



**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): 11/18/2020
 ORM Number: LRN-2020-00954
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Nashville County/Parish/Borough: Davidson
 Center Coordinates of Review Area: Latitude 36.040707 Longitude -86.713900

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
S1	579 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	At the time of the Corps’ site visit, S1 was actively flowing, displayed iron stained leaves and rock with algae, crayfish burrows, macroinvertebrates and a layer of sediment built up on the stream bottom. S1 flows directly into the Mill Creek tributary, Whittemore Branch, and Mill Creek is a tributary of the Cumberland River (an (a)(1) water).

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
W1	0.13	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	As observed during the Corps' site visit, W1 is a forested wetland that is physically abutting the jurisdictional (a)(2) S1. Wetland hydrology, hydric soil and vegetation were present.
W2	0.16	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	As observed during the Corps' site visit, W1 is a mostly emergent wetland that is physically abutting the jurisdictional (a)(2) S1. Wetland hydrology, hydric soil and vegetation were present.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S2	24	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed during the Corps' site visit, S2 is an ephemeral feature that lacked flowing water, or pools of water and any ground water influence, including iron staining, or macroinvertebrates.
S3	53	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed during the Corps' site visit, S3 is an ephemeral feature that lacked flowing water, or pools of water and any ground water influence, including iron staining, or macroinvertebrates.
S4	101	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	As observed during the Corps' site visit, S4 is an ephemeral feature that lacked flowing water, or pools of water and any ground water influence, including iron staining, or macroinvertebrates.

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 Accepted Jurisdictional Determination...5883 Nolensville Road...", dated September 18, 2020.

This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: Title(s) and/or date(s).

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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- Photographs: Aerial and Other: "Request for Accepted Jurisdictional Determination...5883 Nolensville Road...", dated September 18, 2020.
- Corps site visit(s) conducted on: October 28, 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 Accepted Jurisdictional Determination...5883 Nolensville Road...", dated September 18, 2020.
- USFWS NWI maps: "Request for Accepted Jurisdictional Determination...5883 Nolensville Road...", dated September 18, 2020.
- USGS topographic maps: "Request for Accepted Jurisdictional Determination...5883 Nolensville Road...", dated September 18, 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 tool, the Corps' site visit was conducted during normal conditions during the dry season. The AJD review received approximately 0.02" of precipitation in the 48 hour period prior to the Corps' site visit.

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