



**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): 3/15/2021

ORM Number: LRN-2020-01293

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: TN City: Bellevue County/Parish/Borough: Davidson

Center Coordinates of Review Area: Latitude 36.10892 Longitude -86.92026

**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	
WC-4	192	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WC-4 was directly observed on site in normal conditions in the wet part of the growing season. WC-4 was found to have strong active flow, obvious bed and bank, and fish. WC-4 could be traced via LiDAR/DEM maps and aerial imagery to the Cumberland River.

<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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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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WC-1	1020	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC-1 was directly observed on site to have weak bed and bank and no indicators of groundwater input in normal conditions during the wet part of the growing season according to the APT tool.
WC-2A	484	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC-2A was directly observed on site to have weak bed and bank and no indicators of groundwater input in normal conditions during the wet part of the growing season according to the APT tool.
WC-2B	340	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC-2B was directly observed on site to have weak bed and bank and no indicators of groundwater input in normal conditions during the wet part of the growing season according to the APT tool.
WC-2C	454	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC-2C was directly observed on site to have weak bed and bank, non-hydric soils, and no indicators of groundwater input in normal conditions during the wet part of the growing season according to the APT tool.
WC-3	336	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC-3 was directly observed on site to have ephemeral flow, moderate bed and bank, non-hydric soils, and no indicators of groundwater input in normal conditions during the wet part of the growing season according to the APT tool. See section C.
Pond A	0.045	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and	Pond A was verified to be isolated during the field visit in normal conditions during the wet part of the growing season according to the APT tool.

<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
		is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	

### 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 Determinations, December 12, 2020.](#)

This information is [not](#) sufficient for purposes of this AJD.

Rationale: [A field visit was required to verify connectivity.](#)

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

☒ Photographs: [Other: Consultant photos, taken November 5, 2020 and December 2, 2020. Corps Photos taken March 2, 2021.](#)

☒ Corps site visit(s) conducted on: [March 2, 2021](#)

☐ 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: [Title\(s\) and/or date\(s\).](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

☒ USGS topographic maps: [Figure 1. Project Location](#)

#### Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [The field visit conducted by the consultant on December 2, 2020 was in drier than normal conditions in the wet part of the growing season. The field visit conducted by the consultant on November 5, 2020 was in drier than normal conditions in the wet part of the growing season. The field visit conducted by the Corps on March 2, 2021 was in normal conditions in the wet part of the growing season. See section C.](#)

**C. Additional comments to support AJD:** [WC-3 had active flow at the time of the Corps field visit due to input from sheet flow off of steep topography and the combined ephemeral flow of the other ephemeral systems on site. WC-3 also started to become more defined at the lower reaches, changing to karst topography where the ephemeral flow was seen to flow in and out of the bedrock. At the end point of WC-3 a culvert was observed that had no direct flow entering it or leaving it, leading to the assumption that the ephemeral flow on site does not continue to flow off the site unless a higher capacity is reached. Also of](#)



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note, in the previous week there was approximately 4 inches of snow melt in the area. Ephemerals WC-1, WC-2A, WC-2B all had excessive unmoved leaf litter despite the recent melt.