



**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): 10/23/2020
 ORM Number: LRN-2018-00391 (TDOT PIN 104963.01)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Crossville County/Parish/Borough: Cumberland
 Center Coordinates of Review Area: Latitude 35.9842° Longitude -85.0265°

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.

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.

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.

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.

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
WWC-4	166	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	WWC-4 is located in a ditch and is a constructed or excavated channel used to convey water. Documentation indicates that WWC-4 is a roadside drainage ditch, which was constructed to provide stormwater drainage along Interstate Drive. Remote data and TDOT data indicate that WWC-4 does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland. Additionally, topographic data depicts no valley landform uphill from this feature, further supporting that this feature does not relocate a tributary and is not constructed in a tributary.
WWC-6	143	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	WWC-6 is located in a ditch and is a constructed or excavated channel used to convey water. Documentation indicates that WWC-6 is a roadside drainage ditch, which was constructed to provide stormwater drainage along Interstate Drive and for the Crossville Outlet Center and parking lot. Remote data and TDOT data indicate that WWC-6 does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland. Additionally, topographic data depicts no valley landform uphill from this feature, further supporting that this feature does not relocate a tributary and is not constructed in a tributary.
WWC-8	27	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	WWC-8 is located in a ditch and is a constructed or excavated channel used to convey water. Documentation indicates that WWC-8 is a roadside drainage ditch, which was constructed to provide stormwater drainage for the Eco Travel Plaza/Dairy Queen/Shell station, truck scale, and parking lot. Remote data and TDOT data indicate that WWC-8 does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland. Additionally, topographic data depicts no valley landform uphill from this feature, further supporting that this feature does not relocate a tributary and is not constructed in a tributary.

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
WWC-9	986	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	WWC-9 is located in a ditch and is a constructed or excavated channel used to convey water. Documentation indicates that WWC-9 is a roadside drainage ditch, which was constructed to provide stormwater drainage along Interstate Drive, Genesis Road, and for the Eco Travel Plaza/Dairy Queen/Shell station, truck scale, a Clayton Manufactured Housing facility, and parking lots. Remote data and TDOT data indicate that WWC-9 does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland. Additionally, topographic data depicts no valley landform uphill from this feature, further supporting that this feature does not relocate a tributary and is not constructed in a tributary.
WTL-5	0.11	acre(s)	(b)(1) Non-adjacent wetland.	WTL-5 is an excluded non-adjacent wetland. WTL-5 does not abut an (a)(1)-(3) jurisdictional water; is not inundated by flooding from an (a)(1)-(3) water in a typical year; is not physically separated from an (a)(1)-(3) water solely by a natural berm, bank, dune, or similar natural feature; nor by an artificial dike, barrier, or similar artificial structure. WTL-5 is separated from STR-3 by the feature WWC-4, discussed above. Per 85 FR 22299, “a ditch cannot render an otherwise isolated wetland an “adjacent wetland” and thus jurisdictional on that basis, unless the ditch itself is a tributary.” WWC-4 is an excluded (b)(5) ditch as it does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland.
WTL-A	0.09	acre(s)	(b)(1) Non-adjacent wetland.	WTL-A is an excluded non-adjacent wetland. WTL-A does not abut an (a)(1)-(3) jurisdictional water; is not inundated by flooding from an (a)(1)-(3) water in a typical year; is not physically separated from an (a)(1)-(3) water solely by a natural berm, bank, dune, or similar natural feature; nor by an artificial dike, barrier, or similar artificial structure. WTL-A 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.



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- Information submitted by, or on behalf of, the applicant/consultant: [“Modified – Environmental Boundaries Report” dated 23 Dec 2019.](#)
This information is sufficient for purposes of this AJD.
Rationale: [Additional resources were also utilized as described below.](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Google Earth Pro aerial imagery dated Mar 1997, Oct 2013, Oct 2016, Mar 2017, Apr 2018, Jun 2019; site photos provided in “Modified – Environmental Boundaries Report” dated 23 Dec 2019; site photos collected during a 31 May 2018 USACE site visit.](#)
- Corps site visit(s) conducted on: [31 May 2018](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [N/A](#)
- USFWS NWI maps: [Accessed via LRN Regulatory Viewer on 18 Oct 2020. No feature is shown within the AJD Review Area.](#)
- USGS topographic maps: [Crossville 7.5-Minute Quadrangle, 1936, 1958, 1974, 1983. No feature is shown within the AJD Review Area.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD data was reviewed on 18 Oct 2020 via LRN Regulatory Viewer. Proctor Creek is identified in the NHD just east of feature WWC-4, but no feature is shown within the AJD Review Area.
USDA Sources	N/A.
NOAA Sources	N/A.
Other USACE data (specify)	LRN Regulatory Viewer, accessed 18 Oct 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.
USGS Stream stats	StreamStats web application was reviewed on 18 Oct 2020. The gridded representation of the stream network includes a stream at the same location as for the NHD discussed above, as well as an additional stream immediately east of feature WWC-4 and a stream immediately east of feature WWC-6, but no feature is shown within the AJD Review Area.

B. Typical year assessment(s): [N/A](#)

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