



**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): 9/2/2020
 ORM Number: LRN-2014-00666
 Associated JDs: LRN-2014-00666 PJD, dated July 21, 2014
 Review Area Location¹: State/Territory: TN City: LaVerge County/Parish/Borough: Rutherford
 Center Coordinates of Review Area: Latitude 35.978980 Longitude -86.581044

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
S1	93	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S1 was verified via site visit documentation and DEM maps to contribute flow to an (a)(1) water during a typical year. S1 was reported to have continuous bed and bank, hydric soils, hydrophytic vegetation, algae, and macroinvertebrates present. S1 was observed in drier than normal conditions during the dry part of the growing season according to the APT tool.

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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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
WC	.31	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WC was verified via site visit documentation and DEM maps to be directly abutting S1, an intermittent stream that contributes flow in a typical year to an (a)(1) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WA	.007	acre(s)	(b)(1) Non-adjacent wetland.	WA was determined to be geographically isolated from other aquatic resources on site.
WB	.06	acre(s)	(b)(1) Non-adjacent wetland.	WB was determined to be geographically isolated from other aquatic resources on site.
WD	.15	acre(s)	(b)(1) Non-adjacent wetland.	WD is abutting ephemeral streams S4 and S3 and is therefore non-jurisdictional.
WE	.01	acre(s)	(b)(1) Non-adjacent wetland.	WE is geographically isolated from other aquatic resources on site, connected via sheet flow to S4, and ephemeral stream, and is therefore non-jurisdictional.
WF	.03	acre(s)	(b)(1) Non-adjacent wetland.	WF is abutting ephemeral stream S4 and is therefore non-jurisdictional.
WG	.46	acre(s)	(b)(1) Non-adjacent wetland.	WG is part of an excavated quarry area that is isolated by manmade landforms from other aquatic resources. The mining activities that created this water have permanently ceased. See section C.
WH	.88	acre(s)	(b)(1) Non-adjacent wetland.	WH is part of an excavated quarry area that is isolated by manmade landforms from other aquatic resources. The mining activities that created this water have permanently ceased. See section C.
WI	.11	acre(s)	(b)(1) Non-adjacent wetland.	WI is part of an excavated quarry area that is isolated by manmade landforms from other aquatic resources. The mining activities that created this water have permanently ceased. See section C.

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	
PD1	.46	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	PD1 was determined to be isolated geographically from other aquatic resources on site.
PD2	.88	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	PD2 is abutting ephemeral streams S4 and S3 and is therefore non-jurisdictional.
PD3	.10	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	PD3 is part of an excavated quarry area that is isolated by manmade landforms from other aquatic resources. The mining activities that created this water have permanently ceased. See section C.
PD4	.05	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	PD4 is part of an excavated quarry area that is isolated by manmade landforms from other aquatic resources. The mining activities that created this water have permanently ceased. See section C.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
PD5	1.65	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	PD5 is part of an excavated quarry area that is isolated by manmade landforms from other aquatic resources. The mining activities that created this water have permanently ceased. See section C.
S2	530	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	According to field documentation, S2 exhibits weak OHWM indicators and lacked indicators of groundwater input. No base flow was seen in drier than normal conditions in the dry part of the growing season.
S3	262	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	According to previous determinations made by the Corps and verified with recent delineations, S3 exhibits weak evidence of bed and bank, limited OHWM indicators, and a slightly vegetated channel. S3 was observed with no active flow in normal conditions in the dry part of the growing season according to the APT tool.
S4	1776	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	According to previous determinations made by the Corps and verified with recent delineations, S3 exhibits weak evidence of bed and bank and limited OHWM indicators. S3 was observed with no active flow in normal conditions in the dry part of the growing season according to the APT tool.
S5	203	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	According to field documentation, S5 exhibits weak channelization, weak OHWM indicators and lacked indicators of groundwater input. No base flow was seen in drier than normal conditions in the dry part of the growing season.
S6	1001	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	According to field documentation, S6 exhibits weak channelization, weak OHWM indicators and lacked indicators of groundwater input. No base flow was seen in wetter than normal conditions in the wet part of the growing season.

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 Report, dated June 25, 2020. Additional Delineation Request, dated August 18, 2020.](#)

This information is sufficient for purposes of this AJD.



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Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Google Earth/Maps accessed September 9, 2020. Consultant Photographs taken June 18, 2020 and March 4, 2020. Previous PJD documentation, consultant photos taken June 14, 2014.](#)
- Corps site visit(s) conducted on: [July 03, 2014](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2014-00666 PJD, dated July 16, 2014.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Soil Survey Map, dated February 24, 2020.](#)
- USFWS NWI maps: [Database Review Map, dated February 24, 2020.](#)
- USGS topographic maps: [USGW Topographic Map, dated February 24, 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 consultant photos taken on June 18, 2020 during a field visit were in drier than normal conditions in the dry part of the growing season. The consultant photos taken on March 4, 2020 were in wetter than normal conditions in the wet part of the growing season. Previous PJD consultant photos were taken on June 14, 2014, in normal conditions in the dry part of the growing season.](#)
- C. Additional comments to support AJD:** [A section of the review area, containing PD5, WI, PD4, WH, WG, and PD3 were excavated for quarry activities that have ceased in operation. During the wet part of the growing season PD5 overflows south into WI, PD4, WH, WG, and PD3, however during the dry season flow input is limited to WI, PD4, WH, WG, and PD3, due to the size of PD5. DEM maps of the quarry area shows steep cuts into the bedrock as well as manmade rock walls surrounding the resources, isolating resources WI, PD4, WH, WG, PD3 and PD5 further. PD1, WB, WA, and PD2 were also verified as isolated via DEM maps. PD2 has man made berms on the northern and eastern sides. WE was verified using field visit documentation and imagery that is connected via sheet flow to ephemeral stream S4. Intermittent stream S1 was determined to have hydric soils, wetland vegetation, macroinvertebrates, moderate bed and bank and OHWM indicators present. Wetland WC is directly abutting S1 and therefore also jurisdictional. See MFR, previous LRN-2014-00666 PJD delineation, and recent LRN-2014-00666 AJD application packages for additional information.](#)