

§ 207.330

(Cairo datum), except after loss or lowering of flashboards and before replacement or raising of same, during the navigation season; nor below elevation 743.3 during the period when the river is closed to navigation. The variation of pool level shall not exceed 0.5 foot per day whenever the pool is below elevation 745.5, and in addition, during the period when the river is closed to navigation, the maximum rate of such variation shall not exceed 0.1 foot per hour; except that during the navigation season, increases in pool level at rates greater than that specified may be made to eliminate wasting of water during an increase in river flow.

(b) Whenever, due to high flows, the pool above the dam is above elevation 746.5, all flashboards on the crest of the dam shall be removed or in the lowered position.

(c) To protect navigation in cases of emergency, such as the stranding of a boat or the loss of a pool below the Twin City Dam, etc., the licensee shall temporarily discharge water at such rates, subject to the limitations of paragraph (a) of this section, as may be directed by the U.S. District Engineer in charge of the locality.

(d) It shall be the duty of the U.S. District Engineer in charge of the locality to notify the licensee of the periods during which the river shall be considered open to navigation.

(e) It shall be the further duty of the said District Engineer or his authorized agent, by frequent inspections, to determine whether paragraphs (a) to (d) of this section are being observed. In case of noncompliance he shall so notify the licensee and report the facts to the Chief of Engineers.

[Regs., Feb. 24, 1938]

§ 207.330 Mississippi River between Winnibigoshish and Pokegama dams, Leech River between outlet of Leech Lake and Mississippi River, and Pokegama reservoir; logging.

(a) Parties engaged in the transportation of loose logs, timbers, and rafts of logs, poles, posts, ties, or pulpwood, on the waters described in this section, shall conduct their operations so as to interfere as little as possible with navigation by steamboats, launches, or

33 CFR Ch. II (7-1-04 Edition)

other craft, or with the operations of other parties using the waters for purposes similar to their own, and, so far as may be possible, shall prevent the formation of log jams.

(b) In case of the formation of a jam, the owner of the logs, poles, posts, ties, or pulpwood, causing the jam, or the representatives in charge of the drive or tow, shall cause the same to be broken with the least practicable delay.

(c) Steamboats, launches, or other craft desiring to pass through a body of floating logs, poles, or ties shall be given all reasonable and necessary assistance in doing so by the representatives in charge of the logs, poles, posts, ties, or pulpwood causing the obstruction.

(d) Any individual, firm, or corporation banking logs, poles, posts, ties, or pulpwood on the shores or within the banks of any of the waters covered by this section, which are to be transported during the navigation season, shall so place them as to maintain a clear navigable channel width of not less than 20 feet.

(e) Parties using the river for rafted poles, posts, ties, or pulpwood shall not tie rafts up to the bank two or more abreast; shall not tie up where there will be less than 50 feet of clear waterway between their raft and the other bank or between their raft and another tied to the opposite bank; and shall not tie more than three rafts along any bank without leaving an opening for a landing.

[Regs., Mar. 5, 1915]

§ 207.340 Reservoirs at headwaters of the Mississippi River; use and administration.

(a) *Description.* These reservoirs include Winnibigoshish, Leech Lake, Pokegama, Sandy Lake, Pine River and Gull Lake.

(b) *Penalties.* The River and Harbor Act approved August 11, 1888 (25 Stat. 419, 33 U.S.C. 601) includes the following provisions as to the administration of the headwater reservoirs:

And it shall be the duty of the Secretary of War to prescribe such rules and regulations in respect to the use and administration of said reservoirs as, in his judgment, the public interest and necessity may require; which rules and regulations shall be posted in some

conspicuous place or places for the information of the public. And any person knowingly and willfully violating such rules and regulations shall be liable to a fine not exceeding five hundred dollars, or imprisonment not exceeding six months, the same to be enforced by prosecution in any district court of the United States within whose territorial jurisdiction such offense may have been committed.

(c) *Previous regulations now revoked.* In accordance with the above act, the Secretary of War prescribed regulations for the use and administration of the reservoirs at the headwaters of the Mississippi River under date of February 11, 1931, which together with all subsequent amendments are hereby revoked and the following substituted therefor.

(d) *Authority of officer in charge of the reservoirs.* The accumulation of water in, and discharge of water from the reservoirs, including that from one reservoir to another, shall be under the direction of the U.S. District Engineer, St. Paul, Minnesota, and of his authorized agents subject to the following restrictions and considerations:

(1) Notwithstanding any other provision of this section, the discharge from any reservoir may be varied at any time as required to permit inspection of, or repairs to, the dams, dikes or their appurtenances, or to prevent damage to lands or structures above or below the dams.

(2) Except as provided in paragraph (d)(1) of this section the average annual discharge from the respective reservoirs shall not be reduced below the following values, as nearly as they can practically be maintained:

- Winnibigoshish, 150 cubic feet per second.
- Leech Lake, 70 cubic feet per second.
- Pokegama, 200 cubic feet per second.
- Sandy Lake, 80 cubic feet per second.
- Pine River, 90 cubic feet per second.
- Gull Lake, 30 cubic feet per second.

(3) During the season of navigation on the upper Mississippi River, the volume of water discharged from the reservoirs shall be so regulated by the officer in charge as to maintain as nearly as practicable, until navigation closes, a sufficient stage of water in the navigable reaches of the upper Mississippi and in those of any tributary thereto that may be navigated and on which a reservoir is located.

(4) Surplus waters in storage above the stages listed in paragraph (d)(7) of this section not required for use in the aid of navigation, as provided for in paragraph (d)(3) of this section, may be discharged at such time and at such rates as will result, in the judgment of the District Engineer, in the greatest general benefit or the minimum of injuries to all affected interests.

(5) No discharge other than the minimum specified in paragraph (d)(2) of this section shall be permitted when a reservoir is at or below its minimum stage as set forth in paragraph (d)(7) of this section except such increases of discharge as may specifically be directed by the Chief of Engineers.

(6) The surplus inflow over the minimum discharge set forth in paragraph (d)(2) of this section shall be stored until the limit of capacity or safety of the reservoir is reached, or until such time as water may be discharged in accordance with this section.

(7) So far as practicable, under the requirements of this section, the officer in charge will cause the reservoirs to be maintained above the following minimum stages, referred to zeros of respective Government gauges:

Winnibigoshish	6.0
Leech Lake	0.0
Pokegama	6.0
Sandy Lake	7.0
Pine River	9.0
Gull Lake	5.0

The range of fluctuations in levels in any reservoir in a single calendar year shall be held at a minimum consistent with the requirements of this section and with the inflow of that year. If, through necessity reservoirs are drawn below these stages, minimum stages will be restored at the first practicable opportunity.

(e) *Passage of logs and other floating bodies.* Logs and other floating bodies may be sluiced or locked through the dams, but prior authority for the sluicing of logs must be obtained from the District Engineer when this operation necessitates a material change in discharge.

(f) *Obstructions to flow of water.* No person shall place floating bodies in a stream or pond above or below a reservoir dam when, in the opinion of the

§ 207.350

officer in charge, such act would prevent the necessary flow of water to or from such dam, or in any way injure the dam and its appurtenances, its dikes and embankments; and should floating bodies lying above or below a dam constitute at any time an obstruction or menace as before said, the owners of said floating bodies will be required to remove them immediately.

(g) *Trespass.* No one shall trespass on any reservoir dam, dike, embankment or upon any property pertaining thereto.

[Regs., Feb. 4, 1936, as amended at 10 FR 414, Jan. 10, 1945]

§ 207.350 St. Croix River, Wis. and Minn.

(a) *Logging regulations for river above Lake St. Croix.* (1) During the season of navigation from May 1 to September 30, the full natural run of water in the river shall be permitted to flow between 1 a.m. on Thursday and 4 p.m. on Sunday of each week, and during the time between 1 p.m. on Wednesday and 4 p.m. on Sunday of each week no logs shall be sluiced into the river between St. Croix Falls, Wis., and Stillwater, Minn.

(2) Except during the period above mentioned, the parties engaged in handling logs upon the river shall have the right to sluice, drive, and float loose logs and to regulate the flow of water in the river as may best suit their convenience, all reasonable caution being taken to avoid log jams.

(3) This paragraph shall remain in force until modified or rescinded. (Act of May 9, 1900, 31 Stat. 172; 33 U.S.C. 410)

(b) *Power dam at Taylors Falls.* (1) That between April 1 and October 31, whenever the natural river flow exceeds 1,600 feet per second, the reduced flow shall be not less than 1,600 feet per second, and that whenever the natural flow be less than 1,600 feet per second, then the reduced flow shall not be less than such natural flow: *Provided,* That the District Engineer in charge of the locality may vary these requirements temporarily, as the interests of navigation, in his judgment, require, prompt report of his action in such instances to be made to the Chief of Engineers.

33 CFR Ch. II (7-1-04 Edition)

(2) The Northern States Power Co. shall establish automatic water-stage recorders of a type approved by the district engineer at the following localities:

(i) On the Nevers Pond near the dam.

(ii) On the St. Croix hydroplant pond near the dam.

(iii) On the St. Croix hydroplant tailrace.

(iv) On the St. Croix River near Osceola.

(v) On the St. Croix River near Marine.

(3) The gages are to be installed and maintained by the Northern States Power Co. in a manner satisfactory to the District Engineer, but their operation and inspection is to be under the sole direction of the District Engineer, who will retain the original records, furnishing the Northern States Power Co. with duplicates of the gage records.

[Regs., Apr. 20, 1907, Apr. 10, 1931, as amended at 25 FR 8908, Sept. 16, 1960]

§ 207.360 Rainy River, Minn.; logging regulations for portions of river within jurisdiction of the United States.

(a) During the season of navigation, parties engaged in handling logs upon such portion of the river shall have the right to sluice, drive, and float logs in such manner as may best suit their convenience: *Provided,* A sufficient channel for safe navigation by boats is maintained between 7:00 a.m. and 11:00 p.m. from the opening of navigation to September 15th; between 8:00 a.m. and 11:00 p.m. from September 16th to October 31st; and between 9:00 a.m. and 11:00 p.m. from November 1st to the close of navigation.

(b) Owners of loose logs running in the river must maintain a sufficient force of men on the river to keep the logs in motion and to prevent the formation of log jams or accumulation of logs on the several rapids; and said log owners must also construct and maintain for the control and direction of floating logs, such guide booms on said rapids and at other points on said river, as may be considered necessary by the District Engineer in charge of the District.

(c) Owners of sack and brail rafts must so handle the same as not to