

ance of such permits, then the declaration of non-navigability for such area or part thereof shall expire. Notwithstanding the preceding sentence, the declaration of nonnavigability for the area described in subsection (a)(5), or any part thereof, shall not expire.

(Pub. L. 100-676, §38, Nov. 17, 1988, 102 Stat. 4032; Pub. L. 110-114, title III, §3181(g), Nov. 8, 2007, 121 Stat. 1162; Pub. L. 114-322, title I, §1310, Dec. 16, 2016, 130 Stat. 1694.)

#### REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, as amended, 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.

#### CODIFICATION

The text of the boundary descriptions contained in pars. (1) to (5) of subsec. (a), which is not set out in the Code, appears at 102 Stat. 4032 to 4038.

#### AMENDMENTS

2016—Subsec. (c). Pub. L. 114-322 struck out “(except 30 years from November 17, 1988, in the case of the area or any part thereof described in subsection (a)(5))” after “in subsection (a)” and inserted at end “Notwithstanding the preceding sentence, the declaration of nonnavigability for the area described in subsection (a)(5), or any part thereof, shall not expire.”

2007—Subsec. (c). Pub. L. 110-114 substituted “subsection (a) (except 30 years from November 17, 1988, in the case of the area or any part thereof described in subsection (a)(5))” for “subsection (a) of this section”.

#### “SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 100-676, set out as a note under section 2201 of this title.

### § 59k. Wicomico River, Maryland

(a) If the Secretary of the Army acting through the Chief of Engineers, finds that the proposed project in Salisbury, Maryland, to be undertaken at the locations 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 any 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 South Prong of the Wicomico River in Wicomico County, State of Maryland, bounded and described as follows, are declared to be not a navigable water of the United States within the meaning of the laws of the United States, and the consent of Congress is hereby given, consistent with subsection (b) of this section, to the filling in of a part thereof or the erection of permanent pile-supported structures thereon: That portion of the South Prong of the Wicomico River in Salisbury, Maryland, bounded on the east by the west side of United States Route 13; on the west by the west side of the Mill Street Bridge; on the south by a line five feet landward from the present water’s edge at high tide extending the entire length of the

South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge; and on the north by a line five feet landward from the present water’s edge at high tide extending the entire length of the South Prong from the east boundary at United States Route 13 to the west boundary at the Mill Street Bridge.

(b) This declaration shall apply only to the portions of the areas described in subsection (a) which are 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. Such bulkheaded and filled areas or areas occupied by permanent pile-supported structures shall not reduce the existing width of the Wicomico River to less than sixty feet and a minimum depth of five feet shall be maintained within such sixty-foot width of the Wicomico River. Local interests shall reimburse the Federal Government for engineering and all other costs incurred under this section.

(Pub. L. 93-251, title I, §97, Mar. 7, 1974, 88 Stat. 40.)

#### 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, as amended, 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.

### § 59l. Nonapplicability of prohibitions and provisions for review and approval concerning wharves and piers

The prohibitions and provisions for review and approval concerning wharves and piers in waters of the United States as set forth in sections 403 and 565 of this title shall not apply to any body of water located entirely within one State which is, or could be, considered to be a navigable body of water of the United States solely on the basis of historical use in interstate commerce.

(Pub. L. 94-587, §154, Oct. 22, 1976, 90 Stat. 2932.)

### § 59m. Lake Oswego, Oregon; Lake Coeur d’Alene, Idaho; and Lake George, New York

For the purposes of section 403 of this title the following bodies of water are declared non-navigable: Lake Oswego, Oregon; Lake Coeur d’Alene, Idaho; and Lake George, New York.

(Pub. L. 94-587, §162, Oct. 22, 1976, 90 Stat. 2934.)

#### CODIFICATION

“Section 403 of this title” substituted in text for “section 10 of the Act of March 3, 1899 (30 Stat. 1151) (33 U.S.C. 401)” as the probable intent of Congress in that section 10 of said act is set out as section 403 of this title while section 401 of this title is based on section 9 of the act of Mar. 3, 1899.

### § 59n. Hudson 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