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.


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.

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