

are 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, 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. Local interests shall reimburse the Federal Government for any engineering costs incurred under this section.

(Pub. L. 90-483, title I, §114, Aug. 13, 1968, 82 Stat. 736.)

REFERENCES IN TEXT

Section 1770 of the State of California Harbor and Navigation Code was repealed by Cal. Stats. 1970, ch. 385, p. 799, §2.

§ 59h-1. San Francisco, California, waterfront area

(a) Area to be declared nonnavigable; public interest

Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects to be undertaken within the boundaries of the portion of the San Francisco, California, waterfront area described in subsection (b) are not in the public interest, such portion is declared to be nonnavigable waters of the United States.

(b) Northern embarcadero south of Bryant Street

The portion of the San Francisco, California, waterfront area referred to in subsection (a) is as follows: Beginning at the intersection of the northeasterly prolongation of that portion of the northwesterly line of Bryant Street lying between Beale Street and Main Street with the southwesterly line of Spear Street, which intersection lies on the line of jurisdiction of the San Francisco Port Commission; following thence southerly along said line of jurisdiction as described in the State of California Harbor and Navigation Code Section 1770, as amended in 1961, to its intersection with the southeasterly line of Townsend Street; thence northeasterly along said southeasterly line of Townsend Street, to its intersection with a line that is parallel and distant 10 feet southerly from the existing southern boundary of Pier 40 produced; thence easterly along said parallel line, to its point of intersection with the United States Government Pierhead line; thence northerly along said Pierhead line to its intersection with a line parallel with, and distant 10 feet easterly from, the existing easterly boundary line of Pier 30-32; thence northerly along said parallel line and its northerly prolongation, to a point of intersection with a line parallel with, and distant 10 feet northerly from, the existing northerly boundary of Pier 30-32; thence westerly along last said parallel line to its intersection with the United States Government Pierhead line; thence northerly along said Pierhead line, to its intersection aforementioned northwesterly line of Bryant Street produced northeasterly; thence southwesterly along said northwesterly line of Bryant Street produced to the point of beginning.

(c) Requirement that area be improved

The declaration of nonnavigability under subsection (a) applies only to those parts of the area described in subsection (b) that are or will be bulkheaded, filled, or otherwise occupied by permanent structures and does not affect the applicability of any Federal statute or regulation applicable to such parts the day before November 8, 2007, including sections 401 and 403 of this title, section 1344 of this title, and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) Expiration date

If, 20 years from November 8, 2007, any area or part thereof described in subsection (b) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (c), or if work in connection with any activity permitted in subsection (c) is not commenced within 5 years after issuance of such permits, then the declaration of nonnavigability for such area or part thereof shall expire.

(Pub. L. 110-114, title V, §5052, Nov. 8, 2007, 121 Stat. 1211.)

REFERENCES IN TEXT

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

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110-114, set out as a note under section 2201 of this title.

§ 59i. Patapsco River, Maryland

That portion of the Northwest Branch of the Patapsco River located generally south of Pratt Street, east of Light Street, north of Key Highway, in the city of Baltimore, State of Maryland, and being more particularly described as all of that portion of the Northwest Branch of the Patapsco River lying west of a series of lines beginning at the point formed by the intersection of the south side of Pratt Street, as now laid out, and the west side of Pier 3 and running thence binding on the west side of Pier 3, south 04 degrees 19 minutes 47 seconds east 726.59 feet to the southwest corner of Pier 3; thence crossing the Northwest Branch of the Patapsco River, south 23 degrees 01 minutes 15 seconds west 855.36 feet to the point formed by the intersection of the existing pierhead and bulkhead line and the east side of Battery Avenue, last said point of intersection being the end of the first line of the fourth parcel of land conveyed by J. and F. Realty, Incorporated to Allegheny Pepsi-Cola Bottling Company by deed dated December 22, 1965, and recorded among the Land Record of Baltimore City in Liber J. F. C. numbered 2006 folio 345, the location of said pierhead and bulkhead line is based upon the Corps of Engineers, Baltimore District, Baltimore, Maryland, coordinate value for station LIV of said pierhead and bulkhead line, the coordinate value as referred

to the Lambert grid plane coordinate system for the State of Maryland of said station LIV being east 2,111,161.40, north 527,709.27 and thence binding on the east side of Battery Avenue, south 03 degrees 09 minutes 07 seconds east 568 feet, more or less, to intersect the north side of Key Highway as now laid out and located is hereby declared to be not a navigable stream of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given for the filling in of all or any part of the described area.

(Pub. L. 90-483, title I, §115, Aug. 13, 1968, 82 Stat. 736.)

§ 59j. Delaware River, Philadelphia County, Pennsylvania; permanent structures

That portion of the Delaware River in Philadelphia County, Commonwealth of Pennsylvania, lying between all that certain lot or piece of ground situate in the second and fifth wards of the city of Philadelphia described as follows:

Beginning at a point on the easterly side of Delaware Avenue (variable width) said side being the bulkhead line of the Delaware River (approved by the Secretary of War on September 10, 1940), at the distance of 1,833.652 feet from an angle point on the easterly side of said Delaware Avenue south of Washington Avenue;

thence extending along the easterly side of said Delaware Avenue the following courses and distances, (1) north 0 degree 45 minutes 33.2 seconds west 2,524.698 feet to a point; (2) north 9 degrees 36 minutes 25 seconds east, 2,168.160 feet to a point; (3) north 13 degrees 26 minutes 45.8 seconds east, 2,039.270 feet to a point; (4) north 20 degrees 12 minutes 52.4 seconds east, 35.180 feet to an angle point in Delaware Avenue; thence continuing north 20 degrees 12 minutes 52.4 seconds east along the said bulkhead line, the distance of 574.970 feet to a point on the south house line of Callowhill Street produced;

thence extending along the south house line of Callowhill Street produced south 80 degrees 47 minutes 30.6 seconds east, the distance of 523.908 feet to a point on the pierhead line of the Delaware River (approved by the Secretary of War on September 10, 1940);

thence extending along the said pierhead line the following courses and distances, (1) south 17 degrees 52 minutes 48.5 seconds west, 605.262 feet to a point; (2) south 14 degrees 14 minutes 14.7 seconds west, 1,372.530 feet to a point; (3) south 10 degrees 37 minutes 35.3 seconds west, 1,252.160 feet to a point; (4) south 8 degrees 23 minutes 50.4 seconds west, 1,450.250 feet to a point; (5) south 2 degrees 22 minutes 45.9 seconds west, 1,221.670 feet to a point; (6) south 1 degree 4 minutes 36 seconds east, 1,468.775 feet to a point on the north house line of Catherine Street extended, thence extending north 76 degrees 56 minutes 29.2 seconds west, the distance of 555.911 feet to the first mentioned point and place of beginning is hereby declared not to be a navigable water of the United States within the meaning of the Constitution and laws of the United States, and the Consent of Congress is hereby given, for the filling or erection of permanent structures in all or any part of the described area.

(Pub. L. 92-605, §1, Oct. 31, 1972, 86 Stat. 1493.)

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.

PERMANENT STRUCTURES IN ABOVE-DESCRIBED AREA;
APPROVAL OF PLANS

Pub. L. 92-605, §2, Oct. 31, 1972, 86 Stat. 1494, provided that: "This declaration [this section] shall apply only to portions of the above-described area which are filled or occupied by permanent structures. No such filling or erection of structures in the above-described area shall be commenced until the plans therefor have been approved by the Secretary of the Army who shall, prior to granting such approval, give consideration to all factors affecting the general public interest and the impact of the proposed work on the environment."

§ 59j-1. Declaration of nonnavigability for portions of the Delaware River

(a) Area to be declared non-navigable; public interest

Unless the Secretary finds, after consultation with local and regional public officials (including local and regional public planning organizations), that the proposed projects in Philadelphia, Pennsylvania, to be undertaken within the boundaries described below, are not in the public interest then, subject to subsections (b) and (c) of this section, those portions of the Delaware River, bounded and described as follows, are declared to be non-navigable waters of the United States:

- (1) LIBERTY LANDING. [Omitted]
- (2) MARINA TOWERS AND WORLD TRADE CENTER—PIER 25 NORTH. [Omitted]
- (3) MARINE TRADE CENTER—PIER 24 NORTH. [Omitted]
- (4) NATIONAL SUGAR COMPANY "SUGAR HOUSE". [Omitted]
- (5) RIVERCENTER. [Omitted]

(b) Limits on applicability; regulatory requirements

The declaration under subsection (a) shall apply only to those parts of the areas described in subsection (a) of this section which are or will be bulkheaded and filled or otherwise occupied by permanent structures, including marina facilities. All such work is subject to all applicable Federal statutes and regulations, including, but not necessarily limited to, sections 401 and 403 of this title, section 1344 of this title, and the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.].

(c) Expiration date

If, 20 years from November 17, 1988, any area or part thereof described in subsection (a) is not bulkheaded or filled or occupied by permanent structures, including marina facilities, in accordance with the requirements set out in subsection (b) of this section, or if work in connection with any activity permitted in subsection (b) is not commenced within 5 years after issu-