

subsection (a) [amending this section] is effective on and after November 25, 2002.”

**TERMINATION OF BOARD OF ENGINEERS FOR RIVERS AND HARBORS AND REASSIGNMENT OF DUTIES AND RESPONSIBILITIES**

For termination of Board of Engineers for Rivers and Harbors 180 days after Oct. 31, 1992, and reassignment of duties and responsibilities by Secretary of Army, see section 223 of Pub. L. 102-580, set out as a note under section 541 of this title.

**APPROPRIATIONS**

Section 2 of act June 26, 1934, ch. 756, 48 Stat. 1225, which was classified to section 725a of former Title 31, Money and Finance, repealed the permanent appropriation under the title “Operating and care of canals and other works of navigation (8x881)” effective July 1, 1935, and provided that such portions of any Acts as make permanent appropriations to be expended under such account are amended so as to authorize, in lieu thereof, annual appropriations from the general fund of the Treasury in identical terms and in such amounts as now provided by the laws providing such permanent appropriations.

**§ 6. Free passage to harbor of Michigan City, Indiana**

The passage of vessels to and from the harbor of Michigan City, in Indiana, shall be free and not subject to toll or charge.

(R.S. § 5247.)

**CODIFICATION**

R.S. § 5247 derived from acts June 23, 1866, ch. 138, § 1, 14 Stat. 73; Mar. 2, 1867, ch. 144, § 2, 14 Stat. 421.

**§ 7. Use of Government iron pier in Delaware Bay**

The Government iron pier in Delaware Bay near Lewes, Delaware, shall be open to public use under regulations to be prescribed by the Secretary of the Army.

(July 27, 1916, ch. 260, § 1, 39 Stat. 394; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

**CODIFICATION**

Section is from act July 27, 1916, popularly known as the “Rivers and Harbors Appropriation Act of 1916”.

A further provision of act July 27, 1916, repealed act Mar. 3, 1891, ch. 542, 26 Stat. 969, which authorized a transfer of the iron pier to the Treasury Department.

**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 Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641.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.

**§ 8. Toll free rivers in Alabama**

The Tennessee, Coosa, Cahawba, and Black Warrior Rivers, within the State of Alabama, shall be forever free from toll for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such tolls as may be allowed by Act of Congress.

(R.S. § 5244.)

**CODIFICATION**

R.S. § 5244 derived from act May 23, 1828, ch. 75, § 7, 4 Stat. 290.

Another R.S. 5244 is classified to section 43 of Title 12, Banks and Banking.

**§ 9. Des Moines River as toll free**

The Des Moines River shall forever remain free from any toll, or other charge whatever, for any property of the United States, or persons in their service, passing along the same.

(R.S. § 5246.)

**CODIFICATION**

R.S. § 5246 derived from acts Aug. 8, 1846, ch. 103, § 3, 9 Stat. 78; Jan. 20, 1870, ch. 7, 16 Stat. 61.

**§ 10. Waters in Louisiana Purchase as public highways**

All the navigable rivers and waters in the former Territories of Orleans and Louisiana shall be and forever remain public highways.

(R.S. § 5251.)

**CODIFICATION**

R.S. § 5251 derived from act Mar. 3, 1811, ch. 46, § 12, 2 Stat. 606.

**§ 11. Authority for compact between Middle Northwest States as to jurisdiction of offenses committed on boundary waters**

The consent of the Congress is given to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of them, by such agreement or compact as they may deem desirable or necessary, or as may be evidenced by legislative acts enacted by any two or more of said States, not in conflict with the Constitution of the United States or any law thereof, to determine and settle the jurisdiction to be exercised by said States, respectively, over offenses arising out of the violation of the laws of any of said States upon any of the waters forming the boundary lines between any two or more of said States, or waters through which such boundary line extends, and that the consent of the Congress be, and the same is, given to the concurrent jurisdiction agreed to by the States of Minnesota and South Dakota, as evidenced by the act of the Legislature of the State of Minnesota approved April 20, 1917, and the act of the Legislature of the State of South Dakota approved February 13, 1917.

(Mar. 4, 1921, ch. 176, 41 Stat. 1447.)

**CODIFICATION**

This section is from a resolution entitled a “Joint Resolution giving consent of the Congress of the United States to the States of North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, and Nebraska, or any two or more of said States, to agree upon the jurisdiction to be exercised by said States over boundary waters between any two or more of said States”.

**§ 12. Port Arthur Ship Canal**

After there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass, in the State of Texas, known as the Port Arthur Ship Canal, together with a valid title to the turning basin as existing June 19, 1906, and to the artificial slip on which the

lumber dock of the Port Arthur Canal and Dock Company is built, the said waterways shall thereupon become free public waters of the United States, and be subject to the laws enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: *Provided*, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land one hundred and fifty feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such one hundred and fifty feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United States. The charges for the use of said docks and wharves shall be just and reasonable and shall not be greater than charges for similar services at other ports of the United States on the Gulf of Mexico.

(June 19, 1906, ch. 3436, § 1, 34 Stat. 302.)

#### CODIFICATION

This section is from a proviso following provisions establishing an additional collection district in the State of Texas to be known as the district of Sabine; the establishment of the said district being conditioned on the making of the conveyance referred to in this section.

Further provisions of the said proviso authorizing the Secretary of War to accept the said waterways as the property of the United States, and directing that the Act take effect only when the requirements of the section be fully complied with to the satisfaction of the Secretary of War, have been omitted as executed and obsolete.

### SUBCHAPTER II—WATERS DECLARED NONNAVIGABLE: CHANGE OF NAME

#### § 21. Bayou Cocodrie, Louisiana

Bayou Cocodrie, from its source to its junction with Bayou Chicot, in the State of Louisiana, is declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters.

The right to alter, amend, or repeal this section is expressly reserved.

(Feb. 25, 1921, ch. 71, §§ 1, 2, 41 Stat. 1145.)

#### CODIFICATION

The first sentence hereof is section 1 and the second sentence section 2 of act Feb. 25, 1921, entitled "An Act to declare Bayou Cocodrie nonnavigable from its source to its junction with Bayou Chicot".

#### § 22. Bayou Meto, Arkansas

The Bayou Meto, in the State of Arkansas, is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

(Aug. 8, 1917, ch. 49, § 16, 40 Stat. 268.)

#### § 23. Bear Creek, Mississippi

Bear Creek in Humphreys, Leflore, and Sunflower Counties, in the State of Mississippi, is declared to be a nonnavigable stream within the meaning of the Constitution and the laws of the United States.

The right of Congress to alter, amend, or repeal this section is expressly reserved.

(Mar. 3, 1923, ch. 229, §§ 1, 2, 42 Stat. 1442.)

#### CODIFICATION

The first sentence hereof is section 1 and the last sentence section 2 of act Mar. 3, 1923, entitled "An Act declaring Bear Creek in Humphreys, Leflore, and Sunflower counties, Mississippi, to be a nonnavigable stream".

#### § 24. Big Tarkio River, Missouri

The Big Tarkio River, in the counties of Holt and Atchison, in the State of Missouri, is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

The right to alter, amend, or repeal this section is expressly reserved.

(Feb. 15, 1910, ch. 33, §§ 1, 2, 36 Stat. 194.)

#### CODIFICATION

The first sentence hereof is section 1 and the last sentence section 2 of act Feb. 15, 1910, entitled "An Act to declare Big Tarkio River, in Holt and Atchison counties, Missouri, nonnavigable".

#### § 25. Cache River, Arkansas

The Cache River in the State of Arkansas is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States. This provision shall become void after one year from July 27, 1916, unless within said period the Legislature of Arkansas shall pass an act expressly approving this declaration. The right of the Congress to alter, amend, or repeal this section is expressly reserved.

(July 27, 1916, ch. 260, § 1, 39 Stat. 399.)

#### CODIFICATION

Section was a provision of section 1 of act July 27, 1916, popularly known as the "Rivers and Harbors Appropriation Act of 1916".

#### APPROVAL OF DECLARATION

See Arkansas Laws 1917, ch. 2, act 406.

#### § 26. Calumet River, Cook County, Illinois, old channel

The portion of the old channel of the Calumet River in the northwest quarter of section thirty, township thirty-seven north, range fifteen east, of the third principal meridian, in Cook County, Illinois, which lies outside of the new channel lines as established by the United States and