



**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): 1/6/2021

ORM Number: LRN-2018-00196 Area E

Associated JDs: LRN-2018-00196 January 11, 2020-South Permit Area

Review Area Location<sup>1</sup>: State/Territory: Tennessee City: Franklin County/Parish/Borough: Williamson

Center Coordinates of Review Area: Latitude 35.9276 Longitude -86.9154

**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	
Stream S2	78	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream S2 is an intermittent feature which exhibited OHWM indicators including bed and bank and vegetation matted down, bent or absent during the site visits. Stream S2 flows into Stream S1D, which flows easterly then to the north where it flows out of the review area. S1D flows back into the review area into Stream S1E. S1E then flows out of the review area into an unnamed tributary, which flows directly into the West Harpeth River, an (a)(1) water.
Stream S4	22	linear feet	(a)(2) Intermittent tributary	Stream S4 is an intermittent feature which exhibited OHWM indicators including bed and bank, change in

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	sediment texture and vegetation matted down, bent or absent during the site visits. Stream S4 flows into Stream S1D, which flows easterly then to the north where it flows out of the review area. S1D flows back into the review area into Stream S1E. S1E then flows out of the review area into an unnamed tributary, which flows directly into the West Harpeth River, an (a)(1) water.
Stream S1D	1714	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream S1D is an intermittent feature which exhibited OHWM indicators including bed and bank, shelving and vegetation matted down, bent or absent during the site visits. Stream S1D flows easterly then to the north where it flows out of the review area. S1D flows back into the review area into Stream S1E. S1E then flows out of the review area into an unnamed tributary, which flows directly into the West Harpeth River, an (a)(1) water.
Stream S1E	123	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream S1E is an intermittent feature which exhibited OHWM indicators including bed and bank and vegetation matted down, bent or absent during the site visits. Stream S1E flows out of the review area into an unnamed tributary, which flows directly into the West Harpeth River, an (a)(1) water.

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.	acre(s)	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland W2	0.10	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland W2 is located at the head of Stream S4 and abuts S4, an (a)(2) water and is jurisdictional

**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
Stream S1A	140	linear feet	(b)(4) Diffuse stormwater run-off over upland or	Stream S1A is an erosional feature based upon a field review the channel dissipates to sheet flow and lacks physical characteristics of bed

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
		directional sheet flow over upland.	and bank. The stream feature was determined to be non-jurisdictional as the stream does not contribute surface water to an (a)(1)-(a)(3) water.	
Stream S1B	47	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream S1B is an ephemeral feature with no observed base flow or surface water present during the site visits. The feature was determined to have an ephemeral flow regime as there was no OHWM, no observed base flow or surface water present during the site visits and no evidence of groundwater input. Upland vegetation and silts present in the channel. A review of the NHD indicated the feature was not mapped.
Stream S1C	858	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream S1C is an ephemeral feature with no observed base flow or surface water present during the site visits. The feature was determined to have an ephemeral flow regime since there was no OHWM, no observed base flow or surface water present during the site visits and no evidence of groundwater input. Channel substrates consisted of upland vegetation, cobbles and silts with scattered leaf litter. A review of the NHD indicated the feature was not mapped.
Stream S3	784	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream S3 is an ephemeral feature which has no observed base flow or surface water present during the site visits. The feature was determined to have an ephemeral flow regime since there was no OHWM, no observed base flow, or surface water present during the site visits and no evidence of groundwater input. Channel substrates consisted of upland vegetation, bedrock, cobbles, gravel, sand and silts with scattered leaf litter. A review of the NHD indicated the feature was not mapped.
Stream S5	671	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream S5 is an ephemeral feature which has no observed base flow or surface water present during the site visits. The feature was determined to have an ephemeral flow regime since there was no OHWM, no observed base flow, or surface water present during the site visits and no evidence of groundwater input. Channel substrates consisted of upland vegetation, bedrock, cobbles and silts with scattered leaf litter. A review of the NHD indicated the feature was not mapped.
Wetland W1	0.85	acre(s)	(b)(1) Non-adjacent wetland.	Wetland W1 does not abut an (a)(1)-(a)(3) water, does not experience inundation by flooding of an



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1)-(a)(3) water in a typical year, is not separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier. Wetland does not have a direct hydrological surface connection to an (a)(1)-(a)(3) water.

### 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: [Section 404 Permit Application Area D Residentail Subdivision Addition Westhaven Subdivision 1722 TN 96, Franklin, TN October 4, 2018](#)

This information is sufficient for purposes of this AJD.

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: Consultant July 11 and 14, 2016 Corps April 16 and June 18, 2018](#)
- ☒ Corps site visit(s) conducted on: [April 16 and June 18, 2018](#)
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [AJD; LRN-2018-00196 January 11, 2020-South Permit Area](#)
- ☒ 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: [Franklin, Tennessee, USGS 1:24,000](#)

**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="#">Franklin, Tennessee, USGS Topo Map</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="#">APT tool, NHD Layer Regulatory Viewer</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):** According to the APT tool the site visits conducted by the consultant on July 11 and 14, 2016 was prformed during normal conditions during the dry portion of the year. The consultants and Corps site visit on Arpil 6, 2018 was performed during normal conditions during the wet portion of the year while the June 18, 2018 consultants and Corps site visit was performed during normal conditions during the dry portion of the year. No precipitation occurred 48 hours prior to the July 11, July 14, 2016 and June 18, 2018 site visits. Approximately 2" of precipitation occurred within 36 hours and 0.1" in past 12 hours of the April 16, 2018 site visit.

**C. Additional comments to support AJD:** [The ephemeral streams S1B, S1C, S3 and S5 were found to have no base flow, no indicators of groundwater input, no subsurface flow and no observable flowing surface water during normal conditions during the dry portion of the year and during normal conditions in](#)



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

the wet portion of the year. W1 does not abut (a)(1)-(a)(3) water, does not experience inundation by flooding of an (a)(1)-(a)(3) water.