



**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): 9/11/2020

ORM Number: LRN-2020-00715

Associated JDs: N/A

Review Area Location¹: State/Territory: Tennessee City: Centerville County/Parish/Borough: Hickman

Center Coordinates of Review Area: Latitude 35.831459 Longitude -87.428681

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
INT-1	990 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	INT-1 is formed on the north eastern edge of the review area by EPH-1 and EPH-2. At the time of the consultant’s site visit, the stream had pools of water, with some sections of running water and completely dry sections. INT-1 lacked macroinvertebrates, but amphibians were observed by consultant. INT-1 contributes surface water to the a(2) Haley Creek, which flows to the a(1) Duck River.

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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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WTL-1	0.33	acre(s)	(b)(1) Non-adjacent wetland.	WTL-1 is an isolated feature approximately 0.33 acres in size and is fed by EPH-4. WTL-1 is drained by an off-site ephemeral feature to the west. WTL-1 displayed Hydrophytic vegetation, hydric soils and hydrology.
EPH-1	373	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 was completely dry at the time of Corps' site visit. Upland plants were observed growing on the bank and within the stream channel.
EPH-2	363	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-2 was completely dry at the time of Corps' site visit. Upland plants were observed growing on the bank and within the stream channel.
EPH-3	1158	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	At the time of the consultant's site visit, EPH-3 was dry, with no vegetation in the channel and lacked any evidence of subsurface water influence. At the time of the Corps' site visit, EPH-3 was extremely disturbed by logging, with flow, but lacked hydric soils, water staining, or macroinvertebrates.
EPH-4	153	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-4 was completely dry at the time of Corps' site visit. Upland plants were observed growing on the bank and within the stream channel.
EPH-5	546	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-5 was discovered during the Corps' site visit and delineated by David Winter post visit. EPH-5 displayed weak and discontinuous bed & bank with confined surface flow. The channel had been highly disturbed due to logging.

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
EPH-6	222	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. EPH-6 was discovered during the Corps' site visit and delineated by David Winter post visit. EPH-6 displayed weak and discontinuous bed & bank with confined surface flow. The channel had been highly disturbed due to logging.

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 Preliminary Jurisdictional Determination", dated July 10, 2020.

This information is 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: "Request for Preliminary Jurisdictional Determination", dated July 10, 2020. Corps site visit photos, dated August 14, 2020.

Corps site visit(s) conducted on: August 14, 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: "Request for Preliminary Jurisdictional Determination", dated July 10, 2020.

USFWS NWI maps: "Request for Preliminary Jurisdictional Determination", dated July 10, 2020.

USGS topographic maps: "Request for Preliminary Jurisdictional Determination", dated July 10, 2020.

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 Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): According to the APT, the consultant's site visit on June 22, 2020, was during normal conditions in the dry season. The Corps site visit on August 14, 2020, was conducted during wetter than normal conditions during the dry season. The site received approximately 0.5" of rain in the 48 hours prior to the consultants site visit and 1.1" of rain in the 48 hours prior to the Corps site visit.

C. Additional comments to support AJD: The southeastern portion of the review area property was highly disturbed by logging at the time of the Corps' site visit.