



# MAN ORDERED TO REMOVE SHIPPING CONTAINER AND FLOATING DOCKS FROM LAKE WORTH LAGOON AFTER VIOLATING RIVERS AND HARBORS ACT

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## **MAN ORDERED TO REMOVE SHIPPING CONTAINER AND FLOATING DOCKS FROM LAKE WORTH LAGOON AFTER VIOLATING RIVERS AND HARBORS ACT**

The U.S. District Court for the Southern District of Florida ordered a man to remove a shipping container and floating docks on which it rested from Lake Worth Lagoon near Palm Beach, Florida.

A 2021 complaint alleged that Fane Lozman violated the Rivers and Harbors Act (RHA) by placing the shipping container – which Lozman modified to include

windows, doors, stairs, a rooftop deck and other additions – on floating docks in navigable waters of the United States without authorization. Since the United States commenced the action, Lozman removed several pieces of floating docks from Lake Worth Lagoon, but two floating docks and the modified shipping container remained.

Lozman moved the floating docks and shipping container to different areas in Lake Worth Lagoon and anchored them. One of the floating docks split apart. And Lozman's floating docks became unmoored on several occasions including once when the dock with the shipping container on it floated across Lake Worth Lagoon and beached at a public park. The floating docks together weigh over 100,000 pounds.

Lake Worth Lagoon is Palm Beach County's largest estuary at up to a mile wide and running approximately 21 miles from North Palm Beach to Ocean Ridge, with two inlets connecting it to the Atlantic Ocean. The Atlantic Intracoastal Waterway cuts through Lake Worth Lagoon.

"Building or placing structures in navigable U.S. waters without authorization is a violation of the Rivers and Harbors Act," said Assistant Attorney General Todd Kim of the Justice Department's Environment and Natural Resources Division (ENRD). "Unlawful structures can pose increased risks of harm to others, as in this case. We're committed to enforcing the law."

"The Rivers and Harbors Act provides for the safety of navigable U.S. waters," said U.S. Attorney Markenzy Lapointe for the Southern District of Florida.

"Prompt enforcement action to remove unauthorized structures is needed to protect persons and commerce in navigable U.S. waters."

"USACE Jacksonville greatly appreciates the expertise and support that the Justice Department brought to resolving this matter," said District Commander Col. James Booth of the U.S. Army Corps of Engineers' (USACE) Jacksonville District.

“The USACE Jacksonville regulatory enforcement program is working to deter unauthorized activities such as this, while continuously maintaining the integrity of the nation’s waterways and aquatic resources,” said Compliance and Enforcement Chief Bobby Halbert of USACE’s Jacksonville District.

The USACE’s Jacksonville District referred the case to the Justice Department’s Environment and Natural Resources Division (ENRD). The Jacksonville District Enforcement Section is often aided by state and federal agencies, as well as groups and individuals who report suspected violations. To report suspected violations of the Rivers and Harbors Act, contact the Jacksonville District’s enforcement program at SAJ-RD-Enforcement@usace.army.mil.

Trial Attorneys Brandon N. Adkins and Rachel Martinez of ENRD’s Environmental Defense Section and Civil Section Chief Dexter Lee of the U.S. Attorney’s Office for the Southern District of Florida handled the case.

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