

MEMORANDUM FOR ALL MAJOR SUBORDINATE COMMANDS AND
DISTRICT COMMANDS

SUBJECT: Policy Guidance Letter No. 31, Implementation of Section 208 of the
Water Resources Development Act of 1986

1. References:

- a. Section 208 of Public Law 99-662, "Port or Harbor Dues".
- b. Notice in Federal Register, October 30, 1987.

2. Background. Section 208 permits local sponsors of Federal navigation projects to charge port or harbor dues to recover the local share of the cost of construction, operation and maintenance, and provisions for emergency response services. The decision to levy dues, as well as establishment of the dues, is the responsibility of the sponsor. The section imposes some requirements and restrictions on the dues that may be levied, and on what vessels are subject to the dues. A process of public participation is required prior to establishment of the schedule of dues. The sponsor is required to submit specific information, including the proposal for collection of dues, to the Secretary. The Secretary must then transmit the required information for publication in the Federal Register. The role of the Secretary is to assure that the public involvement process allows opportunity for public review and input.

3. Implementing Policy. Data gathered and information developed during project analysis may be helpful to the sponsor in establishing the schedule of dues. Such information should be shared with the sponsor during the course of the study. The responsibility of the Corps under section 208 is to assure that the schedule of dues is established in a manner which allows for public input and comment. Assistance should be provided in meeting the requirements for public involvement as specified in the Act. Specific actions are to:

- (a) Review the material submitted by the sponsor in response to section 208(a)(5) to determine that the required information is provided,
- (b) Submit the information for publication in the Federal Register,
- (c) Coordinate with the sponsor to assure that the dates of the required public meeting and the dates for comments allow the necessary time from the date of publication,
- (d) When the material is submitted to the Federal Register, transmit draft letters for the signature of the Assistant Secretary of the Army (Civil Works),

providing the same information as a courtesy to the Comptroller General, the Secretary of the Treasury, and the Federal Maritime Commission,

(e) Keep on permanent file a copy of the dues schedule established by the sponsor, and

(f) Forward a copy of the schedule to HQUSACE and to the Secretary.

ARTHUR E. WILLIAMS
Major General, USA
Director of Civil Works

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