

on the west is hereby declared to be a non-navigable waterway of the United States for purposes of subtitle II of title 46.

(b) Ensuring public safety

The Secretary of Transportation shall provide such technical advice, information, and assistance as the City of Richmond, Virginia, or its designee may request to insure that the vessels operating on the waters declared nonnavigable by subsection (a) are built, maintained, and operated in a manner consistent with protecting public safety.

(c) Termination of declaration

(1) In general

The Secretary of Transportation may terminate the effectiveness of the declaration made by subsection (a) by publishing a determination that vessels operating on the waters declared nonnavigable by subsection (a) 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 1 as the “Secretary”) shall designate as nonnavigable the areas described in paragraph (3)² 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 aforementioned³ 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

¹ So in original. Probably should be preceded by “this”.

² So in original. Probably should be paragraph “(2)”.

³ So in original. Probably should be “aforementioned”.

(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), be-
 ginning 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
 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 Sea-
 shore 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 require-
 ments**

(1) In general

The designation under subsection (a)(1) shall
 apply to those parts of the areas described in
 subsection (a) 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, in-
 cluding—

(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)⁴ is not bulkheaded, filled, or
 otherwise occupied by permanent structures (in-
 cluding marina facilities) in accordance with
 subsection (b), or if work in connection with any
 activity authorized under subsection (b) 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 sub-
 section (a)(1) 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, re-
 ferred to in subsec. (b)(2)(C), is Pub. L. 91-190, Jan. 1,
 1970, 83 Stat. 852, as amended, which is classified gener-
 ally 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 sec-
 tion 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.

**§ 59ll. Central Delaware River, Philadelphia,
 Pennsylvania**

(a) Area to be declared nonnavigable

Subject to subsection (c), unless the Secretary
 finds, after consultation with local and regional
 public officials (including local and regional
 public planning organizations), that there are
 substantive objections, those portions of the
 Delaware River, bounded by the former bulk-
 head and pierhead lines that were established by
 the Secretary of War and successors and de-
 scribed as follows, are declared to be nonnaviga-
 ble waters of the United States:

⁴So in original. Probably should be "subsection (a)(2)".