



**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): 10/16/2020

ORM Number: LRN-2019-00917

Associated JDs: N/A

Review Area Location¹: State/Territory: TN City: Smyrna County/Parish/Borough: Rutherford

Center Coordinates of Review Area: Latitude 35.953369 Longitude -86.590214

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
Wetland C	0.04	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	<p>Wetland C was delineated using the 1987 Wetlands Delineation Manual and Regional Supplements.</p> <p>Wetland C is an excluded artificial pond constructed in upland and is not jurisdictional under the Navigable Waters Protection Rule of the Clean Water Act due to the following:</p> <p>(a) During the field review on February 13, 2020, Wetland C was observed within a constructed pond, which consisted of constructed berm around the feature.</p> <p>(b) Based on NRCS Soil Survey, this feature is located entirely within Hampshire silt loam, 12 to 20 percent slopes, and the Hampshire series consists of soils on deep, well drained, soils on uplands. The soil survey information is consistent with field observations and supports that the feature was constructed in uplands. No tributaries or wetlands were observed flowing into the feature or otherwise existed prior to the construction of the pond.</p> <p>(c) Wetland C is identified on the USFWS NWI as an isolated permanently flooded freshwater feature created or modified by a man-made barrier/dam.</p> <p>Based on field review and further investigation, Wetland C is not jurisdictional in accordance with the Navigable Waters Protection Rule.</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: [Jurisdictional Determination Request \(dated September 30, 2019\)](#) and [Site Summary Map \(dated February 17, 2020\)](#)

This information is sufficient for purposes of this AJD.

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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Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- ☒ Photographs: *Other: Provided in Jurisdictional Determination Request (dated September 30, 2019) and taken during site visits on February 13, 2020*
- ☒ Corps site visit(s) conducted on: *February 13, 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: *Provided in Jurisdictional Determination Request*
- ☒ USFWS NWI maps: *Provided in Jurisdictional Determination Request*
- ☐ USGS topographic maps: *Title(s) and/or date(s).*

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 NRCS WETS tables	Included on Antecedent Precipitation Tool, determined to be wetter than normal
Other NOAA data (specify)	National Weather Service, Advanced Hydrologic Prediction Service
Other USACE data (specify)	N/A.
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 February 13, 2020. A single point centered on the center of the wetland was used to evaluate the rainfall data and was determined to be sufficient based on the size of the review area. The 90 day period beginning December 15, 2020 was determined to be wetter than normal, and the drought index further describes the period as extreme wetness. In the previous 60 days, the rainfall exceeded the 70th percentile as well as the 30-year rolling total. According to NOAA's AHPS tool, site received a between 2.51-3.6 inches rainfall in the 48 hours prior of the site visit.*

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