



**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): 8/17/2020
 ORM Number: LRN-2019-00984
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Tennessee City: Dunlap County/Parish/Borough: Sequatchie County
 Center Coordinates of Review Area: Latitude 35.255171 Longitude -85.439209

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.
 - 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
WTL01	0.017	acre(s)	(b)(1) Non-adjacent wetland.	<p>WTL01 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) WTL01 is not adjacent to an A(1) or A(2) stream.</p> <p>(b) WTL01 abuts WWC01, an ephemeral channel, which provides flow to STR01, a perennial stream. WWC01 flows for 109 lf before becoming connecting with STR01.</p> <p>(c) WTL01 is not flooded by an (a)(1)-(3) water in a typical year. A review of aerial imagery provided no evidence of flooding during a typical year.</p> <p>(d) WTL01 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.</p> <p>(e) WTL01 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>
WTL02	0.025	acre(s)	(b)(1) Non-adjacent wetland.	<p>WTL02 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) WTL02 is not adjacent to an A(1) or A(2) stream.</p> <p>(b) WTL02 abuts WWC02, an ephemeral channel, which provides flow to STR01, a perennial stream. WWC01 flows for 81 lf before becoming connecting with STR01.</p> <p>(c) WTL02 is not flooded by an (a)(1)-(3) water in a typical year. A review of aerial imagery provided no evidence of flooding during a typical year.</p> <p>(d) WTL02 is not physically separated solely from a paragraph (a)(1)-(3) water by a natural berm, bank, dune, or similar natural feature and</p>

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
				it is not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure. (e) WTL01 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water..
WTL04	0.038	acre(s)	(b)(1) Non-adjacent wetland.	WTL04 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following: (a) WTL04 is not adjacent to an A(1) or A(2) stream. (b) WTL04 abuts WWC4 and WWC5, an ephemeral channel, which does not provide flow to a stream. (c) WTL04 is not flooded by an (a)(1)-(3) water in a typical year. A review of aerial imagery provided no evidence of flooding during a typical year. (d) WTL04 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. (e) WTL04 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
WWC01	109	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC01 was determined to be an ephemeral channel along Condra Switch Road. Based on a review of historic topographic maps and historic aerial photography, it appears WWC01 is a relocated tributary. The feature provides flow directly to STR01, but was determined to be an ephemeral channel.
WWC02	81	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).	WWC02 is located along Condra Switch Road and determined to be a constructed ditch based on an evaluation of the submitted hydrologic determination forms, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch did not exist prior to road construction and is not a relocated tributary, and is not constructed in an adjacent wetland. The ditch flows directly into STR01.
WWC03	123	linear feet	(b)(3) Ephemeral feature, including	WWC03 was determined to be an ephemeral channel along Alvin C York Highway. Based on



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	a review of historic topographic maps and historic aerial photography, it appears WWC03 is a relocated tributary. The feature provides flow directly to STR01, but was determined to be an ephemeral channel.
WWC04	301	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).	WWC04 is located along Alvin C York Highway and determined to be a constructed ditch based on an evaluation of the submitted hydrologic determination forms, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch did not exist prior to road construction and is not a relocated tributary, and is not constructed in an adjacent wetland. The ditch does not have an outlet or provide flow to an a(1)-a(3) water.
WWC06	256	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).	WWC06 is located along Alvin C York Highway and determined to be a constructed ditch based on an evaluation of the submitted hydrologic determination forms, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch did not exist prior to road construction and is not a relocated tributary, and is not constructed in an adjacent wetland. The ditch does not have an outlet or provide flow to an a(1)-a(3) water.
WWC07	531	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).	WWC07 is located along Condra Switch Road and determined to be a constructed ditch based on an evaluation of the submitted hydrologic determination forms, topographical maps, and online resources including the NHD layer and Stream Stats application. The ditch did not exist prior to road construction and is not a relocated tributary, and is not constructed in an adjacent wetland. The ditch flows directly into STR01.

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: [USACE Jurisdictional Determination and TDEC Hydrologic Determination Request, Andre's Addition Green Shanty Road, dated July 6, 2020](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#).
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Other: Photographs taken July 20, 2020 during Corps site visit.](#)
- Corps site visit(s) conducted on: [July 20, 2020.](#)



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- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Accessed August 11, 2020 via NRCS Web Soil Survey website:
https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.](#)
- USFWS NWI maps: [Accessed August 11, 2020 via Nashville District Regulatory Viewer.](#)
- USGS topographic maps: [Accessed August 11, 2020 via Nashville District Regulatory Viewer.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Stream stats	Project area was reviewed on August 11, 2020. Based on Stream stats data, it appears that WWC01 and WWC03 are ephemeral roadside ditches that relocated a tributary. WWC01 and WWC03 are both ephemeral, and excluded. WWC02, WWC04, WWC06, and WWC07 did not relocate a channel and were determined to be excluded per (b)(5).
USDA NRCS WETS tables	Included on Antecedent Precipitation Tool, determined to be normal conditions during site visit data and photos provided by applicant.
NOAA Sources	N/A.
Other USACE data (specify)	Nashville District Regulatory Viewer, Accessed August 11, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a date of June 22, 2020. A single point centered on the center of the project site 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 April 23, 2020 was determined to be wetter than normal and the rainfall exceeded the 70th percentile for April and May, and determined to be within the 30-year normal range for June and July. The drought index further describes the period as extreme wetness and the rainfall for the previous 30 days is within the 30-year rolling. No flow was observed in WWC01, WWC02, WWC03, WWC04, WWC06, WWC07 per site photos provided by the applicant and dated 6/22/2020.](#)

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