



**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): 12/17/2020

ORM Number: LRN-2011-00420

Associated JDs: 5/11/2011

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

Center Coordinates of Review Area: Latitude 35.074870 Longitude -85.274904

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
WWC1/Ephemeral Stream 1	1150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC1/ Ephemeral Stream 1 was determined to have ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, topographical maps, CoCoRaHA weather stations, and online resources. There was an absence of a continuous OHWM throughout the channel. A review of aerial imagery and site photographs concludes the channels starting terminus is at 35.07403, -85.27352 and end terminus is at 35.07409, -85.27708. NHD and NWI layers do not have the feature mapped. Due to large scale commercial development within the area of adjoining properties the feature only promotes ephemeral flow. The nearest visible stream is where South Chickamauga Creek feeds into the Tennessee River approximately 6000 linear feet north.
WWC2/Ephemeral Stream 2	960	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC2/ Ephemeral Stream 2 was determined to have ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, topographical maps, CoCoRaHA weather stations, and online resources. There was an absence of a continuous OHWM throughout the channel. A review of aerial imagery and site photographs concludes the channels starting terminus is at 35.07710, -85.27385 and end terminus is at 35.07701, -85.27705. NHD and NWI layers do not have the feature mapped. Due to large scale commercial development within the area of adjoining properties the feature only promotes ephemeral flow. The nearest visible stream is where South Chickamauga Creek feeds into the Tennessee River approximately 6000 linear feet north.
Wetland 1	1.3	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 was determined to be an emergent wetland and is physically near WWC1/ Ephemeral Stream 1. Wetland 1 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 1 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial

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
				imagery. Wetland 1 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. Wetland 1 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
Wetland 2	0.48	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 was determined to be an emergent wetland and is physically near WWC2/ Ephemeral Stream 2. Wetland 2 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 2 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery. Wetland 2 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. Wetland 2 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
Wetland 3	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 was determined to be an emergent wetland and is approximately 300 feet upgradient from the starting terminus of WWC1/ Ephemeral Stream 1. Wetland 3 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 3 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery. Wetland 3 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. Wetland 3 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
Wetland 4	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 was determined to be an emergent wetland and is approximately 400 feet upgradient from the starting terminus of WWC1/ Ephemeral Stream 1. Wetland 4 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 4 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				Wetland 4 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. Wetland 4 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
Wetland 5	0.06	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 was determined to be an emergent wetland and is physically near WWC1/ Ephemeral Stream 1. Wetland 5 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 5 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery. Wetland 5 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. Wetland 5 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.

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: [S&ME USACE Approved Jurisdictional Determination and TDEC HD Request, Centre South Industrial Park, 2601 Riverport Road, Chattanooga, Hamilton County, Tennessee, S&ME Project No. 4181-20-042, August 13, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

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

☒ Photographs: [Other: S&ME Assessment Photographs in August 13, 2020 submitted report.](#)

☐ Corps site visit(s) conducted on: [Date\(s\)](#).

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2011-00420, May 11, 2011](#)

☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Submitted with S&ME August 13, 2020 report.](#)

☒ USFWS NWI maps: [Submitted with S&ME August 13, 2020 report.](#)

☒ USGS topographic maps: [Submitted with S&ME August 13, 2020 report and viewed in ORM October 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Stream stats	N/A



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Data Source (select)	Name and/or date and other relevant information
USDA NRCS WETS tables	Included on Antecedent Precipitation Tool, determined to be drier than normal.
NOAA NCDC Palmer Drought Severity Index	For the period of April 28, 2020, through July 28, 2020, the location was determined to be "wetter than normal" +2.6.
Other USACE data (specify)	Nashville District Regulatory Viewer, Accessed November 30, 2020.
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 the previous 90 days, with a date of July 28, 2020. 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 28, 2020 was determined to be wetter than normal. The rainfall exceeded the 70th percentile, for the last 30 day period. The drought index further describes the period as extreme wetness and the rainfall for the previous 30 days exceeded the 30-year rolling. No flow was observed in Channel 1 and was determined to be ephemeral.

C. Additional comments to support AJD: N/A.