



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-JUL-2020

ORM Number: LRN-2018-00801

Associated JDs: LRN-2018-00801, 11-Jan-19

Review Area Location¹:

State/Territory: TN City: County/Parish/Borough: Blount County

Center Coordinates of Review Area: Latitude 35.8427 Longitude -83.9981

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 and 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 independent 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
LRN-2018-00801 Ephemeral 1	926 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.

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 2139 Topside Road, Louisville, Blount County, Tennessee S&ME Project No. 4143-18-071 dated Oct 12, 2018 and USACE NWP#29 Ephemeral Stream Deregulation 2139 Topside Road dated June 23, 2020*

This information is sufficient for purposes of this AJD.
 ___ Rationale: Information was field verified (30-Oct-2018) and the information (incl. TN Hydrologic Determination Forms and delineation report) provided support the flow regime description.
 ___ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

___ Photographs: *Jurisdictional Waters Report 2139 Topside Road, Louisville, Blount County, Tennessee S&ME Project No. 4143-18-071 dated Oct 12, 2018 and Taken by Corps (30-Oct-2018)*.

Corps Site visit(s) conducted on: *30-Oct-2018*
 ___ Previous Jurisdictional Determinations (AJDs or PJDs): *LRN 2018-00801 AJD PJD dated 08-Mar-2019*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
 ___ USDA NRCS Soil Survey: Included in report: *Jurisdictional Waters Report 2139 Topside Road, Louisville, Blount County, Tennessee S&ME Project No. 4143-18-071 dated Oct 12, 2018*.

___ USFWS NWI maps: *Title(s) and/or date(s)*.

USGS topographic maps: Included in report: *Jurisdictional Waters Report 2139 Topside Road, Louisville, Blount County, Tennessee S&ME Project No. 4143-18-071 dated Oct 12, 2018*

Other data sources used to aid in this determination:

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

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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 Antecedent Precipitation Tool (APT) calculated that October 2018, the date of the site visit, occurred during the wet season in which showed the 2nd highest projected estimated increase in soil moisture over the entire year. The Output indicates that the date of the site visit was a wetter than normal year with the Palmer Drought Severity Index (PDSI) stating “Extreme Wetness,” and WebWIMP indicating Wet Season. Observed value for rainfall on the date of the site visit was within the normal 30-Year Normal range. The Antecedent Condition Calculation was 15; indicating that the condition was Wetter Than Normal using 2 weather stations less than 7 miles from the project site.
- C. Additional comments to support AJD:** N/A.

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