

The right to alter, amend, or repeal this section is expressly reserved.

(Aug. 3, 1955, ch. 495, 69 Stat. 443.)

§ 59. West River in West Haven, Connecticut

The portion of the waterway in which is located the West River in the town of West Haven, Connecticut, and the city of New Haven, Connecticut, lying northerly of a line extending north 85 degrees 54 minutes 43.5 seconds east, from a point (1,158.535 feet from the most westerly corner of the existing bulkhead and pier line) whose coordinates in the Corps of Engineers Harbor Line System are north 4,616.76 and west 9,450.80, is declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States.

The line hereinbefore described shall be established as a combined pierhead and bulkhead line of the West River.

Any project heretofore authorized by an Act of Congress, insofar as such project relates to the above-described portion of the West River, is hereby abandoned.

The right to alter, amend, or repeal this section is expressly reserved.

(Aug. 9, 1955, ch. 649, 69 Stat. 576.)

§ 59a. Back Cove, Portland, Maine

(a) Portion declared nonnavigable

That portion of Back Cove at Portland, Maine, lying southerly of a line across the twelve-foot Federal project channel in Back Cove twenty-five hundred feet upstream from the Tukey Bridge, to the head of Back Cove, is declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States.

(b) Portion abandoned

That portion of the twelve-foot Federal project channel in Back Cove lying southerly of a line across the channel twenty-five hundred feet upstream from the Tukey Bridge, to the head of Back Cove, a distance of approximately thirty-five hundred feet, is abandoned.

(c) Preservation of right to alter, amend or repeal section

The right to alter, amend, or repeal this section is expressly reserved.

(Pub. L. 85-126, Aug. 13, 1957, 71 Stat. 344.)

§ 59b. Bayous Terrebonne and LeCarpe, Louisiana

Bayou Terrebonne west of Barrow Street and Bayou LeCarpe west of the Intracoastal Waterway in the city of Houma, State of Louisiana, are declared to be not navigable waters of the United States within the meaning of the Constitution and laws of the United States.

The right to alter, amend, or repeal this section is expressly reserved.

(Pub. L. 86-226, §§ 2, 3, Sept. 8, 1959, 73 Stat. 455.)

§ 59c. East River, New York

That portion of the East River, in New York County, State of New York, lying between the

south line of East Seventeenth Street, extended eastwardly, the United States pierhead line as it existed on July 1, 1965, and the south line of East Thirtieth Street, extended eastwardly, is hereby declared to be not a navigable water of the United States within the meaning of the Constitution and the laws of the United States.

(Pub. L. 89-298, title III, § 307, Oct. 27, 1965, 79 Stat. 1094.)

§ 59c-1. East and Hudson Rivers, New York

Those portions of the East and Hudson Rivers in New York County, State of New York, lying shoreward of a line within the United States Pierhead Line as it exists on August 13, 1968, and bounded on the north by the north side of Spring Street extended westerly and the south side of Robert F. Wagner, Senior Place extended eastwardly, are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled. Plans for bulkheading and filling shall be approved by the Secretary of the Army, acting through the Chief of Engineers, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling in order to preserve and maintain the remaining navigable waterway. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

(Pub. L. 90-483, title I, § 113, Aug. 13, 1968, 82 Stat. 736.)

§ 59c-2. East River, New York

If the Secretary of the Army, acting through the Chief of Engineers, finds that the proposed project to be erected at the location to be declared non-navigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of the bulkheading and filling and permanent pile-supported structures in order to preserve and maintain the remaining navigable waterway and on the basis of environmental studies conducted pursuant to the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], then those portions of the East River in New York County, State of New York, bounded and described as follows are hereby declared to be not navigable waters of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given to the filling in of all or any part thereof or the erection of permanent pile-supported structures thereon: That portion of the East River in New York County, State of New York, lying shoreward of a line with the United States pierhead line as it exists on March 7, 1974, bounded on the north by the south side of Rutgers Slip extended easterly, and bounded on the south by the southeasterly border of Battery Park at a point adjacent to the westerly end of South Street extended south by southwest, is hereby declared to be non-navigable waters of the United States. This declaration shall apply only to portions of the above-described area which are bulkheaded and filled or occupied by permanent pile-sup-

ported structures. Plans for bulkheading and filling and permanent pile-supported structures shall be approved by the Secretary of the Army, acting through the Chief of Engineers. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

(Pub. L. 93-251, title I, § 51, Mar. 7, 1974, 88 Stat. 26.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in text, 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.

§ 59c-3. Queens County, New York

(a) Description of nonnavigable area

Subject to subsections (b) and (c), the area of Long Island City, Queens County, New York, that—

- (1) is not submerged;
- (2) as of October 12, 1996, lies between the southerly high water line of Anable Basin (also known as the “11th Street Basin”) and the northerly high water line of Newtown Creek; and
- (3) extends from the high water line (as of October 12, 1996) of the East River to the original high water line of the East River;

is declared to be nonnavigable waters of the United States.

(b) Requirement that area be improved

(1) In general

The declaration of nonnavigability under subsection (a) shall apply only to those portions of the area described in subsection (a) that are, or will be, bulkheaded, filled, or otherwise occupied by permanent structures or other permanent physical improvements (including parkland).

(2) Applicability of Federal law

Improvements described in paragraph (1) shall be subject to applicable Federal laws, including—

- (A) sections 401 and 403 of this title;
- (B) section 1344 of this title;
- (C) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(c) Expiration date

The declaration of nonnavigability under subsection (a) shall expire with respect to a portion of the area described in subsection (a), if the portion—

- (1) is not bulkheaded, filled, or otherwise occupied by a permanent structure or other permanent physical improvement (including parkland) in accordance with subsection (b) by the date that is 20 years after October 12, 1996; or
- (2) requires an improvement described in subsection (b)(2) that is subject to a permit under an applicable Federal law, and the im-

provement is not commenced by the date that is 5 years after the date of issuance of the permit.

(Pub. L. 104-303, title V, § 556, Oct. 12, 1996, 110 Stat. 3782.)

Editorial Notes

REFERENCES IN TEXT

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.

§ 59d. River Raisin, Michigan

The old channel of the River Raisin in Monroe County, Michigan, lying between the Monroe Harbor range front light and Raisin Point, its entrance into Lake Erie, is declared to be not a navigable stream of the United States within the meaning of the Constitution and the laws of the United States, and the consent of Congress is hereby given for the filling in of the old channel by the riparian owners on such channel.

(Pub. L. 89-298, title III, § 308, Oct. 27, 1965, 79 Stat. 1094.)

§ 59e. Bayou Lafourche, Louisiana

Bayou Lafourche, in the State of Louisiana, between Canal Boulevard, city of Thibodaux, Parish of Lafourche, State of Louisiana, and the head of the bayou at its junction with the Mississippi River levee at the city of Donaldsonville, Parish of Ascension, State of Louisiana, is hereby declared to be a nonnavigable waterway of the United States within the meaning of the laws of the United States. The existing project for Bayou Lafourche, Louisiana, authorized by the Acts of August 30, 1935 (49 Stat. 1028) and July 14, 1960 (74 Stat. 480) is hereby deauthorized in the reach of Bayou Lafourche herein declared nonnavigable.

The right to alter, amend, or repeal this section is hereby expressly reserved.

(Pub. L. 90-149, Nov. 22, 1967, 81 Stat. 507.)

Editorial Notes

REFERENCES IN TEXT

The provisions of the Acts of August 30, 1935 (49 Stat. 1028) and July 14, 1960 (74 Stat. 480), referred to in text, authorizing the Bayou Lafourche, Louisiana, project, are not classified to the Code.

Statutory Notes and Related Subsidiaries

PORTION OF BAYOU LAFOURCHE DECLARED TO BE NAVIGABLE WATERWAY

Pub. L. 101-595, title III, § 314, Nov. 16, 1990, 104 Stat. 2987, provided that: “Bayou Lafourche, in the State of Louisiana, between the Percy Brown Road (Hwy 648), city of Thibodaux, parish of Lafourche, and the Southern Pacific Railroad bridge crossing the bayou, city of Thibodaux, parish of Lafourche, is declared to be navigable waterway of the United States under chapter 11 of title 33, United States Code.”