

Date of 1958 Amendment note under section 441 of this title.

§ 452. Taking shellfish or otherwise interfering with navigation in New York Harbor channels; penalty; arrest and procedure

It shall be unlawful for any person or persons to engage in fishing or dredging for shellfish in any of the channels leading to and from the harbor of New York, or to interfere in any way with the safe navigation of those channels by ocean steamships and ships of deep draft.

Any person or persons violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine or imprisonment, or both, such fine to be not more than \$250 nor less than \$50, and the imprisonment to be not more than six months nor less than thirty days, either or both united, as the judge before whom conviction is obtained shall decide.

It shall be the duty of the United States supervisor of the harbor to enforce this section, and the deputy inspectors of the said supervisor shall have authority to arrest and take into custody, with or without process, any person or persons, who may commit any of the acts or offenses prohibited by this section: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspector or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a magistrate judge, judge, or court of the United States for examination of the offenses alleged against him; and such magistrate judge, judge or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

(Aug. 18, 1894, ch. 299, § 2, 28 Stat. 360; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

Section was not enacted as part of act June 29, 1888, ch. 496, 25 Stat. 209, which comprises this subchapter.

CHANGE OF NAME

“Magistrate judge” substituted in text for “magistrate” pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, “magistrate” was substituted for “commissioner” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 453. Regulations for navigation of Ambrose Channel; exclusion of tows and sailing vessels

The Secretary of the Army is authorized to make such rules and regulations for the navigation of Ambrose Channel as he may deem necessary or expedient to insure its safe use in all kinds of weather, night and day, for all vessels under control and running under their own power, and to this end he may, in his discretion, forbid its use to tows of every description and to sailing vessels.

(Mar. 4, 1913, ch. 144, § 1, 37 Stat. 803; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section was not enacted as part of act June 29, 1888, ch. 496, 25 Stat. 209, which comprises this subchapter.

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.

§ 454. Consent of Congress to obstruction of waters by New York City

The consent of Congress is given to the city of New York, in the State of New York, to obstruct navigation of any river or other waterway which does not form a connecting link between other navigable waters of the United States, and lying wholly within the limits of said city, by closing all or any portion of the same or by building structures in or over the same when the said city shall be lawfully authorized to do so by the State of New York: *Provided, however*, That any such obstruction shall be unlawful unless the location and plans for the proposed work or works before the commencement thereof shall have been filed with and approved by the Secretary of the Army and Chief of Engineers; and when the plans for any such obstruction have been approved by the Chief of Engineers and by the Secretary of the Army it shall not be lawful to deviate from such plans either before or after the completion of such obstruction, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and the Secretary of the Army: *And provided further*, That the city of New York shall be liable for any damage that may be inflicted upon private property by reason of any of the provisions of this section.

The right to alter, amend, or repeal this section is expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the city of New York, or to the owner or owners, or any other persons interested in any obstruction which shall have been constructed under its provisions.

(June 25, 1910, ch. 436, §§ 1, 2, 36 Stat. 866, 867; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section was not enacted as part of act June 29, 1888, ch. 496, 25 Stat. 209, which comprises this subchapter.

CHANGE OF NAME

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TRANSFER OF FUNCTIONS

Functions, powers, and duties of Secretary of the Army and other offices and officers of Department of

the Army under section 401 of this title to extent that they relate generally to location and clearances of bridges and causeways in navigable waters of United States transferred to and vested in Secretary of Transportation by Pub. L. 89-670, §6(g)(6)(A), Oct. 15, 1966, 80 Stat. 941. Pub. L. 97-449 amended section 401 of this title to reflect transfer made by section 6(g)(6)(A) of Pub. L. 89-670, and repealed section 6(g)(6)(A).

SUBCHAPTER IV—POTOMAC RIVER AND TRIBUTARIES IN DISTRICT OF COLUMBIA

§§ 461 to 464. Repealed. Mar. 3, 1901, ch. 854, § 1636, 31 Stat. 1434

Section 461, act May 19, 1896, ch. 208, §1, 29 Stat. 126, prohibited deposit of ballast, dirt, ashes or oyster shells into Potomac River except for purpose of making a wharf and then only after approval.

Section 462, act May 19, 1896, ch. 208, §2, 29 Stat. 127, prohibited deposit of dead fish, dead animals, fruits, vegetables, ice, snow, filth or trash of any kind into Potomac River.

Section 463, act May 19, 1896, ch. 208, §3, 29 Stat. 127, related to penalties.

Section 464, act May 19, 1896, ch. 208, §4, 29 Stat. 127, provided that none of these provisions be construed to interfere with any work or improvements in harbor or river area.

SUBCHAPTER V—NAVIGABLE WATERS OF MARYLAND

§ 465. Authority to dredge; riparian rights of United States

Subject to the provisions of section 403 of this title authority is granted to dredge, without cost to the United States, in the navigable waters of the United States included within the State of Maryland and outside the limits of projects for improvement of navigation facilities approved by Congress, regardless of rights accruing to the United States as riparian owner under the laws of the State of Maryland: *Provided*, That in the opinion of the Chief of Engineers such dredging will improve facilities for navigation.

(July 3, 1930, ch. 847, §12, 46 Stat. 949.)

SUBCHAPTER VI—WATER POLLUTION CONTROL

§§ 466 to 466g. Transferred

CODIFICATION

Sections 466 to 466g of this title were transferred to sections 1151 to 1160 of this title and were subsequently omitted in the general amendment of the Federal Water Pollution Control Act by Pub. L. 92-500, §2, Oct. 18, 1972, 86 Stat. 816. See section 1251 et seq. of this title.

Section 466, acts June 30, 1948, ch. 758, §1, 62 Stat. 1155; July 9, 1956, ch. 518, §1, 70 Stat. 498; July 20, 1961, Pub. L. 87-88, §1(a), 75 Stat. 204; Oct. 2, 1965, Pub. L. 89-234, §1(a), 79 Stat. 903; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), (e)(1), 5, 31 F.R. 6857, 80 Stat. 1608, which related to Congressional declaration of policy, was transferred to section 1151 of this title.

Section 466-1, act June 30, 1948, ch. 758, §2, as added Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; amended 1966 Reorg. Plan. No. 2, eff. May 10, 1966, §1(a), (b), 31 F.R. 6857, 80 Stat. 1608; Apr. 3, 1970, Pub. L. 91-224, title I, §110(a), 84 Stat. 113, which provided for a Federal Water Quality Administration, was transferred to section 1152 of this title.

Section 466a, acts June 30, 1948, ch. 758, §3, formerly §2, 62 Stat. 1155; July 9, 1956, ch. 518, §1, 70 Stat. 498;

July 20, 1961, Pub. L. 87-88, §§1(b), 2, 75 Stat. 204; renumbered §3, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; Nov. 3, 1966, Pub. L. 89-753, title I, §101, 80 Stat. 1246, which provided for comprehensive water pollution programs, was transferred to section 1153 of this title.

Section 466b, acts June 30, 1948, ch. 758, §4, formerly §3, 62 Stat. 1157; July 9, 1956, ch. 518, §1, 70 Stat. 498; July 20, 1961, Pub. L. 87-88, §1(b), 75 Stat. 204; renumbered §4, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903, which provided for interstate cooperation, was transferred to section 1154 of this title.

Section 466c, acts June 30, 1948, ch. 758, §5, formerly §4, 62 Stat. 1158; July 9, 1956, ch. 518, §1, 70 Stat. 499; July 20, 1961, Pub. L. 87-88, §§1(b), (c), 3, 75 Stat. 204, 205; renumbered §5, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), 31 F.R. 6857, 80 Stat. 1608; Nov. 3, 1966, Pub. L. 89-753, title II, §201(b), (c)(1), 80 Stat. 1247, 1248; Apr. 3, 1970, Pub. L. 91-224, title I, §105, 84 Stat. 111, which provided for research, experiments, and studies, was transferred to section 1155 of this title.

Section 466c-1, act June 30, 1948, ch. 758, §6, as added Oct. 2, 1965, Pub. L. 89-234, §3, 79 Stat. 905; amended Nov. 3, 1966, Pub. L. 89-753, title II, §201(a), 80 Stat. 1246; Apr. 3, 1970, Pub. L. 91-224, title I, §106, 84 Stat. 113, which provided grants for research and development, was transferred to section 1156 of this title.

Section 466d, acts June 30, 1948, ch. 758, §7, formerly §5, 62 Stat. 1158; July 9, 1956, ch. 518, §1, 70 Stat. 499; June 25, 1959, Pub. L. 86-70, §28(a), 73 Stat. 148; July 12, 1960, Pub. L. 86-624, §23(a), 74 Stat. 417; July 20, 1961, Pub. L. 87-88, §§1(b), 4(a), (b), 75 Stat. 204, 205; renumbered §7 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 7(a), 79 Stat. 903, 910; Nov. 3, 1966, Pub. L. 89-753, title II, §202, 80 Stat. 1248, which provided grants for water pollution control programs, was transferred to section 1157 of this title.

Section 466e, acts June 30, 1948, ch. 758, §8, formerly §6, 62 Stat. 1158; July 9, 1956, ch. 518, §1, 70 Stat. 502; July 20, 1961, Pub. L. 87-88, §§1(b), 5, 75 Stat. 204, 206; renumbered §8 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 4, 7(b), 79 Stat. 903, 906, 910; Nov. 3, 1966, Pub. L. 89-753, title II, §§203(a), 204, 205, 80 Stat. 1248-1250; Apr. 3, 1970, Pub. L. 91-224, title I, §111, 84 Stat. 113, which provided grants for construction of sewerage treatment works, was transferred to section 1158 of this title.

Section 466f, acts June 30, 1948, ch. 758, §9, formerly §7, 62 Stat. 1159; July 17, 1952, ch. 927, 66 Stat. 755; July 9, 1956, ch. 518, §1, 70 Stat. 503; July 20, 1961, Pub. L. 87-88, §§1(b)-(d), 6(a), (b), 75 Stat. 204, 207; renumbered §9, Oct. 2, 1965, Pub. L. 89-234, §2(a), 79 Stat. 903; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), (c)(1), (2), 31 F.R. 6857, 80 Stat. 1608, which provided for a Water Pollution Control Advisory Board, was transferred to section 1159 of this title.

Section 466g, acts June 30, 1948, ch. 758, §10, formerly §8, 62 Stat. 1159; July 17, 1952, ch. 927, 66 Stat. 755; July 9, 1956, ch. 518, §1, 70 Stat. 504; July 20, 1961, Pub. L. 87-88, §§1(b), 7, 75 Stat. 204, 207; renumbered §10 and amended Oct. 2, 1965, Pub. L. 89-234, §§2(a), 5, 7(c), (d), 79 Stat. 903, 907, 910; 1966 Reorg. Plan No. 2, eff. May 10, 1966, §1(a), (d)(1), (2), 31 F.R. 6857, 80 Stat. 1608; Nov. 3, 1966, Pub. L. 89-753, title II, §§206-208, 80 Stat. 1250; Apr. 3, 1970, Pub. L. 91-224, title I, §112, 84 Stat. 114, which provided for enforcement measures against pollution of interstate or navigable waters, was transferred to section 1160 of this title.

§ 466g-1. Controversies involving construction or application of interstate compacts and pollution of waters

(a) Jurisdiction of actions by States

The United States district courts shall have original jurisdiction (concurrent with that of the Supreme Court of the United States, and concurrent with that of any other court of the United States or of any State of the United States in matters in which the Supreme Court,