

more particularly described in the Congressional Record dated March 11, 1986, pages S2446-2447, 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, except for the purposes of the Federal Water Pollution Control Act [33 U.S.C. 1251 et seq.].

(Pub. L. 99-662, title XI, §1118, Nov. 17, 1986, 100 Stat. 4237.)

#### Editorial Notes

##### REFERENCES IN TEXT

For Congressional Record dated March 11, 1986, pages S2446-2447, referred to in text, see Cong. Rec., vol. 132, pt. 3, pp. 4342-4343, Mar. 11, 1986.

The Federal Water Pollution Control Act, referred to in text, is act June 30, 1948, ch. 758, as amended generally by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816, which is classified generally to chapter 26 (§1251 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1251 of this title and Tables.

#### § 59o. Hackensack River, Hudson County, New Jersey

(a) 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 nonnavigable under this section is in the public interest, on the basis of engineering studies to determine the location and structural stability of any bulkheading and filling and permanent pile-supported structure, 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 Hackensack River in Hudson County, State of New Jersey, bounded and described as follows are hereby declared to be nonnavigable 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 and the erection of permanent pile-supported structures thereon:

Beginning at a point where the southeasterly shoreline (mean high water line) of the Hackensack River intersects the easterly line of the Erie Railroad said point property being 2,015.38 feet northerly along said railroad property from where it intersects the northerly line of the Meadowlands Parkway (100 feet wide) and running from:

thence north 19 degrees 20 minutes 54 seconds west 50.00 feet;

thence north 37 degrees 30 minutes 08 seconds east 615.38 feet;

thence north 03 degrees 02 minutes 56 seconds east, 2,087 feet;

thence north 31 degrees 11 minutes 06 seconds east 577 feet;

thence north 74 degrees 29 minutes 18 seconds east 541.25 feet;

thence south 62 degrees 01 minutes 31 seconds east 400 feet;

thence south 55 degrees 46 minutes 27 seconds east 612.52 feet;

thence south 34 degrees 13 minutes 33 seconds west 517.79 feet;

thence south 55 degrees 46 minutes 27 seconds east 158.81 feet;

thence south 34 degrees 13 minutes 33 seconds west 310 feet;

thence north 55 degrees 26 minutes 27 seconds north 15 feet;

thence south 34 degrees 13 minutes 33 seconds west 592 feet;

thence running in a southwesterly direction along the shoreline (mean high water line) of the Hackensack River, a distance of 2,360 feet being the same more or less to the easterly property line of the Erie Railroad and the point or place of beginning.

Said parcel containing 67.6 acres being the same more or less.

(b) The declaration in subsection (a) of this section shall apply only to portions of the described area which are either bulkheaded and filled or occupied by permanent pile-supported 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. 94-587, §179, Oct. 22, 1976, 90 Stat. 2938.)

#### Editorial Notes

##### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (a), 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.

#### § 59p. Kenduskeag Stream, Penobscot County, Maine

The Kenduskeag Stream, a minor tributary of the Penobscot River, located in Penobscot County, in the State of Maine, be, and the same is hereby, declared to be a nonnavigable waterway within the meaning of the Constitution and laws of the United States of America.

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

(July 11, 1947, ch. 236, 61 Stat. 316.)

#### § 59q. Erie Basin, Buffalo Harbor, New York

That portion of the Erie Basin in the Buffalo Harbor lying within the following described area 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. 96-520, §1, Dec. 12, 1980, 94 Stat. 3033.)

#### Editorial Notes

##### REFERENCES IN TEXT

The following described area, referred to in text, refers to the metes and bounds description of that portion of the Erie Basin in the Buffalo Harbor set out in the second paragraph of section 1 of Pub. L. 96-520, Dec. 12, 1980, 94 Stat. 3033-3035, which is not classified to the Code.

**§ 59q-1. Union Canal, Outer Buffalo Harbor, New York**

The portion of the Union Canal, also known as the Union Ship Canal, an appendage of the Buffalo Outer Harbor, located in the City of Buffalo, State of New York, is declared to be a nonnavigable waterway of the United States within the meaning of the General Bridge Act of 1946 (33 U.S.C. 525, et seq.) from a point two hundred feet west of Fuhrmann Boulevard east to its terminus.

(Pub. L. 100-202, §101(*l*) [title III, §332], Dec. 22, 1987, 101 Stat. 1329-358, 1329-384.)

**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.

**§ 59r. Trent River, Craven County, North Carolina**

Those portions of the Trent River in the city of New Bern, county of Craven, State of North Carolina, bounded and described in Committee Print 95-56 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States within the meaning of the laws of the United States.

(Pub. L. 96-520, §3, Dec. 12, 1980, 94 Stat. 3036.)

**Statutory Notes and Related Subsidiaries**

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

**§ 59s. Green River, Washington**

For the purposes of section 401 of this title, the portion of the Green River in the State of Washington lying upstream from that State Highway 516 bridge which is in existence on October 26, 1981, is hereby declared to be not a navigable waterway.

(Pub. L. 97-68, §2(b), Oct. 26, 1981, 95 Stat. 1040.)

**§ 59t. Burnham Canal, Milwaukee, Wisconsin**

The portion of the Burnham Canal, in Milwaukee, Wisconsin, which is underneath and west of a point one hundred feet east of South Eleventh Street is declared to be not a navigable water 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 hereby expressly reserved.

(Pub. L. 97-468, title V, §503, Jan. 14, 1983, 96 Stat. 2552.)

**§ 59u. Lawyer's Ditch, Essex County, New Jersey**

The body of water known as Lawyer's Ditch located at block 5,000 in the city of Newark,

county of Essex, New Jersey, is declared to be a nonnavigable waterway of the United States within the meaning of the General Bridge Act of 1946 (33 U.S.C. 525 et seq.).

(Pub. L. 99-307, §3, May 19, 1986, 100 Stat. 446.)

**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.

**§ 59v. Middle River, Maryland**

**(a) Description**

That portion of the waterway in which is located Dark Head Creek in the community of Middle River, Baltimore County, Maryland, lying northwest of a line extending south 68 degrees 37 minutes 56 seconds west from a point (227.50 feet from the northeast corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544967.24 and east 962701.05 (latitude north 39 degrees 19 minutes 42 seconds and longitude west 76 degrees 25 minutes 29.5 seconds) and thence south 44 degrees 48 minutes 20 seconds west, 350.12 feet to a point (at the southwest corner of the existing bulkhead and pier line) whose coordinates in the Maryland State Coordinate System are north 544635.94 and east 962242.46 (latitude north 39 degrees 19 minutes 39 seconds and longitude west 76 degrees 25 minutes 35.4 seconds), is declared to be a nonnavigable water of the United States for purposes of the navigation servitude.

**(b) Pierhead and bulkhead line of Dark Head Creek**

The line described in subsection (a) shall be established as a combined pierhead and bulkhead line of Dark Head Creek.

**(c) Previously authorized projects**

Any project heretofore authorized by any Act of Congress, insofar as such project is within the boundaries of Dark Head Creek as described in subsection (a), is not authorized after November 17, 1986.

**(d) Reservation of rights**

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

(Pub. L. 99-662, title XI, §1160, Nov. 17, 1986, 100 Stat. 4257.)

**§ 59w. Norton Basin and Jamaica Bay, New York**

The two portions of Norton Basin and Jamaica Bay, New York, that are particularly described in Committee Print 99-58 of the Committee on Public Works and Transportation of the House of Representatives are hereby declared to be nonnavigable waters of the United States for purposes of the navigation servitude.

(Pub. L. 99-662, title XI, §1168, Nov. 17, 1986, 100 Stat. 4259.)