

CHAPTER 3 - PROTECTION OF PUBLIC HEALTH AND SAFETY AT JETTIES, GROINS, AND BREAKWATERS

3-1. Purpose. This chapter establishes the policy on the appropriate level of protection to be provided for public health and safety at Corps of Engineers maintained jetties, groins, and breakwaters in the absence of cost sharing for recreation.

3-2. Policy. It is the policy of the Corps of Engineers that:

a. District Commanders shall operate and maintain jetties, groins, and breakwaters for their functions as navigation aids and shoreline protection structures in a manner that does not enhance or encourage recreational or other public use unless a non-Federal entity has sponsored recreation. Specific guidance on development and execution of Project Cooperation Agreements is provided in ER 1130-2-500.

b. Where local interests do not choose to cost-share in recreation facilities at navigation projects, district commanders shall be authorized to provide "minimum facilities for public health and safety," under Public Law (PL) 89-72, Federal Water Recreational Act of 1965. Specific guidance on implementation of this regulation is provided in Chapter 3 of EP 1130-2-520. District commanders shall be responsible for determining minimum facilities for public health and safety," such as guardrails, barricades, fencing, and warning signs (see Chapter 6 of ER 1130-2-500, Sign Standards Program for Civil Works Projects) as required for public safety. Where negligible safety hazards exist or public access is not readily provided, facilities may not be required.

c. In accordance with Section 3(a) of PL 89-72, where there is no cost sharing agreement, no facilities or project modifications which furnish recreation or fish and wildlife enhancement shall be provided unless they serve other project purposes (e.g., walkways, handrails, sanitary facilities, etc.), or are required for public health and safety or project management.