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| Sec. 9.  | Des Moines River as toll free.   | Sec. 59g. | Steele and Washington Bayous, and Lake Washington, Mississippi.  |
| 10.  | Waters in Louisiana Purchase as public highways.   | 59h.      | Northern Embarcadero area, San Francisco, California.  |
| 11.  | Authority for compact between Middle Northwest States as to jurisdiction of offenses committed on boundary waters. | 59h-1.    | San Francisco, California, waterfront area.  |
| 12.  | Port Arthur Ship Canal.  | 59i.      | Patapsco River, Maryland.  |
| SUBCHAPTER II—WATERS DECLARED NONNAVIGABLE: CHANGE OF NAME |  | 59j.      | Delaware River, Philadelphia County, Pennsylvania; permanent structures.   |
| 21.  | Bayou Cocodrie, Louisiana.   | 59j-1.    | Declaration of nonnavigability for portions of the Delaware River.   |
| 22.  | Bayou Meto, Arkansas.  | 59k.      | Wicomico River, Maryland.  |
| 23.  | Bear Creek, Mississippi.   | 59l.      | Nonapplicability of prohibitions and provisions for review and approval concerning wharves and piers.                      |
| 24.  | Big Tarkio River, Missouri.  | 59m.      | Lake Oswego, Oregon; Lake Coeur d'Alene, Idaho; and Lake George, New York.   |
| 25.  | Cache River, Arkansas.   | 59n.      | Hudson River, Hudson County, New Jersey.   |
| 26.  | Calumet River, Cook County, Illinois, old channel.   | 59n-1.    | Caven Point, New Jersey.   |
| 26a.   | Additional portion of Calumet River, old channel, abandoned as navigable water.                                    | 59o.      | Hackensack River, Hudson County, New Jersey.   |
| 26b.   | Portion of Calumet River, Chicago, as non-navigable stream.  | 59p.      | Kenduskeag Stream, Penobscot County, Maine.  |
| 27.  | Chicago River at Chicago, Illinois.  | 59q.      | Erie Basin, Buffalo Harbor, New York.  |
| 27a.   | Chicago River, West Fork of South Branch.  | 59q-1.    | Union Canal, Outer Buffalo Harbor, New York.   |
| 27b.   | Chicago River, West arm of South Fork of South Branch.   | 59r.      | Trent River, Craven County, North Carolina.  |
| 28.  | Crum River; old channel at mouth, Delaware Bay.  | 59s.      | Green River, Washington.   |
| 29.  | Cuivre River, Missouri.  | 59t.      | Burnham Canal, Milwaukee, Wisconsin.   |
| 29a.   | East River, Wisconsin.   | 59u.      | Lawyer's Ditch, Essex County, New Jersey.  |
| 30.  | Grand River, Missouri, above Brunswick.  | 59v.      | Middle River, Maryland.  |
| 31.  | Iowa River, Iowa, above Toolsboro.   | 59w.      | Norton Basin and Jamaica Bay, New York.  |
| 32.  | Lake George, Mississippi.  | 59x.      | Exemption from General Bridge Act of 1946.   |
| 33.  | Little River, Arkansas, from Big Lake to Marked Tree.  | 59y.      | Declaration of nonnavigability for portions of Coney Island Creek and Gravesend Bay, New York.                             |
| 34.  | Mill Slough, Oregon.   | 59z.      | Declaration of nonnavigability of bodies of water in Ridgefield, New Jersey.   |
| 35.  | Mississippi River, West Channel, opposite La Crosse, Wisconsin.  | 59aa.     | Nonnavigability of Wisconsin River.  |
| 36.  | Mosquito Creek, South Carolina.  | 59bb.     | Declaration of nonnavigability for portions of Lake Erie.  |
| 37.  | Nodaway River, Missouri.   | 59bb-1.   | Declaration of nonnavigability for Lake Erie, New York.  |
| 38.  | Oklawaha River, Florida; Kyle and Young Canal and "Morrison Landing extension" substituted.                        | 59cc.     | Declaration of nonnavigability of portion of Hudson River, New York.   |
| 39.  | Ollala Slough, Oregon.   | 59dd.     | Declaration of nonnavigability of portions of Cleveland Harbor, Ohio.  |
| 40.  | One Hundred and Two River, Missouri.   | 59ee.     | Portion of Sacramento River Barge Canal declared to not be navigable waters of United States.                              |
| 41.  | Osage River, Missouri.   | 59ee-1.   | Declaration of nonnavigability for portion of Sacramento Deep Water Ship Channel.  |
| 42.  | Platte River, Missouri.  | 59ff.     | Declaration of nonnavigability for portions of Pelican Island, Texas.  |
| 43.  | Saint Marys River, Ohio and Indiana.   | 59gg.     | Declaration of nonnavigability for portions of Cuyahoga County, Ohio.  |
| 44.  | Sturgeon Bay, Illinois.  | 59hh.     | Declaration of nonnavigability for portion of Pelican Island, Texas.   |
| 45.  | Swan Creek, Toledo, Ohio.  | 59ii.     | Declaration of nonnavigability of a portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia. |
| 46.  | Tchula Lake, Mississippi.  | 59jj.     | Designation of nonnavigability for portions of Gloucester County, New Jersey.  |
| 47.  | Eagle Lake, Louisiana-Mississippi.   | 59kk.     | Wateree River.   |
| 48.  | Noxubee River, Mississippi.  |           |  |
| 49.  | Bayou Saint John in New Orleans.   |           |  |
| 50.  | Turtle Bay and Turtle Bayou, Texas.  |           |  |
| 51.  | Scajaquada Creek, New York.  |           |  |
| 52.  | Park River, Connecticut.   |           |  |
| 53.  | Benton Harbor Canal, Michigan.   |           |  |
| 53a.   | Additional portion of Benton Harbor Canal, abandoned as navigable water.   |           |  |
| 54.  | Burr Creek, Bridgeport, Connecticut.   |           |  |
| 55.  | Bayou Savage (or Chantilly) in New Orleans.  |           |  |
| 56.  | Fort Point Channel and South Bay, Boston, Massachusetts.   |           |  |
| 57.  | Pike Creek, Wisconsin.   |           |  |
| 58.  | Acushnet River section of New Bedford and Fairhaven Harbor, Massachusetts.   |           |  |
| 59.  | West River in West Haven, Connecticut.   |           |  |
| 59a.   | Back Cove, Portland, Maine.  |           |  |
| 59b.   | Bayous Terrebonne and LeCarpe, Louisiana.  |           |  |
| 59c.   | East River, New York.  |           |  |
| 59c-1.   | East and Hudson Rivers, New York.  |           |  |
| 59c-2.   | East River, New York.  |           |  |
| 59c-3.   | Queens County, New York.   |           |  |
| 59d.   | River Raisin, Michigan.  |           |  |
| 59e.   | Bayou Lafourche, Louisiana.  |           |  |
| 59e-1.   | Additional portion of Bayou Lafourche, Louisiana.  |           |  |
| 59f.   | Boston Inner Harbor and Fort Point Channel, Massachusetts.   |           |  |

## SUBCHAPTER I—GENERAL PROVISIONS

**§ 1. Regulations by Secretary of the Army for navigation of waters generally**

It shall be the duty of the Secretary of the Army to prescribe such regulations for the use, administration, and navigation of the navigable waters of the United States as in his judgment the public necessity may require for the protection of life and property, or of operations of the United States in channel improvement, covering all matters not specifically delegated by law to some other executive department. Such regula-

tions shall be posted, in conspicuous and appropriate places, for the information of the public; and every person and every corporation which shall violate such regulations shall be deemed guilty of a misdemeanor and, on conviction thereof in any district court of the United States within whose territorial jurisdiction such offense may have been committed, shall be punished by a fine not exceeding \$500, or by imprisonment (in the case of a natural person) not exceeding six months, in the discretion of the court.

Any regulations prescribed by the Secretary of the Army in pursuance of this section may be enforced as provided in section 413 of this title, the provisions whereof are made applicable to the said regulations.

(Aug. 18, 1894, ch. 299, § 4, 28 Stat. 362; June 13, 1902, ch. 1079, §§ 6, 11, 32 Stat. 374; Aug. 8, 1917, ch. 49, § 7, 40 Stat. 266; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CODIFICATION

The first paragraph of this section is from section 4 of act Aug. 18, 1894, popularly known as the "River and Harbor Act of 1894", as amended.

As originally enacted, said section 4 made it the duty of the Secretary of War to prescribe rules and regulations for the use, administration, and navigation of any or all canals and similar works of navigation owned, operated, or maintained by the United States, and provided for the posting of such regulations and the punishment of violations thereof.

Said section 4 was amended by section 11 of act June 13, 1902, principally by adding to the original section provisions authorizing the Secretary also to prescribe regulations to govern the speed and movement of vessels and other water craft in any public navigable channel which had been improved under authority of Congress, whenever in his judgment such regulations were necessary to protect such improved channel from injury or to prevent interference with the operations of the United States in improving navigable waters or injury to any plant that might be employed in such operations.

Section 4 was also amended by section 7 of act Aug. 8, 1917, to read as set forth in the first paragraph hereof.

The last paragraph of this section is from section 6 of act June 13, 1902. Said section 6 is also the source of the last proviso in section 499 of this title.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### RULES AND REGULATIONS

Administrative provisions covering definitions which the Coast Guard uses to examine waters to determine whether the Coast Guard has jurisdiction on those waters under particular laws of the United States are set out in chapter I, subchapter A, part 2, of Title 33, Navigation and Navigable Waters, in the Code of Federal Regulations. Such part 2, consisting of sections 2.01-1 to 2.10-10, sets out definitions of jurisdictional terms and provides for the availability of jurisdictional decisions.

## § 2. Regulations for navigation of South and Southwest Passes of Mississippi River; penalties

The Secretary of the Army is authorized to make such rules and regulations for the navigation of the South and Southwest Passes of the Mississippi River as to him shall seem necessary or expedient for the purpose of preventing any obstruction to the channels through said South and Southwest Passes and any injury to the works therein constructed. The term "South and Southwest Passes", as employed in this section, shall be construed as embracing the entire extent of channel in each case, between the upper ends of the works at the head of the pass and the outer or sea ends of the jetties at the entrance from the Gulf of Mexico; and any willful violation of any rule or regulation made by the Secretary of the Army in pursuance of this section shall be deemed a misdemeanor, for which the owner or owners, agent or agents, master or pilot of the vessel so offending shall be separately or collectively responsible, and on conviction thereof shall be punished by a fine of not less than \$100, nor exceeding \$500, or by imprisonment for not exceeding three months, or by both fine and imprisonment, at the discretion of the court.

(Mar. 3, 1909, ch. 264, § 5, 35 Stat. 818; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CODIFICATION

These provisions were part of section 5 of act Mar. 3, 1909, popularly known as the "River and Harbor Appropriation Act of 1909".

These provisions superseded previous similar provisions relating to the navigation of the South Pass only, contained in act Aug. 11, 1888, ch. 860, § 5, 25 Stat. 424, amended by act Sept. 19, 1890, ch. 907, § 3, 26 Stat. 452.

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

## § 3. Regulations to prevent injuries from target practice

*Authority to adopt regulations*—In the interest of the national defense, and for the better protection of life and property on the navigable waters of the United States, the Secretary of the Army is authorized and empowered to prescribe such regulations as he may deem best for the use and navigation of any portion or area of the navigable waters of the United States or waters under the jurisdiction of the United States endangered or likely to be endangered by Artillery fire in target practice or otherwise, or by the proving operations of the Government ordnance proving grounds at Sandy Hook, New Jersey, or at any Government ordnance proving ground that may be established elsewhere on or near such waters, and of any portion or area of said waters occupied by submarine mines, mine fields, submarine cables, or other material and