

(a) of this section have not been built, maintained, and operated in a manner consistent with protecting public safety.

**(2) Public input**

Before making a determination under this subsection, the Secretary of Transportation shall—

(A) consult with appropriate State and local government officials regarding whether such a determination is necessary to protect public safety and will serve the public interest; and

(B) provide to persons who might be adversely affected by the determination the opportunity for comment and a hearing on whether such action is necessary to protect public safety and will serve the public interest.

(Pub. L. 106-32, §2, June 1, 1999, 113 Stat. 115.)

FINDINGS

Pub. L. 106-32, §1, June 1, 1999, 113 Stat. 115, provided that: “The Congress finds the following:

“(1) The canal known as the James River and Kanawha Canal played an important part in the economic development of the Commonwealth of Virginia and the City of Richmond.

“(2) The canal ceased to operate as a functioning waterway in the conduct of commerce in the late 1800s.

“(3) Portions of the canal have been found by a Federal district court to be nonnavigable.

“(4) The restored portion of the canal will be utilized to provide entertainment and education to visitors and will play an important part in the economic development of downtown Richmond.

“(5) The restored portion of the canal will not be utilized for general public boating, and will be restricted to activities similar to those conducted on similar waters in San Antonio, Texas.

“(6) The continued classification of the canal as a navigable waterway based upon historic usage that ceased more than 100 years ago does not serve the public interest and is unnecessary to protect public safety.

“(7) Congressional action is required to clarify that the canal is no longer to be considered a navigable waterway for purposes of subtitle II of title 46, United States Code.”

**§ 59jj. Designation of nonnavigability for portions of Gloucester County, New Jersey**

**(a) Designation**

**(1) In general**

The Secretary of the Army (referred to in section<sup>1</sup> as the “Secretary”) shall designate as nonnavigable the areas described in paragraph (3)<sup>2</sup> unless the Secretary, after consultation with local and regional public officials (including local and regional planning organizations), makes a determination that 1 or more projects proposed to be carried out in 1 or more areas described in paragraph (2) are not in the public interest.

**(2) Description of areas**

The areas referred to in paragraph (1) are certain parcels of property situated in the West Deptford Township, Gloucester County,

New Jersey, as depicted on Tax Assessment Map #26, Block #328, Lots #1, 1.03, 1.08, and 1.09, more fully described as follows:

(A) Beginning at the point in the easterly line of Church Street (49.50 feet wide), said beginning point being the following 2 courses from the intersection of the centerline of Church Street with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

(i) along said centerline of Church Street N. 11°28'50" E. 38.56 feet; thence

(ii) along the same N. 61°28'35" E. 32.31 feet to the point of beginning.

(B) Said beginning point also being the end of the thirteenth course and from said beginning point runs; thence, along the aforementioned<sup>3</sup> Easterly line of Church Street—

(i) N. 11°28'50" E. 1052.14 feet; thence

(ii) crossing Church Street, N. 34°19'51" W. 1590.16 feet; thence

(iii) N. 27°56'37" W. 3674.36 feet; thence

(iv) N. 35°33'54" W. 975.59 feet; thence

(v) N. 57°04'39" W. 481.04 feet; thence

(vi) N. 36°22'55" W. 870.00 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence

(vii) along the same line N. 53°37'05" E. 1256.19 feet; thence

(viii) still along the same, N. 86°10'29" E. 1692.61 feet; thence, still along the same the following thirteenth courses

(ix) S. 67°44'20" E. 1090.00 feet to a point in the Pierhead and Bulkhead Line along the Southwesterly shore of Woodbury Creek; thence

(x) S. 39°44'20" E. 507.10 feet; thence

(xi) S. 31°01'38" E. 1062.95 feet; thence

(xii) S. 34°34'20" E. 475.00 feet; thence

(xiii) S. 32°20'28" E. 254.18 feet; thence

(xiv) S. 52°55'49" E. 964.95 feet; thence

(xv) S. 56°24'40" E. 366.60 feet; thence

(xvi) S. 80°31'50" E. 100.51 feet; thence

(xvii) N. 75°30'00" E. 120.00 feet; thence

(xviii) N. 53°09'00" E. 486.50 feet; thence

(xix) N. 81°18'00" E. 132.00 feet; thence

(xx) S. 56°35'00" E. 115.11 feet; thence

(xxi) S. 42°00'00" E. 271.00 feet; thence

(xxii) S. 48°30'00" E. 287.13 feet to a point in the Northwesterly line of Grove Avenue (59.75 feet wide); thence

(xxiii) S. 23°09'50" W. 4120.49 feet; thence

(xxiv) N. 66°50'10" W. 251.78 feet; thence

(xxv) S. 36°05'20" E. 228.64 feet; thence

(xxvi) S. 58°53'00" W. 1158.36 feet to a point in the Southwesterly line of said River Lane; thence

(xxvii) S. 41°31'35" E. 113.50 feet; thence

(xxviii) S. 61°28'35" W. 863.52 feet to the point of beginning.

(C)(i) Except as provided in clause (ii), beginning at a point in the centerline of Church Street (49.50 feet wide) where the same is intersected by the curved northerly line of Pennsylvania-Reading Seashore Lines

<sup>1</sup> So in original. Probably should be preceded by “this”.

<sup>2</sup> So in original. Probably should be paragraph “(2)”.

<sup>3</sup> So in original. Probably should be “aforementioned”.

Railroad right-of-way (66.00 feet wide), along that Railroad, on a curve to the left, having a radius of 1465.69 feet, an arc distance of 1132.14 feet—

- (I) N. 88°45'47" W. 1104.21 feet; thence
- (II) S. 69°06'30" W. 1758.95 feet; thence
- (III) N. 23°04'43" W. 600.19 feet; thence
- (IV) N. 19°15'32" W. 3004.57 feet; thence
- (V) N. 44°52'41" W. 897.74 feet; thence
- (VI) N. 32°26'05" W. 2765.99 feet to a point in the Pierhead and Bulkhead Line along the Southeasterly shore of the Delaware River; thence
- (VII) N. 53°37'05" E. 2770.00 feet; thence
- (VIII) S. 36°22'55" E. 870.00 feet; thence
- (IX) S. 57°04'39" E. 481.04 feet; thence
- (X) S. 35°33'54" E. 975.59 feet; thence
- (XI) S. 27°56'37" E. 3674.36 feet; thence
- (XII) crossing Church Street, S. 34°19'51" E. 1590.16 feet to a point in the easterly line of Church Street; thence
- (XIII) S. 11°28'50" W. 1052.14 feet; thence
- (XIV) S. 61°28'35" W. 32.31 feet; thence
- (XV) S. 11°28'50" W. 38.56 feet to the point of beginning.

(ii) The parcel described in clause (i) does not include the parcel beginning at the point in the centerline of Church Street (49.50 feet wide), that point being N. 11°28'50" E. 796.36 feet, measured along the centerline, from its intersection with the curved northerly right-of-way line of Pennsylvania-Reading Seashore Lines Railroad (66.00 feet wide)—

- (I) N. 78°27'40" W. 118.47 feet; thence
- (II) N. 15°48'40" W. 120.51 feet; thence
- (III) N. 77°53'00" E. 189.58 feet to a point in the centerline of Church Street; thence
- (IV) S. 11°28'50" W. 183.10 feet to the point of beginning.

**(b) Limits on applicability; regulatory requirements**

**(1) In general**

The designation under subsection (a)(1) of this section shall apply to those parts of the areas described in subsection (a) of this section that are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities.

**(2) Applicable law**

All activities described in paragraph (1) shall be subject to all applicable Federal law, including—

- (A) the Act of March 3, 1899 (30 Stat. 1121, chapter 425);
- (B) section 1344 of this title; and
- (C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**(c) Termination of designation**

If, on the date that is 20 years after November 12, 2001, any area or portion of an area described in subsection (a)(3)<sup>4</sup> of this section is not bulkheaded, filled, or otherwise occupied by permanent structures (including marina facilities) in accordance with subsection (b) of this section, or if work in connection with any activity authorized under subsection (b) of this section is

not commenced by the date that is 5 years after the date on which permits for the work are issued, the designation of nonnavigability under subsection (a)(1) of this section for that area or portion of an area shall terminate.

(Pub. L. 107-66, title I, §107, Nov. 12, 2001, 115 Stat. 494.)

REFERENCES IN TEXT

Act of March 3, 1899, referred to in subsec. (b)(2)(A), is act Mar. 3, 1899, ch. 425, 30 Stat. 1121, as amended, which enacted sections 401, 403, 404, 406, 407, 408, 409, 411 to 416, 418, 502, 549, and 687 of this title and amended section 686 of this title. For complete classification of this Act to the Code, see Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (b)(2)(C), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

**§ 59kk. Wateree River**

For purposes of bridge administration, the portion of the Wateree River in the State of South Carolina, from a point 100 feet upstream of the railroad bridge located at approximately mile marker 10.0 to a point 100 feet downstream of such bridge, is declared to not be navigable waters of the United States for purposes of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(Pub. L. 108-293, title VI, §610, Aug. 9, 2004, 118 Stat. 1058.)

REFERENCES IN TEXT

The General Bridge Act of 1946, referred to in text, is title V of act Aug. 2, 1946, ch. 753, 60 Stat. 847, as amended, which is classified generally to subchapter III (§525 et seq.) of chapter 11 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 525 of this title and Tables.

**CHAPTER 2—INTERNATIONAL RULES FOR NAVIGATION AT SEA**

**§§ 61 to 63. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407**

Section 61, acts Aug. 19, 1890, ch. 802, §1, 26 Stat. 320; Feb. 19, 1895, ch. 102, §1, 28 Stat. 672; June 7, 1897, ch. 4, §1, 30 Stat. 96, related to adoption of rules for navigation on high seas. See section 1602 of this title.

Section 62, act Aug. 19, 1890, ch. 802, §1, 26 Stat. 320, 321, defined "sailing vessel", "steam vessel", and "under way". See section 1601 of this title.

Section 63, act Aug. 19, 1890, ch. 802, §1, 26 Stat. 321, defined "visible".

EFFECTIVE DATE OF REPEAL

Section 5 of act Oct. 11, 1951, provided that the repeal of these sections is effective upon the taking effect of regulations proclaimed under section 1 of act Oct. 11, 1951. Such regulations were proclaimed by Proc. No. 3030 of Aug. 1, 1953, 18 F.R. 4983, and were to be effective Jan. 1, 1954.

**§§ 71 to 84. Repealed. Oct. 11, 1951, ch. 495, § 5, 65 Stat. 407**

Section 71, act Aug. 19, 1890, ch. 802, §1, 26 Stat. 321, provided that rules concerning lights be complied with from sunset to sunrise.

Section 72, act Aug. 19, 1890, ch. 802, §1, 26 Stat. 321, related to lights of steam vessel under way.

<sup>4</sup> So in original. Probably should be "subsection (a)(2)".