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): 8/20/2020
ORM Number: LRN-2013-00513
Associated JDs: Same file number on 10 December 2013
Review Area Location[1]: State/Territory: Tennessee City: Fayetteville County/Parish/Borough: Lincoln
Center Coordinates of Review Area: Latitude 35.06639 Longitude -86.56808

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.	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
Intermittent Stream 2	1,048	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent Stream 2 flows west into a perennial stream (Perennial Stream 5), a tributary of Walker Branch, then into Walker Branch, then into Walker Creek, then into West Fork Flint River, then into Flint River (a TNW). 2013 JD determined stream had intermittent flow. Channel full of wetland vegetation. Channel bottom was moist even without recent rainfall.
Intermittent Stream 4	1,634	linear feet	(a)(2) Intermittent tributary contributes	Intermittent Stream 4 flows west into a perennial stream (Perennial Stream 5), a tributary of Walker Branch, then into Walker Branch, then into Walker

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	Creek, then into West Fork Flint River, then into Flint River (a TNW). 2013 JD determined stream had intermittent flow. Channel full of wetland vegetation. Channel bottom was moist even without recent rainfall.
Perennial Stream 5	857	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial Stream 5 flows south into Walker Branch, then into Walker Creek, then into West Fork Flint River, then into Flint River (a TNW). 2013 JD determined stream had perennial flow. Water was flowing in the channel even though this is the normal dry season for this region and the precipitation 30 days prior to my site visit were drier than normal according to the ATP.
Intermittent Stream 6	339	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent Stream 6 flows south into a perennial stream (Perennial Stream 5), a tributary of Walker Branch, then into Walker Branch, then into Walker Creek, then into West Fork Flint River, then into Flint River (a TNW). 2013 JD determined stream had ephemeral flow but during the 06 August 2020 site visit it had small amount of flow even without recent rainfall.

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
Wetland 1	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 abuts Intermittent Stream 4, an eventual tributary of Flint River, a TNW.
Wetland 2	0.35	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 2 abuts Intermittent Stream 2, an eventual tributary of Flint River, a TNW.
Wetland 3	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3 abuts Intermittent Stream 6, an eventual tributary of Flint River, a TNW.
Wetland 5	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 5 abuts Perennial Stream 5, an eventual tributary of Flint River, a TNW.
Wetland 6	0.48	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 6 abuts Intermittent Stream 2, an eventual tributary of Flint River, a TNW.
Wetland 7	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 7 abuts Perennial Stream 5, an eventual tributary of Flint River, a TNW.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 9	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 9 abuts Intermittent Stream 4, an eventual tributary of Flint River, a TNW.
Wetland 10	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 10 abuts Intermittent Stream 4, an eventual tributary of Flint River, a TNW.
Wetland 11	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 11 abuts Intermittent Stream 4, an eventual tributary of Flint River, a TNW
Wetland 13	0.02	N/A.	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 13 abuts Perennial Stream 5, an eventual tributary of Flint River, a TNW.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Ephemeral Stream 8	220	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The 2013 JD determined Ephemeral Stream 8 was an ephemeral stream. The 06 August 2020 site visit revealed Ephemeral Stream 8 was dry with a very small channel and upland vegetation was growing within the channel bottom.
Wetland 4	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
Wetland 12	0.2	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 12 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
Wetland 14	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 14 does not abut, receive flooding in a typical year from, or separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
Pond 3	0.3	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	Pond 3 is an excavated pond not located within a water of the U.S. The NRCS soil survey maps Pond 3 within the Guthrie soil series, a hydric soil series, but the site visit revealed no wetlands immediately adjacent Pond 3. If wetlands were historically located within the "footprint" of Pond 3, they would not abut, receive flooding in a typical year from, or be separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			a jurisdictional water that meets (c)(6).	
Pond 4	0.33	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).	Pond 3 is an excavated pond not located within a water of the U.S. The NRCS soil survey maps Pond 3 within the Guthrie soil series, a hydric soil series, but the site visit revealed no wetlands immediately adjacent Pond 3. If wetlands were historically located within the "footprint" of Pond 3, they would not abut, receive flooding in a typical year from, or be separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.

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: "Jurisdictional Waters Assessment, Lincoln County Runway Center, Fayetteville, Lincoln County, Tennessee, S&ME Project No. 4482-18-040", dated December 20, 2018. A revised JD report dated August 13, 2020.

This information is sufficient for purposes of this AJD.

Rationale: Revised JD report created in response to USACE site visit on August 6, 2020.

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

☒ Photographs: Aerial and Other: Images from both JD reports and photographs taken by USACE during August 6, 2020 site visit.

☒ Corps site visit(s) conducted on: August 6, 2020

☒ Previous Jurisdictional Determinations (AJDs or PJDs): PJD, LRN-2013-00513, December 10, 2013.

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

☒ USDA NRCS Soil Survey: Lincoln County, Tennessee

☒ USFWS NWI maps: Lincoln, Tennessee

☒ USGS topographic maps: Lincoln, Tennessee

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	Various layers from ORM2
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to evaluate the project area for the months preceding my 6 August 2020 site inspection. A single point centered on the AJD review area was used to evaluate the rainfall data. The 90 day period preceding 6 August 2020 was determined to be normal with the nearest month being drier than the 30th percentile, the month ending 30 days prior to 6 August 2020 was normal, and the month ending 60 days prior to 6 August 2020 was wetter than the 70th percentile. The drought index further describes the period ending on July 2020 as severe wetness.

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