

NAVIGABLE WATERS OF THE UNITED STATES  
(Section 10 of the Rivers and Harbors Act)

Revised March 5, 2010: It amends the old list to address certain waterways that are known to support interstate commerce (and/or are tidal) but that were not previously listed (Dismal Swamp and A&C Canals, North Landing River, Northwest River, and Back Bay).

By regulation, all tidal\* waterbodies are considered to be navigable. In addition, the following rivers and streams in Virginia have had final determinations made of their navigability or non-navigability:

WATERWAY	DETERMINATION	LIMITS	DATE
Blackwater Riv. (trib. of Nottoway)	Navigable	From its mouth to State Route 620 Bridge (River Mile 42.9)	18 Aug 81
Carter Run	Navigable	From confluence with Rapp. Riv. to Cliffs Mills (2.2 mi.)	14 Aug 81
Clinch River	Navigable	From Va. line to confl. w/ Indian Creek (Riv. Mi. 322.7)	16 Feb 81
Hazel Run	Navigable	From confl. w/ Rapp. Riv. to Castle Mills (19.8 mi.)	14 Aug 81
North Fork Holston River	Navigable	From Va. line to Rt. 16 @ Chatham Hill (Riv. Mi. 109)	30 Nov 79
Middle Fork Holston River	Navigable	From confl. w/ South Fork to Rt. 11 @ Seven Mile (Riv. Mi. 32.2)	16 Feb 81
South Fork Holston River	Navigable	From Va. line to Loves Mill Dam (Riv. Mi. 93.8)	16 Feb 81
Jackson River	Navigable	From its mouth to the confluence with Back Creek (River Mi. 55)	Feb 78
Levisa Fork	Navigable	From Va. line to confl. w/ Dismal Creek (Riv. Mi. 151)	1 Nov 77

Maury River	Navigable	From its mouth to Cedar Grove (River Mi. 32.8)	19 Nov 74
Meherrin River	Non-Navigable	Entire portion in Virginia	14 Aug 81
New River	Navigable	Entire Virginia portion	N/A (Comb. of court case and FERC ruling)
North Anna River	Non-Navigable	Entire	20 Mar 80
Nottoway River	Navigable	From mouth to Route 634 Bridge (Riv. Mi. 46.9)	18 Aug 81
Pound River	Navigable	From Russell Fork to and incl. Flannagan Reservoir	7 Nov 77
Powell River	Navigable	From Va. line to confl.. w/ South Fork (Riv. Mi. 178.1)	5 Feb 80
North Fork Powell River	Navigable	From confl.. w/ Powell to Sandlick Bridge (R. M. 7.2)	5 Feb 80
Rappahannock River	Navigable	From mouth to Blackwell's Warehouse (53.9 mi. above Fredericksburg)	14 Aug 81
Rockfish River	Navigable	From confl. w/ James Riv. to Howardsville (0.6 mi.)	13 Aug 81
Russell Fork	Navigable	From Va. line to Russell Prater Creek (Riv. Mi. 24.6) (at town of Haysi)	1 Nov 77

The following rivers and streams have been studied, but official determinations have not (yet) been made. Based on these studies, the following assumptions are used for administrative purposes:

WATERWAY	ASSUMPTION	LIMIT
Appomattox River	Navigable	From confl. w/ James to Planters

Town (132 mi., at end of Rt. 638 in Buck'ham Co., near App./P.E. Co. line

Banister River	Navigable	From Kerr Reservoir to Rt. 642 bridge @ Meadville
Blackwater River (trib. of Roanoke)	Navigable	From Smith Mountain Lake to a point approx. 1.25 mi. below N&W railroad bridge, located on USGS Redwood Quad
Catawba Creek (trib. of James)	Non-Navigable	Entire
County Line Creek (trib of Dan River)	Navigable	Entire portion in Va.
Cowpasture River	Navigable	From confl. w/ James to confl. w/ Simpson Creek (6 mi.)
Craig Creek	Navigable	From confl. w/ James to confl. w/ Johns Creek @ New Castle (48 mi.)
Dan River	Navigable	From Kerr Reservoir (Buggs Island Lake) throughout Va. except for upper reaches west of Martinsville
Deep Creek (Trib. of Appomattox)	Navigable	From confl. w/ Appomattox River, 5 mi. upstream to Rt. 153 bridge
Dunlap Creek (trib of James)	Non-Navigable	Entire
Hardware River	Navigable	From confl. w/ James to Rt. 20 bridge (19 mi.)
James River	Navigable	Entire
Mattaponi River	Navigable	From confl. w/ York River to Guinea Bridge (nearest existing landmark is Rt. 722 bridge @ Milford)
North and South Mayo Rivers	Non-Navigable	Entire Virginia portions

(tribs. of Dan River)

Pamunkey River	Navigable	Entire
Pigg River (trib. of Roanoke)	Non-Navigable	Entire
Potomac River	Navigable	Entire Virginia portion
Potts Creek (trib. of James)	Non-Navigable	Entire
Rapidan River	Non-Navigable	Entire
Roanoke River (Staunton River)	Navigable	From Va. line to confl. of North and South Forks
North Fork Roanoke River	Navigable	From confl. w/ South Fork to confl. w/ Bradshaw Creek (2.8 mi.)
South Fork Roanoke River	Navigable	From confl. w/ North Fork to Rt. 11/460 bridge (2.4 mi.)
Seneca Creek	Navigable	From confl. w/ Roanoke to Rt. 633 bridge @ Marysville in Campbell Co.
Shenandoah River	Navigable	Entire Virginia portion
South Fork Shenandoah River	Navigable	From confl. w/ Shenandoah to confl. w/ South River @ Port Republic
Slate River (trib. of James)	Non-Navigable	Entire
Smith River	Navigable	From Va. line up to and including Philpott Reservoir
South Anna River	Non-Navigable	Entire
Tinker Creek	Navigable	From confl. w/ Roanoke to Rt. 460 bridge (1.8 mi.)
Tye River	Navigable	From confl. w/ James to Rt. 56/680 bridge @ Massies Mill (26.1 mi.)

Willis River                      Non-Navigable              Entire  
(trib. of James)

The following waterbodies have not been officially declared navigable and have not been studied strictly for the purpose of determining their navigability. Based on their being parts of the Atlantic Intracoastal Waterway, and their apparent past and/or present usage in interstate commercial navigation, the following assumptions are used for administrative purposes:

WATERWAY	ASSUMPTION	LIMIT
Dismal Swamp Canal	Navigable	Entire
Albemarle & Chesapeake Canal	Navigable	Entire
North Landing River	Navigable	Entire

\* Back Bay (Virginia Beach) and the Northwest River (Chesapeake) are coastal waterbodies that are considered navigable waters of the United States. Per 33 CFR 329.12(a)(2), their shoreward limit of jurisdiction (of Section 10 of the Rivers and Harbors Act) is “the line on the shore reached by the plane of mean (average) high water.” Since the precise elevation of mean high water is difficult to determine in these waterways due to the attenuation of lunar tides and the presence of wind tides, for administrative purposes it is assumed to be equal to the mean high water elevation of the nearby Atlantic Ocean (currently 0.92 feet (0.281 meters) NAVD 88). This assumption will also be used to determine the shoreward limit of Section 10 jurisdiction in tributaries of Back Bay and the Northwest River.