



**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): 8/5/2021
 ORM Number: MVM-2021-215
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TN City: Memphis County/Parish/Borough: Shelby
 Center Coordinates of Review Area: Latitude 34.997959 Longitude -90.038037

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.	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.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
STR-1	2,660	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-1 was observed during normal climatic conditions during the late portion of the growing season. STR-1 had a distinct stream bed and bank and direct groundwater input, base flow and multiple populations of obligate lotic organisms. These field observations indicate that the channel has an intermittent flow regime.

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
STR-2	315	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-2 was observed during normal climatic conditions during the late portion of the growing season. STR-2 had a distinct stream bed and bank and flows directly into STR-1. Aquatic fauna and benthic species were identified within STR-2 during the visit. These field observations indicate that the channel has an intermittent flow regime.
STR-3	644	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-3 was observed during normal climatic conditions during the late portion of the growing season. STR-3 had a distinct stream bad and bank and contributes flow directly into STR-1. Aquatic fauna and benthic species were identified within STR-3 during the visit. STR-3 had prevalent sediment sorting and hydric soils within the thlweg of the channel. These field observations indicate that the channel has an intermittent flow regime.

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
WTL-1	0.11	acre(s))	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WTL-1 abuts an (a)(1)-(3) jurisdictional water and is, therefore, an adjacent wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EPH-1	103	linear feet	(b)(3) Ephemeral feature, including an ephemeral	EPH-1 was observed in normal conditions in the dry part of the growing season. EPH-1 had moderate bed and bank but lacked

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
			stream, swale, gully, rill, or pool.	aquatic species indicative of prolonged inundation and exhibited no base flow
EPH-2	148	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-2 was observed in normal conditions in the dry part of the growing season. EPH-2 had moderate bed and bank,lacked biology and no base flow
EPH-3	537	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-3 was observed in normal conditions in the dry part of the growing season. EPH-3 had weak bed and bank,lacked biology and no base flow
EPH-4	448	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-4 was observed in normal conditions in the dry part of the growing season. EPH-4 had weak bed and bank,lacked biology and no base flow
EPH-5	1,561	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-5 was observed in normal conditions in the dry part of the growing season. EPH-5 had moderate bed and bank with some areas of sheet flow. EPH-5 lacked biology and had no base flow
EPH-6	121	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-6 was observed in normal conditions in the dry part of the growing season. EPH-6 had weak bed and bank,lacked biology and no base flow
EPH-7	776	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-7 was observed in normal conditions in the dry part of the growing season. EPH-7 had moderate bed and bank,lacked biology and no base flow. EPH-7 was more defient down-gradient and drains off-site via culvert.
EPH-8	220	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-8 was observed in normal conditions in the dry part of the growing season. EPH-8 had weak bed and bank,lacked biology and no base flow
EPH-9	188	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-9 was observed in normal conditions in the dry part of the growing season. EPH-9 had weak bed and bank,lacked biology and no base flow
EPH-10	188	linear feet	(b)(3) Ephemeral feature, including an ephemeral	EPH-10 was observed in normal conditions in the dry part of the growing season. EPH-10 had weak bed and bank,lacked biology and no base flow



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		stream, swale, gully, rill, or pool.	
WTL-3	0.04	acre(s)	(b)(1) Non-adjacent wetland. WTL-3 does not abut an (a)(1)-(3) jurisdictional water; is not inundated by flooding from an (a)(1)-(3) water in a typical year; is not physically separated from an (a)(1)-(3) water solely by a natural berm, bank, dune, or similar natural feature; nor by an artificial dike, barrier, or similar artificial structure. WTL-3 appears to drain via sheet flow south toward EPH5 and EPH6. WTL-3 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.
WTL-2	0.27	acre(s)	(b)(1) Non-adjacent wetland. WTL-2 does not abut an (a)(1)-(3) jurisdictional water. WTL-2 is only connected to an (a)(1)-(3) water by an ephemeral feature (EPH-2). WTL-2 is not inundated by flooding from an (a)(1)-(3) water in a typical year. There is no natural berm or artificial feature present between WTL-2 and an (a)(1)-(3) 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 and Environmental Consultants, Inc. \(CEC\) Jurisdictional Determination report, dated July 15, 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [CEC's report was reviewed by the Corps and contains adequate information to support the requested Approved Jurisdictional Determination.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: TDOT aerial imagery, 7/14/2021, site photographs provided in CEC's July 15, 2021 report](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [None](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Shelby County](#)
- USFWS NWI maps: [ORM2 digitized](#)
- USGS topographic maps: [SW Memphis, TN 7.5' topographic quadrangle](#)

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.



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to determine climatic conditions . The APT determined that “normal conditions” were present during the time period under review.

C. Additional comments to support AJD: N/A