



**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): 3/17/2021

ORM Number: LRN-2020-00029

Associated JDs: LRN-2020-00029 PJD

Review Area Location¹: State/Territory: TN City: Hendersonville County/Parish/Borough: Sumner

Center Coordinates of Review Area: Latitude 36.352422 Longitude -86.578655

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	
D-2	73	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream D-2 was observed on February 25, 2021 and March 5, 2021. During both field visits Stream D-2 was observed to have active flow, groundwater input, macroinvertebrates, hydric soils, moss lines, and sediment sorting. Stream D-2 could be traced to an (a)(1) water using LiDAR/DEM maps and aerial imagery. See section C.
D-3	80	linear feet	(a)(2) Intermittent tributary contributes	Stream D-3 was observed on February 25, 2021 and March 5, 2021. During both field visits Stream D-3 was observed to have active flow, groundwater

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
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	input, macroinvertebrates, hydric soils, moss lines, and sediment sorting. Stream D-3 could be traced to an (a)(1) water using LiDAR/DEM maps and aerial imagery. See section C.

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
Wetland 2	0.89	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
			Wetland 2 directly abuts streams D-2 and D-3, which are jurisdictional waters, and so Wetland 2 is therefore jurisdictional.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

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: [Retreat at Norman Farm Hendersonville, Sumner County, Tennessee, January 5, 2021.](#)

This information is **not** sufficient for purposes of this AJD.

Rationale: [A site visit was necessary to verify stream and connectivity.](#)

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

☒ Photographs: [Other: Consultant photos taken September 4, 2019. USACE photos taken February 25, 2021 and March 5, 2021.](#)

☒ Corps site visit(s) conducted on: [February 25, 2021 and March 5, 2021](#)

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2020-00029](#)

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

☒ USDA NRCS Soil Survey: [Web Soil Survey, dated October 23, 2019.](#)

☒ USFWS NWI maps: [National Wetland Inventory Map, dated October 22, 2019.](#)

☒ USGS topographic maps: [Figure 1. Site Location, dated September 27, 2019.](#)

Other data sources used to aid in this determination:

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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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):** The consultants site visit was conducted on September 9, 2019 in wetter than normal conditions in the dry part of the growing season. The USACE site visit conducted on February 25, 2021 was in drier than normal conditions in the wet part of the growing season. The USACE site visit conducted on March 5, 2021 was in normal conditions in the wet part of the growing season. See section C.
- C. Additional comments to support AJD:** Wetland 2 boundaries were verified on all sides to determine connectivity to other resources on site. It was determined that the connection to jurisdictional resources on site was through two intermittent streams (D-2 and D-3). The Corps site visit conducted on February 25, 2021 was in dry conditions according to the APT tool, however, in the previous 3 days there had been approximately 4 inches of snow melt occurring in the area. Due to the snow melt, the data collected on February 25, 2021 was assumed to be in wetter than normal conditions. The Corps conducted a second field visit on March 5, 2021 in order to view the area in more normal conditions. According to the Hendersonville 2.9 NE rain station, there was no precipitation recorded for 3 days prior to this follow up field visit. The second field visit confirmed the findings of the field visit on February 25, 2021. See LRN-2020-00029_20210317_MFR-SVN for additional photos and information.