



**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): 6/30/2020
 ORM Number: LRN-2005-02419
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Gallatin County/Parish/Borough: Sumner
 Center Coordinates of Review Area: Latitude 36.388416 Longitude -86.548771

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.



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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
STR-1	2,292	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No base flow or groundwater input documented 3-4 days after a ~1 inch rain event observed in normal conditions according to the APT on June 26, 2020. See section C and D.
STR-2	2,432	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No base flow or groundwater input documented 3-4 days after a ~1 inch rain event observed in normal conditions according to the APT on June 26, 2020. See section C and D
STR-3	477	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No base flow, weak evidence of OHWM and lack of a clearly defined channel were documented in normal conditions according to the APT on October 27, 2005. See section C and D
STR-4	420	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No base flow or groundwater input documented 3-4 days after a ~1 inch rain event observed in normal conditions according to the APT on June 26, 2020. See section C and D
STR-5	963	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No base flow or groundwater input documented 3-4 days after a ~1 inch rain event observed in normal conditions according to the APT on June 26, 2020. See section C and D
STR-6	1,789	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No base flow documented in normal conditions according to the APT on 2/25/2014. See section C and D
WET-1	.39	acres	(b)(1) Non-adjacent wetland.	Wetland is not abutting a jurisdictional water.
WET-2	.24	acres	(b)(1) Non-adjacent wetland.	Wetland is not abutting a jurisdictional water.
POND-1	1.15	acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Pond dug in uplands, not abutting a jurisdictional water.

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.



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

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EPH-1	664	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool
			Based on TDEC HD determination and historical photos, there is weak evidence of OHWM and no base flow present.

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: "Impact Maps" dated May 21, 2020. This information is not sufficient for purposes of this AJD. Rationale: No additional information was received from current consultant with AJD request. A full delineation was never received from current consultant/applicant.
- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Google Earth, accessed June 24, 2020. 2005 Application Photographs, taken October 27, 2005. Compliance Inspection, taken February 25, 2014. AJD Investigation Site Visit Photographs, taken June 26, 2020.
- Corps site visit(s) conducted on: Compliance Inspection, dated February 25, 2014. Completion Status Investigation, dated March 27, 2014. AJD Investigation, dated June 26, 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: 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 NRCS WETS tables	White House, TN rain station used for daily rain events prior to June 26, 2020 site visit.
NOAA Sources	N/A.
Other USACE data (specify)	Previous Permit Documentation: "Nationwide Permit, Carellton..." dated November 22, 2005.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The field visit conducted on June 26, 2020 was in normal conditions during the dry part of the growing season. There was a local rain event on June 22, 2020 (.83 inches) and June 23, 2020 (.13 inches). The field visit conducted on February 25, 2014 was done under normal conditions. The photos submitted with the application packet were taken on October 27, 2005 in normal conditions in the wet part of the growing season.

C. Additional comments to support AJD: Channels in the AJD area were solid rock bottomed with no base flow or groundwater input documented across many sources. STR-1, STR-2, STR-4, STR-5 and POND-1



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

were directly observed during a site visit on June 26, 2020. There was no evidence of base flow 3-4 days after a significant rain event. STR-3, STR-6, WET-1, WET-2, and EPH-1 were evaluated based on historical documentation from a previous permit application. No evidence of groundwater input such as macroinvertebrates or iron precipitates were observed. Photographs from October 27, 2005 show STR-3 with no base flow, weak evidence of OHWM and lack of a clearly defined channel. Photographs from February 25, 2014 show STR-6 with no base flow and weak evidence of OHWM. See 20200630 MFR for additional details.