



**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): 12/29/2020  
 ORM Number: LRN-2019-00916  
 Associated JDs: LRN-2019-00916 (PJD)  
 Review Area Location<sup>1</sup>: State/Territory: TN City: Mt. Juliet County/Parish/Borough: Wilson  
 Center Coordinates of Review Area: Latitude 36.182735 Longitude -86.533731

**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)<sup>2</sup>**

§ 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): <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.	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.	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.	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.	N/A

<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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**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
EPH-1	130	linear feet	<p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>EPH-1 was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination data, information provided by TDEC, and remote sources. The JD report cited that EPH-1 exhibited bed and bank, but lacked primary indicators of streams, including natural ground water table connection and obligate lotic organisms with &gt;2 month aquatic phase.</p> <p>In addition, in a Hydrologic Determination letter (dated November 21, 2019), Tennessee Department of Environment and Conservation determined EPH-1 to be a wet weather conveyance, which is a non-relatively permanent water that flows only in direct response to precipitation runoff and whose channels are always above the groundwater table.</p> <p>EPH-1 is an excluded water as an ephemeral feature and is not jurisdictional under the Navigable Waters Protection Rule of the Clean Water Act.</p>
EPH-2	615	linear feet	<p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>EPH-2 was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination data, observations made during the Corps site visit, information provided by TDEC, and remote sources.</p> <p>During the site visit on August 20, 2020, the Corps observed discontinuous OHW and lack of flow or surface water within EPH-2 although the feature was observed during wetter than normal conditions. As cited in the JD report and observed during the site visit, EPH-2 lacked primary indicators of streams, including natural ground water table connection and obligate lotic organisms with &gt;2 month aquatic phase.</p> <p>In addition, in a Hydrologic Determination letter (dated November 21, 2019), Tennessee Department of Environment and Conservation determined EPH-2 to be a wet weather conveyance, which is a non-relatively permanent water that flows only in direct response to precipitation runoff and whose channels are always above the groundwater table.</p> <p>EPH-2 is an excluded water as an ephemeral feature and is not jurisdictional under the Navigable Waters Protection Rule of the Clean Water Act.</p>

<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
EPH-4	384	linear feet	<p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>EPH-4 was determined to have an ephemeral flow regime based on an evaluation of the submitted field data, information provided by TDEC, and remote sources. The JD report cited that EPH-4 exhibited bed and bank, but lacked primary indicators of streams, including natural ground water table connection and obligate lotic organisms with &gt;2 month aquatic phase.</p> <p>In addition, in a Hydrologic Determination letter (dated November 21, 2019), Tennessee Department of Environment and Conservation determined EPH-4 to be a wet weather conveyance, which is a non-relatively permanent water that flows only in direct response to precipitation runoff and whose channels are always above the groundwater table.</p> <p>EPH-4 is an excluded water as an ephemeral feature and is not jurisdictional under the Navigable Waters Protection Rule of the Clean Water Act.</p>
EPH-5	150	linear feet	<p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>EPH-5 was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination data, information provided by TDEC, and remote sources. The JD report cited that EPH-5 exhibited bed and bank, but lacked primary indicators of streams, including natural ground water table connection and obligate lotic organisms with &gt;2 month aquatic phase.</p> <p>In addition, in a Hydrologic Determination letter (dated November 21, 2019), Tennessee Department of Environment and Conservation determined EPH-5 to be a wet weather conveyance, which is a non-relatively permanent water that flows only in direct response to precipitation runoff and whose channels are always above the groundwater table.</p> <p>EPH-5 is an excluded water as an ephemeral feature and is not jurisdictional under the Navigable Waters Protection Rule of the Clean Water Act.</p>
EPH-6		linear feet	<p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>EPH-6 was determined to have an ephemeral flow regime based on an evaluation of the submitted hydrologic determination data, information provided by TDEC, and remote sources. The JD report cited that EPH-6 exhibited bed and bank, but lacked primary indicators of streams, including natural ground water table connection and obligate lotic organisms with &gt;2 month aquatic phase.</p> <p>In addition, in a Hydrologic Determination letter (dated November 21, 2019), Tennessee Department of Environment and Conservation determined EPH-6 to be a wet weather conveyance, which is a non-relatively permanent water that</p>



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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
			flows only in direct response to precipitation runoff and whose channels are always above the groundwater table.  EPH-6 is an excluded water as an ephemeral feature and is not jurisdictional under the Navigable Waters Protection Rule of the Clean Water Act.

**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: “Jurisdictional Determination, Triple Crown Development, Wilson County, Tennessee” (dated September 19, 2019) and “Wetland Delineation Forms” (received September 2020)

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

Rationale: The feature identified as WWC-3 in the JD report was determined to meet the criteria of a stream by Tennessee Department of Environment and Conservation (TDEC) and provided the Corps with supplemental information and a copy of the Hydrologic Determination letter (referenced below).

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Other: Photographs provided in JD Report (dated 03/02/2017, taken during Corps site visit, and provided by TDEC (dated 10/22/2019)
- Corps site visit(s) conducted on: August 20, 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: Provided in JD report
- USFWS NWI maps: Provided in JD Report
- USGS topographic maps: Accessed October 30, 2020 via USGS TopoView website: <https://ngmdb.usgs.gov/topoview/viewer/#13/36.2176/-87.0022>

**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	Included in Antecedent Precipitation Tool, determined to be wetter than normal
Other NOAA data (specify)	National Weather Service, Advanced Hydrologic Prediction Service
USACE Sources	N/A.
LiDAR data/maps	U.S. Geological Survey, 20190711, USGS Lidar Point Cloud TN Middle B1 2018 1660685SE LAS 2019: U.S. Geological Survey.
Other Sources	N/A.
Other state/local data (specify)	Tennessee Department of Environment and Conservation (TDEC), Hydrologic Determination (DWR ID No. 15079) (dated November 21, 2019)

**B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to evaluate the project area for the previous 90 days, with a date of August 20, 2020. A single point centered on the center of the review area was used to evaluate the rainfall data and was determined to be sufficient based on the small



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geographic size of the site. The 90 day period beginning June 21, 2020 was determined to be wetter than normal, and the drought index further describes the period as severe wetness. In the previous 30 days, the rainfall exceeded the 70th percentile as well as the 30-year rolling total. According to NOAA's AHPS tool, site received a between 4.58-7.8 inches rainfall in the 30-days prior of the site visit.

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.