



**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): 8/21/2020
 ORM Number: LRN-2020-00565
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Tennessee City: Chattanooga County/Parish/Borough: Hamilton
 Center Coordinates of Review Area: Latitude 35.105045 Longitude -85.254025

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
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
SA	1399	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	SA was determined to be a stormwater control feature constructed in upland, for the purpose of diverting stormwater runoff to Pond 1. The feature contains areas that are concrete lined, and wood pillars and cross members. The feature provides flow directly to Pond 1. Based on a review of historic topographic maps and historic aerial photography, 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 800 linear feet to the south.
SB	1930	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	SB was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination forms, topographical maps, and online resources including the NHD layer and Stream Stats application. SB receives ephemeral flow from SA.
Pond 1	2.55	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Pond 1 is a stormwater pond that receives flow from SA. The pond does not appear to be constructed in a jurisdictional water. The pond is not adjacent to an A(1) or A(2) stream. The feature had no visible surface discharge and is approximately 665 north and upslope to the Tennessee River. Pond 1 is a constructed stormwater pond that receives runoff from the Buzzi Unicem Corporation.

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: [Hydrologic Determinatino Report, Signal Mountain Concrete, April 3, 2020](#)

This information [Select.](#) sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)

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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- 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 21, 2020 via NRCS Web Soil Survey website:
https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx](#).
- USFWS NWI maps: [Accessed August 21, 2020 via Nashville District Regulatory Viewer](#).
- USGS topographic maps: [Accessed August 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 August 21, 2020. A channel was mapped below Pond 1 and the lower 800 lf of SB were mapped. Outflow from Pond 1 is not observed in any aerial imagery, and the S&ME report dated 4/3/2020 indicated SB as ephemeral within the AJD boundary.
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 August 21, 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 March 27, 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 January 27, 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 more than 2” of rainfall within the previous 48 hours. Flow was observed in SA and SB, however were determined to be ephemeral using primary and secondary indicators per the Tennessee Division of Water Pollution Control Hydrologic Determination Field Data Sheet.

C. Additional comments to support AJD: The project site has been highly altered due to the existing Signal Mountain Concrete site. SA was determined to be a stormwater control feature that provides direct flow to Pond 1, which was determined to be a stormwater control pond. SB is an ephemeral channel, and receives flow directly from SA.