



**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): 8/7/2020

ORM Number: LRN-2020-00698

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Tennessee City: Nashville County/Parish/Borough: Davidson

Center Coordinates of Review Area: Latitude 36.255609 Longitude -86.896401

**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
Intermittent Stream A	973	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	As observed by consultant, moderate bed & bank, some sorting of sediments with active flow throughout reach. According to the APT, the consultant visited the stream during a wetter than normal part of the wet season. Further discussion in Section III.C.
Perennial Stream A	414	linear feet	(a)(2) Perennial tributary contributes	As observed by consultant, strong bed & bank, moderate sorting of sediments, weak riffle-pool sequences. According to the APT, the consultant

<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.	visited the stream during a wetter than normal part of the wet season. Further discussion in Section III.C.

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
Ephemeral Stream A	105 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.
Ephemeral Stream B	104 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed by consultant, As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.
Ephemeral Stream C	107 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed by consultant, As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.
Ephemeral Stream D	142 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed by consultant, As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.
Ephemeral Stream E	335 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed by consultant, As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.

<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
Ephemeral Stream F	556	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. As observed by consultant, As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.
Ephemeral Stream G	429	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. As observed by consultant, As observed by consultant, absent to weak bed and bank with uplands vegetation present in channel. Further discussion in Section III.C.

**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 Jurisdictional Determination”, Dated July 9, 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: [Aerial and Other: Consultant site visit photographs taken on May 6, 2020 as part of consultant’s request for jurisdictional determination. USACE site visit photographs taken on July 31, 2020 as part of site visit and Google Earth, accessed](#)

Corps site visit(s) conducted on: [July 31, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

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

USDA NRCS Soil Survey: [“Request for Jurisdictional Determination”, Dated July 9, 2020.](#)

USFWS NWI maps: [“Request for Jurisdictional Determination”, Dated July 9, 2020.](#)

USGS topographic maps: [“Request for Jurisdictional Determination”, Dated July 9, 2020.](#)

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

**B. Typical year assessment(s):** [According to the APT, the consultant’s site visit on May 6, 2020, was during wetter than normal conditions in the wet part of the growing season. USACE site visit on July 31, 2020, was conducted during normal conditions during the dry part of the year.](#)

**C. Additional comments to support AJD:** [Perennial Stream A begins at the confluence of Intermittent Stream A and Ephemeral Stream F. Perennial Stream A was documented by consultant on May 6, 2020](#)



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with fish, crayfish, bivalves/mussels, amphibians and macrobenthos present in the stream, along with the geomorphological indicators discussed in section II.C. During the USACE site visit on July 31, 2020, the stream was observed to have strong bed & bank with deep channel, a lack of vegetation, sediment sorting and many pools of water, but no flowing water.

Intermittent Stream A was documented by consultant to display geomorphological indicators discussed in section. II.C. with weak subsurface flow, water stained leaves and wracking lines.

Ephemeral Streams A, B & C & E were documented to have absent bed & bank with minimal water present at the time of consultant's site visit.

Ephemeral Stream D was documented by consultant to have defined bed & bank with minimal water present. During USACE site visit, upland vegetation was observed in the channel with no water present.

Ephemeral Stream F had strong bed & bank and displayed minimal water at the time of consultant's site visit and no hydric soils in channel, but did contain amphibians and crayfish with weak subsurface flow and wracking lines. At the time of USACE site visit, Ephemeral Stream F had strong bed & bank with deep channel in its lower reach (approx.. 40 yards from confluence with Intermittent Stream A), but with no water present.

Ephemeral Stream G displayed subsurface flow and wracking lines, at the time of consultant's visit, but with minimal water present. At the time of USACE visit, Ephemeral Stream G displayed the same geomorphological indicators, hydrology and biology as the other ephemeral streams within the review area.