



**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): 8/28/2020

ORM Number: LRN-2020-00695

Associated JDs: N/A

Review Area Location¹: State/Territory: Tennessee City: McMinnville County/Parish/Borough: Warren

Center Coordinates of Review Area: Latitude 35.6961 Longitude -86.7899

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
Stream 1	515	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.	Stream 1 is a surface water channel that does not contribute flow to an (a)(1) water in a typical year. A review of aerial imagery indicates the channel terminates at 35.697925, -85.770209. The USGS Topographic Map depicts a topographic depression at the channel termination point. NHD, NWI, and EPA waters layers do not have the feature mapped. It is visible in aerial imagery in several locations, where it flows through the northern edge of the project boundary, before flowing under West End Avenue and entering a stormwater pond. The channel reappears below the stormwater feature and flows for approximately 515 lf before being culverted for approximately 750 lf. Stream 1 regains surface flow east of Smithville Highway, where it continues east for approximately 3,200 linear feet before completely disappearing. A review of Stream stats indicates the stream continues through the adjacent field and north until confluence with another stream approximately 3,000 lf northeast. Stream 1 is not visible in the field as indicated by Stream stats, or in any available imagery or data layers. The nearest visible streams are approximately 3,800 linear feet south and 5,100 linear feet north
Wetland 1	7.06	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 was determined to be a PEM wetland, and is directly abutting Stream 1. Stream 1 (above) was determined to not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year, as it does not have a downstream connection. Therefore, Wetland 1 is an excluded water as a non-adjacent water and is not jurisdictional under the Navigation Waters Protection Rule of the Clean Water Act due to the following: (a) Wetland 1 is not adjacent to an (a)(1) or (a)(2) stream. (b) Wetland 1 is directly connected to Stream 1, an intermittent stream, however Stream 1 does

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
			<p>not contribute surface water to an (a)(1) or (a)(2) stream, and is thus a (b)(1) water.</p> <p>(c) Wetland 1 is not flooded by an (a)(1)-(3) water in a typical year. There is no evidence of flooding in any aerial imagery.</p> <p>(d) Wetland 1 is not physically separated solely from a paragraph (a)(1)-(3) water by a natural berm, bank, dune, or similar natural feature and it is not physically separated from a paragraph (a)(1)-(3) by an artificial dike, barrier, or similar artificial structure.</p> <p>(e) Wetland 1 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.</p>

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 Report, Proposed Senior Living Development, Hyde Drive, March 16, 2020](#)

This information [Select.](#) sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- 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: [Accessed August 25, 2020 via NRCS Web Soil Survey website:
https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.](#)
- USFWS NWI maps: [Accessed August 25, 2020 via Nashville District Regulatory Viewer.](#)
- USGS topographic maps: [Accessed August 25, 2020 via Nashville District Regulatory Viewer.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Stream stats	Project area was reviewed on August 25, 2020. Stream 1 is mapped as described above, however, does not have a visible downstream connection in aerial imagery and appears to disappear. Stream stats indicates Stream 1 flows through a field, but no channel is visible.
USDA NRCS WETS tables	Included on Antecedent Precipitation Tool, Determined to be wetter than normal.
NOAA Sources	N/A.
Other USACE data (specify)	Nashville District Regulatory Viewer, Accessed August 21, 2020.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.



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B. Typical year assessment(s): The Antecedent Precipitation Tool was used to evaluate the project area for the previous 90 days, with a date of January 16, 2020. A single point centered on the center of the project site was used to evaluate the rainfall data and was determined to be sufficient based on the small geographic size of the site. The 90 day period beginning November 17, 2019 was determined to be wetter than normal and the rainfall exceeded the 70th percentile, for all three 30 day periods. The drought index further describes the period as severe wetness and the rainfall for the previous 30 days exceeded the 30-year rolling. Flow was observed in Stream 1 and was determined to be intermittent primary and secondary indicators per the Tennessee Division of Water Pollution Control Hydrologic Determination Field Data Sheet.

C. Additional comments to support AJD: N/A.