

“(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 section¹ 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
- (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 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

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”.

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) 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, 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)⁴ is not bulkheaded, filled, or otherwise occupied by permanent structures (including 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 subsection (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.)

Editorial Notes

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, 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, 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.)

Editorial Notes

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, 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.

§ 59II. 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 bulkhead and pierhead lines that were established by the Secretary of War and successors and described as follows, are declared to be nonnavigable waters of the United States:

(1) Piers 70 South through 38 South, encompassing an area bounded by the southern line of Moore Street extended to the northern line of Catherine Street extended, including the following piers: Piers 70, 68, 67, 64, 61-63, 60, 57, 55, 53, 48, 46, 40, and 38.

(2) Piers 24 North through 72 North, encompassing an area bounded by the southern line of Callowhill Street extended to the northern line of East Fletcher Street extended, including the following piers: Piers 24, 25, 27-35, 35.5, 36, 37, 38, 39, 49, 51-52, 53-57, 58-65, 66, 67, 69, 70-72, and Rivercenter.

(b) Public interest determination

The Secretary shall make the public interest determination under subsection (a) separately for each proposed project to be undertaken within the boundaries described in subsection (a), using reasonable discretion, not later than 150 days after the date of submission of appropriate plans for the proposed project.

(c) Limits on applicability

The declaration under subsection (a) shall apply only 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 and recreation facilities.

(Pub. L. 114-322, title I, §1308, Dec. 16, 2016, 130 Stat. 1693.)

Statutory Notes and Related Subsidiaries

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 1002 of Pub. L. 114-322, set out as a note under section 2201 of this title.

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