditions better for our community.

In terms of what you can do to make sure this project is a success, 902 limit waiver support, 595 project program support, and future grant funding support would be the three things we would ask for.

Senator KELLY. I have one question about something you said in your testimony. You said it will remove over half of our residents and over 1,500 structures from the flood plain. Depending on how you read that, is it half of the residents of Flagstaff will no longer be in a flood plain. Are there other half still in a flood plain or were they never in a flood plain?

Ms. DAGGETT. Big, big, difference. I am looking for that in my comments.

Senator KELLY. Does it help everybody who is currently in a flood plain get out of a flood plain? I see some nods in the audience.

Ms. DAGGETT. Along the Rio de Flag, the flood control project, those residents that are in that project area.

Senator KELLY. Which is half of the residents of Flagstaff? Sounds like it is.

Ms. DAGGETT. Christine, is that correct?

Senator KELLY. That is correct.

Ms. DAGGETT. Yes, sir.

Senator KELLY. Thank you. I wanted to see if we have more work to do when this is done. It sounds like this is going to go a long way toward fixing this flooding problem.

Ms. DAGGETT. Absolutely, sir.

Senator KELLY. Chairman Yucupicio, I want to start by asking you about your work with the Army Corps on the Rural Arizona Water Program, what you were talking about in your statement. Can you explain how the project you are working on with the Army Corps fits into the broader goals of water conservation on tribal land, and how does it fit into broader water conservation goals that we have here in Arizona?

Mr. YUCUPICIO. That is correct. I have lived in southern Arizona all the way to Mexico. We have lived around the Santa Cruz River Basin for a long time. We actually helped Scottsdale, we were some of the tribes that helped build all the canals and all that. We are pretty good at water harvesting and moving water around, just like the other tribes.

Particularly in this project, the CAP water line is right next to us. You can not access it because it belongs to CAP. This will enable us to tap into that and water our wellness, our fields, and stuff like that.

We are also looking at water conservation efforts as far as gray water and utilizing that for other areas in residential. What we are doing right now is we are sort of leasing water from other tribes, then we also have an IGA with the city of Tucson, to provide potable drinking water.

That would help cut the costs of that, which would then for more than maybe 1,500 tribal members that are looking for housing, it would allow us to build a few more houses to house them in affordable housing. We have a few projects down the road that we are looking at. We have two-thirds of all Yaqui members living off the reservation. When they decide to come in and live on the reservation, then we would be able to provide a home for them.

For us, I think the average nationally is like 1.5 kids or something like that, we are at about four. We are going to grow no matter what. You have to start planning not only with BOR, with the city of Tucson, with everybody, the drought contingency plan, we go to those meetings and are aware of priority waters and everything.

We are on board with trying to figure out how do we survive and use as little water as we can that is potable and use other water resources. That is where we are as a nation and as a tribe.

Senator KELLY. In your testimony, you said the amount of 16 million gallons, I believe, of potable water will be saved because now you will take non-potable water, use it for irrigation, and will be able to save. That 16 million, which is probably about on the order of maybe about 50 acre-feet or so a year. That is a year. We can save that water, and if we wind up in a more challenging situation, we will have that water banked.

Mr. YUCUPICIO. One of the biggest epidemics that we have on the Pascua Yaqui reservation, many tribes have the same that we do, is diabetes. We created wellness centers so they can go and check their glucose. We went to the Freestyle Libre now, that I have, that monitors you. All this is to try to keep people healthy.

The wellness problem, we have more than 1,200 kids playing softball, baseball, and the whole effort is to try to keep them moving and healthy and live longer. Instead of having like an HMO and all that stuff, start early with them and start them going on healthy living, healthy eating. There is also a kitchen in that wellness center that shows them how to eat a lot healthier and all that. All this is part of that whole feeling of helping each other out.

We also have a lot of non-tribals that work for us. They also use all our fields, our facilities, when we start looking at gyms, basketball, everything. We also have the Boys and Girls Club that is located there. This would enhance all of that, and kids want to go there and exercise and be part of something.

It is not just the way you are looking at, well, they are going to water a field. No, it is not. It is all connected to healthy living. The average Yaqui male lives about maybe 58 years, 60. That is it. Substance abuse, all kinds of other things, alcoholism, everything. We are trying to extend that. The women in our reservation live to about 15 to 20 years longer than we do. They are doing something right. That is why the women are always stronger than we are, guys, sorry about that.

It is trying to keep the healthy family going. That is what this would do.

Senator KELLY. My wife, Gabby Giffords, always says, strong women get things done.

Mr. YUCUPICIO. Yes, sir.

Senator KELLY. Mr. Chairman, you noted, I wrote down four different things I think we could focus on, certainly the Army Corps can focus on advertising opportunities. That is easy. Regular funding opportunities. We will looking into, for tribes, you mentioned maybe eliminating the 25 percent cost share. We can certainly take a look at that. Also allowing parts of other Federal sources of money to be used, intermingled, to be part of the 25 percent cost share.

We could take a look at it, can not give you any promises. We will circle back with the committee and with my colleagues in the Senate and see what we can do there.

My final questions are for Supervisor Peshlakai about the Winslow Levee Project. We touched on this before. Can you give a bit more of an explanation of how the decertification of the existing levees that were protecting Winslow have harmed the city of Winslow and surrounding communities? If you have any stories about

property owners and costs with flood insurance, I would appreciate it if you could share them in our final time here.

Mr. PESHAKAI. Thank you, Senator. Yes, we have heard from many homeowners and property owners who reside and do business in the flood plain about the burdensome costs brought about by the failing existing levee. Blighted homes are unable to be renovated due to FEMA's 50-50 rule. Any renovations over 50 percent of the value and of the structure would be required to be raised out of the flood plain.

This type of additional cost construction is cost prohibitive to homeowners. In addition to that, many homeowners are required to obtain flood insurance that nearly doubles their existing mortgage. As I have touched on in my testimony, these residents have endured approximately \$15 million in costly flood insurance premiums since the decertification of the levee in 2008.

Senator KELLY. What percentage of, if you know, what percentage of downtown Winslow is in a flood plain? Is it all of it? If you are standing on any corner in Winslow, Arizona, are you in a flood plain?

Mr. PESHAKAI. Based on the meetings that I have been on and commentary that was rendered, if you are standing on a corner in Winslow, Arizona, about half of that would be in a flood zone. I would consider over half of the city of Winslow would be within that flood plain.

Senator KELLY. Parts of the Navajo Nation are also affected by this Winslow Levee project. What benefits do you see the Navajo community will have when this is completed?

Mr. PESHAKAI. Thank you again, Senator. Yes, and particularly, the Birdsprings Chapter outside of Winslow has been historically affected by the flood events, especially when the river overtops the roads, making them impassable into the city of Winslow. With a rehabilitated levee system and flood reduction benefits that go with it, tribal residents will have a more dependable access to health services, emergency services, groceries and other necessities.

In addition to that, considering the most recent, with the visits that we had with the current Colonel and past Colonels and other administrators and past congressional leaders, as a result of the movement that this project has received, we were able to coordinate with our department of emergency management at the County to connect them with members of the Army Corps of Engineers that they met back on May 18th and 19th of last year, along with agency recommendations for short, medium, and long term solutions for the community. That was also known as the Arizona and Northwest Silver Jackets Coordinator, Mr. Stan, who provided that technical assistance.

As a result of that, the Army Corps project with the Navajo Nation Department of Water Resources and the Birdsprings are developing an emergency action plan focusing on flood response as a result of the movement of this project to help the Nation on that part, too. That is additional commentary I would like to add. Thank you.

Senator KELLY. Is it fair to say that this project has helped you maybe change the way that you have worked with the Army Corps and built a stronger relationship?

Mr. PESHAKAI. Yes. We have maintained a strong partnership with the Army Corps and continued communication is key with that. Also invitation and staying up to date, especially with meetings, virtually or onsite visits as well.

Senator KELLY. I think it is important that we point out that Governor Hobbs and the Arizona State legislature has also stepped in here to ensure that this project is completed. Is that your sense?

Mr. PESHAKAI. Yes, that is correct. We are so grateful for Governor Hobbs and other members of the State legislature and the city of Winslow for their proactive support in advocating and lobbying to ensure that the funding we had received last year helps fulfill that 100 percent contribution.

Senator KELLY. Thank you. This is a team effort, getting all of this stuff done.

From any of the three of you, we only have about three or 4 minutes, and I have to close this hearing out. Is there anything else you wanted to let us know that you didn't have an opportunity to say? Mr. Chairman?

Mr. YUCUPICIO. Everybody is having flooding problems; so do we. Our whole reservation sits on the 100-year flood plain, along the Brawley Wash. There are many days that our children cannot attend school or go to school. We are supposed to have infrastructure and design of the south end of our reservation with detention basins. We have never gotten there, or the right amount of funding for anything.

The tapping into this water or not using potable water is good. Also, we have a bunch of flooding that comes from the Black Mountain of Tohono O'odham Nation, and it all floods into our reservation. Every single year, you are talking about how it drives up costs, well, because we live in the flood plain. Construction costs are higher to build an average three-bedroom home just to make sure it is not flooded when the rain starts, the monsoons.

Senator KELLY. Mr. Chairman, let's work together on trying to resolve that issue as well.

Mr. YUCUPICIO. Thank you.

Senator KELLY. Mayor?

Ms. DAGGETT. I would just like to point out that the Rio de Flag is but one watershed that is being improved for post wildfire flooding mitigation. In addition to the Spruce Wash and the work that the county has done east of town in Doney Park and all of these projects complement each other to provide flood mitigation to many areas of our community that are impacted or that could see future flooding, and spread the benefit across the region.

That is to say, to express gratitude to our Federal partners, our State partners, our county partners, for all of this work to make these projects work well together and protect our communities.

Senator KELLY. Thank you, Mayor.

Supervisor Peshlakai, anything else we need to know?

Mr. PESHAKAI. Yes, Senator. First, I would like to extend appreciation to you and other Members of the congressional leadership at the Federal level as well as your staff, not only your staff but other staffers, and with your predecessors as well that have continued to support our efforts with the city of Winslow. Also apprecia-

tion to the city of Winslow for their continued advocacy and support for this project.

Again, thank you very much on behalf of the Navajo County Board of Supervisors, the residents of Winslow as well as the region as a whole. Thank you.

Senator KELLY. Thank you.

In closing, I would like to thank our witnesses for appearing before us today and sharing their perspectives on the Army Corps Water Management Authorities. I also want to thank Colonel Baker as well. I want to thank my staff for all the hard work they put into this, Joe Russell here, who knows these issues much better than I do.

I want to say a special note of thanks to the staff here at the city of Flagstaff for all of their assistance in making today's hearing run smoothly. Thank you for that.

Before we adjourn, I have some official housekeeping I have to do. I would like to ask unanimous consent to enter into the hearing record two things: a statement by Senator Tom Carper, Chairman of the Senate Committee on Environment and Public Works, and a statement for the record from Mayor Roberta Cano of the city of Winslow.

Without objection, those will be entered into the record.

[The referenced information follows:]

**Statement of Chairman Thomas R. Carper for the Senate Environment and Public Works
Subcommittee on Transportation and Infrastructure Hearing on the U.S. Army Corps of
Engineers Projects in Small, Rural, and Underserved Communities**

February 15, 2024

I would like to start by extending my appreciation to Subcommittee on Transportation and Infrastructure Chairman Kelly for leading this important hearing on U.S. Army Corps of Engineers (Corps) projects in underserved communities. The topics that will be discussed today have profound significance in Arizona, the western United States, and across the country. I would also like to express gratitude to each of the witnesses, whose expertise and experiences promise to enrich our understanding of these critical projects across federal, and state and Tribal perspectives.

Human-induced climate change is increasing the frequency and intensity of drought, and Arizona sits on the frontline in realizing those impacts. Last year, Phoenix experienced temperatures of 110 degrees or more every day from June 30 to July 30, and even hotter days in August. This extreme heat exacerbates the ongoing megadrought, and, to make matters worse, Arizona saw historic shortages from its Colorado River water allocation in 2023. Drought impacts everything from agriculture to community water supplies to ecosystems, and it also causes a very real strain on the economy.

Whether the problem is too much water or too little, Corps' projects serve as our primary line of defense against severe weather events. And this is absolutely true in Arizona. Attendees of today's hearing are likely familiar with the Rio de Flag Flood Control Project, a partnership between the Corps and the City of Flagstaff that will prevent hundreds of millions of dollars in damage to homes and businesses. The Corps is also hard at work on the Tres Rios Environmental Restoration Project near Phoenix, which is restoring nearly 700 acres of wetlands around the Salt River, improving water quality and groundwater recharge in the region. In the bipartisan Water Resources Development Act (WRDA) of 2020, Congress added a \$150 million authorization for Environmental Infrastructure projects in Arizona, then in WRDA 2022 elevated that authorization to \$200 million. This underscores Congress' commitment to addressing pressing water and wastewater needs in the state. This funding is going toward projects such as the Pascua Yaqui Tribe Waterline Project to help enhance water distribution infrastructure for the Tribe's Wellness Center and surrounding areas.

The importance of the Corps' work in managing water resources and bolstering resilience cannot be overstated. However, there is still more work to do to ensure that all communities across the U.S. can benefit. There are challenges to implementing these solutions – particularly in small or rural communities – that the Corps must continue to explore.

I am proud that the Environment and Public Works Committee, which I Chair, has led the charge in expanding access to Corps projects in small, rural, and underserved communities through WRDA, the authorizing legislation for the Corps. Congress has successfully passed bipartisan WRDA reauthorizations biennially for nearly a decade.

In WRDA 2020 and WRDA 2022, the legislation included provisions aimed at helping more underserved communities participate in the Corps' projects. The legislation also established a new Tribal and Disadvantaged Communities Advisory Committee to advise the Corps on ways to more effectively deliver projects, programs, and other assistance to these communities. Further, the legislation authorized \$30 million for the Corps to expand outreach to potential non-federal interests in underserved communities. WRDA also waived the cost of Corps technical assistance for economically underserved communities in both urban and rural areas.

As Chairman of the Subcommittee on Transportation and Infrastructure, Senator Kelly has been a steadfast partner in overseeing the implementation of provisions that benefit underserved communities. And today's hearing could not have come at a better time. We are already hard at work developing WRDA 2024. The outcomes of this hearing can help us learn what we are doing well to reach small, rural, and underserved communities, and where we can do more. As my colleagues on the Committee know, I always say that we must find out what works and do more of that, I look forward to hearing about what the Committee will learn from our witnesses, whom I thank for taking the time to share their expertise on these pressing issues.

Again, Chairman Kelly, thank you for holding this important hearing and for your leadership in enhancing access to water infrastructure for all communities, large and small, across our great nation.

Statement by Roberta “Birdie” Cano, Mayor, City of Winslow
Senate Committee on Environment and Public Works
Subcommittee on Transportation and Infrastructure
February 15, 2024, Field Hearing
10:30 am
Flagstaff City Hall
Perspectives on Army Corps of Engineer Projects in Small, Rural, and
Underserved Arizona Communities

Chairman Kelly, first and foremost, thanks for chairing this important field hearing today to hear *perspectives on Army Corps of Engineers projects in small, rural, and underserved communities.*

I also want to thank Army Corps Regional Commander, Colonel James Handura, and District Commander, Colonel Andy Baker, for being here today. Colonel Baker, we were honored to host you and your executive team last month in Winslow and we look forward to seeing you in our City again soon. Colonel Handura, you are always welcome to join too.

Mr. Chairman, because of your leadership, Winslow will benefit from the received \$65.75 million for the Winslow Levee project in fiscal year 2022 Infrastructure Investment and Jobs Act (IIJA) work plan. This funding is already beginning to alter the landscape of our small city and when finally completed will completely alter the trajectory of our future.

Let me add some context about our City and why this project will be so transformational.

Winslow is home to 9,005 residents and is located 57 miles east of here along Interstate 40 (I-40). According to 2019 estimates, the median household income is \$37,756 and the median home price is \$92,400 with a total of 23.1 percent of the population living in poverty. The average price for flood insurance in the City is approximately \$487 per house which equates to nearly 1.5 times the amount of an average monthly mortgage payment.

Since the Federal Emergency Management Agency (FEMA) decertified the Winslow Levee in 2008, Winslow has not been able to fully realize its potential for economic prosperity. The Little Colorado River has flooded the City of Winslow seventeen (17) times since these events have been documented. The decertification of the Levee placed nearly two-thirds of Winslow residents, many of whom live below the federal poverty line, into the position of needing to carry flood insurance they cannot afford.

In addition, Winslow serves as a critical link in the movement of billions of dollars in goods between Long Beach and Chicago. As BNSF trains continue to cross the Little Colorado River, Winslow's existing levee system is at risk of failure. In addition to a railroad bridge that is at risk from a flood event, nearly every home, business, school, hospital, and emergency service provider is located in a 100-year flood zone.

Property values have been stifled by FEMA restrictions on improvements and renovations of properties and structures located in the Flood Zone. Worse, Navajo Nation residents were involuntarily placed in the Flood Zone which represents an undue burden on our tribal neighbors.

Mr. Chairman, let me blunt: we need to expeditiously design and construct this project before another catastrophic flood wipes out the City of Winslow. Last summer, the decertified levee came within feet of breaching. Due to the good work of Navajo County in shoring up the levee, it wasn't breached or damaged. However, it is only a matter of time before it does.

As you know, last June, then-District Commander, Colonel Julie Balten, signed the design agreement for the Winslow Levee Project. The County, City and other stakeholders are working in collaboration with the Army Corps to complete the design as quickly as possible. It is our hope that we can execute a design-build contract with the Corps to complete this project on an optimal schedule.

Chairman Kelly, we appreciate all of the good work that you have done to see that this project is funded and completed to ensure that Winslow is protected from a devastating flood along the Little Colorado River. We also appreciate our collaboration with the Army Corps of Engineers on this project. They have been important partners, and we appreciate the fact that they continue to value our small, rural community by delivering this crucial project in timely and efficient manner.

Mr. Chairman, with this project now in the cue to be constructed and completed, Winslow is beginning to experience an economic boom. We are diligently preparing for an influx of new residents and businesses to descend on our town, but we have several additional needs in working with the Army Corps of Engineers that need your help and attention.

Because of your help, the fiscal year 2024 Energy and Water Appropriations bill includes \$2.5 million through the Section 595 program for our water storage replacement. Constructed in 1954, the City of Winslow's current 1.5-million-gallon potable water storage tank is no longer efficiently able to serve existing demand. As the tank is also falling into disrepair, if it is left unaddressed, it could severely impact the lives of our citizens today and into the foreseeable future.

Maintaining a reliable source for clean water is a top priority that is central and necessary for the overall survival and growth of Winslow. The City of Winslow is poised for more significant growth and expansion within the next 5 to 10 years. Correspondingly, it is estimated that global water demands also stand to increase 50 percent by 2030. Therefore, we encourage you to continue working for its inclusion in the FY 2024 Energy and Water Appropriations bill.

We also have submitted several other projects that have been included on the Corps' Section 595 priority list. They include upgrading the water and sewer lines on the east and west sides of the City, which were all constructed in the 1930s and haven't been upgraded in several decades. We

hope we can partner with you and the Army Corps to fund and build these projects in the coming years to serve our residents and our growing community.

Chairman Kelly, thank you for holding this important hearing today in northern Arizona to discuss our City's critical Army Corps infrastructure projects. We are grateful for your steadfast support and leadership on these issues. Similarly, we are extremely thankful for our partnership and support from the Army Corps of Engineers. In the coming years, we look forward to collaborating with you and your staff, as well as the Army Corps, to complete these needed and important infrastructure projects that will transform our vibrant and growing City.

Thank you for allowing me to be here today.

Senator KELLY. Senators will be allowed to submit written questions for the record by February 29th, 2024, which is 2 weeks from today. If any questions are submitted, we will compile those questions and send them to our witnesses, who we will ask to reply by March 14th, 2024.

With that, noting the time at 12 noon exactly, that is the former Navy attack pilot in me, the hearing is adjourned.

[Whereupon, at 12 p.m. MST, the hearing was adjourned.]

