



**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): 8/31/2020

ORM Number: LRN-2020-00625

Associated JDs: N/A

Review Area Location¹: State/Territory: Tennessee City: Chattanooga County/Parish/Borough: Hamilton

Center Coordinates of Review Area: Latitude 34.995118 Longitude -85.317873

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	
WC-1	277	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have a perennial flow regime based on an evaluation of the submitted information and Corps site inspection.

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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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
WTL-1	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature was determined to abut WC-1, an a(2) water, based on the delineated wetland boundary touches the delineated WC-1 boundary, is not physically separated by an artificial barrier, and Corps site inspection.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WC-2	128	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted information and Corps site inspection.
WC-3	181	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted information, and Corps site inspection.
WTL-2	0.27	acre(s)	(b)(1) Non-adjacent wetland.	The wetland appears to be an abandoned excavated pit that does not abut, is not adjacent, is not physically separated by an artificial barrier and does not have a direct hydrologic connection to an A(1) - A(3) water in a typical year. The feature was determined to be isolated based on the evaluation of the submitted information and Corps site inspection.

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: [Final HD and Wetland Delineation Report \(June 21, 2020\)](#), [Hydrologic Determinations and Wetland Delineation Report Addendum \(April 7, 2020\)](#), [Hydrologic Determinations and Wetland Delineation \(February 3, 2020\)](#) prepared and submitted by [BDY Environmental, LLC](#) on behalf of [LDG Landholdings, LLC](#).

This information is and is not sufficient for purposes of this AJD.

Rationale: [Other resources were utilized and a site visit was conducted by the USACE on August 14, 2020.](#)

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 sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Other: Reference Final HD and Wetland Delineation Report (June 21, 2020), Hydrologic Determinations and Wetland Delineation Report Addendum (April 7, 2020), Hydrologic Determinations and Wetland Delineation (February 3, 2020). Photos were taken during the site visit on 14 August 2020 by Aric Payne, USACE Nashville District.
- ☒ Corps site visit(s) conducted on: August 14, 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: Reference Final HD and Wetland Delineation Report (June 21, 2020), Hydrologic Determinations and Wetland Delineation Report Addendum (April 7, 2020), Hydrologic Determinations and Wetland Delineation (February 3, 2020)
- ☒ USFWS NWI maps: Reference Final HD and Wetland Delineation Report (June 21, 2020), Hydrologic Determinations and Wetland Delineation Report Addendum (April 7, 2020), Hydrologic Determinations and Wetland Delineation (February 3, 2020)
- ☒ USGS topographic maps: Reference Final HD and Wetland Delineation Report (June 21, 2020), Hydrologic Determinations and Wetland Delineation Report Addendum (April 7, 2020), Hydrologic Determinations and Wetland Delineation (February 3, 2020)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
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 Antecedent Precipitation Tool was used to evaluate the project area for for the 90 day period prior to the site visit. A single point centered on the center of the project site was used to evaluate the rainfall data and was determined to be sufficient based on the small geographic size of the site. The 90 day period beginning June 15, 2020 was determined to be "normal conditions," with rainfall exceeding the 70th percentile for the 30 days ending July 15, 2020 and rainfall was below the 70th percentile in the 30 day period ending July 15, 2020 and August 14, 2020. The drought index further describes the period as "extreme wetness (2020-07)." The daily total on the Antecedent Precipitation Tool also shows the site received precipitation approximately two days prior to the site visit. Flow was observed in the aquatic feature identified as WC-1 and determined to be perennial. No flow was observed in aquatic features identified as WC-2 and WC-3 during the site visit, therefore these features were determined to be ephemeral.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.