



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, D.C. 20314-1000

MAR 07 2017

CECW-P

MEMORANDUM FOR COMMANDERS MAJOR SUBORDINATE COMMANDS

SUBJECT: Implementation Guidance for Section 2107 of the Water Resources Reform and Development Act of 2014 (WRRDA 2014) – Preserving United States Harbors

1. Section 2107 of WRRDA 2014 provides that the Secretary shall review a report developed by a non-federal interest that provides an economic justification for federal investment in the operation and maintenance of a federally authorized harbor or inland harbor and provide a written response to the report. It provides that the Secretary may use the information, as determined to be appropriate, to justify additional operation and maintenance funding for a federally authorized harbor in accordance with Section 101(b) of the Water Resources Development Act of 1986. It specifies that nothing in the section may be construed to preclude operation and maintenance of a federally authorized harbor under Section 101(b) of the Water Resources Development Act of 1986. A copy of Section 2107 is attached.
2. A non-federal interest may submit a report that provides an economic justification for operation and maintenance activities at a federally authorized harbor or inland harbor to the district in which the harbor is located. The district will evaluate the report, using funds from Operations and Maintenance, for impacts on the projected economic benefits, including transportation savings and job creation and other factors including navigation safety, national security and sustainability of subsistence harbors. Pertinent information from the report will be entered into the remarks section of the Corps of Engineers Civil Work Integrated Funding Database (CWIFD) and may be used in making budgeting decisions. The district will provide a written response to the non-federal interest that will contain an assessment of the report and identify the information that was included in the remarks section of the CWIFD.

Encl

A handwritten signature in black ink, appearing to read "J. Dalton".

JAMES C. DALTON, P.E.  
Director of Civil Works

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(See next page)

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**SEC. 2107. PRESERVING UNITED STATES HARBORS.**

(a) **IN GENERAL.**—Upon a request from a non-Federal interest, the Secretary shall review a report developed by the non-Federal interest that provides an economic justification for Federal investment in the operation and maintenance of a federally authorized harbor or inland harbor (referred to in this section as a “federally authorized harbor”).

(b) **JUSTIFICATION OF INVESTMENT.**—A report submitted under subsection (a) may provide for an economic justification of Federal investment in the operation and maintenance of a federally authorized harbor based on—

(1) the projected economic benefits, including transportation savings and job creation; and

(2) other factors, including navigation safety, national security, and sustainability of subsistence harbors.

(c) **WRITTEN RESPONSE.**—Not later than 180 days after the date on which the Secretary receives a report under subsection (a), the Secretary shall provide to the non-Federal interest a written response to the report, including an assessment of the information provided by the non-Federal interest.

(d) **PRIORITIZATION.**—As the Secretary determines to be appropriate, the Secretary may use the information provided in the report under subsection (a) to justify additional operation and maintenance funding for a federally authorized harbor in accordance with section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).

(e) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section may be construed to preclude the operation and maintenance of a federally authorized harbor under section 101(b) of the Water Resources Development Act of 1986 (33 U.S.C. 2211(b)).