



**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): 10/13/2020  
 ORM Number: LRN-2019-00993-AJD; TDOT PIN 126905.00  
 Associated JDs: LRN-2019-00993-PJD  
 Review Area Location<sup>1</sup>: State/Territory: TN City: Fairview County/Parish/Borough: Williamson  
 Center Coordinates of Review Area: Latitude 35.951906 Longitude -87.142269

**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
N/A.	N/A.	N/A.	N/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
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.

<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
WTL-1	.03	acre(s)	(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).	WTL-1 is located in a ditch, and is a constructed or excavated channel used to convey water. Documentation indicates that WTL-1 is a roadside drainage ditch, which was constructed to provide stormwater drainage along the road. Remote data and TDOT data indicate that WTL-1 does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland. Additionally, the wetland within the ditch does not meet the conditions of an adjacent wetland and does not satisfy the flow conditions of the tributary definition.
EPH-1	50	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 was determined to have an ephemeral flow regime based on an evaluation of the submitted field data sheet, hydrologic determination form, topographic maps, the Antecedent Precipitation Tool (APT), and online resources. The feature contained no flowing water or isolated pools on either of the two observation dates, despite recent rainfall and despite observations made during wetter than normal conditions per the APT.
EPH-2	525	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).	EPH-2 is located in a ditch, and is a constructed or excavated channel used to convey water. Documentation indicates that EPH-2 is a roadside drainage ditch, which was constructed to provide stormwater drainage along the road. Remote data and TDOT data indicate that EPH-2 does not relocate a tributary, is not constructed in a tributary, and is not constructed in an adjacent wetland.

**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: [TDOT “Request for PJD Determination” report dated September 30, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

<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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- Photographs: **Aerial and Other:** Aerial and field photos located within the TDOT “Request for PJD Determination” report dated September 30, 2020. Photos from the September 25, 2020 USACE field visit. Google Earth Pro aerial imagery dated October 22, 2019.
- Corps site visit(s) conducted on: **September 25, 2020**
- 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: **Title(s) and/or date(s).**
- USFWS NWI maps: **Viewed within Google Earth Pro; accessed 10 Oct 2020**
- USGS topographic maps: **USGS maps located within the TDOT “Request for PJD Determination” report dated September 30, 2020**

**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 October 10, 2020 via the LRN Regulatory Viewer. No features were shown within the review area.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Topographic data was reviewed on October 10, 2020 via the LRN Regulatory Viewer. No features were shown within the review area.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.
USGS Stream stats	StreamStats data was reviewed on October 10, 2020. No features were shown within the review area.

**B. Typical year assessment(s):** The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with input dates of July 12, 2018 and September 25, 2020, the date of observations recorded in the submitted “Request for PJD Determination” and the date of the USACE field visit. The Web-based Water-Budget Interactive Modeling Program (WebWIMP) indicates both observation dates to be within the dry season. However, the 90-day periods preceeding both dates were documented to be “wetter than normal” with either “extreme wetness” (Sep 2020) or “moderate wetness” (Jul 2018). Additionally, the submitted field data sheets and hydrologic determination forms indicate 2.1 inches of rainfall in the week prior to the July 2018 observation date.

**C. Additional comments to support AJD:** N/A