



**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): 8/26/2021

ORM Number: LRN-2021-00620

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 35.839216 Longitude -86.421684

**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	
Wetland 1	18.05	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3)	Wetland 1 was confirmed to be separated from the East Fork Stones River by a Greenway trail that

<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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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
		water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	showed evidence of allowing a direct hydrologic connection to Wetland 1. See section C.

**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	
EPH-1	1,648	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 was directly observed on site to have weak bed and bank, a moderately vegetated channel, and non hydric soils. EPH-1 did not have active flow during both site visits.
EPH-2	546	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-2 is documented having very weak bed and bank, roots throughout the channel, no active flow, non hydric soils, and no evidence of a groundwater connection.
EPH-3	33	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-3 was directly observed on site. EPH-3 is a short channel connection Pond 1 to EPH-1. EPH-3 is transitional between the two resources and has no active flow, no evidence of groundwater input, and weak bed and bank.
EPH-4	1,089	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-4 was directly observed on site to have weak bed and bank, a densely vegetated channel, with non-hydric soils and no active flow. This was dug out as a stormwater path for the retention pond dug out to the east of the site.
Wetland 2	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 was verified on site to be an isolated resource and is therefore non-jurisdictional.
Wetland 3	0.38	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 was verified on site to be an isolated resource and is therefore non-jurisdictional.
Wetland 4	17.32	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 was verified on site to be an isolated resource and is therefore non-jurisdictional.
Wetland 5	1.79	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 was verified on site to be an isolated resource and is therefore non-jurisdictional.

<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
Pond 1	0.02	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and 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: [Approved Jurisdictional Determination Request – Molloy Lane, June 25, 2021.](#)

This information is not sufficient for purposes of this AJD.

Rationale: [A field visit was required to verify the delineation](#)

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

☒ Photographs: [Aerial and Other: Consultant Photos taken May 17, 2019 and Corps Photos taken August 3, 2021](#)

☒ Corps site visit(s) conducted on: [August 3, 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: [Approved Jurisdictional Determination Request – Molloy Lane, June 25, 2021.](#)

☒ USFWS NWI maps: [Approved Jurisdictional Determination Request – Molloy Lane, June 25, 2021.](#)

☒ USGS topographic maps: [Approved Jurisdictional Determination Request – Molloy Lane, June 25, 2021.](#)

**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="#">FEMA/FIRM maps</a>	<a href="#">Approved Jurisdictional Determination Request – Molloy Lane, June 25, 2021.</a>

**B. Typical year assessment(s):** [The consultant site visit on May 19, 2019 was in normal conditions in the wet part of the growing season. The Corps site visit on August 3, 2021 was in normal conditions in the dry part of the growing season.](#)



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**C. Additional comments to support AJD:** Evidence of the connection between Wetland 1 and the East Fork Stones River included erosional areas that have needed to be reinforced with rock and gravel along the greenway, large drift deposits, and inundation seen on imagery. The riparian area on the bank of the East Fork Stones River showed evidence of hydrophytic vegetation, hydrology, and hydric soils. The area including the riparian area, the greenway, and Wetland 1 is very flat. See LRN-2021-00620\_20210824\_MFR-SVN for more details.