



**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): 4/8/2021
 ORM Number: MVM-2021-107
 Associated JDs: MVM-2017-215 PJD
 Review Area Location¹: State/Territory: TN City: Germantown County/Parish/Borough: Shelby County
 Center Coordinates of Review Area: Latitude 35.041820° Longitude -89.752201°

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
Stream A	377	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Channel displays consistent strong flow and morphology, including a distinct ordinary high-water mark. The channel has been historically altered to flow into a small herbaceous wetland (Wetland 3) that then connects back into another stream (Stream B) / bottomland hardwood wetland (Wetland 2) complex that eventually discharges offsite into a “blue-line” tributary of Nonconnah Creek.
Stream B	457	linear feet	(a)(2) Intermittent tributary contributes	Channel displays consistent strong flow and morphology, including a distinct ordinary high-water mark. The channel shows as an intermittent stream

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
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	on the most recent USGS topographic map. The channel flows into a bottomland hardwood wetland (Wetland 2) that eventually discharges offsite into a "blue-line" tributary of Nonconnah Creek.

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
Wetland 2	0.56 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 2 is a bottomland hardwood wetland formed by consistent bank overflow of Stream B into low-lying areas within the western wooded portion of the site. The area is permanently saturated / inundated. Soils within the feature are hydric, and vegetation is hydrophytic. The feature discharges offsite into a "blue-line" tributary of Nonconnah Creek.
Wetland 3	0.10 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3 is a small herbaceous emergent wetland formed by flow of Stream A into a low-lying area adjacent to an agricultural field. The area is permanently saturated / inundated, with minimal indication of flow, as the gradient is very low. Soils within the feature are hydric, and vegetation is hydrophytic. The feature discharges directly into an intermittent blue-line stream (Stream B).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.08 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is a low-lying area within the western wooded portions of the site that collects and holds water supplied by ephemeral channels. The area exhibited saturation, hydric soils and hydrophytic vegetation during the site reconnaissance. 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.

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
Wetland 4	0.26	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is a low-lying area within the eastern wooded portions of the site that collects and holds water supplied by ephemeral channels. The area exhibited saturation, hydric soils and hydrophytic vegetation during the site reconnaissance. 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.
EPH-C	331	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-C is a historically dug drainage feature beginning at a storm pipe from under Crestwyn Hills Drive. The feature lacks obvious indicators of consistent hydrology / flow, such as an ordinary high-water mark.
EPH-D	514	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-D is a historically dug drainage feature beginning at a storm pipe from under Crestwyn Hills Drive. The feature lacks obvious indicators of consistent hydrology / flow, such as an ordinary high-water mark.
EPH-E	187	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-E is an erosional drainage feature in the wooded portions of the site. The feature lacks obvious indicators of consistent hydrology / flow, such as an ordinary high-water mark, and lacks significant morphology.
EPH-F	562	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-E is an erosional drainage feature in the wooded portions of the site. The feature lacks obvious indicators of consistent hydrology / flow, such as an ordinary high-water mark, and lacks significant morphology.
Pond 1	0.17	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond 1 is an obvious excavated feature adjacent to the historical barn / agricultural structures on the southeast corner of the site. The feature has sheer sides cut down from the surrounding uplands and is dammed by the power line easement / access road just offsite to the south, with no visual connections to other waters.

III. SUPPORTING INFORMATION



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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: [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: [Select. Title\(s\) and/or date\(s\).](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [MVM-2017-215](#)

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: [January 29, 2021](#)

USGS topographic maps: [Germantown, TN 2019](#)

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](#)