



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): June 22, 2021

ORM Number: LRN-2005-02052

Associated JDs: N/A

State/Territory: TN City: Farragut County/Parish/Borough: Knox County

Center Coordinates of Review Area: Latitude 35.879091 Longitude -84.152351

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
Turkey Creek	2855 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Turkey Creek is a large perennial stream with continuous flow year around from groundwater and stormwater runoff. Stream is shown as Turkey Creek on available mapping including USGS quad map as a blue-line stream. Turkey Creek is a tributary of the Tennessee River at Mile 616.5R. RD confirmed by onsite on 2/25/21

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

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 independent 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.

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stormwater pond	0.59 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Artificial Stormwater pond was determined to be a detention pond constructed in upland to treat stormwater runoff from an adjacent commercial development. A review of aerial photography from 2003, prior to construction of the pond, showed no stream at the location where the pond was constructed. During the site visit, the only connection to upstream and downstream waters were found to be structures designed to regulate storm water flow to Turkey Creek. (35.88098, -84.15434)
Wetland	0.05 acres	(b)(1) Non-adjacent wetland	Wetland was determined to be a depressional feature resulting from improper drainage after the construction of Brooklawn Street. A review of aerial photography from 1992, prior to construction of Brooklawn Street, showed no stream at the location at the location of this wetland. During the site visit, no upstream or downstream connection for other waters found and the primary water source appeared to be stormwater. (35.87975, -84.15480)

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: Document titled *“Wetland Determination Report for Biddle Farm-Farragut, TN” dated August 14, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: N/A.

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: *Aerial and Other: Aerial Imagery from Google Earth dated 03/15/1992 to 06/13/2019, USGS 3D Elevation Program (3DEP) access via LRN Regulatory Viewer and GIS base layers were obtained from ESRI/USGS. Site photos provided for each water feature within the jurisdictional waters request from the consultant's onsite observation on 07/20/2020. Site photos provided by RD during site visit on 06/07/2021.*

☒ Corps Site visit(s) conducted on: *Date(s). 06/07/2021*

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *See Section C below.*

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

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- ☒ **USDA NRCS Soil Survey:** Accessed June 4, 2021 via NRCS Web Soil Survey website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- ☒ **USFWS NWI maps:** Provided in AJD request/delineation report and accessed within ORM2 June 4, 2021
- ☒ **USGS topographic maps:** Provided in AJD request/delineation report and accessed within ORM2 June 4, 2021.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	060102010208 HUC-12 Turkey Creek; 1:24,000; LOVELL TN Quadrangle Map
USDA Sources	NRCS WETS tables, Included on Antecedent Precipitation Tool, determined to be normal conditions
NOAA Sources	NCDC Palmer Drought Severity Index, For the period of April 2021 to June 2021 the location was determined to be "Moderate Wetness".
USACE Sources	ORM2, Nashville District Regulatory Viewer, Accessed June 4, 2021.
State/Local/Tribal Sources	N/A.
Other Sources	www.historicalaerials.com/viewer

B. Typical year assessment(s): A site visit was conducted on June 7, 2021. The APT calculated that the date occurred during the dry season in which it showed that the observation occurred during a period of projected decrease in soil moisture over the entire year. The Output indicated that the date of the site visit was in normal conditions year with the Palmer Drought Severity Index (PDSI) stating "Moderate Wetness," and WebWIMP indicating "Dry Season." Observed rainfall on the data collection date was at the lower expected limit for the 30-Year Normal Range. The Antecedent Condition Calculation was 13; indicating that the condition was Normal using 9 weather stations ranging from 1 miles to 10 miles from the project site.

C. Additional comments to support AJD: ORM2 shows previous jurisdictional determination for this property was completed in October 2005 and February 2008 under File LRN-2005-02052. The October 2005 JD does not show attached waters, but there is an entry for site 1 near the same location as the current wetland. The February 2008 JD is for a site called "Pond Site" that was determined to be and upland. The pond site has been filled. No other historical features are noted in ORM2.

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