



**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): 4/1/2021

ORM Number: MVM-2021-101

Associated JDs: N/A

Review Area Location¹: State/Territory: TN City: Memphis County/Parish/Borough: Shelby County

Center Coordinates of Review Area: Latitude 35.040283° Longitude -90.161475°

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.

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
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	acre(s)	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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.14 acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Wetland 1 is a dug ditch that collects stormwater runoff from adjacent agricultural fields, conveying the water south and eventually offsite. The ditch is permanently inundated as the gradient is very low. The inundation ends near the southern terminus of the site and the ditch converts into an ephemeral channel (EPH-1) before exiting the site.
Wetland 2	1.17 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is a low-lying area within an active agricultural crop field. The area exhibited inundation and hydric soils during the site reconnaissance, with seasonal inundation based on aerial photographs. Vegetation was considered significantly disturbed due to the ongoing agricultural practices. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.
Wetland 3	0.24 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is a low-lying area within an active agricultural crop field. The area exhibited inundation and hydric soils during the site reconnaissance, with seasonal inundation based on aerial photographs. Vegetation was considered significantly disturbed due to the ongoing agricultural practices. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.
Wetland 4	0.66 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is a low-lying area within an active agricultural crop field. The area exhibited inundation and hydric soils during the site reconnaissance, with seasonal inundation based on aerial photographs. Vegetation was

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
			considered significantly disturbed due to the ongoing agricultural practices. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.
Wetland 5	0.14	acre(s)	(b)(1) Non-adjacent wetland. Wetland 5 is a low-lying area within an active agricultural crop field. The area exhibited inundation and hydric soils during the site reconnaissance, with seasonal inundation based on aerial photographs. Vegetation was considered significantly disturbed due to the ongoing agricultural practices. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.
Wetland 6	0.13	acre(s)	(b)(1) Non-adjacent wetland. Wetland 6 is a low-lying area within an active agricultural crop field. The area exhibited inundation and hydric soils during the site reconnaissance, with seasonal inundation based on aerial photographs. Vegetation was considered significantly disturbed due to the ongoing agricultural practices. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.
Wetland 7	0.09	acre(s)	(b)(1) Non-adjacent wetland. Wetland 7 is a low-lying area within an active agricultural crop field. The area exhibited inundation and hydric soils during the site reconnaissance, with seasonal inundation based on aerial photographs. Vegetation was considered significantly disturbed due to the ongoing agricultural practices. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 8	0.38	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 8 is indicated as a 0.62 acre wetland in a 1999 NRCS map of the area. The feature is located along a topographic draw within an agricultural field, draining south and offsite. Based on aerial photography, the draw was further channelized to drain water off the north adjacent agricultural fields circa 2010. After this channelization, the visible extent of saturation in this area decreased. The feature currently functions more as an ephemeral drain / grassy swale with seasonally ponded water in its base. Immediately after exiting the site the feature converts to a shallower ephemeral channel with no obvious prolonged saturation or pooled inundation.</p> <p>Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.</p>
Wetland 9	2.58	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetland 9 is a low-lying area adjacent to agricultural fields, draining onsite waters south and offsite. The area is permanently inundated, with minimal indication of flow, as the gradient is very low. Soils within the feature are hydric, and the riparian zone consists of hydrophytic vegetation. The area's riparian corridor is visible on aerial photography back to 1937. The feature connects directly to an ephemeral, non-jurisdictional feature just after exiting the project area. Review of aerial photography indicates that this feature has not been flooded from a jurisdictional water back to 1937.</p>
EPH-1	158	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	<p>EPH-1 is a continuation of the ditch feature (Wetland 1), lacking that feature's persistent inundation. The channel is a dug ditch, with no obvious ordinary high-water mark or other significant indicators of hydrology.</p>

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.



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- Information submitted by, or on behalf of, the applicant/consultant: [Aquatic Resources Delineation Report, March 2021](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Aquatic Resources Delineation Report, March 2021](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [MVM-2011-036 \(property adjacent to the south\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey, Survey Date: June 1, 2020](#)
- USFWS NWI maps: [March 5, 2021](#)
- USGS topographic maps: [USGS Fletcher Lake, AR-TN 2017](#)

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. The APT tool determined that the time period under review was ‘normal’ 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.](#)