

between, the Great Lakes, the Secretary shall conduct such dredging as is necessary to ensure minimal operation depths consistent with the original authorized depths of the channels and harbors when water levels in the Great Lakes are, or are forecast to be, below the International Great Lakes Datum of 1985.

(Pub. L. 106-541, title III, §343, Dec. 11, 2000, 114 Stat. 2613.)

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 106-541, set out as a note under section 2201 of this title.

§ 4260-2. Great Lakes navigation and protection

(a) Great Lakes navigation

Using available funds, the Secretary shall expedite the operation and maintenance, including dredging, of the navigation features of the Great Lakes and Connecting Channels for the purpose of supporting commercial navigation to authorized project depths.

(b) Great Lakes pilot project

Using available funds, the Director of the Animal and Plant Health Inspection Service, in coordination with the Secretary, the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, and the Director of the United States Fish and Wildlife Service, shall carry out a pilot project, on an emergency basis, to control and prevent further spreading of viral hemorrhagic septicemia in the Great Lakes and Connecting Channels.

(c) Great Lakes and Connecting Channels defined

In this section, the term “Great Lakes and Connecting Channels” includes Lakes Superior, Huron, Michigan, Erie, and Ontario, all connecting waters between and among such lakes used for commercial navigation, any navigation features in such lakes or waters that are a Federal operation or maintenance responsibility, and areas of the Saint Lawrence River that are operated or maintained by the Federal Government for commercial navigation.

(Pub. L. 110-114, title V, §5014, Nov. 8, 2007, 121 Stat. 1195.)

“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.

§ 426p. Corps of Engineers

(a) Technical and other assistance

The Secretary of the Army may—

(1) provide emergency assistance to prevent or reduce damage attributable to high water levels in the Great Lakes, including provision of sandbags, sheeting, and stones and other armoring devices (taking account of flooding and erosion of other property which may be caused by such activity) but not including construction of permanent structures;

(2) provide technical assistance to individuals and local governments with respect to measures to prevent or reduce such damage; and

(3) compile and disseminate information on—

(A) water levels of the Great Lakes,

(B) techniques for prevention or reduction of such damage, and

(C) emergency relief available to persons who suffer economic injury attributable to high water levels in the Great Lakes.

(b) Issuance of permits

(1) Consideration of flooding and erosion

In issuing a permit under—

(A) section 403 of this title; or

(B) section 1344 of this title;

for any activity carried out with assistance under this title, the Secretary of the Army shall take account of flooding and erosion of other property which may be caused by such activity.

(2) Bank stabilization

(A) General rule

In issuing permits under sections 403 and 1344 of this title for a project involving dredging of any portion of the Great Lakes, the Secretary of the Army shall, if feasible, encourage for bank stabilization purposes the disposal of nonhazardous compatible sand from such project on shorelines affected by erosion.

(B) Consultation

In carrying out subparagraph (A), the Secretary of the Army shall consult affected State and local governments.

(Pub. L. 100-707, title II, §203, Nov. 23, 1988, 102 Stat. 4712.)

REFERENCES IN TEXT

This title, referred to in subsec. (b)(1), is title II of Pub. L. 100-707, Nov. 23, 1988, 102 Stat. 4711, known as the “Great Lakes Planning Assistance Act of 1988”. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE

Pub. L. 100-707, title II, §201, Nov. 23, 1988, 102 Stat. 4711, provided that: “This title [enacting this section, amending sections 3501 to 3503 of Title 16, Conservation, and enacting provisions set out as notes under this section and sections 3501 and 3505 of Title 16] may be cited as the ‘Great Lakes Planning Assistance Act of 1988.’”

GREAT LAKES DAMAGE ASSISTANCE AND PREVENTION;
DAMAGE ASSISTANCE PROGRAM

Pub. L. 100-707, title II, §202, Nov. 23, 1988, 102 Stat. 4711, provided that:

“(a) IN GENERAL.—The Director is authorized to provide assistance to Great Lakes States in the establishment of State programs to reduce and prevent damage attributable to high water levels in the Great Lakes.

“(b) GRANTS.—Upon application by a Great Lakes State within 1 year after the date of enactment of this Act [Nov. 23, 1988], the Director may make a one-time grant to the State of not more than \$250,000 for use by the State for—

“(1) preparation of plans for mitigation, warning, emergency operations, and emergency assistance;

“(2) coordination of available State and Federal assistance;

“(3) development and implementation of non-structural measures to reduce or prevent damage attributable to high water levels in the Great Lakes, including establishment of setback requirements and

other conditions on construction and reconstruction of public and private facilities, mapping of flooding zones, and technical assistance; and

“(4) assisting local governments in developing and implementing plans for nonstructural reduction and prevention of damages attributable to high water levels in the Great Lakes.

“(c) TECHNICAL ASSISTANCE.—The Director may provide technical assistance to Great Lakes States for carrying out any activity carried out with assistance under this section.

“(d) STATE MATCHING.—A State which receives a grant under this section shall match the grant with an amount of funds from non-Federal sources equal to 25 percent of the amount of the grant.

“(e) AUTHORIZATION.—There are authorized to be appropriated for making grants under this section not more than \$2,000,000 for fiscal years beginning after September 30, 1988.”

GREAT LAKES DAMAGE ASSISTANCE AND PREVENTION;
DEFINITIONS

Pub. L. 100-707, title II, §205, Nov. 23, 1988, 102 Stat. 4715, as amended by Pub. L. 109-295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410, provided that: “For purposes of this title [see Short Title note above]—

“(1) DIRECTOR.—The term ‘Director’ means the Administrator of the Federal Emergency Management Agency.

“(2) HIGH WATER LEVELS.—The term ‘high water levels’ means water levels above the long-term average of water levels from 1900.

“(3) LOCAL GOVERNMENT.—The term ‘local government’ means a county, city, village, town, district, or other political subdivision of a Great Lakes State and an Indian tribe or authorized tribal organization.

“(4) GREAT LAKES STATE.—The term ‘Great Lakes State’ means Minnesota, Wisconsin, Illinois, Ohio, Michigan, Indiana, Pennsylvania, and New York.”

§§ 427 to 430. Repealed. July 31, 1945, ch. 334, § 5, 59 Stat. 508

Section 427, act June 26, 1936, ch. 849, § 1, 49 Stat. 1982, related to improvement and protection of beaches and defined “beach”.

Section 428, act June 26, 1936, ch. 849, § 2, 49 Stat. 1982, related to investigations by Beach Erosion Board and duties of Board. See section 426-1 of this title.

Section 429, act June 26, 1936, ch. 849, § 3, 49 Stat. 1983, related to investigative reports by Beach Erosion Board. See section 426-1 of this title.

Section 430, act June 26, 1936, ch. 849, § 4, 49 Stat. 1983, related to payment of expenses incident to investigations by Board. See section 426-1 of this title.

SUBCHAPTER II—OIL POLLUTION OF
COASTAL WATERS

§§ 431 to 437. Repealed. Pub. L. 91-224, title I, § 108, Apr. 3, 1970, 84 Stat. 113

Section 431, acts June 7, 1924, ch. 316, § 1, 43 Stat. 604; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1252, related to the short title for this subchapter.

Section 432, acts June 7, 1924, ch. 316, § 2, 43 Stat. 604; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1252, defined “oil,” “person,” “coastal navigable waters of the United States”, and “Secretary”.

Section 433, acts June 7, 1924, ch. 316, § 3, 43 Stat. 605; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1253, related to prohibition against discharge of oil generally.

Section 434, acts June 7, 1924, ch. 316, § 4, 43 Stat. 605; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1253, related to penalties for violation of oil discharge prohibition and liability of vessel.

Section 435, act June 7, 1924, ch. 316, § 5, 43 Stat. 605; 1946 Reorg. Plan No. 3, §§101-104, eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1097; act Nov. 3, 1966, Pub. L. 89-753,

title II, §211(a), 80 Stat. 1254, related to revocation or suspension of licenses of officers of offending vessels.

Section 436, acts June 7, 1924, ch. 316, § 7, 43 Stat. 605; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1254, related to authorization of use of certain personnel in enforcement of this subchapter and arrest of offenders.

Section 437, acts June 7, 1924, ch. 316, § 8, 43 Stat. 606; Nov. 3, 1966, Pub. L. 89-753, title II, §211(a), 80 Stat. 1254, related to affect of this subchapter on preexisting laws for preservation and protection of navigable waters.

See section 1251 et seq. of this title.

SUBCHAPTER III—NEW YORK HARBOR,
HARBOR OF HAMPTON ROADS, AND HAR-
BOR OF BALTIMORE

§ 441. Deposit of refuse prohibited; penalty

The placing, discharging, or depositing, by any process or in any manner, of refuse, dirt, ashes, cinders, mud, sand, dredgings, sludge, acid, or any other matter of any kind, other than that flowing from streets, sewers, and passing therefrom in a liquid state, in the waters of any harbor subject to this subchapter, within the limits which shall be prescribed by the supervisor of the harbor, is strictly forbidden, and every such act is made a misdemeanor, and every person engaged in or who shall aid, abet, authorize, or instigate a violation of this section, shall, upon conviction, be punishable by fine or imprisonment, or both, such fine to be not less than \$250 nor more than \$2,500, and the imprisonment to be not less than thirty days nor more than one year, either or both united, as the judge before whom conviction is obtained shall decide, one-half of said fine to be paid to the person or persons giving information which shall lead to conviction of this misdemeanor.

(June 29, 1888, ch. 496, § 1, 25 Stat. 209; Pub. L. 85-802, § 1(1), Aug. 28, 1958, 72 Stat. 970.)

PRIOR PROVISIONS

Section 1 of act June 29, 1888, superseded act Aug. 5, 1886, ch. 929, § 3, 24 Stat. 329, which provided that: “It shall not be lawful to cast, throw, empty, or unlade, or cause, suffer, or procure to be cast, thrown, emptied, or unladen, either from or out of any ship, vessel, lighter, barge, boat, or other craft, or from the shore, pier, wharf, or mills of any kind whatever, any ballast, stone, slate, gravel, earth, slack, rubbish, wreck, filth, slabs, edgings, sawdust, slag or cinders or other refuse or mill-waste of any kind, into New York Harbor: *Provided*, That nothing herein contained shall extend, or be construed to extend, to the casting out, unloading, or throwing out of any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used, or to be used, in or toward the building, repairing, or keeping in repair any quay, pier, wharf, weir, bridge, building, or other work lawfully erected or to be erected on the banks or sides of said harbor, or to the casting out, unloading or depositing of any material excavated for the improvement of navigable waters, into such places and in such manner as may be deemed by the United States officer supervising the improvement of said harbor most judicious and practicable and for the best interests of such improvement.”

AMENDMENTS

1958—Pub. L. 85-802 substituted “waters of any harbor subject to this subchapter,” for “tidal waters of the harbor of New York, or its adjacent or tributary waters, or in those of long Island Sound.”

EFFECTIVE DATE OF 1958 AMENDMENT

Pub. L. 85-802, § 2, Aug. 28, 1958, 72 Stat. 971, provided that: “This Act [amending this section and sections