

MITIGATION OF SHORELINE EROSION DAMAGE CAUSED BY FEDERAL NAVIGATION WORK

Section 111, River and Harbor Act of 1968, as amended



A stone jetty system was constructed at Herring Bay, St. Mary's County, Maryland, to stabilize the inlet and reduce shoaling of the channel. Interruption of the longshore transport of sand by the jetty system resulted in accretion of the updrift shoreline and erosion of the downdrift shoreline at Tall Timbers. To mitigate the erosion problem, the Corps constructed a stone revetment and placed approximately 250 linear feet of beachfill along a portion of the Tall Timbers shoreline.

Authority and Scope. Section 111 of the River and Harbor Act of 1968, as amended, provides authority for the Corps of Engineers to develop and construct projects for prevention or mitigation of damages caused by Federal navigation work. This applies to both publicly and privately owned shorelines located along the United States coastline and Great Lakes. This authority may not be used to construct projects for the prevention or mitigation of shore damage caused by river bank erosion and/or vessel-generated wave wash, or shore damage caused by non-Federal navigation projects. Each project is limited to a Federal cost of not more than \$5 million.

How to Request Assistance. The Corps will initiate a preliminary investigation of a potential project after a letter from a prospective sponsoring agency is received. The sponsor must be fully empowered under State law to provide the required local cooperation. A sample letter of request is shown on the reverse side of this paper.

Funding. Costs for mitigation of erosion attributable to a Federal navigation project are shared in the same manner as the project causing the erosion or shoaling. Additional costs for restoration of beaches due to erosion-related causes other than the Federal navigation project are considered non-Federal costs, and will be 100 percent local. Exceptions are when the additional work qualifies as a Federal beach erosion control project.

Local Cooperation. Formal assurance of local cooperation must be furnished by the sponsoring agency, as defined in the letter of request. During the planning phase, the sponsor will be required to demonstrate financial capability to fulfill all items of local cooperation.

SAMPLE LETTER OF REQUEST

(Type on Letterhead Paper)

(DATE)

District Engineer
U.S. Army Engineer District, Baltimore
P.O. Box 1715
Baltimore, Maryland 21203-1715

Dear Sir:

In accordance with the provisions of Section 111 of the River and Harbor Act of 1968, as amended, which authorizes the Federal government to indicate investigations and studies in the interest of mitigation of shore damage attributable to navigation work, the *[cooperating agency]* makes formal application for a study of *[waterway or locality, County, State]*.

[Insert paragraph giving a brief description of problem].

The *[cooperating agency]* understands that the problem will be assessed through the conduct of a feasibility study. The Federal government will pay 100 percent of the costs of the feasibility study up to the Federal funding limit of \$100,000. If the cost exceeds \$100,000, the *[cooperating agency]* can provide 50 percent of the amount in excess of \$100,000. Of this 50 percent share, the *[cooperating agency]* may provide up to one-half in in-kind services.

The *[cooperating agency]* can provide the following local cooperation and participation:

1. Assume responsibility for all costs in excess of the Federal cost limitation of \$5 million.
2. Provide a cash contribution ranging from 10 percent to 60 percent of the project costs attributable to the Federal navigation work.
3. Where the erosion is not totally attributable to the Federal navigation work, provide the following:
 - a. Provide without cost to the United States all lands, easements, rights-of-way, and relocations, including suitable borrow and dredged material placement areas (LERRD), as determined by the Federal government to be necessary for the construction of the project. The value of LERRD will be included in the total project costs and credited towards the sponsor's share of project costs, as defined in the local cooperation agreement.
 - b. Hold and save the United States free from claims for damages that may result from the construction and subsequent maintenance of the project, except damages due to the fault or negligence of the United States or its contractors.
 - c. Ensure continued public ownership or continued public use of the shoreline upon which the amount of Federal participation is based, and ensure its administration for public use during the economic life of the project.
 - d. Ensure maintenance, repair, and periodic beach nourishment (if applicable) during the useful life of the project as required to serve the project's intended purpose.
 - e. Ensure that any water pollution that could endanger the health of bathers will not be permitted where the beach is used for recreational purposes.
 - f. Provide and maintain necessary roads, parking, and other public-use facilities, open and available to all on equal terms.
 - g. Provide a contribution ranging from 25 percent to 100 percent of the construction costs.
 - h. Assume full responsibility for all project costs in excess of the Federal cost limitation of \$2 million.

SIGNATURE OF COOPERATING AGENCY

Revised June 2004