

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

(Feb. 24, 1934, ch. 25, §§ 1, 2, 48 Stat. 356.)

#### § 49. Bayou Saint John in New Orleans

Bayou Saint John, in the city of New Orleans, Louisiana, is declared to be not a navigable water of the United States within the meaning of the laws enacted by Congress for the preservation and protection of such waters.

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

(June 5, 1936, ch. 530, §§ 1, 2, 49 Stat. 1484.)

#### § 50. Turtle Bay and Turtle Bayou, Texas

Turtle Bay and Turtle Bayou, in Chambers County, in the State of Texas, are declared to be nonnavigable waterways within the meaning of the Constitution and laws of the United States of America.

The existing project for Turtle Bayou, Texas, authorized by the Rivers and Harbors Act approved June 25, 1910 (Act June 25, 1910, ch. 382, 36 Stat. 630), is abandoned.

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

(Mar. 10, 1937, ch. 36, §§ 1-3, 50 Stat. 28.)

#### REFERENCES IN TEXT

The Rivers and Harbors Act approved June 25, 1910, referred to in text, is act June 25, 1910, ch. 382, 36 Stat. 630, as amended, which is classified to sections 546, 564, and 643 of this title. For complete classification of this Act to the Code, see Tables.

#### § 51. Scajaquada Creek, New York

Scajaquada Creek, Erie County, New York, is declared to be nonnavigable east of a line one hundred and thirty feet west of the west line of Niagara Street, city of Buffalo, county of Erie, New York, within the meaning of the Constitution and laws of the United States.

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

(May 14, 1937, ch. 183, §§ 1, 2, 50 Stat. 165.)

#### § 52. Park River, Connecticut

The Park River, a minor tributary of the Connecticut River, located in Hartford County, Connecticut, is 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 expressly reserved.

(May 24, 1937, ch. 246, §§ 1, 2, 50 Stat. 201.)

#### § 53. Benton Harbor Canal, Michigan

The Benton Harbor Canal at and above the west line of Ninth Street, in the city of Benton Harbor and State of Michigan, 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 expressly reserved.

(June 2, 1937, ch. 288, §§ 1-3, 50 Stat. 243.)

#### § 53a. Additional portion of Benton Harbor Canal, abandoned as navigable water

The Benton Harbor Canal, from the west line of Ninth Street extended northerly to the west line of Riverview Drive extended northerly in the city of Benton Harbor and State of Michigan, be, and the same is hereby, declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

(Pub. L. 88-88, § 1, Aug. 5, 1963, 77 Stat. 118.)

#### § 54. Burr Creek, Bridgeport, Connecticut

That portion of Burr Creek in the city of Bridgeport, Connecticut, lying north of a line across the creek beginning at the point of intersection of the south side of Yacht Street extended and the west harbor line of the harbor lines established by the Secretary of War December 9, 1924, thence south eighty-five degrees forty-six minutes seventeen seconds east to the east harbor line of said creek, is declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

Any project heretofore authorized by any Act of Congress, insofar as such project relates to the above described portion of Burr Creek in the city of Bridgeport, Connecticut, is abandoned.

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

(Aug. 12, 1937, ch. 607, 50 Stat. 632; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

#### CHANGE OF NAME

Department of War designated Department of the Army and title of Secretary of War changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted "Title 10, Armed Forces" which in sections 3010 to 3013 continued Department of the Army under administrative supervision of Secretary of the Army.

#### § 55. Bayou Savage (or Chantilly) in New Orleans

Bayou Savage, also styled Bayou Chantilly, in the city of New Orleans, Louisiana, is declared to be a nonnavigable waterway within the meaning of the Constitution and laws of the United States.

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

(Aug. 16, 1937, ch. 650, 50 Stat. 649.)

#### § 56. Fort Point Channel and South Bay, Boston, Massachusetts

The portion of the tidewaters in the waterway in which is located Fort Point Channel and South Bay in the city of Boston, Massachusetts, lying above the easterly side of the highway bridge over Fort Point Channel at Dorchester Avenue in the city of Boston is declared to be a nonnavigable 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 expressly reserved.

(May 13, 1955, ch. 37, 69 Stat. 48.)

**§ 57. Pike Creek, Wisconsin**

Pike Creek, in the State of Wisconsin, above the easterly side of the highway bridge at Sixth Avenue in the city of Kenosha is declared to be a nonnavigable stream within the meaning of the Constitution and laws of the United States.

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

(July 26, 1955, ch. 377, 69 Stat. 373.)

**§ 58. Acushnet River section of New Bedford and Fairhaven Harbor, Massachusetts**

The portion of the waterway in the city of New Bedford and the towns of Fairhaven and Acushnet lying north of the Coggeshall Street Bridge (north 41 degrees 31 minutes 00 seconds), is declared to be a nonnavigable water of the United States within the meaning of the Constitution and laws of the United States. Any project heretofore authorized by any Act of Congress, insofar as such project relates to the above-described portions of the Acushnet River section of New Bedford and Fairhaven Harbor, is hereby abandoned.

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 perma-