



**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): 11/27/2020
 ORM Number: LRN-2020-00849
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Springfield County/Parish/Borough: Robertson
 Center Coordinates of Review Area: Latitude 36.493170 Longitude -86.882779

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
PS1	98	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			PS1 was traced to be connected to an (a)(1) water. It was observed to have groundwater input from a spring on site and from a large wetland area (labeled Wetland A on the map), macroinvertebrates present, a continuous flow based on an evaluation of the submitted hydrologic determination forms, Antecedent Precipitation Tool, and online resources. Flow was observed within the stream channel during a site investigation by the applicant’s consultant on November 15, 2019.

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
Wetland A	0.015	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Wetland A is located on the northern portion of the project area and continues further west beyond the defined project area/property boundary. The overall size of the wetland is approximately 2.4 acres but the wetland size within the review area is 0.015 acres. The wetland discharges flow from an outfall structure allowing a direct hydrologic surface connection to an (a)(2) water (PS1). This wetland was not identified on the NWI map but it meets all three required wetland identification parameters (hydrophytic vegetation, hydrology, and hydric soil). On onsite investigation on November 15, 2019 documented hydrologic indicators of water-stained leaves, oxidized rhizospheres on living roots, geomorphic position, and it passed the FAC-Neutral Test. Vegetation within this wetland included primarily grasses. Soils in this wetland were dark on the surface transitioning to a depleted layer with prominent redox concentrations.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	37	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The feature was dry during an onsite observation on November 15, 2019. There was no evidence of groundwater input such as iron staining, macroinverts, or bed and bank (lacked an ordinary high water mark) and upland vegetation was growing throughout the majority of the channel. Any flow is in response to runoff from a large rain event.
Ditch 2	271	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	The feature was dry during an onsite observation on November 15, 2019. There was no evidence of groundwater input such as iron staining, macroinverts, or bed and bank (lacked an ordinary high water mark) and upland vegetation was growing throughout the majority of the

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
		(a)(4) water that do not satisfy the conditions of (c)(1).	channel. Any flow is in response to runoff from a large rain event.

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 \(JD\) Package dated August 13, 2020 \(received August 20, 2020\). Revised Jurisdictional Determination maps and aerials received on October 19, 2020 provided additional information regarding b\(5\) features.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Revised information received on October 19, 2020 provided sufficient information.](#)

Data sheets prepared by the Corps: [Data Sheets prepared by the JD requestor and found in JD Package \(Exhibit C; Stream Forms and Exhibit E: Data Forms\)](#)

Photographs: [Aerial and Other: 2019 Google aerial imagery of the review area and vicinity dated November 15, 2019 and found within the JD Package \(Exhibit A\). Site photos dated November 15, 2019 provided for each feature and surrounding uplands provided within the JD Package \(Exhibit D\). Aerials received on October 19, 2020 provided additional information regarding b\(5\) features.](#)

Corps site visit(s) conducted on: [November 26, 2020](#)

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

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

USDA NRCS Soil Survey: [Provided in JD Package \(Figure 5\) and accessed within ORM2](#)

USFWS NWI maps: [Provided in JD Package \(Figure 6\) and accessed within ORM2.](#)

USGS topographic maps: [Provided in JD Package \(Figure 1\) and accessed within ORM2.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Carr Creek HUC12-051302060502; 1:24,000; Springfield South, TN Quadrangle Map
USDA Sources	USGS Web Soil Survey
NOAA Sources	N/A.
USACE Sources	Layers accessed include the USGS topographical quad map, USFWS National Wetland Inventory map, and NRCS Soil Survey Map Robertson County
State/Local/Tribal Sources	NC DWQ Methodology for Identification of Stream Forms
FEMA/FIRM maps	FEMA Map Service Center (Flood Insurance Rate Map)

B. Typical year assessment(s): [A Typical Year Assessment, utilizing NRCS method for Rainfall Documentation Worksheet Hydrology Tools for Wetland Determination was prepared \(see JD Package, Exhibit B\). It documented at the time of the field investigation of the site performed by the applicant's consultant, GEC, Inc. on November 15, 2019, had been normal weather/rainfall conditions. They also observed rainfall data preceding the field investigation that approximately 0.2 inches of rain was recorded one day prior to the site visit. According to calculation of normal weather conditions, the evaluation period](#)



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(i.e., the prior three months) had been normal conditions. The USACE Antecedent Rainfall Calculator from period of September 2019 to November 2019, shows that September 2019 was dry (0.32 inches), October 2019 was wetter than normal (9.23 inches), and to mid-November 2019 had reached normal conditions (4.73 inches) and that conditions were normal during the field investigation.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.