



**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): 7/27/2021

ORM Number: LRN-2021-00571

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Tennessee City: Ooltewah County/Parish/Borough: Hamilton

Center Coordinates of Review Area: Latitude 35.129914 Longitude -85.066655

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WWC 4	159	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC 4 was determined to have an ephemeral flow regime based on an evaluation of the submitted field data sheets, hydrologic determination forms, and site visit. WWC 4 contained no flowing water or isolated pools during the May 14, 2021 ASA site visit. Additionally, the USACE completed an office review of a variety of available resources, as described in Part III below. The available data and information support a determination that this is an ephemeral feature.
Wetland A	0.27	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland A is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) Wetland A is not adjacent to an A(1) or A(2) stream. Wetland A is approximately 500 linear feet from the nearest mapped stream.</p> <p>(b) Wetland A does not abut at least one point or side of an (a)(1)-(3) water.</p> <p>(c) Wetland A is not flooded by an (a)(1)-(3) water in a typical year.</p> <p>(d) Wetland A is not physically separated solely from a paragraph (a)(1)-(3) water by a natural berm, bank, dune, or similar natural feature and it is not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure.</p> <p>(e) Wetland A does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>

**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: [Surface Waters Report, 7210 Snow Hill Road, Ooltewah, Hamilton County, Tennessee; ASA Project No. 21-0099 dated June 21, 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

<sup>4</sup> 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.

<sup>5</sup> 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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- ☒ Photographs: [Select. Photographs provided in the above reference report.](#)
- ☐ Corps site visit(s) conducted on: [N/A](#)
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- ☒ Antecedent Precipitation Tool: [\*provide detailed discussion in Section III.B.\*](#)
- ☒ USDA NRCS Soil Survey: [Accessed July 26, 2021 via NRCS Web Soil Survey website:   
<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>.](#)
- ☒ USFWS NWI maps: [Accessed July 26, 2021 via Nashville District Regulatory Viewer.](#)
- ☒ USGS topographic maps: [Accessed July 26, 2021 via Nashville District Regulatory Viewer.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">Project area was reviewed on July 26, 2021.</a>
<a href="#">USDA Sources</a>	<a href="#">NRCS Web soil survey, reviewed on July 26, 2021.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">Nashville District Regulatory Viewer, Accessed July 26, 2021.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a date of May 14, 2021, to coincide with the ASA 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 geographic size of the site. The 90 day period beginning March 15, 2021 was determined to be normal, with rainfall being normal for March and May, and exceeding the 70th percentile for April. The APT indicates that streams were exhibiting normal flow conditions during the site visit.](#)

**C. Additional comments to support AJD:** [N/A.](#)