



**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): 8/20/2020
 ORM Number: LRN-2019-00152
 Associated JDs: LRN-2019-00152 PJD, dated 7/25/2019
 Review Area Location¹: State/Territory: TN City: Murfreesboro County/Parish/Borough: Rutherford
 Center Coordinates of Review Area: Latitude 35.842463 Longitude -86.519573

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-1	277	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 was observed with no base flow directly following 1.75 inches of rain in the preceding 72 hours in normal conditions in the dry part of the growing season according to the APT tool.
EPH-2	1694	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-2 was observed with no base flow directly following 1.75 inches of rain in the preceding 72 hours in normal conditions in the dry part of the growing season according to the APT tool
EPH-3	417	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-3 was observed with no base flow directly following 1.75 inches of rain in the preceding 72 hours in normal conditions in the dry part of the growing season according to the APT tool
EPH-4	230	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-4 was observed with no base flow directly following 1.75 inches of rain in the preceding 72 hours in normal conditions in the dry part of the growing season according to the APT tool
EPH-5	192	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	EPH-5 was observed with no base flow directly following 1.75 inches of rain in the preceding 72 hours in normal conditions in the dry part of the growing season according to the APT tool
INT-1	6340	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	INT-1 does not contribute directly or indirectly to an (a)(1) water and is therefore non-jurisdictional. See section C.
PER-1	1200	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an	PER-1 does not contribute directly or indirectly to an (a)(1) water and is therefore non-jurisdictional. See section C.

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
		(a)(1) water in a typical year.	
WL-1	4.68	acre(s)	(b)(1) Non-adjacent wetland.
WL-2	.04	acre(s)	(b)(1) Non-adjacent wetland.
WL-3	.74	acre(s)	(b)(1) Non-adjacent wetland.
WL-4	.05	acre(s)	(b)(1) Non-adjacent wetland.
WL-5	.73	acre(s)	(b)(1) Non-adjacent wetland.
WL-6	2.28	acre(s)	(b)(1) Non-adjacent wetland.
WL-7	.14	acre(s)	(b)(1) Non-adjacent wetland.
WL-8	.21	acre(s)	(b)(1) Non-adjacent wetland.
WL-9	.08	acre(s)	(b)(1) Non-adjacent wetland.
WL-10	.43	acre(s)	(b)(1) Non-adjacent wetland.
WL-11	8.82	acre(s)	(b)(1) Non-adjacent wetland.
WL-12	.31	acre(s)	(b)(1) Non-adjacent wetland.
WL-13	.27	acre(s)	(b)(1) Non-adjacent wetland.
WL-14	1.23	acre(s)	(b)(1) Non-adjacent wetland.
WL-15	.38	acre(s)	(b)(1) Non-adjacent wetland.
WL-16	4.31	acre(s)	(b)(1) Non-adjacent wetland.
WL-17	.06	acre(s)	(b)(1) Non-adjacent wetland.
WL-18	2.56	acre(s)	(b)(1) Non-adjacent wetland.
WL-19	.11	acre(s)	(b)(1) Non-adjacent wetland.
WL-20	.09	acre(s)	(b)(1) Non-adjacent wetland.
WL-21	.14	acre(s)	(b)(1) Non-adjacent wetland.
WL-22	.06	acre(s)	(b)(1) Non-adjacent wetland.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
WL-23	.01	acre(s)	(b)(1) Non-adjacent wetland.	WL-23 is not abutting a jurisdictional water and is therefore non-jurisdictional.
Pond 1	.34	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Pond 1 was dugout in a low area and is connected via sheet flow to non-jurisdictional resources.
Pond 2	.34	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Pond 2 was constructed in uplands and has no direct connection to channelized resources and is therefore non-jurisdictional.
Pond 3	.34	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Pond 3 was constructed in uplands and has no direct connection to channelized resources and is therefore non-jurisdictional.

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: [Request for Approved Jurisdictional Determination, dated August 7, 2020.](#)

This information is **not** sufficient for purposes of this AJD.

Rationale: [Previous delineation information was used to make determinations](#)

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



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- Photographs: [Aerial and Other: Google Earth, accessed September 16, 2020. Consultant photos, taken December 3, 2018. ACOE field visit photos, taken June 20, 2019.](#)
- Corps site visit(s) conducted on: [June 20, 2019](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2019-00152, PJD dated July 25, 2019.](#)
- 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.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The consultant field visit on December 3, 2018 was conducted in normal conditions in the wet part of the growing season, however there was 1.5 inches of rain in the previous 7 days. The ACOE field visit on June 20, 2019 was conducted in normal conditions in the dry part of the growing season, however there was 1.75 inches of rain in the previous 72 hours.](#)

C. Additional comments to support AJD: [While investigating the area it was found that karst topography/sinkholes were present and very common in the area. INT-1 met flow conditions of an intermittent stream, however sufficient connectivity could not be verified to a jurisdictional water. INT-1 was found to flow north off site, and using DEM maps, could be traced to a forested area with many large sink holes. INT-1 was determined to outlet directly into the watertable/groundwater via sinkhole. PER-1 met flow conditions of a perennial stream, however sufficient connectivity could not be verified to a jurisdictional water. PER-1 was found to flow north off property, and following DEM maps, could be traced to a forested area with large sinkholes. PER-1 was determined to outlet directly into the water table via sinkhole. All resources on site except for PER-1, Pond 2, and Pond 3 had a reasonable floodplain or ephemeral connection to INT-1. Since INT-1 was found to be non-jurisdictional, resources directly associated with INT-1 were found to also be non-jurisdictional. See MFR and PJD application package for additional information.](#)