

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chap.		Sec.		Chap.		Sec.	
1.	Navigable Waters Generally	1	29.	Deepwater Ports		1501	
2.	International Rules for Navigation at Sea [Repealed]	61	30.	International Regulations for Preventing Collisions at Sea		1601	
3.	Navigation Rules for Harbors, Rivers, and Inland Waters Generally	151	31.	Ocean Pollution Research and Development and Monitoring Planning [Repealed]		1701	
4.	Navigation Rules for Great Lakes and Their Connecting and Tributary Waters [Repealed]	241	32.	Inland Waterways Trust Fund		1801	
5.	Navigation Rules for Red River of the North and Rivers Emptying Into Gulf of Mexico and Tributaries [Repealed]	301	33.	Prevention of Pollution From Ships		1901	
5A.	Exemption of Navy or Coast Guard Vessels From Certain Navigation Rules [Repealed]	360	33A.	Marine Debris Research, Prevention, and Reduction		1951	
6.	General Duties of Ship Officers and Owners After Collision or Other Accident [Repealed]	361	34.	Inland Navigational Rules		2001	
7.	Regulations for the Suppression of Piracy	381	35.	Artificial Reefs		2101	
8.	Summary Trials for Certain Offenses Against Navigation Laws ..	391	36.	Water Resources Development		2201	
9.	Protection of Navigable Waters and of Harbor and River Improvements Generally	400	37.	Organotin Antifouling Paint Control [Repealed]		2401	
10.	Anchorage Grounds and Harbor Regulations Generally	471	38.	Dumping of Medical Waste by Public Vessels		2501	
11.	Bridges Over Navigable Waters	491	39.	Shore Protection from Municipal or Commercial Waste		2601	
12.	River and Harbor Improvements Generally	540	40.	Oil Pollution		2701	
13.	Mississippi River Commission	641	41.	National Coastal Monitoring		2801	
14.	California Debris Commission	661	42.	Estuary Restoration		2901	
15.	Flood Control	701	43.	National Oceanic and Atmospheric Administration Commissioned Officer Corps		3001	
16.	Lighthouses	711	44.	Oceans and Human Health		3101	
17.	National Oceanic and Atmospheric Administration	851	45.	Tsunami Warning and Education ...		3201	
18.	Longshore and Harbor Workers' Compensation	901	46.	National Levee Safety Program		3301	
19.	Saint Lawrence Seaway	981	47.	Ocean Exploration		3401	
20.	Pollution of the Sea by Oil [Repealed]	1001	48.	Ocean and Coastal Mapping Integration		3501	
21.	International Regulations for Preventing Collisions at Sea [Repealed]	1051	49.	Integrated Coastal and Ocean Observation System		3601	
22.	Sea Grant Colleges and Marine Science Development	1101	50.	Federal Ocean Acidification Research and Monitoring		3701	
23.	Pollution Control of Navigable Waters [Omitted or Transferred]	1151	51.	Clean Hulls		3801	
24.	Vessel Bridge-to-Bridge Communication	1201	52.	Water Infrastructure Finance and Innovation		3901	
25.	Ports and Waterways Safety Program [Repealed or Transferred] ..	1221	53.	Harmful Algal Bloom and Hypoxia Research and Control		4001	
26.	Water Pollution Prevention and Control	1251	54.	Commercial Engagement Through Ocean Technology		4101	
27.	Ocean Dumping	1401	55.	Save Our Seas 2.0		4201	
28.	Pollution Casualties on the High Seas: United States Intervention	1471	CHAPTER 1—NAVIGABLE WATERS GENERALLY				
				SUBCHAPTER I—GENERAL PROVISIONS			
				Sec.			
				1.	Regulations by Secretary of the Army for navigation of waters generally.		
				2.	Regulations for navigation of South and Southwest Passes of Mississippi River; penalties.		
				3.	Regulations to prevent injuries from target practice.		
				4.	Water gauges on Mississippi River and tributaries.		

- | | |
|---|--|
| <p>Sec.
5. Abolition of tolls on Government canals, canalized rivers, etc.; expense of operation, repairs to and reconstruction of canals, etc.; Panama Canal excepted; levies by non-Federal interest.</p> <p>6. Free passage to harbor of Michigan City, Indiana.</p> <p>7. Use of Government iron pier in Delaware Bay.</p> <p>8. Toll free rivers in Alabama.</p> <p>9. Des Moines River as toll free.</p> <p>10. Waters in Louisiana Purchase as public highways.</p> <p>11. Authority for compact between Middle Northwest States as to jurisdiction of offenses committed on boundary waters.</p> <p>12. Port Arthur Ship Canal.</p> <p>SUBCHAPTER II—WATERS DECLARED NONNAVIGABLE: CHANGE OF NAME</p> <p>21. Bayou Cocodrie, Louisiana.</p> <p>22. Bayou Meto, Arkansas.</p> <p>23. Bear Creek, Mississippi.</p> <p>24. Big Tarkio River, Missouri.</p> <p>25. Cache River, Arkansas.</p> <p>26. Calumet River, Cook County, Illinois, old channel.</p> <p>26a. Additional portion of Calumet River, old channel, abandoned as navigable water.</p> <p>26b. Portion of Calumet River, Chicago, as non-navigable stream.</p> <p>27. Chicago River at Chicago, Illinois.</p> <p>27a. Chicago River, West Fork of South Branch.</p> <p>27b. Chicago River, West arm of South Fork of South Branch.</p> <p>28. Crum River; old channel at mouth, Delaware Bay.</p> <p>29. Cuivre River, Missouri.</p> <p>29a. East River, Wisconsin.</p> <p>30. Grand River, Missouri, above Brunswick.</p> <p>31. Iowa River, Iowa, above Toolsboro.</p> <p>32. Lake George, Mississippi.</p> <p>33. Little River, Arkansas, from Big Lake to Marked Tree.</p> <p>34. Mill Slough, Oregon.</p> <p>35. Mississippi River, West Channel, opposite La Crosse, Wisconsin.</p> <p>36. Mosquito Creek, South Carolina.</p> <p>37. Nodaway River, Missouri.</p> <p>38. Oklawaha River, Florida; Kyle and Young Canal and "Morrison Landing extension" substituted.</p> <p>39. Ollala Slough, Oregon.</p> <p>40. One Hundred and Two River, Missouri.</p> <p>41. Osage River, Missouri.</p> <p>42. Platte River, Missouri.</p> <p>43. Saint Marys River, Ohio and Indiana.</p> <p>44. Sturgeon Bay, Illinois.</p> <p>45. Swan Creek, Toledo, Ohio.</p> <p>46. Tchula Lake, Mississippi.</p> <p>47. Eagle Lake, Louisiana-Mississippi.</p> <p>48. Noxubee River, Mississippi.</p> <p>49. Bayou Saint John in New Orleans.</p> <p>50. Turtle Bay and Turtle Bayou, Texas.</p> <p>51. Scajaquada Creek, New York.</p> <p>52. Park River, Connecticut.</p> <p>53. Benton Harbor Canal, Michigan.</p> <p>53a. Additional portion of Benton Harbor Canal, abandoned as navigable water.</p> <p>54. Burr Creek, Bridgeport, Connecticut.</p> <p>55. Bayou Savage (or Chantilly) in New Orleans.</p> <p>56. Fort Point Channel and South Bay, Boston, Massachusetts.</p> <p>57. Pike Creek, Wisconsin.</p> <p>58. Acushnet River section of New Bedford and Fairhaven Harbor, Massachusetts.</p> <p>59. West River in West Haven, Connecticut.</p> <p>59a. Back Cove, Portland, Maine.</p> <p>59b. Bayous Terrebonne and LeCarpe, Louisiana.</p> <p>59c. East River, New York.</p> | <p>Sec.
59c-1. East and Hudson Rivers, New York.</p> <p>59c-2. East River, New York.</p> <p>59c-3. Queens County, New York.</p> <p>59d. River Raisin, Michigan.</p> <p>59e. Bayou Lafourche, Louisiana.</p> <p>59e-1. Additional portion of Bayou Lafourche, Louisiana.</p> <p>59f. Boston Inner Harbor and Fort Point Channel, Massachusetts.</p> <p>59g. Steele and Washington Bayous, and Lake Washington, Mississippi.</p> <p>59h. San Francisco, California, Waterfront Area.</p> <p>59h-1. Repealed.</p> <p>59i. Patapsco River, Maryland.</p> <p>59j. Delaware River, Philadelphia County, Pennsylvania; permanent structures.</p> <p>59j-1. Declaration of nonnavigability for portions of the Delaware River.</p> <p>59k. Wicomico River, Maryland.</p> <p>59l. Nonapplicability of prohibitions and provisions for review and approval concerning wharves and piers.</p> <p>59m. Lake Oswego, Oregon; Lake Coeur d'Alene, Idaho; and Lake George, New York.</p> <p>59n. Hudson River, Hudson County, New Jersey.</p> <p>59n-1. Caven Point, New Jersey.</p> <p>59o. Hackensack River, Hudson County, New Jersey.</p> <p>59p. Kenduskeag Stream, Penobscot County, Maine.</p> <p>59q. Erie Basin, Buffalo Harbor, New York.</p> <p>59q-1. Union Canal, Outer Buffalo Harbor, New York.</p> <p>59r. Trent River, Craven County, North Carolina.</p> <p>59s. Green River, Washington.</p> <p>59t. Burnham Canal, Milwaukee, Wisconsin.</p> <p>59u. Lawyer's Ditch, Essex County, New Jersey.</p> <p>59v. Middle River, Maryland.</p> <p>59w. Norton Basin and Jamaica Bay, New York.</p> <p>59x. Exemption from General Bridge Act of 1946.</p> <p>59y. Declaration of nonnavigability for portions of Coney Island Creek and Gravesend Bay, New York.</p> <p>59z. Declaration of nonnavigability of bodies of water in Ridgefield, New Jersey.</p> <p>59aa. Nonnavigability of Wisconsin River.</p> <p>59bb. Declaration of nonnavigability for portions of Lake Erie.</p> <p>59bb-1. Declaration of nonnavigability for Lake Erie, New York.</p> <p>59cc. Declaration of nonnavigability of portion of Hudson River, New York.</p> <p>59dd. Declaration of nonnavigability of portions of Cleveland Harbor, Ohio.</p> <p>59ee. Portion of Sacramento River Barge Canal declared to not be navigable waters of United States.</p> <p>59ee-1. Declaration of nonnavigability for portion of Sacramento Deep Water Ship Channel.</p> <p>59ff. Declaration of nonnavigability for portions of Pelican Island, Texas.</p> <p>59gg. Declaration of nonnavigability for portions of Cuyahoga County, Ohio.</p> <p>59hh. Declaration of nonnavigability for portion of Pelican Island, Texas.</p> <p>59ii. Declaration of nonnavigability of a portion of the canal known as the James River and Kanawha Canal in Richmond, Virginia.</p> <p>59jj. Designation of nonnavigability for portions of Gloucester County, New Jersey.</p> <p>59kk. Wateree River.</p> <p>59ll. Central Delaware River, Philadelphia, Pennsylvania.</p> <p>59mm. Coalbank Slough deemed not navigable waters of the United States for certain purposes.</p> |
|---|--|

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 regulations 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.