



**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): 7/9/2021

ORM Number: MVM-2021-187

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 35.0000350° Longitude -89.945191°

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.

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.	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.	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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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

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral 1	165.02	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps determined that ephemeral 1 is an erosional drainage feature in the southwestern portion of the site and an upland area. The feature at this site lacks indicators of consistent hydrology/flow and lacks evidence of channel morphology. The drainage feature loses its defined channel and spreads out as diffuse overland flow.
Ephemeral 2	113.69	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).	The Corps determined that ephemeral 2 is a recently dug drainage feature. Based on available information, this feature was not excavated in and did not replace a natural tributary or adjacent wetland. It also lacks obvious indicators of consistent hydrology/flow and contained no visible water at the time of the site visit.
Ephemeral 3	531.24	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).	The Corps determined that ephemeral 3 is a recently dug drainage feature beginning at a storm pipe. Based on available information, this feature was not excavated in and did not replace a natural tributary or adjacent wetland. It also lacks obvious indicators of consistent hydrology/flow and contained no visible water at the time of the site visit.
Ephemeral 4	113.32	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps determined that ephemeral 4 is an erosional drainage feature and lacks indicators of hydrology/flow, such as an ordinary high water mark, and lacks indicators of channel morphology, such as a well-defined bed and banks.
Ephemeral 5	246.75	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	Ephemeral 5 is a recently dug drainage feature beginning at a storm pipe. Based on available information, this feature was not excavated in and did not replace a natural tributary or

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
			a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	adjacent wetland. It also lacks obvious indicators of consistent hydrology/flow but contained stagnant surface water at the time of the site visit.
Ephemeral 6	246.75	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).	The Corps determined that ephemeral 5 is a recently dug drainage feature beginning at a storm pipe. Based on available information, this feature was not excavated in and did not replace a natural tributary or adjacent wetland. It also lacks obvious indicators of consistent hydrology/flow but contained stagnant surface water at the time of the site visit.
Pond 1	4.4	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The Corps determined that this artificial pond was constructed or excavated in uplands or in non jurisdictional waters and did not involve the impoundment of a stream channel. The pond receives water from rainfall only. There are not incoming or outgoing jurisdictional conveyances associated with the pond.
Pond 2	1.5	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The Corps determined that this artificial pond was constructed or excavated in uplands or in non jurisdictional waters and did not involve the impoundment of a stream channel. The pond receives water from rainfall only. There are not incoming or outgoing jurisdictional conveyances associated with the pond.
Wetland 1	0.23	acre(s)	(b)(1) Non-adjacent wetland.	This non-adjacent forested wetland is a low-lying area that collects and holds water supplied by stormwater runoff from the adjacent property. The area exhibited surface water, hydric soils and hydrophytic vegetation. However, this feature does not directly abut or receive floodwater from an a(1)-a(3) water and is not physically separated from an a(1)-a(3) water



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			only by a natural feature or an artificial feature that allows passage of water in a typical year.
Wetland 2	1.45	acre(s)	(b)(1) Non-adjacent wetland. This low-lying area collects and holds water supplied by ephemeral channels. The area exhibited saturation, hydric soils and hydrophytic vegetation. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during rain events.
Wetland 3	0.09	acre(s)	(b)(1) Non-adjacent wetland. This is a low-lying area that collects and holds water supplied by storm water runoff from the adjacent site. The area exhibited saturation, hydric soils and hydrophytic vegetation. However, it does not directly abut or receive floodwaters from an a(1)-a(3) water and is not separated by a natural berm or an artificial berm that allows passage of water in a typical year.
Wetland 4	0.06	acre(s)	(b)(1) Non-adjacent wetland. This is low-lying area that collects and holds water supplied by a breach in the levee of Pond 1. The area exhibited saturation, hydric soils and hydrophytic vegetation. The feature is physically separated from any jurisdictional waters, with at most ephemeral surface connections during 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: [Headwaters Consulting – 5-30-2021](#)
This information [Select.](#) 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: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [June 1, 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: [Shelby County, TN](#)
- 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.



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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 produced results indicating “Normal Conditions”.

C. Additional comments to support AJD: N/A