



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): 18-AUG-2020

ORM Number: LRN-2019-01077

Associated JDs: N/A

Review Area Location¹:

State/Territory: TN City: KNOXVILLE County/Parish/Borough: Knox County

Center Coordinates of Review Area: Latitude 36.02745 Longitude -83.885446

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
Channel 1	430 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Channel 1 was determined to be an intermittent channel that is connected to downstream waters via the ephemeral channel 2 which contributes flow from Channel 1 to downstream waters at least annually.

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):

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 abuts jurisdictional channel 1

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Channel 2	135 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, two site inspections, topographical maps, and online resources including the NHD layer and USGS Stream Stats. The stream was dry during the December 12, 2019 and August 10, 2020 site visits, but had indicators of flow including an OWHM and sediment sorting.
Channel 3	265 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, two site inspections, topographical maps, and online resources including the NHD layer and USGS Stream Stats. The stream had pooled water during a period of extreme wetness, based on information from APT, on December 12, 2019 and was dry on during August 10, 2020 site visit, but had indicators of flow including a OWHM and sediment sorting.
Channel 4	265 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, two site inspections, topographical maps, and online resources including the NHD layer and USGS Stream Stats. The stream had intermittent flowing water during a period of extreme wetness, based on information from APT, on December 12, 2019 and was dry on during August 10, 2020 site visit, but had indicators of flow including a OWHM and sediment sorting.
Wetland 2	0.01 acres	(b)(1) Non-adjacent wetland	Wetland 2 is an excluded water as a nonadjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following: (a) Wetland 2 is not adjacent to an A(1) or A(2) stream. (b) Wetland 2 is approximately 75 feet upslope of the nearest (a)(1)-(3) water, and does not abut at least one point or side of an (a)(1)-(3) water. (c) Wetland 2 is not flooded by an (a)(1)-(3) water in a typical year. (d) Wetland 2 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.

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 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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

			(e) Wetland 2 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.

- Information submitted by, or on behalf of, the applicant/consultant: *Revised Water Resources Inventory, Haun FTB Property, 22-Jan-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: *Google Earth Aerial Photography 15-Mar-1992, 13-Jun-2019; site visit photos from 12-Dec-2019 and 10-Aug-2020*
- Corps Site visit(s) conducted on: *Date(s). 12-Dec-2019 and 10-Aug-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: *included in Revised Water Resources Inventory, Haun FTB Property, 22-Jan-2020.*
- USFWS NWI maps: *Accessed via ORM2 17-Aug-2020.*
- USGS topographic maps: *1:24K TN-FOUNTAIN CITY*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS NHD/Stream Stats	Project area was reviewed on 17-Aug-2020. Channel 1 & 2 not mapped, Channel 3 & 4 not mapped on NHD, but shown as headwater in Stream Stats.
USDA Wets Table	Included on Antecedent Precipitation Tool, Determined to be wetter than normal on 12-Dec-2019 and normal on 10-Aug-2020
NOAA Sources	N/A.
USACE Sources	Nashville District Regulatory Viewer, Accessed 17-Aug-2020.
State/Local/Tribal Sources	N/A.
Other Sources	USFWS NWI - No features are not mapped. FEMA National Flood Hazard Layer, 17-Aug-2020

B. Typical year assessment(s): The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a dates of 12-Dec-2019 and 10-Aug-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 12-Dec-2019 was determined to be wetter than normal and the rainfall exceeded the 70th percentile. The 90 day period beginning for 10-Aug-2020 was determined to be normal conditions with the rainfall within the expected range between the 30th and 70th percentile. The drought index further describes the December 2019 evaluation period as severe wetness and the August 2020 period as extreme

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 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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

wetness. The rainfall for the previous 30 days exceeded the 30-year rolling in December 2019 and was within the expected 30 year normal range for August 2020.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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 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.