



**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): 1/26/2021

ORM Number: NAE-2020-00216

Associated JDs: N/A

Review Area Location¹: State/Territory: MA City: Fort Devens County/Parish/Borough: Worcester

Center Coordinates of Review Area: Latitude 42.51219 Longitude -71.51219

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		Rationale for Exclusion Determination
Wetland #4	0.03	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. This pond (Wetland #4) is separated by natural and/or man-made features. There were no outfalls from the road connecting W1 to W4 as well. This a vernal pool with an OHWM, but no connection to any other waters and is therefore an isolated water and non-jurisdictional.

III. SUPPORTING INFORMATION

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: [Jurisdictional Wetlands and Waters Report U.S. Army Garrison Fort Devens South Post Hotel Range Reconfiguration Lancaster Township, Worcester County, Massachusetts Submitted By Normandeau Associates, Inc. dated July 2018, and Environmental Assessment for Hotel Range Renovation at U.S. Army Garrison Fort Devens, Massachusetts dated May 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial and Other: Various Listed Below](#)
- ☒ Corps site visit(s) conducted on: [July 21, 2020](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Web Soil Surveys accessed September 29, 2019 & December 8, 2020](#)
- ☒ USFWS NWI maps: [NWI Mappers accessed September 29, 2019 & December 8, 2020](#)
- ☒ USGS topographic maps: [MAGIS Topo Map accessed December 8, 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Orthoimagery 2013, NHD dataset (streams)
USDA Sources	N/A. Web Soil Surveys accessed September 29, 2019 & December 8, 2020
NOAA Sources	N/A.
USACE Sources	Corp Map Jurisdictional tool, Corps Site Visit Report by Taylor Bell dated 7/21/20

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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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	Mass GIS Ortho Photo,
Other Sources	Environmental Assessment Hotel Range Renovation at U.S. Army Garrison Fort Devens, Massachusetts May 2020, Google Earth Aerials 12/2001 and 9/2019

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

C. Additional comments to support AJD: The review area for the purposes of this AJD only consist of Wetland #4 (vernal pool). No other areas depicted on maps, photos or "study area" are included. Information provided by the agent suggested that Wetland #4 is a 0.03 acre isolated depression near the range access road. Vegetation cover was sparse with only occasional herbaceous stems or shrubs and may function as a vernal pool (PVP2) in some years and may not be considered federally jurisdictional because of its isolation from the Nashua River drainage system. A Corps site visit on July 21, 2020 found the site to be a vernal pool or likely vernal pool with an OHWM is present, but no connection to any other waters and is therefore an isolated water and non-jurisdictional. Most of site was flagged very conservative giving an impression that the resources may be abutting/adjacent, however resources appear to be separated from other waters. There were no outfalls from the road connecting W1 to W4 as well. The Corps site visit confirms the assertion by the applicant's consultant that Wetland #4 is an isolated water, and not within Corps Jurisdiction.