



**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): 10/14/2020
 ORM Number: LRN-2020-00445
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
 Review Area Location¹: State/Territory: TN City: Parsons County/Parish/Borough: Decatur
 Center Coordinates of Review Area: Latitude 35.709093 Longitude -88.101220

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S1	293	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Flow was observed within the stream channel during two separate site investigations, on xxxx and xxxx 2020, representing a wet season of a typical rain year. The streams were observed within a 24 hour period of 0.0” rain and 0.6” rain events. Flow was present during each field visit and perennial flow characteristics (bed and bank, ordinary high water mark, groundwater influence, and a small amount of macroinvertebrates) were observed. Due to the .

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.



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S9	583	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Flow was observed within the stream channel during two separate site investigations, on xxxx and xxxx 2020, representing a wet season of a typical rain year. The streams were observed within a 24 hour period of 0.0" rain and 0.6" rain events. Flow was present during each field visit and perennial flow characteristics (bed and bank, ordinary high water mark, groundwater influence, and a small amount of macroinvertebrates) were observed.
Cub Creek	6769	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Flow was observed within the stream channel during two separate site investigations, on xxxx and xxxx 2020, representing a wet season of a typical rain year. The streams were observed within a 24 hour period of 0.0" rain and 0.6" rain events. Perennial flow characteristics (bed and bank, ordinary high water mark, groundwater influence, and a large number of individual macroinvertebrates) were observed.

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.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S1E-US	N/A.	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flow was not observed within the stream channel during two separate site investigations, on xxxx and xxxx 2020, representing a wet season of a typical rain year. Additionally, stream characteristics (bed and bank, ordinary high water mark, groundwater influence) were not observed

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.

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.



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Information submitted by, or on behalf of, the applicant/consultant: [Draft Final Waters of the United States Delineation Report, Tennessee Air National Guard 118th Wing, Nashville, Tennessee, dated July 30, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Data Sheets found within the Delineation Report](#)
- Photographs: [Aerial and Other: Aerial Imagery of ANG AOR and Vicinity dated July 30, 2020 and found within Delineation Report. Site photos provided for each tributary and surrounding uplands within the Delineation Report \(see page 27 of the report for the photo log\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2013-01016 AJD dated October 16, 2018. AJD documented non-jurisdictional feature \(grassy swale\) within 0.50 acre that is located within the subject AJD review area.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Provided in AJD request/delineation report and accessed within ORM2](#)
- USFWS NWI maps: [Provided in AJD request/delineation report and accessed within ORM2](#)
- USGS topographic maps: [Provided in AJD request/delineation report and accessed within ORM2](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stones River Lower HUC12-051302030309; 1:24,000; Antioch, TN Quadrangle Map
USDA Sources	USGS Web Soil Survey
NOAA Sources	N/A.
CorpsMap ORM Map Layers	Layers accessed include the USGS topographical quad map, USFWS National Wetland Inventory map, and NRCS Soil Survey Map Davidson County
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	Flood Hazard Map

B. Typical year assessment(s): The applicant's designated agent is the U.S. Army Corps of Engineers (USACE), Nashville District, Project Planning Branch (PPB). Personnel with PPB performed site investigations on September 24, 2019, November 27, 2019 and July 9, 2020, to evaluate the presence of aquatic resources within the review area. PPB observed rainfall data preceding each field investigation and documented the following information: September is historically a dry time of year for this region and data from the National Oceanic and Atmospheric Administration (NOAA) indicates only 0.13 inches of rainfall fell during the two weeks prior to their September 24, 2019 survey (NOAA 2019). Also, the USACE Antecedent Rainfall Calculator from period of March, 2019 through February, 2020, shows that September 24, 2019 was very near the driest period of 2019 (USACE 2020; graph found in project file). Despite the low level of rainfall prior to the survey on September 24, 2019, a flow of water was observed in the Eastern Tributary and in the Western Tributary and demonstrated hydrology consistent with perennial flow. The site inspection on November 27, 2019 documented flow during wetter climatic conditions and both tributaries exhibited strong flow throughout the review area at this time. The AJD stated the third site visit, on July 9, 2020 was performed for the purposes of measuring cross sectional dimensions of the tributary channels and to document flow conditions. The width of both tributaries at the ordinary high water mark (OHWM) height and top of bank was provided within cross section views (found in project file). The width



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of the Eastern Tributary at the OHWM line varies from 5' 2" to 13' 4" throughout the review area. The width of the Western Tributary varies from 6' 5' to 19' 11" at the OHWM line. Historic aerial imagery indicates the tributaries were channelized through decades of construction activities within the review area.

- C. Additional comments to support AJD:** This comment does not support AJD but provides additional information of the review area. This AJD review area, labeled as 2020 AJD Area of Review on the attached map, surrounds a smaller area, approximately 0.50 acre, previously evaluated as AJD. On December 10, 2018, an AJD determined that no jurisdictional waters of the U.S. were present within the 0.50 acre site. This site is labeled 2018 AJD Area of Review on the attached map. Nashville District's Regulatory Branch determined the feature to be in the category of "ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary" and therefore did not meet the definition of waters of the United States. 2018 AJD can be found in the project file.