



**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): 8/31/2020
 ORM Number: LRN-2020-00308
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Athens County/Parish/Borough: Anderson
 Center Coordinates of Review Area: Latitude 36.009460 Longitude -84.173523

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
EPH-1	736	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was determined to have ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, topographical maps, Antecedent Precipitation Tool, and online resources. The nearest visible stream is an intermittent stream, an unnamed tributary to Melton Hill Lake.

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 Preliminary Jurisdictional Determination Request, TVA Substantion, Anderson County, TN dated 9 April 2020.” Site assessment performed by consultant on 17 March 2020.

This information is and is not sufficient for purposes of this AJD.

Rationale: Other resources were utilized.

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

Photographs: Aerial and Other: Photographs taken on 23 June 2020 during Corps site visit and photographs submitted by the agent in the report submitted 9 April, 2020.

Corps site visit(s) conducted on: 23 June 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: NRCS- Web Soil Survey accessed 29 June 2020 via NRCS Web Soil Survey website.

USFWS NWI maps: Accessed 29 June 2020 via Nashville District Regulatory Viewer.

USGS topographic maps: Accessed 29 June 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 Sources	Project area was reviewed on 23 June 2020.
USDA NRCS WETS tables	Included on Antecedent Precipitation Tool, Determined to be wetter than normal.
NOAA Sources	N/A
Other USACE data (specify)	Nashville District Regulatory Viewer, Accessed 29 June 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s):

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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The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a date of 29 June 2020. A single point located 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 29 April 2020 was determined to have normal conditions and the rainfall exceeded the 70th percentile, for the first 30-day period and remained within the normal range within the next 60-day period.

The drought index further describes the period as extreme wetness and the rainfall for the previous 30 days however the rainfall for the previous 30 days did not exceed the 30-day rolling average. No flow was observed in EPH-1.

C. Additional comments to support AJD: N/A