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Rivers and Harbors Act Enforcement: U.S. District Court (S.D. FLA) Orders Individual to Remove Shipping Container/Floating Dock from Florida Lagoon

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The United States District Court for the Southern District of Florida ordered an individual (Lozman) to remove a shipping container and floating docks from the Lake Worth Lagoon which is located near Palm Beach, Florida.

The Court Order was issued in response to an enforcement action filed by the United States Department of Justice ("DOJ") pursuant to the Federal Rivers and Harbors Act ("RHA").

The RHA, despite its enactment in the late 1800's, is still in the initial authority for the United States Army Corps of Engineers ("Corps") regulatory permit program to protect navigable waters in various development and construction activities.

The DOJ filed in 2021 a civil action alleging violations of RHA in connection with Lozman's alleged obstruction of Lake Worth Lagoon ("Lagoon"). The Lagoon was described by DOJ as a navigable waterway.

The Complaint alleged that the construction and/or installed structures were made of closed-cell polystyrene foam and concrete blocks ranging from 30-100 feet long. Various materials were stated to have been attached to the structure which included a metal shipping container.

The Complaint cited incidents in which one or more of the unauthorized structures became unmoored and drifted into the Lagoon, creating increased risk to navigation, property, and public safety.

DOJ signed an Order to enjoin further building or installing obstructions in waters of the United States, except in compliance with the RHA. Further, it requested that the Court compel the removal of the alleged unauthorized structures from the Lagoon.

The matter is stated to have been referred to DOJ from the Corps. The Corps issued a Notice of Violation and Order to Cease and Desist in connection with the previous-alleged actions.

A copy of a news release describing the U.S. District Court's action can be downloaded [here](#). The DOJ news release noting the 2021 Complaint can be downloaded [here](#).