



**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): 7/19/2021

ORM Number: LRN-2021-00528

Associated JDs: N/A

Review Area Location¹: State/Territory: TN City: Tracy City County/Parish/Borough: Marion and Grundy

Center Coordinates of Review Area: Latitude 35.2988 Longitude -85.7189

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
Water Feature 1	197	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Water Feature 1 was determined to be a ditch with an intermittent flow regime based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch was constructed during mining operations in the 1970's in order to drain water. The feature did not support aquatic life, and was considered a wet weather conveyance according to TDEC's hydrological determination scoring criteria. The feature does not drain to an (a)(1) or (a)(2) water, is not a relocated tributary, or draining an adjacent wetland. □
Water Feature 2	110	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Water Feature 2 was determined to be a ditch with an intermittent flow regime based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch was constructed during mining operations in the 1970's in order to drain water. While it does have bed and bank, no other OHWM indicators were noted. The feature did not support aquatic life, and was considered a wet weather conveyance according to TDEC's hydrological determination scoring criteria. The feature does not drain to an (a)(1) or (a)(2) water, is not a relocated tributary, or draining an adjacent wetland
Water Feature 3	125	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Water Feature 3 was determined to be a ditch with an intermittent flow regime based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch was constructed during mining operations in the 1970's in order to drain water. The ditch does not drain to an (a)(1) or (a)(2) water, is not a relocated tributary, or draining an adjacent wetland
Water Feature 4	104	linear feet	(b)(5) Ditch that is not an (a)(1) or	Water Feature 4 was determined to be a ditch with an intermittent flow regime based on an

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch was constructed during mining operations in the 1970's in order to drain water. The ditch does not drain to an (a)(1) or (a)(2) water, is not a relocated tributary, or draining an adjacent wetland
Water Feature 5	115	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Water Feature 5 was determined to be a ditch with an intermittent flow regime based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch was constructed during mining operations in the 1970's in order to drain water. The ditch does not drain to an (a)(1) or (a)(2) water, is not a relocated tributary, or draining an adjacent wetland
Pit 1	0.41	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).	Pit 1 was determined to be an artificial pond excavated during the 1970s as part of a surface mining operation. The pond was constructed entirely in uplands and is not an impoundment of a jurisdictional water based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application.
Pit 2	0.35	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).	Pit 2 was determined to be an artificial pond excavated during the 1970s as part of a surface mining operation. The pond was constructed entirely in uplands and is not an impoundment of a jurisdictional water based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application.
Pit 3	0.35	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in	Pit 3 was determined to be an artificial pond excavated during the 1970s as part of a surface mining operation. The pond was constructed entirely in uplands and is not an impoundment of



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			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).	a jurisdictional water based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application.
Pit 4	0.25	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).	Pit 4 was determined to be an artificial pond excavated during the 1970s as part of a surface mining operation. The pond was constructed entirely in uplands and is not an impoundment of a jurisdictional water based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. water, is not a relocated tributary, or draining an adjacent wetland
Pit 5	0.7	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).	Pit 5 was determined to be an artificial pond excavated during the 1970s as part of a surface mining operation. The pond was constructed entirely in uplands and is not an impoundment of a jurisdictional water based on an evaluation of the submitted information, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. water, is not a relocated tributary, or draining an adjacent wetland

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: **“Brushy Ridge AML Request for JD”, Dated June 8, 2021**

This information is sufficient for purposes of this AJD.

Rationale: **Submitted figures show locations of features.**

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

☒ Photographs: **Aerial and Other: Photos from submitted JD report**

☐ Corps site visit(s) conducted on: **Date(s).**



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- ☐ 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: [Regulatory viewer, Dated June 21, 2021](#)
- ☒ USGS topographic maps: [Regulatory viewer, Dated June 21, 2021](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	Regulatory viewer, Dated June 21, 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The site did not contain any Waters of the U.S.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)