



**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): 11/4/2020

ORM Number: LRN-2018-00670

Associated JDs: N/A

Review Area Location¹: State/Territory: TN City: Crossville County/Parish/Borough: Cumberland

Center Coordinates of Review Area: Latitude 35.85582 Longitude -85.16031

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
WWC 5	140	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
WWC 7	40	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
WWC 8	40	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
WWC 9	40	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
WWC 10	70	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
WWC 11	96.8	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
WWC 20	10	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 hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
SWP 2 DRAINAGE CHANNEL	100	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional	The feature was determined to have been excavated in uplands to convey flow from existing stormwater pond based on an evaluation of the submitted information, a Corps site inspection, and online resources.

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
		water to convey, treat, infiltrate, or store stormwater runoff.	
SWP 3 DRAINAGE CHANNEL	100	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.
			The feature was determined to have been excavated in uplands to convey flow from existing stormwater pond based on an evaluation of the submitted information, a Corps site inspection, and online resources.

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: [Reference Revised Ecology Reports \(Revisions: February and August 2020\) submitted by Development & Environmental Planning Associates, LLC, Ms. Tina Burgess, on behalf of Middle Tennessee Natural Gas Utility District dated August 2020 and additional information received 9 September 2020.](#)

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](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Select. Reference Revised Ecology Reports \(Revisions: February and August 2020\) submitted by Development & Environmental Planning Associates, LLC, Ms. Tina Burgess, on behalf of Middle Tennessee Natural Gas Utility District dated August 2020 and additional information received 9 September 2020.](#)

☒ Corps site visit(s) conducted on: [14 July 2020 by Michael Rawetski, USACE](#)

☐ 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 Revised Ecology Reports \(Revisions: February and August 2020\) submitted by Development & Environmental Planning Associates, LLC, Ms. Tina Burgess, on behalf of Middle Tennessee Natural Gas Utility District dated August 2020 and additional information received 9 September 2020.](#)

☒ USFWS NWI maps: [Reference Revised Ecology Reports \(Revisions: February and August 2020\) submitted by Development & Environmental Planning Associates, LLC, Ms. Tina Burgess, on behalf of Middle Tennessee Natural Gas Utility District dated August 2020 and additional information received 9 September 2020.](#)

☒ USGS topographic maps: [Reference Revised Ecology Reports \(Revisions: February and August 2020\) submitted by Development & Environmental Planning Associates, LLC, Ms. Tina Burgess, on behalf of](#)



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Middle Tennessee Natural Gas Utility District dated August 2020 and additional information received 9 September 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 17 mile linear project area at two locations for the 90 day period prior to the site visit and the day of the site visit.

Evaluation 1: A single point located in Bledsoe County (near the terminus of the southeastern segment of the project) was used to evaluate the rainfall data for that geographic location of the project. The 90 day period beginning May 09, 2020 was determined to be "normal conditions," with rainfall exceeding the 70th percentile for the 30 days ending May 09, 2020, and rainfall below the 70th percentile in the 30 day periods ending June 08, 2020, and July 08, 2020. The drought index further describes the period as "extreme wetness." The daily total on the Antecedent Precipitation Tool also showed precipitation fell the first few days of July prior to the site visit.

Evaluation 2: A second 90 day period evaluation was conducted on the day of the site visit 14 July 2020. The 90 day period beginning May 15, 2020 was determined to be "normal conditions," with rainfall exceeding the 70th percentile for the 30 days ending June 15, 2020, and rainfall below the 70th percentile in the 30 day periods ending July 15, 2020. The drought index further describes the period as "extreme wetness." The daily total on the Antecedent Precipitation Tool corroborated the initial evaluation indicating precipitation in the days prior to the site visit.

The initial evaluation (located near the terminus of the southeastern segment of the project) was compared to the second evaluation point (located northeast from the center of the project in the northeastern segment) to review any differences of precipitation. Evaluation 1 indicated rainfall above the 70th percentile ending May 09, 2020. Evaluation 2 indicated rainfall above the 70th percentile ending 15 June 2020. Both evaluations indicate rainfall was in the 30 year normal rainfall range 30 days prior to the site visit. No flow was observed in above listed features during the site visit, therefore the features were determined to be ephemeral.

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