



**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): 11/19/2020
 ORM Number: LRN-2018-00782-AJD-EPH-4-5-6; TDOT PIN 116896.00
 Associated JDs: LRN-2018-00782-AJD-PJD (April 8, 2020)
 Review Area Location¹: State/Territory: TN City: Nashville County/Parish/Borough: Davidson
 Center Coordinates of Review Area: Latitude 36.140021 Longitude -86.662308

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.



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D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|------------------------|---|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination | |
| EPH-4 | 54 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | EPH-4 is determined to have an ephemeral flow regime based on an evaluation of the submitted field data sheets, hydrologic determination form, topographic maps, the Antecedent Precipitation Tool (APT), and the online resources described at Part III. below. The feature was observed on June 14, 2018 and December 17, 2019. No water was observed flowing in the feature and no pools were present on the Dec 2019 observation date, despite flooding conditions noted during this field visit, over 1.5” of rainfall measured within the previous 48 hours, and wetter than normal conditions with “severe wetness” per the APT. Additionally, the feature contained no flowing water or pools on the Jun 2018 observation date, despite rainfall in the previous 5-days and despite observations made during wetter than normal conditions per the APT. |
| EPH-5 | 291 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | EPH-5 is determined to have an ephemeral flow regime based on an evaluation of the submitted field data sheets, hydrologic determination form, topographic maps, the Antecedent Precipitation Tool (APT), and the online resources described at Part III. below. The feature was observed on June 14, 2018 and December 17, 2019. Discontinuous pools were present, but no water was observed flowing in the feature on the Dec 2019 observation date, despite flooding conditions noted during this field visit, over 1.5” of rainfall measured within the previous 48 hours, and wetter than normal conditions with “severe wetness” per the APT. Additionally, the feature contained no flowing water or isolated pools on the Jun 2018 observation date, despite rainfall in the previous 5-days and despite observations made during wetter than normal conditions per the APT. |
| EPH-6 | 103 | linear feet | (b)(3) Ephemeral feature, including an ephemeral | EPH-6 is determined to have an ephemeral flow regime based on an evaluation of the submitted field data sheets, hydrologic determination form, topographic maps, the Antecedent Precipitation |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|--------------------------------------|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | stream, swale, gully, rill, or pool. | Tool (APT), and the online resources described at Part III. below. The feature was observed on June 14, 2018, December 17, 2019, and August 17, 2020. Water was observed flowing in the feature on the Dec 2019 observation date; however, flooding conditions were noted during this field visit, over 1.5” of rainfall was measured within the previous 48 hours, and wetter than normal conditions with “severe wetness” were documented per the APT. The feature contained no flowing water or pools on the Jun 2018 and Aug 2020 observation dates, despite rainfall in the previous 5-days and despite observations made during wetter than normal conditions (Jun 2018) and normal conditions (Aug 2020) per the APT. |

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: [TDOT “ENVIRONMENTAL BOUNDARIES AND MITIGATION DESIGN FOR: Davidson County, Donelson Pike Interchange \(Includes Donelson Pike Relocation from Taxiway Bridges over Donelson Pike to I-40\)” dated January 17, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

Photographs: [Aerial and Other: Aerial and field photos located within TDOT’s “ENVIRONMENTAL BOUNDARIES AND MITIGATION DESIGN FOR: Davidson County, Donelson Pike Interchange \(Includes Donelson Pike Relocation from Taxiway Bridges over Donelson Pike to I-40\)” dated January 17, 2020. Photos from the August 17, 2020 USACE field visit. Aerial imagery from the LRN Regulatory Viewer accessed November 17, 2020.](#)

Corps site visit(s) conducted on: [December 17, 2019 and August 17, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2018-00782-AJD-PJD \(April 8, 2020\)](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: [Submitted by TDOT on August 17, 2020. No features within the review area.](#)

USGS topographic maps: [USGS maps located within the TDOT ENVIRONMENTAL BOUNDARIES AND MITIGATION DESIGN FOR: Davidson County, Donelson Pike Interchange \(Includes Donelson Pike Relocation from Taxiway Bridges over Donelson Pike to I-40\)” dated January 17, 2020.](#)

Other data sources used to aid in this determination:



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| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS/WBD/NHD data/maps | NHD data was reviewed on November 17, 2020 via the LRN Regulatory Viewer. No features were shown within the review area. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | Topographic data was reviewed on November 17, 2020 via the LRN Regulatory Viewer. No features were shown within the review area. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |
| USGS Stream stats | StreamStats data was submitted by TDOT on August 17, 2020. EPH-6 was not depicted by a blue grid representation. A blue grid corresponded with a nearby feature, located outside of this AJD review area for EPH-6. |

B. Typical year assessment(s): The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with input dates of June 14, 2018, December 17, 2019, and August 17, 2020, the date of observation by TDOT and the dates of the USACE field visits. The 90-day periods preceding the Jun 2018 and Dec 2019 observation dates were documented as “wetter than normal conditions” per the APT. The 90-day period preceding the Aug 2020 observation date was documented as “normal conditions” per the APT. Additionally, the submitted field data sheets and hydrologic determination forms indicate 1.51 inches of rainfall in the 7-days prior to the Jun 2018 observation date.

C. Additional comments to support AJD: N/A