



**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): 9/15/2020  
 ORM Number: LRN-2020-00399  
 Associated JDs: LRN-2020-00399 PJD, May 25, 2020  
 Review Area Location<sup>1</sup>: State/Territory: TN City: Madison County/Parish/Borough: Davidson  
 Center Coordinates of Review Area: Latitude 36.282573 Longitude -86.697817

**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.

**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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	71 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 was directly observed on site. Stream 1 has strong continuous bed and bank, strong evidence of OHWM, riffle pool sequences, and macrobenthos present. Base flow was present in normal conditions in the dry part of the growing season. See section C.

<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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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)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
Wetland 1	.70 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 was directly observed on site. Wetland 1 is not abutting a jurisdictional water and is therefore is considered non-jurisdictional.	
Wetland 2	.17 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 was directly observed on site. Wetland 2 is not abutting a jurisdictional water and is therefore is considered 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 Corps Jurisdictional Determination, 8/28/2020.](#)

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

Rationale: [A field visit was required to verify connectivity. Previous data from PJD used as well.](#)

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

Photographs: [Aerial and Other: Google Earth accessed 9/9/2020. Consultant Photos taken March 31, 2020. ACOE site visit photos taken 9/10/2020](#)

Corps site visit(s) conducted on: [9/10/2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2020-00399, 5/25/2020](#)

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

USDA NRCS Soil Survey: [Soil Map, 3/31/2020](#)

USFWS NWI maps: [National Wetland Inventory Map, 3/31/2020](#)

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
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.

<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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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

**B. Typical year assessment(s):** The site visit conducted by the consultant on 3/31/2020 in association with a PJD for the site, was in wetter than normal conditions in the wet part of the growing season. The ACOE field visit conducted on 9/10/2020 was in normal conditions in the dry part of the growing season.

**C. Additional comments to support AJD:** Stream 1 was verified on site. Stream 1 currently crosses a field road on side though a large pipe. Water was present in the channel in both normal conditions in the dry part of the growing season and in wetter than normal conditions in the wet part of the growing season. Stream 1 was documented as having obvious evidence of OHWM, strong continuous bed and bank, sediment sorting, macrobenthos, and riffle complexes present. Wetland 1 and 2 were directly observed on site. Both of these wetlands are likely connected via sheetflow to a ditch running along the wet and north sides, off of the property boundary. LiDAR was used to identify potential channels on site, however, no channelized features were found during the site visit associated directly with Wetland 1 and 2. See MFR and previous PJD application package for additional information.