



**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-2020-00680

Associated JDs: LRN-2020-00680 PJD 7/16/2020

Review Area Location<sup>1</sup>: State/Territory: TN City: Burns County/Parish/Borough: Dickson

Center Coordinates of Review Area: Latitude 36.01856 Longitude -87.27661

**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
S001	3,380.8	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S001 was directly observed on site, exhibiting perennial flow with strong indicators of OHWM, indicators of groundwater input, and clear bed and bank.
S002	115.1	linear feet	(a)(2) Intermittent tributary contributes	S002 was found to have intermittent flow during drier than normal conditions in the dry part of the growing season according to the APT tool. Indicators of

<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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	OHWM and indicators of groundwater input have been documented.
S003	53.2	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S003 was found to have intermittent flow during drier than normal conditions in the dry part of the growing season according to the APT tool. Indicators of OHWM and indicators of groundwater input have been documented.
S004	225.6	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S004 was found to have intermittent flow during drier than normal conditions in the dry part of the growing season according to the APT tool. Indicators of OHWM and indicators of groundwater input have been documented.

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
WET001	.19	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland is directly abutting perennial stream S001.
WET002	.80	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland is directly abutting perennial stream S001.

**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
S005	689.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral	S005 was directly observed on site and had no base flow during wetter than normal conditions in the dry part of the growing season according to the APT tool.

<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
		stream, swale, gully, rill, or pool.	
S006	983.9	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S006 was directly observed on site and had no base flow during wetter than normal conditions in the dry part of the growing season according to the APT tool.
WB001	.16	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. WB001 was directly observed on site during wetter than normal conditions during the dry part of the growing season, according to the APT tool. There was no surface connection to other aquatic resources on site due to a berm installed on the west side of the pond.
WB002	.16	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. WB002 is isolated geographically from other resources on site by a large hill. Using LiDAR it was determined that following heavy rain events WB002 flows south via WWC, turning to unchanneled sheet flow into S006 (ephemeral).

**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: [Wetland Delineation Report – Dickson County, dated April 17, 2020](#)

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

Rationale: [Field visit required to verify connectivity](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: **Other:** [Photographic Log, taken August 21, 2019 and October 2, 2019. ACOE Field Visit Pictures, taken August 14, 2020.](#)
- Corps site visit(s) conducted on: [August 14, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRN-2020-00680, dated July 16, 2020](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).



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- USFWS NWI maps: [NHD/NWI Map, dated 10/2/2019](#)
- USGS topographic maps: [1:24,000 Burns](#)

**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.
<a href="#">Other Sources</a>	N/A.

- B. Typical year assessment(s):** [ACOE site visit was conducted on August 14, 2020 was in wetter than normal conditions during the dry part of the growing season. The consultant site visit was conducted on August 21, 2019 during drier than normal conditions in the dry part of the growing season.](#)
- C. Additional comments to support AJD:** [Ephemerals 5 and 6 were both observed after a heavy rain event to not have any base flow or indicators of groundwater input. Intermittents S004, S002, and S003 were determined to have base flow during drier than normal conditions, along with clear OHWM and channelization. S001 was found to be flowing during both dry and wet periods with clear OHWM, channelization, indicators of ground water input and evidence of aquatic macroinvertebrates. Wet001 and WET002 were determined to be directly abutting S001 \(perennial\), and are therefore jurisdictional waters. On the south side of WET001 a freshwater spring is present, and flows more heavily after significant rainfall events. WB001 and WB002 were determined to be isolated resources, as they are only connected via sheet flow to ephemerals on site. See MFR and consultant application package for more information.](#)