



**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): 6/30/2021

ORM Number: MVM-2021-135

Associated JDs: N/A

Review Area Location¹: State/Territory: Tennessee City: Mercer County/Parish/Borough: Hardeman

Center Coordinates of Review Area: Latitude 35.426045° Longitude -89.012565°

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
- 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
Stream 1 (STR-1)	2,606 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Geomorphic indicators such as sediment sorting, continuous bed and bank, channel sinuosity, head cuts and depositional bars and benches were observed during multiple USACE site visits. Small pockets of standing water were present along with other hydrologic indicators such as sediment covered debris and debris lines (wrack lines) and the lack of leaf litter within the channel were observed during the visits. STR-1 flows into STR-2, which flows to the Hatchie River, a tributary to the Mississippi River. For additional information

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			regarding recent rainfall please reference the additional comments section below.
Stream 2 (STR-2)	7,102	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. During multiple USACE site visits, this stream contained a base flow of water. STR-2 is a labeled blue line stream on both Earth Point and USGS (NHD) Topographic Maps. STR-2 flows into the Hatchie River, a tributary to the Mississippi River. For additional information regarding recent rainfall please reference the additional comments section below.

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
Ephemeral Feature 1	114	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 2	64	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 3	79	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 4	870	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.

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	
Ephemeral Feature 5	93	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 6	1,132	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 7	583	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 8	137	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 9A	407	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 9B	345	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 10	98	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 11	295	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 12	247	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 13	147	linear feet	(b)(3) Ephemeral feature, including	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Ephemeral Feature 14	176	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	USACE conducted multiple site visits. During each site visit hydrologic and geomorphic indicators were weak to non-existent. These observations indicate conveyance of water as a direct result of a rainfall event.
Wetland 1 (WTL-1)	0.04	acre(s)	(b)(1) Non-adjacent wetland.	(b)(1), isolated non-adjacent wetland lacking hydrologic connectivity to jurisdictional waters.
Wetland 2 (WTL-2)	0.22	acre(s)	(b)(1) Non-adjacent wetland.	(b)(1), isolated non-adjacent wetland lacking hydrologic connectivity to jurisdictional waters.
Pond 1 (OWF-1)	0.05	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	(b)(8) artificial pond, that does not impound a jurisdictional water.
Pond 2 (OWF-2)	1.17	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	(b)(8) artificial pond, that does not impound a jurisdictional water.

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: [Civil & Environmental Consultants, Inc.](#) submitted a delineation report dated, December 7, 2020.

This information is sufficient for purposes of this AJD.



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Rationale: This December 7, 2020, delineation report was field verified by a USACE site visit completed on June 3, 2021 and a follow up site visit on June 21, 2021.

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial and Other: Civil & Environmental Consultants, Inc. delineation report dated, December 7, 2020.
- Corps site visit(s) conducted on: June 3, 2021 and June 21, 2021.
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: N/A
- USFWS NWI maps: N/A
- USGS topographic maps: USGS 7.5 x 7.5 minute (1:24,000) Topographic Map located on the TNM Download (v2.0)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS Hydro NHD Layer and the USGS Shaded Relief Layer
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	CoCoRaHS Mapping System, Accumulated Precipitation Data

B. Typical year assessment(s):

The Antecedent Precipitation Tool produced results indicating “Normal Conditions”.

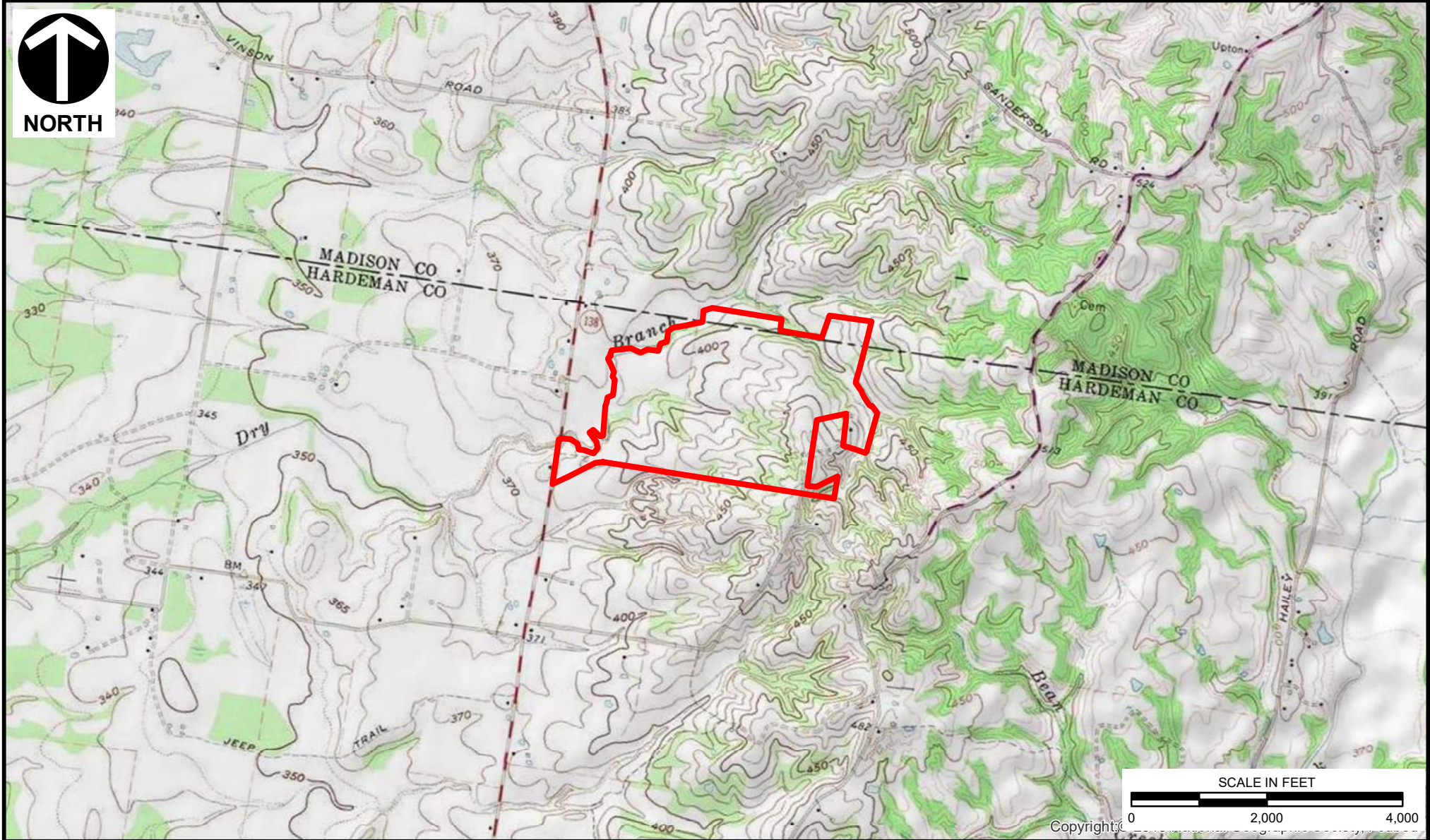
The CoCoRaHS mapping system shows an accumulated precipitation amount of 0.85 inches on June 2, 2021 and 0.58 inches of rain on June 3, 2021 totalling 1.43 inches over a two day period.

The CoCoRaHS mapping system shows an accumulated precipitation amount of 1.39 inches for the 14-day time period prior to the June 21, 2021 USACE site visit. The same database reflects 0.00 inches of rainfall occurring during the 7-days prior to the June 21, 2021 USACE site visit.

The agent’s site visits were conducted on November 18 & 19, 2020. The agents desktop review of rainfall data and calculations of weather conditions resulted in their visits occurring during “normal” conditions as reported in the December 7th, 2020 Hydrologic Determination Report.

C. Additional comments to support AJD:

Please reference the attached maps for a description of the property boundaries and depiction of how the above listed features occur within those boundaries.



LEGEND

 PROPERTY BOUNDARY

REFERENCE

SGS TOPOGRAPHIC MAP/ ARCGIS MAP SERVICE:
 HTTP://GOTO.ARCGISONLINE.COM/MAPS/USA_TOPO_MAPS,
 ACCESSED 12/7/2020.



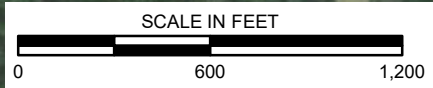
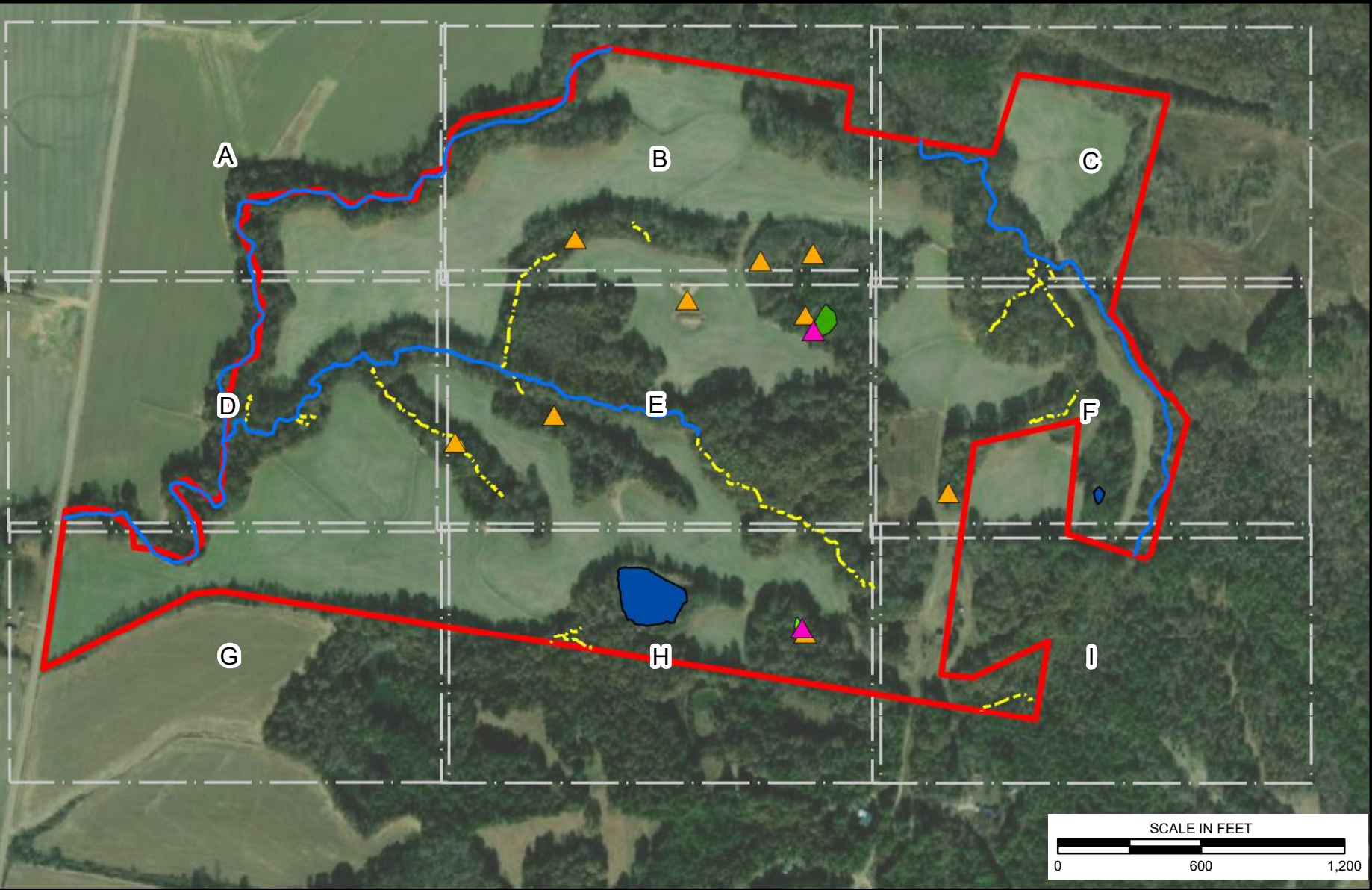
Civil & Environmental Consultants, Inc.

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ROYAL OAK ENTERPRISES, LLC
 JURISDICTIONAL DETERMINATION
 MERCER, HARDEMAN CO, TN

TOPOGRAPHIC MAP

DRAWN BY:	BJB/KLA	CHECKED BY:	KLA	APPROVED BY:	TJN	FIGURE NO:	1
DATE:	12/7/2020	SCALE:	1" = 2,000'	PROJECT NO:	306-644		



LEGEND

- UPLAND TEST PIT
- WETLAND TEST PIT
- EMERGENT WETLAND
- FORESTED WETLAND
- OPEN WATER FEATURE
- INTERMITTENT STREAM
- WWC/EPHEMERAL STREAM
- PROPERTY BOUNDARY
- MAP INDEX GRID

REFERENCE Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Civil & Environmental Consultants, Inc.

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ROYAL OAK ENTERPRISES, LLC
 JURISDICTIONAL DETERMINATION
 MERCER, HARDEMAN CO, TN

MAP INDEX GRID FOR
 HYDROLOGICAL FEATURE MAP

DRAWN BY:	BJB/KLA	CHECKED BY:	KLA	APPROVED BY:	TJN	FIGURE NO: 2
DATE:	12/7/2020	SCALE:	1" = 600'	PROJECT NO:	306-644	