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January 15, 2008

The Honorable John Paul Woodley, Jr.  
Assistant Secretary of the Army (Civil Works)  
U.S. Army Corps of Engineers  
108 Army Pentagon  
Room 3E446  
Washington, D.C. 20310-0108

Dear Secretary Woodley:

I understand the U.S. Army Corps of Engineers (USACE) is in the process of making its implementation and guidance determinations in regard to the recently passed Water Resources Development Act of 2007 (WRDA). During the consideration of this legislation in Congress, I added language in Sec. 5008 of the bill to include the Sabine-Neches Waterway as a project in which the Corps is directed to expedite the completion of its final report. It is my understanding the USACE may be unclear of Congress' intent regarding what constitutes "expedited completion" as called for in this Act and how it would impact the Sabine-Neches Waterway project.

As such, I wanted to inform you of legislative report language pertaining to this project which accompanied the bill that states: "*In carrying out the review of the project for navigation, Sabine-Neches Waterway, Texas and Louisiana, the Secretary is directed to utilize all current available data, models, and analyses to facilitate the scheduled completion of the Chief of Engineers report.*" With this in mind, I would specifically like to know how the USACE interprets this report language and the language in the underlying legislation. Additionally, I have received complaints from many who will be involved or impacted by this project about the USACE's lack of transparency. Because I believe the feasibility study phase should be an open process that encourages participation by all stakeholders, I would respectfully request that you provide me with a copy of the current draft report, so that I may review it and share it with interested parties upon their request.

I have been increasingly frustrated at the slow pace this project has taken from the start which will take a four year study eight years or more to complete. Most of the reasons stated for this delay are the additional and often unnecessary or duplicative regulatory requirements being imposed. For example, new guidance has been issued by the USACE requiring risk-based cost analysis be completed for all projects yet to obtain a Chief's Report. This is just one example of an additional and unnecessary analysis that this project should be spared of and excluded as a requirement towards the completion and submittal of the Draft Feasibility Report. Further,

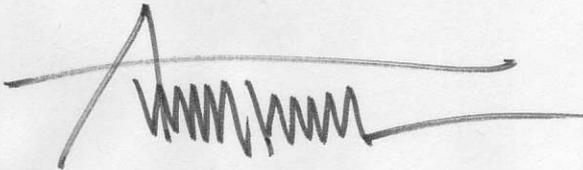
WRDA's Sabine-Neches Waterway language specifically does not require additional studies (EPR, WVA model validation, ITR, risk-based cost analysis) resulting from additional review of the March 2007 Draft Report.

I expect the USACE to expedite the completion of the Feasibility Report as directed by Congress by utilizing all completed work, including Independent Technical Review (ITR) and External Peer Review (EPR) and to complete and submit the draft Feasibility Report for approval without further data collection, analysis, or review. This includes declining all EPR recommendations involving additional analysis. Utilization of "completed work" also alleviates the need for additional technical review of the Wetland Value Assessment (WVA) model, and therefore a contract to do so should not be awarded.

This project is extremely vital to the economic growth of Southeast Texas and its potential impact on the nation. It is the very reason I worked to add language to the final Act so that the benefits of this project could be fully reached as soon as possible. Should USACE Headquarters make any determination that will continue to delay the Sabine-Neches Waterway Chief's Report, this project may not be eligible for authorization in a 2008 WRDA bill.

Thank you for your time and attention to this matter. I look forward to your response to my requests as soon as possible. Should you or your staff have any comments or questions, please contact my Legislative Director, Alan Knapp, at: (202) 225-6565, or by email at: [alan.knapp@mail.house.gov](mailto:alan.knapp@mail.house.gov).

God and Texas,

A handwritten signature in black ink, appearing to read 'TED POE', with a large, stylized flourish extending to the right.

TED POE  
Member of Congress  
TEXAS

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