



**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): 11/13/2020

ORM Number: LRN-2020-00801

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Tennessee City: East Ridge County/Parish/Borough: Hamilton

Center Coordinates of Review Area: Latitude 35.004866 Longitude -85.202324

**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 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.

<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 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
S1	194	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S1 was determined to be an ephemeral feature, flowing for approximately 194 linear feet. No flow was observed in the channel of S1 during the September 2, 2020 site visit conducted by the USACE. APT documented the prior 3 months as normal, with July having rainfall between the 30th and 70th percentiles, August having rainfall below the 30th percentile, and September having rainfall greater than the 70th percentile. A review of the USGS 24K NHD layer does not have S1 mapped. S1 scored an 11.5 on the TDEC Hydrologic Determination (HD) Field Data Sheets. The lack of water and habitat, and JD report submitted by applicant, and the September 2, 2020 site visit indicate S1 is an ephemeral stream.
S2	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S2 was determined to be an ephemeral feature, flowing for approximately 110 linear feet. No flow was observed in the channel of S2 during the September 2, 2020 site visit conducted by the USACE. APT documented the prior 3 months as normal, with July having rainfall between the 30th and 70th percentiles, August having rainfall below the 30th percentile, and September having rainfall greater than the 70th percentile. A review of the USGS 24K NHD layer does not have S2 mapped. S2 scored an 11.5 on the TDEC Hydrologic Determination (HD) Field Data Sheets. The lack of water and habitat, and JD report submitted by applicant, and the September 2, 2020 site visit indicate S2 is an ephemeral stream.
WA	0.15	acre(s)	(b)(1) Non-adjacent wetland.	WA is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:  (a) WA is not adjacent to an A(1) or A(2) stream. WA is approximately 125 linear feet from South Chickamauga Creek. (b) WA does not abut at least one point or side of an (a)(1)-(3) water.

<sup>4</sup> 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.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			<p>(c) WA is not flooded by an (a)(1)-(3) water in a typical year. There was no evidence of flooding during the 9/2/2020 site visit.</p> <p>(d) WA 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.</p> <p>(e) WA does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>
WB	0.02	acre(s)	<p>(b)(1) Non-adjacent wetland.</p> <p>WB is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) WB is not adjacent to an A(1) or A(2) stream. WB is approximately 308 linear feet from South Chickamauga Creek.</p> <p>(b) WB does not abut at least one point or side of an (a)(1)-(3) water.</p> <p>(c) WB is not flooded by an (a)(1)-(3) water in a typical year. There was no evidence of flooding during the 9/2/2020 site visit.</p> <p>(d) WB 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.</p> <p>(e) WB does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>
WC	0.05	acre(s)	<p>(b)(1) Non-adjacent wetland.</p> <p>WC is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) WC is not adjacent to an A(1) or A(2) stream. WC is approximately 130 linear feet from South Chickamauga Creek.</p> <p>(b) WC does not abut at least one point or side of an (a)(1)-(3) water.</p> <p>(c) WC is not flooded by an (a)(1)-(3) water in a typical year. There was no evidence of flooding during the 9/2/2020 site visit.</p> <p>(d) WC is not physically separated solely from a</p>



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			<p>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.</p> <p>(e) WC does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>
WD	0.01	linear feet	<p>(b)(1) Non-adjacent wetland.</p> <p>WD is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) WD is not adjacent to an A(1) or A(2) stream. WD is approximately 85 linear feet from South Chickamauga Creek.</p> <p>(b) WD does not abut at least one point or side of an (a)(1)-(3) water.</p> <p>(c) WD is not flooded by an (a)(1)-(3) water in a typical year. There was no evidence of flooding during the 9/2/2020 site visit.</p> <p>(d) WD 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.</p> <p>(e) WD does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>

**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 Approved Jurisdictional Determination and TDEC Hydrologic Determination Request, Luken Replacement Property, East Ridge, Hamilton County, Tennessee](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

Photographs: [Other: Photographs provided by the applicant in the above reference report, and collected by USACE during 9/2/2020 site visit.](#)

Corps site visit(s) conducted on: [September 2, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)



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- USDA NRCS Soil Survey: [Accessed November 13, 2020 via NRCS Web Soil Survey website: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.](https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx)
- USFWS NWI maps: [Accessed November 13, 2020 via Nashville District Regulatory Viewer.](#)
- USGS topographic maps: [Accessed November 13, 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
<a href="#">USGS Stream stats</a>	<a href="#">Project area was reviewed on November 13, 2020.</a>
<a href="#">USDA NRCS WETS tables</a>	<a href="#">Included on Antecedent Precipitation Tool, Determined to be wetter than normal.</a>
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	<a href="#">Nashville District Regulatory Viewer, Accessed November 13, 2020.</a>
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	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 September 2, 2020, to coincide with the USACE site visit. 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 September 2, 2020 was determined to have normal conditions, with July having rainfall between the 30th and 70th percentiles, August having rainfall below the 30th percentile, and September having rainfall greater than the 70th percentile.](#)

**C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)