



**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): 8/9/2021

ORM Number: MVM-2021-195

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude Multiple Parcels; approximate center coordinate is 35.302227 Longitude Multiple Parcels; approximate center coordinate is -89.618705

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
Loosahatchie River	173 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The Loosahatchie River is a labeled blue line stream on both Earth Point and USGS (NHD) Topographic Maps. The Loosahatchie River is a tributary to the Mississippi River. During the USACE site visit the Loosahatchie Riever exhibited an incised channel containing a base flow of water associated with a continuous 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
Little Cypress Creek	288	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Little Cypress Creek is a labeled blue line stream on both Earth Point and USGS (NHD) Topographic Maps. Little Cypress Creek flows into the Loosahatchie River, a tributary to the Mississippi River. During the USACE site visit Little Cypress Creek exhibited a defined channel containing a base flow of water associated with a continuous 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
Little Cypress Backwater Slough	0.23	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Little Cypress Backwater Slough is connected to Little Cypress Creek and receives flood waters from Little Cypress Creek during a typical year due to the lack of incision within the Little Cypress Creek channel.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland - 3	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts an (a)(2) water and therefore is considered adjacent.
Wetland - 4	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts an (a)(2) water and therefore is considered adjacent.
Wetland - 6b	0.61	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts an (a)(2) water and therefore is considered adjacent.
Wetland - 6c	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This wetland directly abuts an (a)(2) water and therefore is considered adjacent.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Pond - 1	0.07	acre(s)	(b)(10) Stormwater control feature constructed or	This feature was excavated in an upland to control agricultural run-off and does not receive flooding from an (a)(1)-(a)(3) water during a typical year. The Loosahatchie River is deeply

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
			excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	incised at this location and there were no indicators of flood inundation in the area during the USACE site visit.
Wetland - 1	0.11	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to nor does it receive flooding from a (a)(1)-(a)(3) water during a typical year. No indicators of flood inundation were present during the USACE site visit.
Wetland - 2	0.10	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to nor does it receive flooding from a (a)(1)-(a)(3) water during a typical year. No indicators of flood inundation were present during the USACE site visit.
Wetland - 5	0.18	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to nor does it receive flooding from a (a)(1)-(a)(3) water during a typical year. No indicators of flood inundation were present during the USACE site visit.
Wetland - 6a	0.11	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to nor does it receive flooding from a (a)(1)-(a)(3) water during a typical year. No indicators of flood inundation were present during the USACE site visit.
WC - 1	1,913	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature was constructed in uplands as part of a road project and only conveys water during and after rain events.
WC - 2	165	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature was constructed in uplands as part of a road project and only conveys water during and after rain events.

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 Request submitted by BDY Natural Sciences Consultants, dated June 30, 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [This June 30, 2021 delineation report was field verified by a USACE site visit completed on July 14, 2021.](#)

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

Photographs: [Aerial and Other: BDY Natural Sciences Consultants, dated June 30, 2021.](#)

Corps site visit(s) conducted on: [July 14, 2021.](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)



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- 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	Topographic Map Google Earth 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” for both the USACE site visit and the agent’s site visit.

The agent’s site visit was conducted on January 13, 2021 and prior to this visit the 7-day precipitation total was 0.23 inches of rainfall with 0.01 inches of that total occurring within 48 hours of the visit.

The CoCoRaHS mapping system shows an accumulated precipitation amount 3.88 inches for the 14-day time period prior to the July 14, 2021 USACE site visit. The same database reflects 1.51 inches of rainfall occurring during the 7-days prior to the July 14th, 2021 USACE site visit.

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.

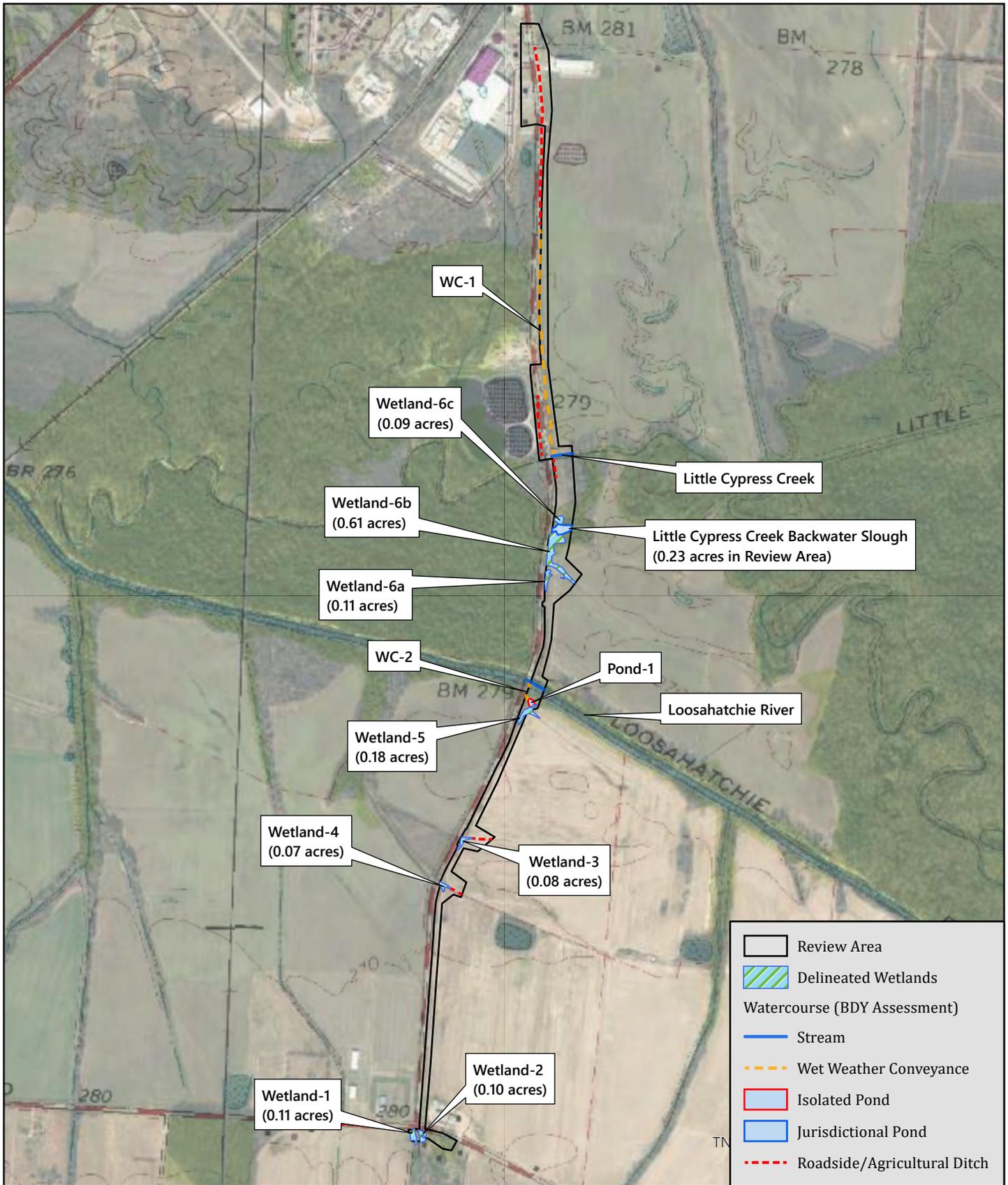


Figure 2. Aquatic Resources Summary
 Hickory Withe Road and Loosahatchie Road/ Hwy 196
 Arlington, Fayette County, Tennessee