



**Navigable Waters of the United States in New England
Subject to Section 10, Rivers and Harbors Act Jurisdiction**

I. The following have been determined to be Navigable Waters of the United States subject to permit jurisdiction in the New England District area. Jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 shall be exercised for these waters. This list represents only those waterbodies for which affirmative determinations have been made; absence from this list should not be taken as an indication that the waterbody is not navigable.

1. All tidal waters and their tributaries to the head of tide.

2 a. Maine: Kennebec River to Moosehead Lake; Penobscot River to the confluence of the East and West Branch at Medway, Maine; Lake Umbagog within the State of Maine.

b. New Hampshire: Merrimack River from the Massachusetts – New Hampshire state line to Concord, New Hampshire; Lake Umbagog within the State of New Hampshire; Connecticut River to Pittsburg, New Hampshire.

c. Massachusetts: Merrimack River to the New Hampshire state line; all of the Connecticut River within the State of Massachusetts.

d. Connecticut: Connecticut River to the Massachusetts state line.

e. Vermont: Navigability studies and determinations have been completed in Vermont.

The following lists show the results of these determinations:

Navigable waterways based on present or potential future use for interstate commerce:

Lake Champlain

Lake Memphremagog

Connecticut River

Ompompanoosuc River to Mile 3.8

Waits River to Mile 0.9

Navigable waterways based on past historical use for interstate commerce:

Black River from mouth to Mile 25 Craftsbury

Battenkill River to Mile 50 Manchester

Lamoille River from mouth to Mile 79 Greensboro

Missisquoi River from mouth to Mile 88.5 Lowell

Otter Creek from mouth to Mile 63.8 Procter

Winooski River from mouth to Marshfield

Moose River from Passumpsic River to Victory Town line

Nulhegan River from its mouth to its source including the East Branch, Black Branch, and Yellow Branch

Paul Stream from mouth to source

East Branch, Passumpsic River from Passumpsic River to East Haven

Passumpsic River from mouth to the East Branch

Wells River from mouth to Groton Pond

White River from mouth to its source

II. Congress has declared in various statutes that certain waterways are nonnavigable waters of the United States within the meaning of the Constitution, even though some such waters are actually navigable in fact. The effect of these statutes is that Congress has removed such waters from the jurisdiction of the Corps of Engineers under Section 10 as a matter of law. Listed below are such Congressionally declared nonnavigable waterways within the New England District, as well as citations to the relevant statutes in the United States Code. The specific locations within these waterways that are deemed nonnavigable and therefore not subject to Section 10 are described specifically within these portions of the Code.

<u>Waterway</u>	<u>Location</u>	<u>Pursuant to:</u>
Park River	Hartford County, CT	33 USC 52
Burr Creek (portion)	Bridgeport, CT	33 USC 54
Fort Point Channel and South Bay	Boston, MA	33 USC 56
Acushnet River (portion)	New Bedford and Fairhaven Harbor	33 USC 58
West River (portion)	West Haven, CT	33 USC 59
Back Cove (portion)	Portland, ME	33 USC 59a
Boston Inner Harbor and Fort Point Channel (portion)	Boston, MA	33 USC 59f
Kenduskeag Stream	Penobscot County, ME	33 USC 59p