



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): 21-DEC-2020  
ORM Number: LRN-2020-00496  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>: LRN-2020-00496 (Summit Pointe Apartments), dated July 8, 2020  
State/Territory: TN City: Ooltewah County/Parish/Borough: Hamilton County  
Center Coordinates of Review Area: Latitude 35.067795 Longitude -85.104064

**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 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.

<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 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.

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<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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**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
Channel 1	375 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)	Feature is not, has not been used in the past, nor is susceptible for use as a Navigable Water, and exhibits ephemeral flow only in response to rainfall based on the Antecedent Precipitation Tool (APT), hydrologic determination forms, and an onsite USACE site visit. Channel 1 was determined to be an ephemeral ditch constructed along Old Lee Highway based on a review of historic topographic maps, historic aerial imagery, there is no evidence to suggest the feature is a relocated tributary. Additionally, the feature does not contribute directly or indirectly to an A(1) or A(2) water. The nearest visible stream is approximately 3,000 linear feet to the west.
Channel 2	430 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is not, has not been used in the past, nor is susceptible for use as a Navigable Water. The feature was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, a USACE site inspection, topographical maps, and online resources including the NHD layer and Stream Stats application. The feature is not mapped on NHD nor NWI layers.
Wetland 1	0.06 acres	(b)(1) Non-adjacent wetland	The wetland is not adjacent to an A(1) or A(2) stream. Based on topographical maps, aerial imagery, NHD, and USACE site visit, the feature had no visible surface discharge and was determined to be a depositional wetland. The nearest visible stream is approximately 3,000 linear feet to the west.

**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.

X Information submitted by, or on behalf of, the applicant/consultant: Report provided by Applicant entitled, *“Preliminary Waters Resource Assessment Summit Pointe Apartments 8062 Old Lee Highway Ooltewah, Hamilton County, Tennessee Terracon Project No. E2207058”* dated December 14, 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)*.

X Photographs: Provided by applicant in report entitled, *“Preliminary Waters Resource Assessment Summit Pointe Apartments 8062 Old Lee Highway Ooltewah, Hamilton County, Tennessee Terracon Project No. E2207058”* dated December 14, 2020

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Other: Taken by Corps June 11, 2020 during Corps site visit.

- Corps Site visit(s) conducted on: June 11, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): AJD LRN-2020-00496 dated July 8, 2020 .
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Accessed June 25, 2020 via NRCS Web Soil Survey website: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx> and provided in report *Preliminary Waters Resource Assessment Summit Pointe Apartments 8062 Old Lee Highway Ooltewah, Hamilton County, Tennessee Terracon Project No. E2207058* dated December 14, 2020.
- USFWS NWI maps: Accessed June 25, 2020 and December 21, 2020 via Nashville District Regulatory Viewer
- USGS topographic maps: Accessed June 25, 2020 and December 21, 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 June 11, 2020. None of the features identified within the project area are mapped.
USDA NRCS WETS tables	Included on Antecedent Precipitation Tool, Determined to be wetter than normal for June Site visit, and normal during Applicant's December data collection.
NOAA Sources	N/A.
USACE Sources	Nashville District Regulatory Viewer, Accessed June 25, 2020 and December 21, 2020
State/Local/Tribal Sources	N/A.,
Other Sources	N/A.

**B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a date of June 11, 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 12, 2020 was determined to be wetter than normal and the rainfall exceeded the 70th percentile, for all three 30 day periods. The drought index further describes the period as extreme wetness and the rainfall for the previous 30 days exceeded the 30-year rolling. The site also received 0.5” of rainfall within the previous 48 hours No flow was observed in Channel1 or Channel 2 and the reaches were determined to be ephemeral.

The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a start date of December 8, 2020 (date of further data collection by Applicant). A single point, centered on Channel 2, was used to evaluate the rainfall data and was

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determined to be sufficient based on the small geographic size of the site. The 90 day period beginning October 10, 2020, was determined to be normal conditions with the Palmer Drought Severity Index (PDSI) indicating "Extreme Wetness," and WebWIMP indicating the data was collected during the wet season. Observed value for rainfall on the December data collection was within the 30-year Normal Range. The Antecedent Condition Calculation was 14; indicating that the condition was Normal using closest weather station (within 6 miles of the project site). Based on the data that was collected on December 8, 2020, and the photographs provided, no flow was observed in Channel 2 and the reach was determined to be ephemeral.

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

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