



**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): 7/21/2021

ORM Number: LRN-1996-47656

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 36.227423 Longitude -86.791857

**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
- ☐ 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	
D-1	1152	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	D-1 has a strong bed and bank, riffle pool complexes in the upper reach, standing water in many areas, algae growth on the rocks and sediment sorting throughout the channel. D-1 was verified via aerial imagery and NHD maps to carry water north into Ewing creek, which then flows into the Cumberland River.
D-3	221	linear feet	(a)(2) Intermittent tributary contributes	D-3 has hydric soils, strong bed and bank, trickling flow, direct groundwater input, and racking along the stream channel. A continuous bed and bank

<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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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.	downstream of D-3 was followed on site, connecting directly with stream D-1.

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
WTL-A	.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WTL-A was verified on site to be directly abutting stream D-3 ((A)(2) water) and is therefore 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
D-2	231	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-2 has weak bed and bank, roots of upland plants throughout the channel, and non-hydric soils. When observed on site, D-2 had no active flow.
D-4	747	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-4 has poor bed and bank, non-hydric soils, no groundwater connection, or active flow was observed on site and was observed to have direct input from stormwater systems of adjacent developments.
D-5	106	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-5 has poor bed and bank, non-hydric soil, no active flow, and trees rooted throughout the channel. D-5 was observed on site to have no connection to groundwater.
D-6	210	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-6 has weak bed and bank, non-hydric soils, roots present throughout the channel and no active flow. D-6 was observed on site to have no ground water connection.
D-7	92	linear feet	(b)(3) Ephemeral feature, including	D-7 has weak bed and bank, non-hydric soils, and no active flow. Channel was documented

<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	
		an ephemeral stream, swale, gully, rill, or pool.	dry after minor rainfall within 48hrs of consultant site visit.	
D-8	77	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-8 has poor bed and bank, trees rooted throughout the channel, and non-hydric soils. The stream channel was observed to be dry after a minor rainfall event 48hrs prior to the consultant site visit.
D-9	104	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-9 has poor bed and bank, no groundwater connection, and upland plants roots in the streambed.
D-10	69	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-10 has poor bed and bank, non-hydric soils, and the stream channel was observed to be dry after a minor rainfall event within 48hrs.
D-11	185	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-11 has moderate bed and bank, the streambed was observed to be dry after minor rain event within the prior 48hrs, leaf litter in the channel had been washed away. D-11 had non hydric soils.

### 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 (D-1 through D-11 & Wetland – A) Park Preserve Property, 6/21/21”,

This information is not sufficient for purposes of this AJD.

Rationale: USACE staff had to conduct a site visit to verify information.

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

☒ Photographs: Aerial and Other: Corps photos taken July 13, 2021. Consultant photos taken February 9, 2021.

☒ Corps site visit(s) conducted on: July 13, 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: 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 Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
<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 consultants site visits on February 9, 2021 was conducted in normal conditions in the wet part of the growing season. The Corps site visits on July 13, 2021 was conducted in drye than normal conditions in the dry part of the growing season.](#)

**C. Additional comments to support AJD:** [See LRN-1996-47656\\_20210714\\_MFR-SVN for more details.](#)