DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW ENGLAND DISTRICT
696 VIRGINIA ROAD
CONCORD, MA 01742

CENAE-RD
NAE-2021-02960-TREC

January 16, 2024

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (USACE) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the “Revised Definition of ‘Waters of the United States’; Conforming” (8 September 2023) ,[1] NAE-2021-02960-TREC MFR 1 of 1.[2]

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a USACE document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are designated appealable actions and will include a basis of JD with the document.[3] AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.[4]

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army (“the agencies”) published the “Revised Definition of ‘Waters of the United States,’” 88 FR 3004 (January 18, 2023) (“2023 Rule”). On September 8, 2023, the agencies published the “Revised Definition of ‘Waters of the United States’; Conforming”, which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) (“*Sackett*”).

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a USACE AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),[5] the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

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[1] While the Revised Definition of “Waters of the United States”; Conforming had no effect on some categories of waters covered under the Clean Water Act (CWA), and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

[2] When documenting aquatic resources within the review area that are jurisdictional under the CWA, use an additional MFR and group the aquatic resources on each MFR based on the Traditionally Navigable Waters (TNW), the territorial seas, or interstate water that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

[3] 33 CFR 331.2.

[4] Regulatory Guidance Letter 05-02.

[5] USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

1. SUMMARY OF CONCLUSIONS.

a. There is a total of four (4) delineated aquatic resource features within the project's review area:

i. Wetland 1 (0.63-acre/27,443 sq. ft.), non-jurisdictional

ii. Wetland 2 (2.0-acre/ 10,890 sq. ft.), non-jurisdictional

iii. Wetland 3 (0.12-acre/5,200 sq. ft.), non-jurisdictional

iv. Wetland 4 (0.57-acre/24,900 sq. ft.), non-jurisdictional

2. REFERENCES.

a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")

b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964, September 8, 2023))

c. *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023)

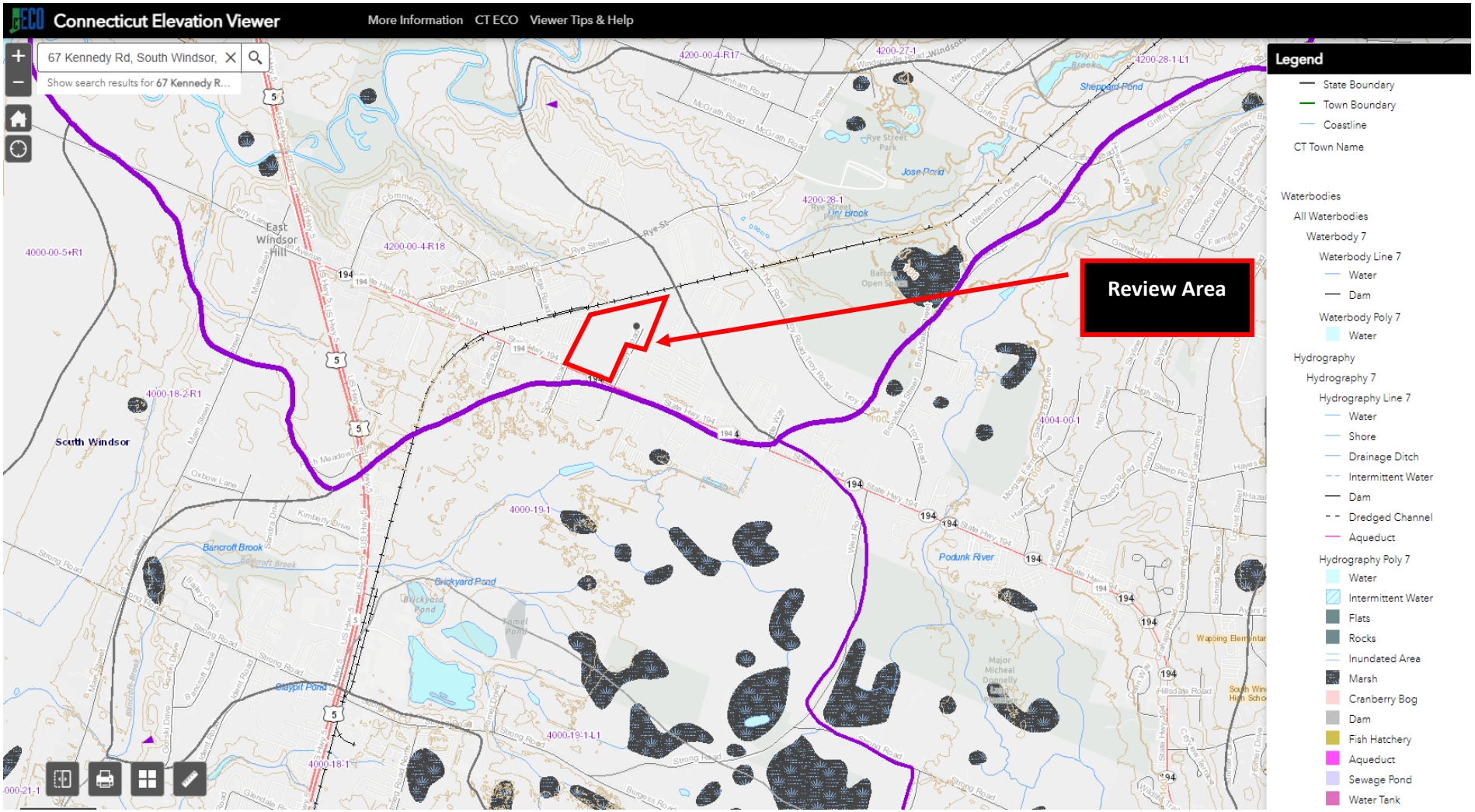
3. REVIEW AREA.

The review area (Figure 1) consists of three development parcels identified as 352 Sullivan Avenue (State Route 194), 67 Kennedy Road, and 68 Kennedy Road, Town of South Windsor, Hartford County, Connecticut (Latitude/Longitude Coordinates: 41.855099°, -72.587219°). The site is bordered by the Connecticut Southern Freight Railroad corridor to the north and Sullivan Avenue to the south and appears to straddle two watershed boundaries (Figure 2). A municipal zoning right-of-way resides between the 67 and 68 Kennedy Road properties. In total, the three properties encompass approximately 18.8 acres of land in an existing industrial development area. The 67 Kennedy Road parcel, which is 3.75 acres in area, contains an abandoned industrial building constructed sometime in the mid-1960s, as evidenced by 1966 aerial photograph (Figure 3). The 12.2-acre Sullivan Avenue parcel is mostly undeveloped with abandoned residential structures on the southwestern corner of the property. It now possesses a mosaic of shrubs and early-stage colonizing saplings and young successional forest (Figure 4). The parcel identified as 68 Kennedy Road is the smallest at 2.2 acres and is mostly natural in character with a cover of trees and shrubs.

FIGURE 1

PROJECT REVIEW AREA (red outline) depicting the layout of delineated wetlands on the project site (green polygons), local regulated buffers (green dashed line), and potential avenues for surface water connectivity to downstream waters (yellow dashed line).

SCANNELL PROPERTIES - Four Winds LLC NAE-2021-02960 **FIGURE 2**



Subwatershed boundary between Scantic River/Dry brook and Ponduk River/Brancroft Brook also depicting the glacial lake kettle wetland configuration common in the watershed which are remnant of Glacial Lake Hickock, characterizing wetland features in the Connecticut River valley.

Source: CTECO, UCONN, CTDEEP,
USGS Accessed: December 20. 2023
Created by: Cori M. Rose, USACE

FIGURE 3

SCANNELL PROPERTIES - Four Winds LLC NAE-2021-02960

1966 Town of South Windsor Aerial Photograph from South Windsor GIS

Source: Town of South Windsor, GIS
Accessed: December 20. 2023
Created by: Cori M. Rose, USACE

FIGURE 4

SCANNELL PROPERTIES - Four Winds LLC NAE-2021-02960

State of Connecticut Spring 2019 Aerial Imagery showing non-adjacent wet features on the landscape within the review area.

Source: CTECO, UCONN, CTDEEP, USGS
Accessed: December 20. 2023
Created by: Cori M. Rose, USACE

Historical aerial photographs show that the land was in agricultural development, including the production of tobacco from, at least, 1934 until the 1950's (Figure 5). Agricultural uses appeared to continue at the Sullivan Avenue parcel until sometime in the late 1990's or early 2000's when mowing and agriculture-related activities appeared to cease around 2004.

1934 AERIAL PHOTOGRAPH depicting multiple tobacco drying sheds situated throughout the site.

SCANNELL PROPERTIES - Four Winds LLC NAE-2021-02960

1956 Town of South Windsor Aerial Photograph from South Windsor GIS

Source: Town of South Windsor, GIS, CT DEEP
Accessed: December 20. 2023
Created by: Cori M. Rose, USACE

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED.

None of the aquatic resources within the project's Review Area possess a relatively permanent surface water connection to a downstream TNW. The nearest TNW is the Scantic River, and the nearest Navigable Waterway is the Connecticut River. The Connecticut River is subject to tidal influence up to Enfield, Connecticut and is designated as a Navigable Water of the United States subject to Section 10 of the Rivers and Harbors Act of 1899 from its mouth in Long Island Sound, Old Saybrook/Lyme Connecticut to Pittsburg, New Hampshire. The Scantic River is a major tributary to the Connecticut River and discharges into the navigable waterway at approximately river mile 59. The waterway is considered traditionally navigable for approximately 15.1 miles of its 24.6-mile length. The basis of this conclusion is a series of waterway disposition evaluations undertaken in the 1970's and finalized in the 1980s by the New England (Division) District to identify navigable uses and head of navigation for waterways within the region, as updated by a March 14, 1984, Disposition Form.[6]

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER.

a. Wetlands 1-4 (Within the Review Area): Delineated Wetland areas 1, 2, 3 and 4 do not physically abut or touch an (a)(1), (a)(2) or (a)(3) water, nor do they possess a surface water connection to such waters via a non-jurisdictional conveyance (e.g., swale or culvert). Consequently, they do they contribute flow to TNWs, territorial seas, interstate waters or a connected relatively permanent (a)(3) tributary.

b. Wetland 5 (Outside the Review Area): A small, vegetated wetland of approximately 550 sq. ft., that is in a drainage depression between the toe of an existing railroad corridor and a low man-made earthen berm, does have a continuous surface connection to downstream waters. The feature contributes flow to a relatively permanent (a)(3) tributary through a man-made culvert and non-relatively permanent (seasonal) drainage feature on the north side of the railroad corridor. Water that pools within Wetland 5 during seasonal high groundwater, or after precipitation events, is conveyed through an 18-inch diameter asphalt-coated corrugated metal pipe under the railroad. Flow frm that conveyance then discharges into a non-relatively permanent drainage feature (Figure 6).

[6] This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established.

The non-relatively permanent drainage feature then flows for approximately 245-feet in a northwesterly direction where it transforms into a three-foot wide by one-foot deep relatively permanent, unnamed tributary of the Scantic River. The waterway displays stream bed, bank, and ordinary high-water mark (Figure 7). The relatively permanent waterway continues to flow downstream through a steeply incised stream corridor, becoming perennial just before it is conveyed under Rye Street. The tributary then converges with the Scantic River (TNW) approximately 4,200 linear feet from its origination (Figure 8).

6. SECTION 10 JURISDICTIONAL WATERS[7]: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.[8]

There are no resources subject to Section 10 of the Rivers and Harbors Act of 1899 in the review area.

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

a. Traditional Navigable Waters (TNWs) (a)(1)(i): Not applicable.

b. The Territorial Seas (a)(1)(ii): Not applicable.

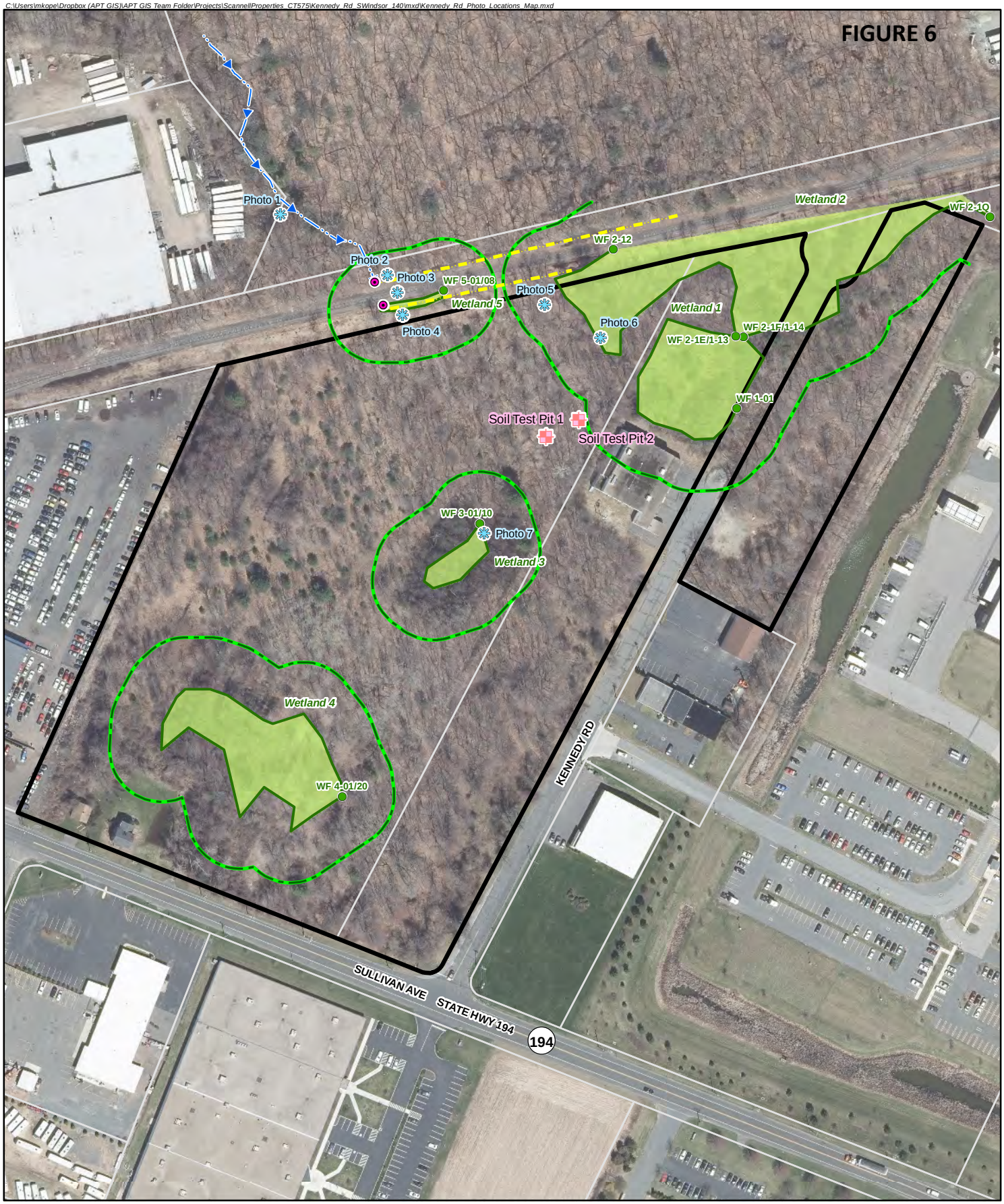
c. Interstate Waters (a)(1)(iii): Not applicable.

[7] 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

[8] This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

C:\Users\mkope\Dropbox (APT GIS)\APT GIS Team Folder\Projects\ScannellProperties_CT575\Kennedy_Rd_SWindsor_140\mxd\Kennedy_Rd_Photo_Locations_Map.mxd

FIGURE 6



Legend

- Site
- Photographic Location
- Soil Test Pit Location
- Wetland Flag
- 80-Foot Upland Review Area
- Delineated Wetland Boundary
- Approximate Wetland Area
- Intermittent Watercourse
- Drainage Swale
- Approximate Parcel Boundary

N
W E
S

200 100 0 200
Feet

Map Notes:
Base Map Source: 2019 CT Aerial Imagery (CTECO)
Map Scale:1 inch = 200 feet
Map Date: March 2022

Photographic Location Map

Proposed Development
352 Sullivan Avenue & 67
& 68 Kennedy Road
South Windsor, Connecticut

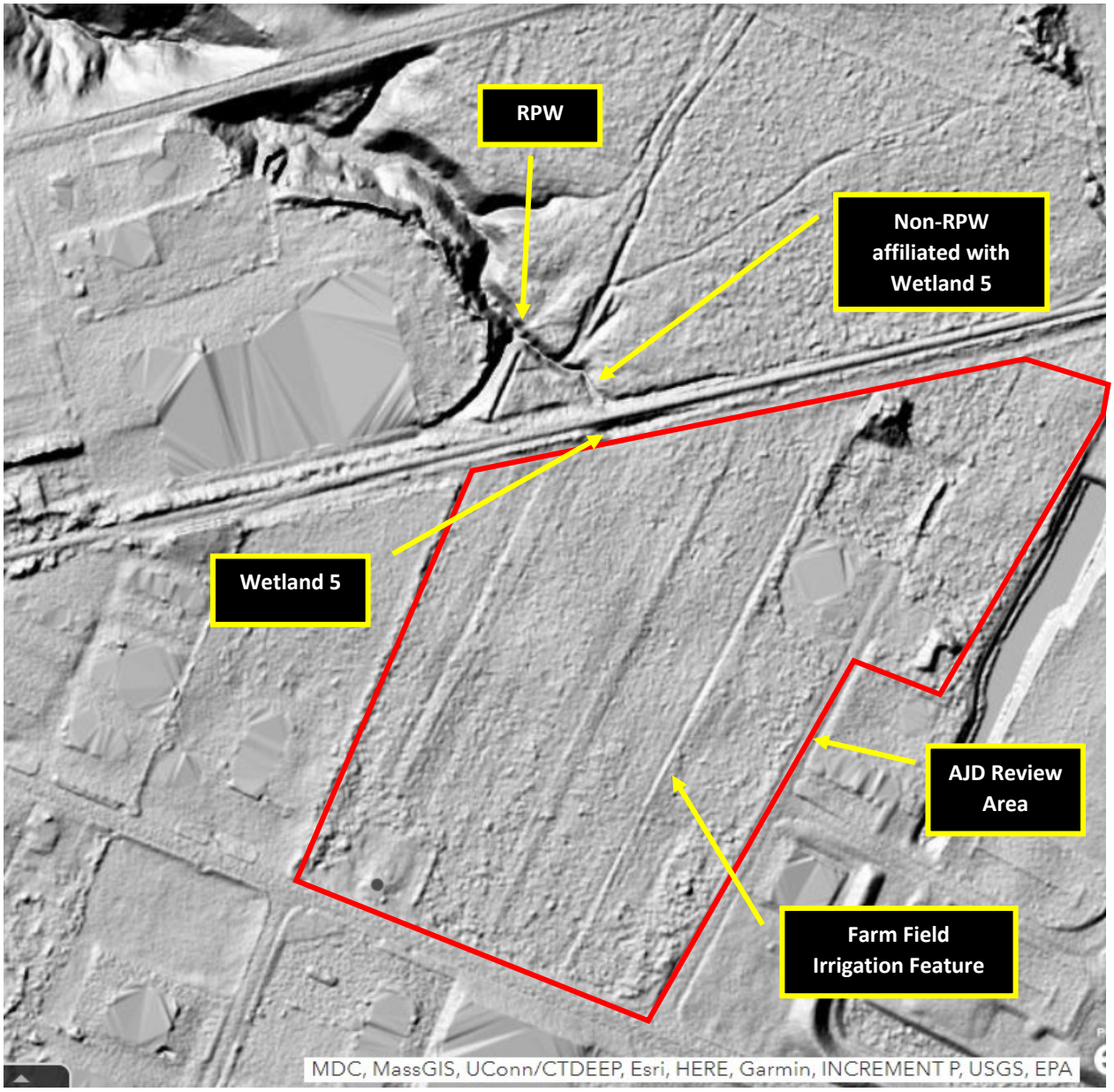
SCANNELL PROPERTIES

ALL-POINTS TECHNOLOGY CORPORATION

Photo 1: View of start of RPW north of Wetland 5 off-property and outside of review area.

Photo 2: View of discharge point across the railroad tracks north of Wetland 5 -Outside of Review Area (note elevated discharge pipe).

FIGURE 8



2016 State of Connecticut lidar Imagery showing hydrological drainage features for the RPW affiliated with Wetland 5 on the north side of the railroad right-of-way (outside of the AJD Review Area). Also visible on this lidar image are two relict irrigation drainage features within the former agriculture field at 352 Sullivan Avenue parcel.

Source: CT DEEP/ CT ECO Lidar
Accessed: November 25, 2023
Created by: Cori M. Rose, USACE

d. Impoundments (a)(2): Not applicable.

e. Tributaries (a)(3): Not applicable.

f. Adjacent Wetlands (a)(4): Not applicable.

g. Additional Waters (a)(5): Not applicable.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES
Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not "waters of the United States" even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).[9]
The applicant did not identify or delineate any non-jurisdictional excluded water features in the project Review Area. However, we do note that aerial photographs from 1990 and 2003 appear to depict two linear topographical depressions that may have historically been farmland ditches for precipitation conveyance or irrigation return flow. These features are not aligned in a configuration where they convey flow from, or through, (see Figure 8) an adjacent wetland. Instead, they appear to carry surface flow from the upslope field downslope into Wetland 2, or into a relict vegetated swale associated with Wetland 5, which is outside of the project Review Area. The largest drainage feature begins at Sullivan Avenue and follows the property boundary for 67 Kennedy Road for approximately 976 feet before stopping where it intersects with Wetland 2. Similar linear features are clearly visible on the 1956 aerial imagery (see Figure 5). It Is reasonable interpretation that these farm field drainage features be considered under the (b)(3) exclusion as ditches excavated in upland and draining dry land.

a. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g. tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Wetland 1: We evaluated the 0.63-acre resource feature identified as Wetland 1 for potential landscape connectivity and a continuous surface connection to waters in Item 4. above. The consultant characterized Wetland 1 as a depressional feature that may have been man-made

[9] 88 FR 3004 (January 18, 2023)

and/or disturbed as a result of excavation for industrial development in the 1960s. This interpretation is reasonable as Wetland 1 is not present in the 1946 and 1956 aerial photographs. Wetland 1 first appeared in the 1966 aerial photograph (see Figure 5). Vegetative cover within the wetland is dominated by early successional forest (saplings and shrubs) and does not contain a topographical depression of sufficient depth to sustain more than a short temporal level of inundation. A soil pile and berm on the western corner of Wetland 1 separates the feature from the western portion of the resource area identified as Wetland 2. However, the consultant did identify connectivity between Wetland 1 and Wetland 2, and it was noted that the two wetland areas share a flow path. Because Wetland 1 is separated from Wetland 2 by a modified berm and maintains connection through Wetland 2, we treated these individually delineated wetland features as one wetland for the purposes of our evaluation. See the discussion under Wetland 2 below for an analysis of potential connectivity.

Wetland 2: Wetland 2, is a 2.5-acre feature which is immediately north and downslope of Wetland 1 in the northeast corner of the 352 Sullivan Avenue parcel. Approximately 2.2-acre of Wetland 2 is situated within the project's Review Area. The remainder of the wetland is located along the toe of slope of the proposed development parcel and conveys seasonal surface drainage and precipitation flows to the northeast into a vegetated swale south of the railroad embankment (Figure 9). The combined flows from Wetlands 1 and 2 extend to the east through a surveyed drainage easement in favor of the Town of South Windsor, onto the parcels for 67 and 68 Kennedy Road. Flow continues off-site to connect with a man-made detention basin on a 40 Kennedy Road. Similar to Wetland 1, Wetland 2 is dominated by early successional forest (saplings and shrubs) and has been subject to some level of development-related disturbance.

To determine the potential for Wetland 1/2 to possess a continuous surface connection to waters of the U.S., staff reviewed aerial photographs from April 1934 to July 2023. Multiple aerial photographs we viewed, initially demonstrated the potential for a continuous surface connection to exist via the off-site Wetland 5 swale and culvert." Consequently, we evaluated the following aerial photo production dates for antecedent precipitation and compared the precipitation values to a normal range based on the National Oceanic and Atmospheric Administration's (NOAA) Daily Global Historical Climatology Network:

Date	**Wetness Condition**	**Drought Index**	**Product**
5/1/1990	Normal	Severe Wetness	Wetter than Normal
3/24/2019	Normal	Moderate Wetness	Wetter than Normal
4/25/2019	Normal	Severe Wetness	Normal
5/1/2023	Normal	Severe Wetness	Normal

FIGURE 9

SCANNELL PROPERTIES - Four Winds LLC NAE-2021-02960

March 2019 spring aerial photograph showing slope drainage from Wetland 1/2 in an easterly direction along the railroad corridor. Slope drainage is an easterly direction was verified through analysis of lidar elevations. The photograph also depicts the lack of connectivity between Wetland 2 and Wetland 5.

Source: CTECO, UCONN, CTDEEP, USGS
Accessed: December 20, 2023
Created by: Cori M. Rose, USACE

The aerial photograph that exhibited the greatest likelihood of a continuous surface connection was a leaf-off image from 1990. Our antecedent precipitation analysis result (Figure 10) revealed that the aerial photograph was obtained following multiple precipitation events, and the photo represented a much wetter than normal seasonal condition (outside of the 30-year normal range). The photograph also depicted a dry land separation between Wetland 1/2 and the off-site feature identified as Wetland 5. (Figure 11) .

To validate this concept, staff analyzed the State of Connecticut 2016 lidar elevation data. Our evaluation revealed that there is an earthen berm separating the railroad corridor from the review area properties with up to two feet of elevation difference between Wetland 1/2 and the off-site feature labeled Wetland 5 (Figure 12). The lidar elevation data confirmed that it would only be feasible for Wetland 1/2 to have a continuous surface connection during an extreme precipitation event and that such a continuous surface connection is unlikely to occur without future landscape modification.

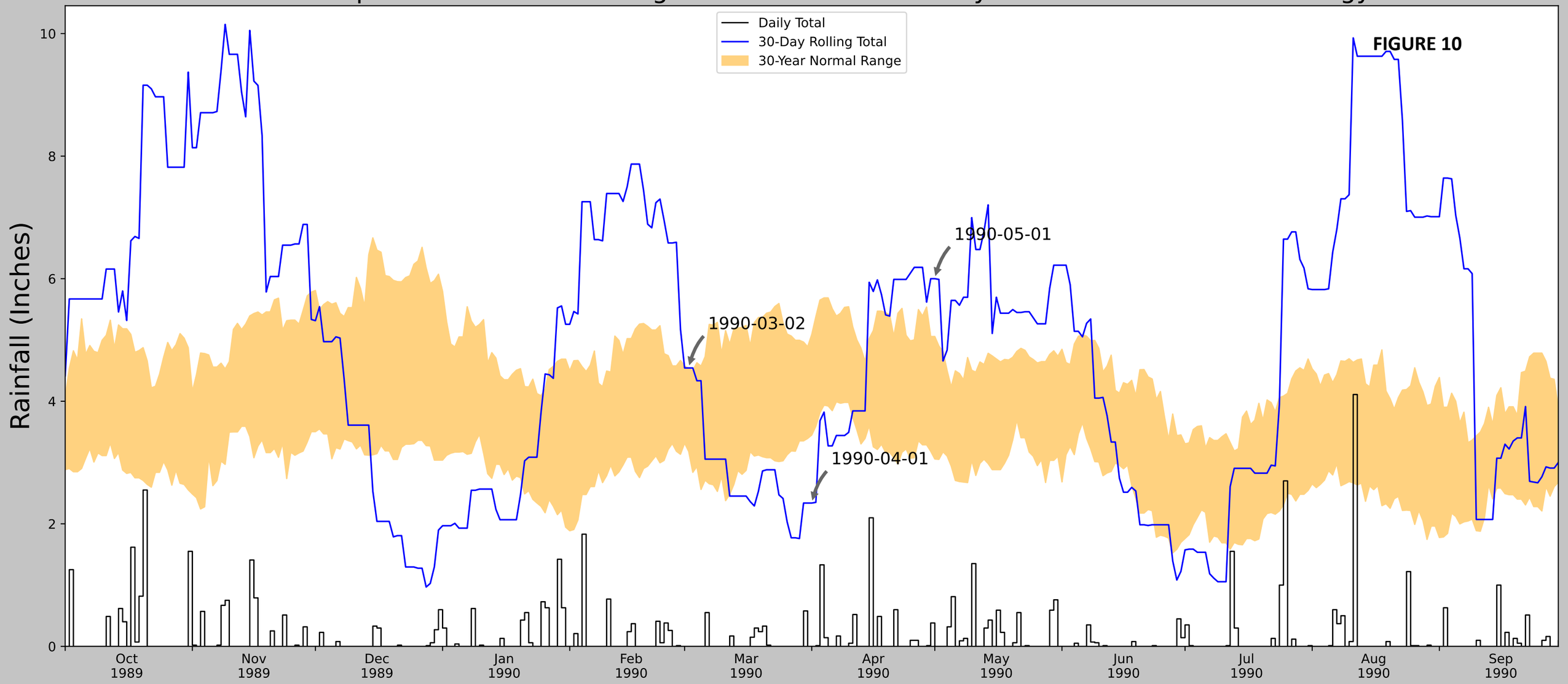
Wetland area 1/2 does not physically abut or touch an (a)(1), (a)(2) or (a)(3) water, nor does it possess a surface water connection to such waters via a non-jurisdictional conveyance (e.g., swale or culvert). Consequently, the wetland areas do not contribute flow to TNW's, territorial seas, interstate waters or a relatively permanent (a)(3) tributary.

Wetland 3: This feature is identified by the consultant as a ±0.12-acre wetland in a topographical depression in the central eastern portion of the 352 Sullivan Avenue parcel. A review of soil profiles within, and around, the perimeter of this wetland reveal previous agricultural disturbances. The hydrology of the wetland is identified as seasonally saturated/ perched. Similar to Wetland 1/2, Wetland 3 is now dominated by early successional forest (saplings and shrubs). Review of the 1934 aerial photograph clearly depicts the area within the center of the farm field at the project site. The consultant identifies Wetland 3 is located approximately 330 feet southwest of the feature identified as Wetland 2. Wetland 3 does not possess a continuous surface connection to a waters of the U.S.

Based on a review of available information Wetland area 3 does not physically abut or touch an (a)(1), (a)(2) or (a)(3) water, nor does it possess a surface water connection to such waters via a non-jurisdictional conveyance (e.g., swale or culvert). Consequently, it does not contribute flow to TNW's, territorial seas, interstate waters or a relatively permanent (a)(3) tributary

Wetland 4: This feature is identified by the consultant as a ±0.57-acre topographically depressed farm field wetland in the south-central portion of the 352 Sullivan Avenue parcel. A review of soil profiles within and around the perimeter of this wetland reveal previous agricultural disturbances. The hydrology of the wetland is identified as seasonally saturated/ perched. Similar to the other wetlands, the feature is now dominated by early successional forest (saplings and shrubs).

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	41.8568, -72.5844
Observation Date	1990-05-01
Elevation (ft)	84.711
Drought Index (PDSI)	Severe wetness
WebWIMP H_2O Balance	Wet Season

30 Days Ending	30^{th} %ile (in)	70^{th} %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
1990-05-01	3.057087	5.056693	6.0	Wet	3	3	9
1990-04-01	3.448032	5.090158	2.338583	Dry	1	2	2
1990-03-02	3.180709	4.538189	4.543307	Wet	3	1	3
Result							Normal Conditions - 14

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days Normal	Days Antecedent
NORWICH PUBLIC UTILITY PLT	41.5267, -72.0653	20.013	35.178	64.698	18.106	11110	90
BALTIC	41.6167, -72.1	141.076	6.472	121.063	3.696	55	0
LAKE KONOMOC	41.4, -72.1833	180.118	10.675	160.105	6.513	79	0
WESTBROOK	41.3, -72.4333	39.042	24.677	19.029	11.574	66	0
MANSFIELD HOLLOW LAKE	41.7569, -72.1856	250.0	17.075	229.987	11.611	43	0

FIGURE 11

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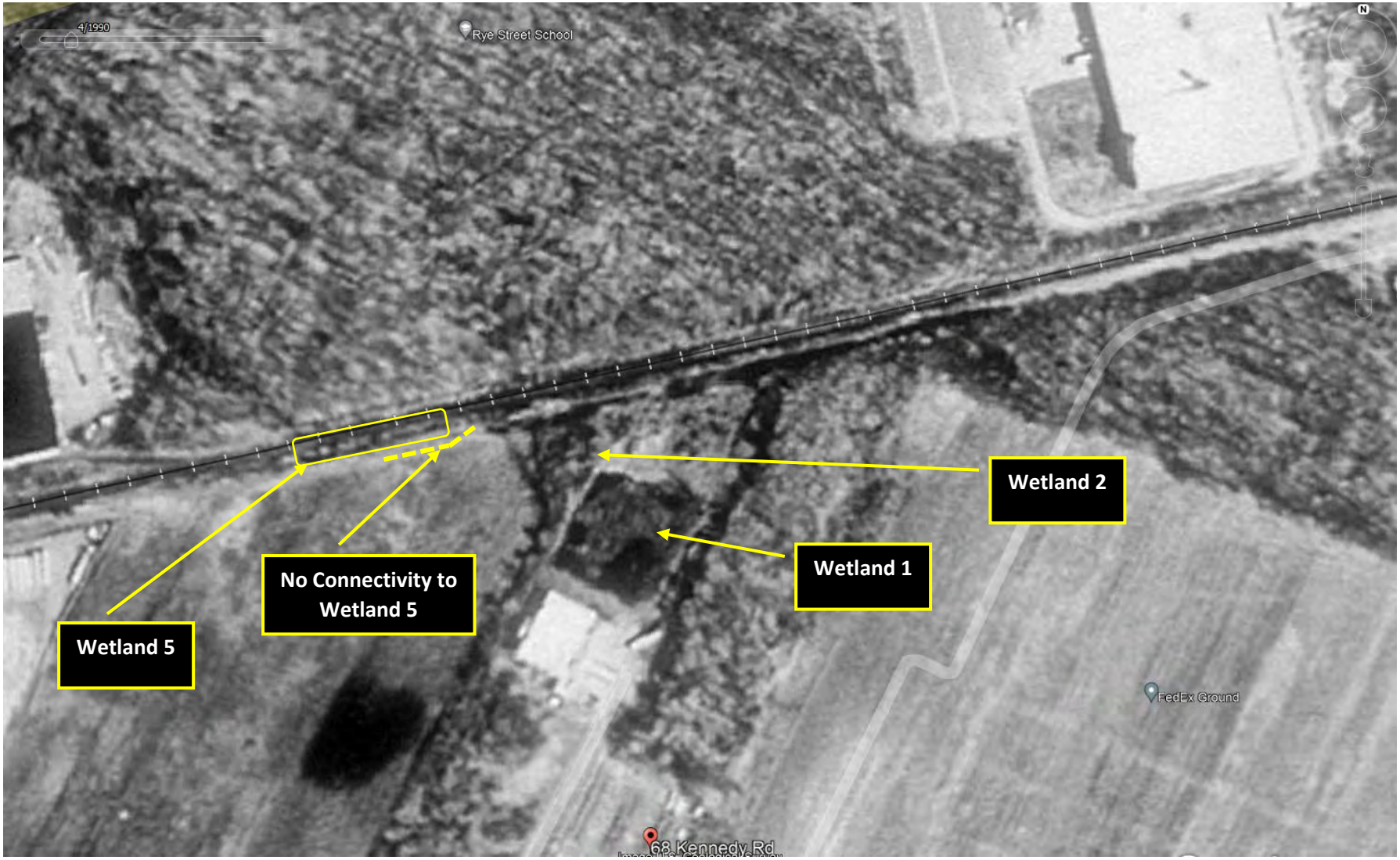


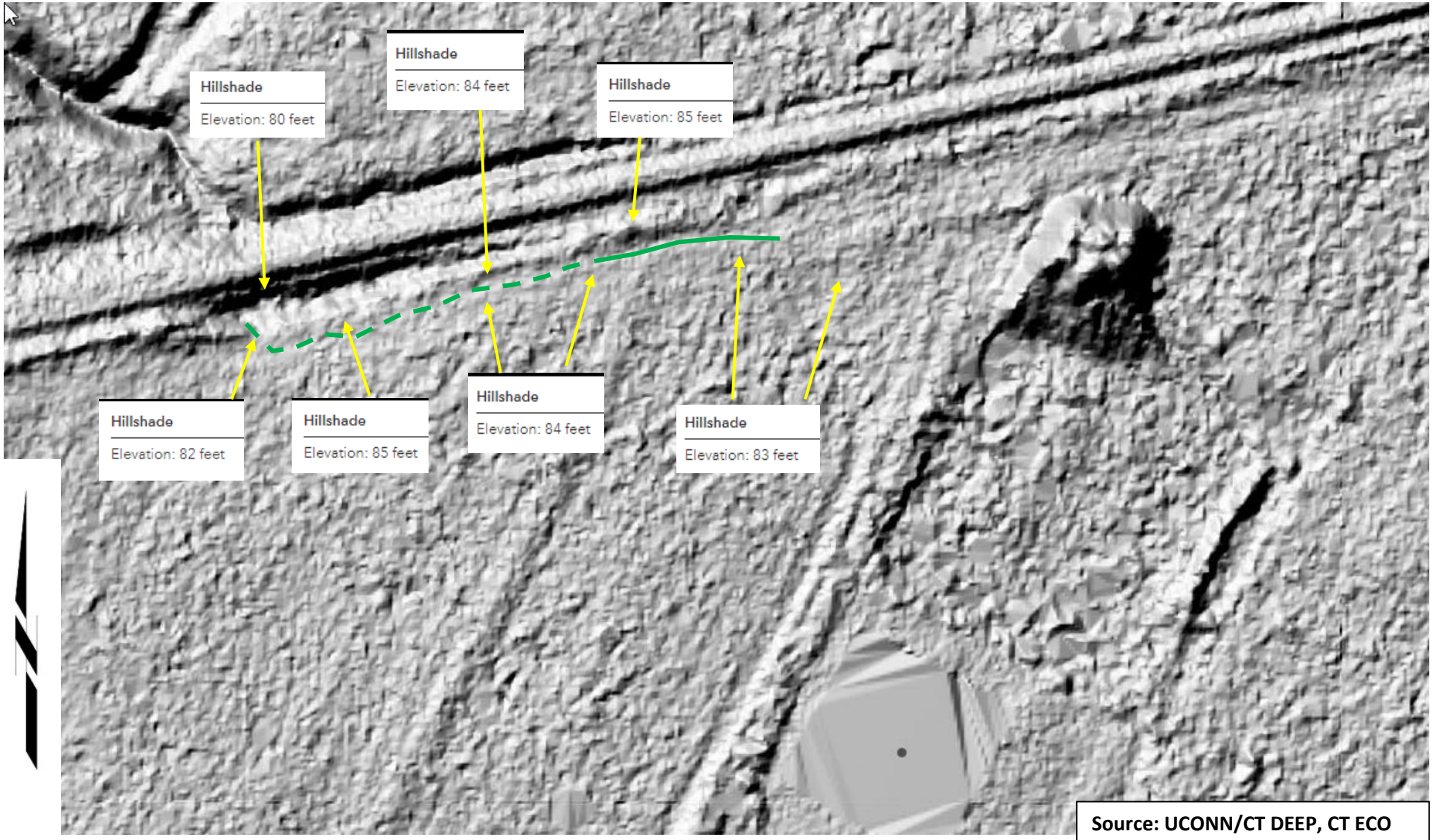
May 1990 State of Connecticut Aerial photo during a much wetter than normal seasonal condition (outside of the 30-year normal range) showing drainage separation between Wetland 2, the railroad drainage retention feature and the swale wetland feature identified as Wetland 5 (outside of the review area). Wetland 5 and features to the west are conveyed to the North under the railroad corridor.

Source: CTECO, UCONN, CTDEEP, USGS
Accessed: December 20, 2021
Created by: Cori M. Rose, USACE

SCANNELL PROPERTIES – FOUR WINDS LLC NAE-2021-02960

LIDAR ELEVATION (2016) TOPOGRAPHICAL ASSESSMENT

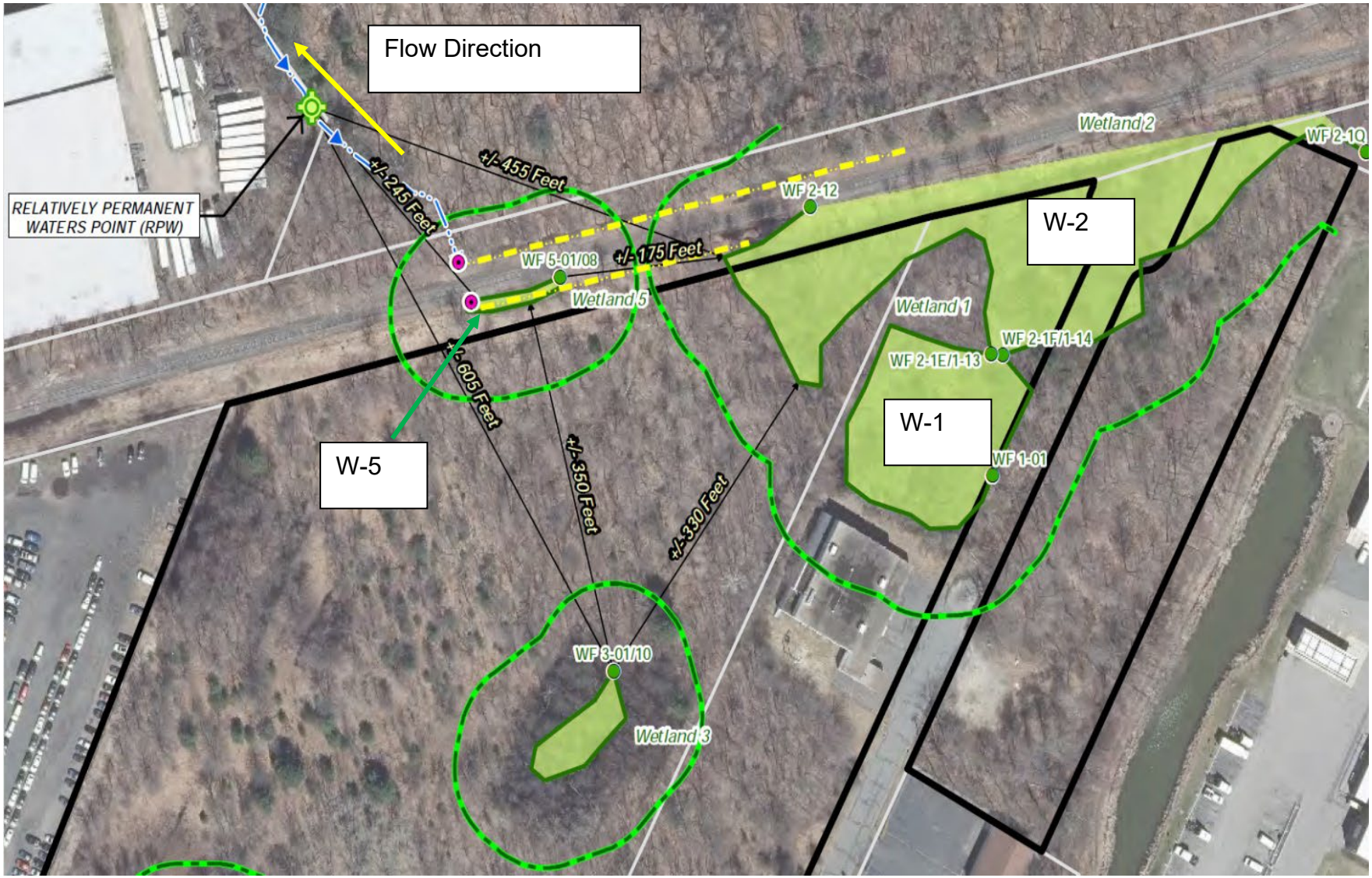
FIGURE 12



Source: UCONN/CT DEEP, CT ECO
Accessed: October 16, 2023
Created by: Cori M. Rose, USACE

FIGURE 13

Relationship of Wetland 1/2 to Wetland 5, which is outside of the Review Area



Review of the 1934 aerial photograph clearly shows the wetland in the farm field at the project site. The consultant states Wetland 4 is approximately 630 feet southwest of the feature identified as Wetland 2.

Based on a review of available information, Wetland area 4 does not physically abut or touch an (a)(1), (a)(2) or (a)(3) water, nor does it possess a surface water connection to such waters via a non-jurisdictional conveyance (e.g., swale or culvert). Consequently, the wetland areas do not contribute flow to TNW's, territorial seas, interstate waters or a relatively permanent (a)(3) tributary. "

9. **DATA SOURCES.** List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

   a. Historic Aerials by NETROnline (2021, 1956, 1985)

   b. CT ECO UCONN Aerial and Lidar Elevation Viewers (2019, 2012, 2009, 2004, and 1934 Aerial Photographs and 2016 Elevation)

   c. Approved Jurisdiction Determination Request from All-Point Technology Corporation dated November 12, 2021

   d. Supplemental Approved Jurisdiction Determination Request from All-Point Technology Corporation dated April 15, 2022

   e. Report on the Navigable Status of the Scantic River, Connecticut, USACE New England District

10. **OTHER SUPPORTING INFORMATION.** N/A

11. **NOTE:** The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

PREPARED BY: Cori M. Rose Date: 1/10/2024
CORI M. ROSE
ESA/EFH Subject Matter Expert
Technical Regional Execution Center

APPROVED BY: _____ Date: 1/16/2024
JON T. COLEMAN
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Technical Regional Execution Center