



**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): [7/28/2020](#)  
 ORM Number: [LRN-2018-00397](#)  
 Associated JDs: [LRN-2018-00397, PJD, dated November 13, 2018](#)  
 Review Area Location<sup>1</sup>: State/Territory: [TN](#) City: [Westbourne](#) County/Parish/Borough: [Campbell](#)  
 Center Coordinates of Review Area: Latitude [36.4926587](#) Longitude [-84.0245239](#)

**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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
S1BE	41	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S1BE was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. Additionally, no flow was observed in the reach and no aquatic plants or macroinvertebrates were observed.
S4E	283	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S4E was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. Additionally, no flow was observed in the reach and no aquatic plants or macroinvertebrates were observed.
S8E	44	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S8E was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. Additionally, no flow was observed in the reach and no aquatic plants or macroinvertebrates were observed.
S9E	77	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S9E was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. Additionally, no flow was observed in the reach and no aquatic plants or macroinvertebrates were observed.
W1	0.12	acre(s)	(b)(1) Non-adjacent wetland.	W1 was delineated using the 1987 Wetlands Delineation Manual and Regional Supplements. W1 does not abut at least one point or side of a paragraph (a)(1)-(3) water. W1 is not flooded by an (a)(1)-(3) water in a typical year. W1 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.

<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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				Therefore, W1 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule.
W4	0.02	acre(s)	(b)(1) Non-adjacent wetland.	W4 was delineated using the 1987 Wetlands Delineation Manual and Regional Supplements. W4 does not abut at least one point or side of a paragraph (a)(1)-(3) water. W4 is not flooded by an (a)(1)-(3) water in a typical year. W4 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. Therefore, W4 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule.
W6	0.05	acre(s)	(b)(1) Non-adjacent wetland.	W6 was delineated using the 1987 Wetlands Delineation Manual and Regional Supplements. W6 does not abut at least one point or side of a paragraph (a)(1)-(3) water. W6 is not flooded by an (a)(1)-(3) water in a typical year. W6 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. Therefore, W6 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule.
W7	0.04	acre(s)	(b)(1) Non-adjacent wetland.	W7 was delineated using the 1987 Wetlands Delineation Manual and Regional Supplements. W7 does not abut at least one point or side of a paragraph (a)(1)-(3) water. W7 is not flooded by an (a)(1)-(3) water in a typical year. W7 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. Therefore, W7 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule.
OW1	0.33	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake	OW1 was determined to be an abandoned mining pit excavated wholly in uplands. The pond is the result of pre-law mining. A review of Streamstats, USGS topo maps, and historical imagery indicate that the pond was constructed wholly in uplands.



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			or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
OW2	0.14	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	OW2 was determined to be an abandoned mining pit excavated wholly in uplands. The pond is the result of pre-law mining. A review of Streamstats, USGS topo maps, and historical imagery indicate that the pond was constructed wholly in uplands.
OW3	0.4	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	OW3 was determined to be an abandoned mining pit excavated wholly in uplands. The pond is the result of pre-law mining. A review of Streamstats, USGS topo maps, and historical imagery indicate that the pond was constructed wholly in uplands.
OW4	0.1	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	OW4 was determined to be an abandoned mining pit excavated wholly in uplands. The pond is the result of pre-law mining. A review of Streamstats, USGS topo maps, and historical imagery indicate that the pond was constructed wholly in uplands.
OW5	0.46	N/A.	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional	OW5 was determined to be an abandoned mining pit excavated wholly in uplands. The pond is the result of pre-law mining. A review of Streamstats, USGS topo maps, and historical imagery indicate that the pond was constructed wholly in uplands.



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			water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
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**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: [Title\(s\) and date\(s\)](#)  
This information [is](#) sufficient for purposes of this AJD.  
Rationale: From delineation report dated July 20, 2018 and updated on September 12, 2018.
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Select. Title\(s\) and/or date\(s\)](#).
- Corps site visit(s) conducted on: [August 28, 2018](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2018-00397, November 18, 2018](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Regulatory Viewer](#)
- USGS topographic maps: 1:24,000; La Follette, TN

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Stream stats</a>	<a href="#">Reviewed on July 28, 2020</a>
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">Regulatory Viewer, July 28, 2020</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</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. A single point 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 29, 2018 was determined to be dryer than normal.](#)

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