



**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): 5/17/2021

ORM Number: MVM-2021-111

Associated JDs: N/A

Review Area Location¹: State/Territory: Tennessee City: Oakland County/Parish/Borough: Fayette

Center Coordinates of Review Area: Latitude 35.244440 Longitude -89.532427

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.	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.	N/A.

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
SAO03 Black Ankle Creek	5175	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Named tributary with a readily discernible OHWM and distinctive bed and banks with a field-observed sustained base flow. Field observations have consistently shown a sustained base flow which was verified by the Corps during a site visit on April 28, 2021. The tributary is also shown as a solid blue line on the USGS topographic map.
SAO08	967	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Un-named tributary with a defined bed and bank and a distinctive OHWM. The tributary is shown as a dashed blue line on the USGS topographic map.

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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SA001	293	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA002	1575	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA004	360	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA005	315	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021

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.



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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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SA006	1019	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA007	309	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA009	620	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA010	2577	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021



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SA011	783	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
SA013	254	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations made by the applicant and documented in a report, dated March 2021, the waterbody does not meet the criteria of an (a)(1) or (a)(2) water. The watercourse had no visible ground water connection, poor or lacking riffle pool sequence, and discontinuous stream bed and bank and/or parabolic cross-sections. The observations made by the applicant were verified by the Corps during a site visit on April 28, 2021
WA001	.158	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA002	.051	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA003	.059	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.



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WA004	.375	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA005	1.205	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA006	.467	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA007	.658	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA008	.162	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.



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WA009	1.902	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
WA0010	.530	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature meets the criteria established in the 1987 Corps of Engineers Wetland Delineation Manual and accompanying supplement. This wetland does not abut an (a)(1)-(a)(3) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; therefore, this wetland is non-adjacent and meets the criteria of a (b)(1) exclusion.
N/A.	N/A.	N/A.	N/A.	N/A.

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: [SWCA Environmental Consultants](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Site maps and aerials included in applicant's delineation report dated March 2021.](#)
- Corps site visit(s) conducted on: [April 28, 2021](#)
- 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

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): [The Antecedent Precipitation Tool was used to determine local climatic weather patterns April 28, 2021. The APT tool determined that the time period under review was 'normal'](#)



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and within the 30 year normal range. The finding based on this assessment is that the time period under review was typical.

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