



**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): 6/28/2021

ORM Number: LRN-2020-01094

Associated JDs: N/A.

Review Area Location¹: State/Territory: TN City: Madison County/Parish/Borough: Davidson

Center Coordinates of Review Area: Latitude 36.252672 Longitude -86.737579

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.
- ☐ 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	
D-1	295	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	D-1 was observed to have baseflow throughout its entire reach during the dry and wet seasons. This baseflow hydrology originates at a headcut seep below a culvert. Multiple species of macroinvertebrates, including caddisfly larvae and nymphs, crayfish, algal mats, heavily iron & manganese stained rock and sediment deposits were observed throughout the entire reach. Hydric soils, hydrophytic vegetation and wracking were observed within the stream's floodplain. D-1 is 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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				tributary of the ((a)(2) water) Gibson Creek, a tributary of the ((a)(1) water) Cumberland River.
D-1a	38	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	D-1a begins at an instream seep that was observed to have baseflow during both the dry and wet seasons. Heavily water stained leaves, sediment, a muck layer, hydric soils, algal mats and hydrophytic vegetation were observed within the channel. D-1a is a tributary of the ((a)(2) water) D-1.

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.	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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
D-2	191	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-2 was dry during both the consultant's and Corps' site visits. Upland vegetation, a poorly defined bed & bank and dry leaves were observed within the channel.
D-3	398	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-3 was dry during the consultant's site visit. A mostly dry channel with a standing pool of water was observed during the Corps' site visits, but this pool was due to an instream grade change upstream of a culvert, creating a dam. Upland vegetation was observed throughout the feature. See site visit notes and photos for more information.

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: "Jurisdictional Determination Request, Streams Determinations...616 Due West Ave...Madison, Davidson County, Tennessee", dated November 12, 2020.

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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This information **is** sufficient for purposes of this AJD.

Rationale: **N/A**

- ☐ Data sheets prepared by the Corps: **N/A**
- ☒ Photographs: **Aerial and Other: "Jurisdictional Determination Request, Streams Determinations...616 Due West Ave...Madison, Davidson County, Tennessee", dated November 12, 2020, and photos taken during Corps' site visit on May 18, 2021.**
- ☒ Corps site visit(s) conducted on: **May 18, 2021.**
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): **N/A.**
- ☒ Antecedent Precipitation Tool: ***provide detailed discussion in Section III.B.***
- ☒ USDA NRCS Soil Survey: **"Jurisdictional Determination Request, Streams Determinations...616 Due West Ave...Madison, Davidson County, Tennessee", dated November 12, 2020.**
- ☐ USFWS NWI maps: **N/A.**
- ☒ USGS topographic maps: **"Jurisdictional Determination Request, Streams Determinations...616 Due West Ave...Madison, Davidson County, Tennessee", dated November 12, 2020.**

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.

B. Typical year assessment(s): According to the APT, the consultant's site visit was conducted in wetter than normal conditions during the dry season, and the Corps' site visit was conducted in wetter than normal conditions during the wet season.

According to the National Weather Service website, <https://water.weather.gov/precip/?loctype=WFO&loc=wfoSJU#>, the site received approximately 0.00" of precipitation in the 48 hour period prior to the consultant's site visit and approximately 0.01" of precipitation in the 48 hour period prior to the Corps' site visit.

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