



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/14/2020

ORM Number: NAE-2008-02650

Associated JDs: N/A

Review Area Location¹: State/Territory: Connecticut City: Norwich County/Parish/Borough: New London

Center Coordinates of Review Area: Latitude 41.528040 Longitude -72.050406

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination 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. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A 2020 Wetland B 2020 Wetland C 2020 Wetland D 2020 Wetland E 2020	0.88	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	<p>The water features at the site consist almost predominantly of sparsely vegetated concave surface between 2 and 6 feet below the elevation of the surrounding land surface. A site investigation revealed that the delineated wetlands at the site are offset from the nearest drainage feature by roughly 8 feet of elevation where the largest 0.75-acre wetland was excavated into the ground for the purposes of sand and gravel mining beginning in 1970. The significant landscape relief at the site is quite evident in the cross-section of the proposed development plan for the site.</p> <p>The delineated features at the site are physically remote from the nearest waterway (approximately 263 feet to the south of the tributary) which appears as a perennial stream in late-19th century topo maps. The resource areas do not physically abut the tributary.</p> <p>The historical maps and aerial photographs revealed that the drainage feature is a relocated stream that flows intermittently, indirectly into the Shetucket River after being piped under a housing development. During a site visit to assess the wetland delineation, staff confirmed that the features do not have a discrete surface water connection to the waterway.</p> <p>The wetland/water features at the site are manmade as a result of sand/gravel mining. Because the mining has ceased and the features have been abandoned they do not meet the (b)(9) exclusion. In accordance with the NWPR abandoned sand and gravel pits that have filled with water and do not meet the definition of (a)(1) through (a)(3) waters are to be excluded under (b)(8).</p>

III. SUPPORTING INFORMATION

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Site plan entitled "WETLANDS LOCATION PREPARED FOR DAVID LEWIS, CORNING ROAD, NORWICH, CONNECTICUT" prepared by Dutch & Associates dated "January 29, 2009; Wetland Delineation prepared by Richard Zulick dated September 30, 2008 revised, received October 19, 2009; Site plan entitled CORNING HOLLOW LMI Residential Development 168 Corning Road, Norwich, CT PRESENT CONDITIONS" prepared by Civil Engineering Services, LLC dated December 1, 2009; letter from Datum Engineering & Surveying LLC, Richard Zulick, Soil Scientist dated May 5, 2020 confirming that the wetland delineation and boundary remains consistent with the original delineation and that conditions on the site have not changed.](#)

This information is sufficient for purposes of this AJD.

Rationale: The information submitted to support the request indicates that the boundary of the resource areas were delineated in accordance with State of Connecticut standards per the National Cooperative Soil Survey definition of wetland and not the federal three-parameter federal methodology. In our professional practice we have found that this methodology provides a relatively consistent result with the federal boundary in most cases. In addition, Corps staff verified the wetland delineation on December 12, 2008 and found that the resource areas depicted on the plan were consistent with conditions in the field and that the flagged wetland boundary was reasonably accurate and sufficient for preparation of an AJD.

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Various as listed below](#)
- Corps site visit(s) conducted on: [December 10, 2008](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [NAE-2008-02650 issued 10/20/2009](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey accessed June 17, 2020](#)
- USFWS NWI maps: [NWI Mapper accessed June 17, 2020](#)
- USGS topographic maps: [Web Soil Survey report accessed on June 17, 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHDPlus dataset accessed via Corps Map on June 17, 2020
USDA Sources	Web Soil Survey report accessed June 17, 2020
NOAA Sources	N/A.
USACE Sources	Corps Map Jurisdictional Tool accessed June 17, 2020
State/Local/Tribal Sources	CTDEEP Connecticut Elevation 2016 lidar bare earth elevation survey accessed June 17, 2020; CT DEEP 2004 spring aerial photograph accessed on June 17, 2020; CT DEEP NWI+ Functional Assessment; CTDEEP/UCONN 1970 aerial photograph; CTDEEP/UCONN 1986 aerial photograph.
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [Anecdotal information provided by the agent suggested that the wetland pockets at the site were created as a result of mining or borrowing activity from upland. Historical aerial photographs located at the CT State Library Achives \(1965 spring photo #01234\) depicts excavation and isolated ponding on the parcel with no hydrological connection to a tributary, which supports this](#)



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assertion (see MFR in file). A 1934 aerial photograph (CSL spring 1934 Photo #01968) shows the parcel as active farmland, and clearly depicts the tree covered slope to the east of the existing stone wall that demarcates the eastern property boundary. No wetland features are evident in the photo. Review of the 1892 War Department topographic map for the 15 minute series Norwich Quadrangle also corroborates this. Of interest, the 1892 map also depicts a tributary flowing parallel to Hamilton Avenue, just to the north of the subject parcel. This tributary remains today, but in a slightly different location and is now piped under the adjacent clustered housing development.

The largest wetland area at the site, identified on the project plan as Wetland A, consists of an irregular hour glass shaped depression of about 0.75 acre, between 2 and 6 feet in depth, with boulder and rock rubble within and adjacent to the excavated feature. The perimeter slopes of the feature are relatively steep and the ground surface within is variable consistent with excavation. The USGS soil survey identifies the land at the site as Udorthents with relatively high seasonal groundwater. The upslope or eastern boundary is mapped as Canton and Charlton, 3-15 percent slopes and very rocky. This is consistent with conditions found at the site. The other soil classification abutting the site is Charlton-Chatfield complex, 3 to 15 percent slopes, very rocky. Both of these soil map units possess a hydric soil component in the form of Leicester which is common to drainageways and depressions. However, historical documentation provided no indication that hydric conditions were present at the site prior to excavation.

Within the larger depressional area are two separate deeper depressions functioning as dump sites, one for bicycles and one for tires. There are four other much smaller depressional areas, two estimated at about 2,500 sf (Wetland B and C) and two of approximately 200 sf Wetland D and E). The wetland features at the site are offset from the nearest drainage feature by roughly 8 feet of elevation where the 0.75 acre wetland was excavated into the ground. The existing resource areas at the site are physically remote from the waterway which is located approximately 263 feet to the north. They do not abut this tributary which according to aerial photographs is a relocated stream that flows indirectly into the Shetucket River via a manmade conveyance after passing via pipe under a housing development.

We assessed the feasibility that the features at the site may have been constructed in wetlands that were hydrologically connected to Crowley Brook and the Poquetanuck River to the south. This does not appear likely based upon their landform (terrace) and location on the landscape. Features associated with Crowley Brook exhibit characteristics of a bedrock controlled landform with glacial ice-contact Kame features, which is inconsistent with our assessment of the review area.