



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): 04-Aug20
ORM Number: LRN-2020-00587
Associated JDs: LRN-2020-00587 PJD (July 2020), and LRN-2015-00146 (28-Dec-2015)
Review Area Location¹:
State/Territory: TN City: Sweetwater County/Parish/Borough: McMinn County
Center Coordinates of Review Area: Latitude 35.597639 Longitude -84.529943

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 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.



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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
LRN-2020-00587 ST-2 (WWC/Ephemeral)	401 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water 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.

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: PCN dated May 2020; *Project Sunshine Pleasant Grove Road Sweetwater, McMinn County, Tennessee*

This information is sufficient for purposes of this AJD.

Rationale: Information was field verified (22-Dec-2014) and the information (including TN Hydrologic Determination Forms and delineation report) provided support the flow regime description.

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

Photographs: PCN dated May 2020; *Project Sunshine Pleasant Grove Road Sweetwater, McMinn County, Tennessee*.

Corps Site visit(s) conducted on: 22-Dec-14

Previous Jurisdictional Determinations (AJDs or PJDs): LRN 2015-00146 PJD dated 28-Dec-2015.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: Included in report: PCN dated May 2020; *Project Sunshine Pleasant Grove Road Sweetwater, McMinn County, Tennessee*..

_____ USFWS NWI maps: *Title(s) and/or date(s)*.

USGS topographic maps: Included in report: PCN dated May 2020; *Project Sunshine Pleasant Grove Road Sweetwater, McMinn County, Tennessee*).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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- B. Typical year assessment(s):** A site visit was conducted by the Applicant's agent on April 2, 2020. The APT calculated that the date of the Agent's visit (in which photos and data were taken), and confirmed that the visit occurred during the wet season in which it showed that the observation occurred during a period of projected estimated increase in soil moisture over the entire year. The Output indicated that the date of the site visit and data collection was in wetter than normal year with the Palmer Drought Severity Index (PDSI) stating "Extreme Wetness," and WebWIMP indicating "Wet Season." Observed rainfall on the data collection date was above normal within the 30-Year Normal Range. The Antecedent Condition Calculation was 37; indicating that the condition was Wetter Than Normal using 3 weather stations less than 8 miles from the project site.
- C. Additional comments to support AJD:** N/A.

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