



**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): 9/17/2020

ORM Number: LRN-2020-00750

Associated JDs: N/A

Review Area Location¹: State/Territory: Tennessee City: Chattanooga County/Parish/Borough: Hamilton

Center Coordinates of Review Area: Latitude 35.068659 Longitude -85.135506

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
Channel 1	1317	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channel-1 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 along with USACE Site Visit that was conducted. There was an absence of a continuous OHWM throughout the channel. A review of aerial imagery and site evaluation concludes the channels starting terminus is at 35.069278, -85.135323 and end terminus is at 35.066423, -85.135323. NHD and NWI layers do have the feature mapped. However, due to large scale commercial development within the area of adjoining properties the feature only promotes ephemeral flow. The nearest visible stream is approximately 1220 linear feet south
Wetland 1	1.22	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 was determined to be a predominately forested wetland, and is directly abutting an existing mitigated wetland on the adjacent property (LRN-2006-00461 TDOT HQ II). Wetland 1 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 1 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery. Wetland 1 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. Wetland 1 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
Wetland 2	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 was determined to be an emergent wetland. The adjacent commercial facilities storm water treatment facility is contributing hydrology to the wetland. Wetland 2 is not adjacent to an (a)(1) or (a)(2) stream. Wetland 2 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery. Wetland 2 is not physically separated solely from

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			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. 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: [Preliminary Water Resources Assessment, 17.13 Acre ESIP Property 7362 Volkswagen Drive Chattanooga, Hamilton County, TN, July 23, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

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

Photographs: [Other: Preliminary Water Resources Assessment Photographs in July 23, 2020 submitted report.](#)

Corps site visit(s) conducted on: [August 28, 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: [Accessed August 27, 2020 via NRCS Web Soil Survey website: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.](#)

USFWS NWI maps: [Accessed August 27, 2020 via Nashville District Regulatory Viewer.](#)

USGS topographic maps: [Accessed August 27, 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	N/A
USDA NRCS WETS tables	Included on Antecedent Precipitation Tool, Determined to be wetter than normal.
NOAA NCDC Palmer Drought Severity Index	For the period of August 2019- August 2020 the location was determined to be "extremely moist" +4.00 and above.
Other USACE data (specify)	Nashville District Regulatory Viewer, Accessed August 27, 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 August 28, 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 June 28, 2020 was determined to be normal. The rainfall exceeded the 70th percentile, for the last 30 day period. The drought index further describes the](#)



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period as extreme wetness and the rainfall for the previous 30 days exceeded the 30-year rolling. No flow was observed in Channel 1 and was determined to be ephemeral.

C. Additional comments to support AJD: N/A.