

§ 562. Channel depths and dimensions defined

In the preparation of projects under this and subsequent river and harbor acts and after the project becomes operational, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean lower low water, as defined by the Department of Commerce for nautical charts and tidal predictions, in tidal waters tributary to the Atlantic and Gulf coasts and at mean lower low water, as defined by the Department of Commerce for nautical charts and tidal predictions, in tidal waters tributary to the Pacific coast and the mean depth for a continuous period of fifteen days of the lowest water, as defined by the Department of Commerce for nautical charts and tidal predictions, in the navigation season of any year in rivers and nontidal channels, and and¹ after the project becomes operational the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats.

(Mar. 4, 1915, ch. 142, § 5, 38 Stat. 1053; Pub. L. 102-580, title II, § 224, Oct. 31, 1992, 106 Stat. 4837.)

Editorial Notes

CODIFICATION

Section is from act Mar. 4, 1915, popularly known as the "Rivers and Harbors Appropriation Act of 1915".

PRIOR PROVISIONS

Section superseded act Mar. 4, 1913, ch. 144, § 9, 37 Stat. 827, which read as follows: "In the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean lower low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats."

AMENDMENTS

1992—Pub. L. 102-580 inserted "and after the project becomes operational" after "harbor acts", "lower" after "depth at mean", "as defined by the Department of Commerce for nautical charts and tidal predictions," after "water" wherever appearing, and "and after the project becomes operational" before "the channel dimensions".

§ 562a. Project depths for national defense purposes; waterways for general commerce

The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to maintain authorized river and harbor projects in excess of authorized project depths where such excess depths have been provided by the United States for defense purposes and whenever the Chief of Engineers determines that such waterways also serve essential needs of general commerce.

(Pub. L. 90-483, title I, § 117, Aug. 13, 1968, 82 Stat. 737.)

¹ So in original.

§ 563. Omitted**Editorial Notes**

CODIFICATION

Section, act Sept. 22, 1922, ch. 427, § 6, 42 Stat. 1042, made unexpended funds, appropriated prior to Sept. 22, 1922, for river and harbor improvements, available for preservation and maintenance of existing river and harbor works and prosecution of desirable new projects.

§ 564. Repealed. July 3, 1943, ch. 189, § 5, 57 Stat. 374

Section, acts June 25, 1910, ch. 382, § 4, 36 Stat. 676; June 5, 1920, ch. 252, § 9, 41 Stat. 1015, related to settlement of claims for injury to or loss of private property.

§ 565. River and harbor improvement by private or municipal enterprise

Any person or persons, corporations, municipal or private, who desire to improve any navigable river, or any part thereof, at their or its own expense and risk may do so upon the approval of the plans and specifications of said proposed improvement by the Secretary of the Army and Chief of Engineers of the Army. The plan of said improvement must conform with the general plan of the Government improvements, must not impede navigation, and no toll shall be imposed on account thereof, and said improvement shall at all times be under the control and supervision of the Secretary of the Army and Chief of Engineers.

(June 13, 1902, ch. 1079, § 1, 32 Stat. 371; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

Editorial Notes

CODIFICATION

Section is from act June 13, 1902, popularly known as the "Rivers and Harbors Appropriation Act for 1902". The provisions of this section followed an appropriation for emergencies.

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.

CONSTRUCTION OF CANAL

The consent of Congress was given to the construction of a ship canal along the Government right of way connecting the waters of Puget Sound with Lake Washington, said canal, when completed, to be turned over to the United States, by act June 11, 1906, ch. 3072, 34 Stat. 231.

§ 566. Improvement by or under authority of State of New Jersey

Authority is given to the State of New Jersey, or, through it, to any commission, individual, corporation, or municipality, singly or collectively, designated by the legislature of said State, or by a commission appointed or author-