



**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): 12/11/2020  
 ORM Number: LRN-2020-01013  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: TN City: Smyrna County/Parish/Borough: Rutherford  
 Center Coordinates of Review Area: Latitude 35.993697 Longitude -86.542641

**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.

**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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

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.

<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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**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
WTL-1	0.08	acre(s)	(b)(1) Non-adjacent wetland.	WTL-1 is isolated from all other aquatic resources identified on site and is not abutting a jurisdictional water and is therefore non-jurisdictional.
WTL-2	0.04	acre(s)	(b)(1) Non-adjacent wetland.	WTL-2 is abutting an ephemeral stream (WCC-4), making WTL-2 an ephemeral feature and is therefore non-jurisdictional.
WWC-1	315	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC-1 was documented as having weak OHWM indicators, a vegetated stream bed, no macroinvertebrates, no indicators of groundwater input and no base flow during normal conditions in the dry part of the growing season according to the APT tool.
WWC-2	524	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC-2 was documented as having weak OHWM indicators, no macroinvertebrates, no indicators of groundwater input and no base flow during normal conditions in the dry part of the growing season according to the APT tool.
WWC-3	163	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC-3 was documented as having weak OHWM indicators, no macroinvertebrates, no indicators of groundwater input and no base flow during normal conditions in the dry part of the growing season according to the APT tool.
WWC-4	708	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WWC-4 terminates into a sinkhole on site and therefore does not contribute flow to an a(1) water in a typical year. WWC-4 was verified on site multiple times in both wet and dry conditions, see Section 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: “Jurisdictional Determination, October 13, 2020”.

This information is not sufficient for purposes of this AJD.

Rationale: A field visit was necessary to verify WWC-4.

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

Photographs: Other: Consultant photos taken September 29, 2020 and November 3, 2020. USACE field visit photos taken October 29, 2020.

Corps site visit(s) conducted on: October 29, 2020

<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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- 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: [NRCS Soils Map, October 9, 2020.](#)
- USFWS NWI maps: [National Wetland Inventory \(NWI\) Map, October 9, 2020.](#)
- USGS topographic maps: [Topographic Map, October 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):** [The consultant site visits on September 29, 2020 and November 3, 2020 were conducted in normal conditions in the dry part of the growing season. The USACE site visit was conducted in wetter than normal conditions in the dry part of the growing season.](#)

**C. Additional comments to support AJD:** [The site was made up of karst topography and bedrock at the surface, creating glade areas that varied greatly based on rainfall. Areas were observed and documented during both wet and dry times. On October 29, 2020 WWC-4 was evaluated on site following a rainfall event of 2 inches, where flow and macroinvertebrates were present. However when the consultant returned to the site after a period of no precipitation for 48 hours on November 4, 2020, the area was dry with no indicators of groundwater input or macroinvertebrates. Overall it was determined that WWC-4 is an ephemeral feature due to stream indicators only being observed directly following rainfall. Further, WWC-4 outputs into a sinkhole on site, meaning it does not contribute surface water flow directly or indirectly to an \(a\)\(1\) water in a typical year and is therefore non-jurisdictional. See document LRN-2020-01013\\_20201112\\_MFR-SVN and application package for more details.](#)