



**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): 11/13/2020
 ORM Number: LRN-2020-01000
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Smyrna County/Parish/Borough: Rutherford
 Center Coordinates of Review Area: Latitude 35.940016 Longitude -86.563107

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
STR-1	2,294 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-1/Olive Branch is a perennial stream that had flowing water during both the consultant’s site visit and the Corps’ site visit. Olive Branch contributes surface water to the (a)(2) Stewarts Creek, which contributes surface flow to the Section 10 Stones 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.	

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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EPH-1	200	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 is an ephemeral feature that lacked any groundwater input, pools of surface water, or flowing water during both site visits. EPH-1 lost channelization approximately 200 feet south of its origin and did not flow into STR-1.
EPH-2	38	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-2 is an ephemeral feature that lacked any groundwater input, pools of surface water, or flowing water during both site visit.

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 Waters Determination, 4852 Rocky Fork Road, Smyrna, Rutherford County, Tennessee, dated September 28, 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: “Jurisdictional Waters Determination, 4852 Rocky Fork Road, Smyrna, Rutherford County, Tennessee, dated September 28, 2020.”

Corps site visit(s) conducted on: 11/13/2020

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: “Jurisdictional Waters Determination, 4852 Rocky Fork Road, Smyrna, Rutherford County, Tennessee, dated September 28, 2020.”

USFWS NWI maps: “Jurisdictional Waters Determination, 4852 Rocky Fork Road, Smyrna, Rutherford County, Tennessee, dated September 28, 2020.”

USGS topographic maps: “Jurisdictional Waters Determination, 4852 Rocky Fork Road, Smyrna, Rutherford County, Tennessee, dated September 28, 2020.”

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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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 consultant's site visit, performed on 9/14/2020, was during wetter than normal conditions during the dry season and the site received approximately 2.22 inches of precipitation in the 24 hours prior to the site visit. The Corps' site visit was performed on 11/13/2020 during normal conditions during the wet season and the site received approximately 0.09 inches of rainfall in the 24 hours prior to the site visit.

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