



**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): [7/13/2020](#)
 ORM Number: [\(LRN-2017-01076\)](#)
 Associated JDs: [\(LRN-2017-01076\)](#)
 Review Area Location¹: State/Territory: [TN](#) City: [Chattanooga](#) County/Parish/Borough: [Hamilton](#)
 Center Coordinates of Review Area: Latitude [35.101206](#) Longitude [-85.259261](#)

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
Tennessee River	3380	linear feet	RHA Non-tidal water is on the district's Section 10 waters list	Tennessee River is a designated Section 10 Traditionally Navigable Water (TNW).

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
Stream-1	1862	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have an intermittent flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources including the NHD layer that flow directly into a Section 10 water A(1).

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream-3	1842	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have an intermittent flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources including the NHD layer.
Stream-11	885	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have an intermittent flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Stream-12	1545	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature was determined to have an intermittent flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.

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
Pond-1	0.10	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The feature is located in a depressed area within an area that an A(2) stream runs through.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland-2	0.13	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting to an A(2) stream.
Wetland-4	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland is abutting to an A(2) stream. The feature is located at the head of the A(2) stream.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream-4	118	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Stream-5	461	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Stream-6	291	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Stream-8	108	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Stream-9	690	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Stream-13	62	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a Corps site inspection, topographical maps, and online resources.
Wetland-1	0.68	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is not adjacent to an A(1) or A(2) stream. The feature had no visible surface

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
			discharge. The nearest visible stream is approximately 125 linear feet to the east.
Wetland-3	0.04	acre(s)	(b)(1) Non-adjacent wetland. The wetland is not adjacent to an A(1) or A(2) stream. The feature had no visible surface discharge and was determined to be a depositional wetland. The nearest visible stream is approximately 500 linear feet to the southeast.
Wetland-5	0.45	acre(s)	(b)(1) Non-adjacent wetland. The wetland is not adjacent to an A(1) or A(2) stream. The feature is separated from the A(2) stream by an artificial road barrier which is a road and concrete incased sewer line. No flood waters from an A(2) stream reach the wetland within a typical year based on the provided site report. The nearest visible stream is approximately 150 linear feet to the southeast.

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: [Joint Application prepared by BDY \(June 12, 2020\) & S&ME Inc. prepared Report of Jurisdictional Waters Assesment \(May 23, 2017\)](#)
This information *is and is not* sufficient for purposes of this AJD.
Rationale: [Other resources were utilized an a site visit was conducted by the USACE](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Other: Report of Jurisdictional Waters Assesment \(May 23, 2017\) Appendix II- Photographs](#)
- Corps site visit(s) conducted on: [December 1, 2017](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2017-01076 \(11 DEC 2017\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Accessed July 6, 2020 via Nashville District Regulatory Viewer](#)
- USGS topographic maps: [U.S.G.S Chattanooga TN \(1976\)](#)

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): [Use of FEMA National Flood Hazard GIS Layer](#)



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C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)