



**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): 2/24/2021

ORM Number: LRN-2020-01100-AJD; TDOT PIN 128666.00

Associated JDs: LRN-2020-01100-PJD

Review Area Location¹: State/Territory: TN City: N/A County/Parish/Borough: Marion

Center Coordinates of Review Area: Latitude 35.070362 Longitude -85.494590

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.	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.	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.	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.	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
STR-1 (STA 93+40)	161.7	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature was determined to have an ephemeral flow regime based on an evaluation of the submitted field data sheets, hydrologic determination forms, and onsite photographs. Additionally, the USACE conducted a field review on October 30, 2020 and completed an office review of a variety of available resources, as described at Part III below. STR-1 contained no flowing water or isolated pools during the TDOT field review on September 2, 2020. Approximately 40% of STR-1 contained some flow during the USACE field review on October 30, 2020; however, heavy rainfall occurred during the several days prior to the October 2020 field review (see Part III.B below). The available data and information support a determination that this is an ephemeral feature.

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: **TDOT “Environmental Boundaries Report” and accompanying submittals dated April 17, 2019.**

This information is sufficient for purposes of this AJD.

Rationale: **N/A**

☐ Data sheets prepared by the Corps: **Title(s) and/or date(s).**

☒ Photographs: **Aerial and Other: Aerial and field photos located within the TDOT “Environmental Boundaries Report” and accompanying submittals dated April 17, 2019. Field photos from the TDOT September 2, 2020 field visit. Photos from the October 30, 2020 USACE field visit.**

☒ Corps site visit(s) conducted on: **October 30, 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: **Title(s) and/or date(s).**

☐ USFWS NWI maps: **Title(s) and/or date(s).**

☒ USGS topographic maps: **USGS maps located within the TDOT “Environmental Boundaries Report” and accompanying submittals dated April 17, 2019.**

Other data sources used to aid in this determination:

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
USGS/WBD/NHD data/maps	NHD data was reviewed on February 23, 2021 via the LRN Regulatory Viewer. No features depicted within the review area.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Topographic data was reviewed on February 23, 2021 via the LRN Regulatory Viewer. No features depicted within the review area.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.
USGS Stream stats	Stream stats data was reviewed on February 23, 2021. No features depicted within the review area.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to evaluate the project area for the previous 90 days, with input dates of March 7, 2019; September 2, 2020; and October 30, 2020; the dates of observations recorded. The 90-day periods preceeding all three observation dates were documented to be “wetter than normal”. All three observation dates were during periods of “extreme wetness” per the Palmer Drought Severity Index (PDSI). The submitted Hydrologic Determination Field Data Sheets indicate 0.72 inch of rainfall in the 7-days prior to the March 2019 observation date. The APT outputs and weather.gov indicate heavy rainfall in excess of 3 inches during the several days preceeding the October 2020 observation date.

C. Additional comments to support AJD: N/A