

April 21, 2022

Mr. Timmy Jennette  
Division of Water Resources  
Nashville Environmental Field Office  
711 R. S. Gass Blvd.  
Nashville, TN 37216

Re: Request for Hydrologic Determination  
Sulphur Springs Business Park  
4543 Sulphur Springs Road  
Murfreesboro, Rutherford County, Tennessee

Dear Mr. Jennette:

I currently own the above-identified property located 4543 Sulphur Springs Road, Murfreesboro, Rutherford County, Tennessee. The property is located at the following coordinates N35.932069; W-86.439295. The Subject Property is being considered for development. I grant permission for the Division of Water Resources personnel's access to my property for the purposes of completing a hydrologic determination.

My information is as follows:

840 Development Group, LLC  
c/o Kendall Barrett  
1541 Avon Road  
Murfreesboro, TN 37129  
615-294-6931  
kendallpbarrett@gmail.com

Thank you for your time.

Sincerely,

*Kendall Barrett, President 840 Development Group, LLC*

Kendall Barrett

## Appendix 1 - REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)

To: U.S. Army Corps of Engineers, Nashville District, Regulatory Division

- I am requesting a JD on property located at: 4543 Sulphur Springs Road  
(Street Address)  
City/Township/Parish: Murfreesboro County: Rutherford State: TN  
Acreage of Parcel/Review Area for JD: 157  
Section: NA Township: NA Range: NA  
Latitude (decimal degrees): 35.932069 Longitude (decimal degrees): -86.439295  
(For linear projects, please include the center point of the proposed alignment.)
- Please attach a survey/plat map and vicinity map identifying location and review area for the JD.
- ☒ I currently own this property. ☐ I plan to purchase this property.  
☐ I am an agent/consultant acting on behalf of the requestor.  
☐ Other (please explain): \_\_\_\_\_
- Reason for request: (check as many as applicable)  
☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.  
☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.  
☒ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.  
☐ I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.  
☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.  
☐ A Corps JD is required in order to obtain my local/state authorization.  
☐ I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.  
☐ I believe that the site may be comprised entirely of dry land.  
☐ Other: \_\_\_\_\_
- Type of determination being requested:  
☐ I am requesting an approved JD.  
☒ I am requesting a preliminary JD.  
☐ I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.  
☐ I am unclear as to which JD I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

\*Signature: Kendall Barrett, President Date: 4-21-2022

- Typed or printed name: Kendall Barrett  
Company name: 840 Development Group, LLC  
Address: 1541 Avon Road  
Murfreesboro, TN 37129  
Daytime phone no.: 615-294-6931  
Email address: kendallpbarrett@gmail.com

**\*Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

**Principal Purpose:** The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

**Routine Uses:** This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

**Disclosure:** Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.

March 16, 2022

Mr. Dusten Estes  
Senior Vice President  
Stonemont Financial Group  
Terminus 100  
3280 Peachtree Road NE, Suite 2770  
Atlanta, GA 30305

Dear Mr. Estes:

Subject: Jurisdictional Determination – Sulphur Springs Road Site  
Murfreesboro, Rutherford County, Tennessee  
CEC Project 321-520

Civil & Environmental Consultants, Inc. (CEC) was contracted by Stonemont Financial Group to perform a jurisdictional determination on a +/-156-acre area located just west of I-840 at the intersection of Sulphur Springs Road in Rutherford County, Tennessee. CEC ecologists JD Wilhide and Jedidiah Scott, TNQHP-IT, performed the site visit on February 23, 2022. The site coordinates are 35.932069, -86.439295. The area of interest is depicted on the Walter Hill (315-NW) USGS 7.5 Minute Topographic Map (Figure 1). The property is located in the West Fork Stones River watershed (HUC-12– 051302030206) within the Stones River watershed (HUC-8-05130203). The subject site is primarily characterized by forested habitat and open field areas (Figure 2). Topography at the site is gently sloping northeast to southwest towards West Fork Stones River.

Prior to the site visit, CEC performed desktop reviews of the U.S. Fish and Wildlife Service National Wetland Inventory (NWI), the Natural Resources Conservation Service (NRCS) Web Soil Survey, and the Tennessee Department of Environment and Conservation Geographic Information System (TDEC-GIS) websites and databases. As evident on Figure 1, no “blue line” features drain within the property boundary. Figure 2 shows the features that were identified and delineated by CEC during the field survey. The NRCS Soil Survey does not indicate the presence of hydric soils within the site boundary (Figure 3). The NWI Map (Figure 4) depicts a freshwater pond near the south center of the site, and two riverine features near the southern edge of the site.

A review of the TVA rain gauge data in Murfreesboro, Tennessee was evaluated to determine if rain had fallen in the general area within seven days of the site visit. According to the website, total precipitation in the area from February 16-22 was 3.77 inches with 2.39 inches falling in the previous 48 hours (Table 1).

**Table 1. Rainfall Data – TVA Rain Gauge**

Date	2/16 Wed	2/17 Thurs	2/18 Fri	2/19 Sat	2/20 Sun	2/21 Mon	2/22 Tues
MUGT1 – West Fork Stones Murfreesboro, TN	0.00	1.38	0.00	0.00	0.00	0.09	2.30

A calculation of the 30-year average rainfall for middle Tennessee was performed to determine weather conditions for the three-month period prior to the site visit (Table 2). According to the table, a sum value of 14 indicates weather conditions have been normal in the greater Nashville area.

**Table 2. Normal Weather Conditions**

		Long-term rainfall records							
	Month	Minus One STD. Dev. (DRY)	Normal (Mean inches)	Plus One STD. Dev. (WET)	Actual Rainfall	Condition (dry, wet, normal)	Condition value	Month weight value	Product of previous two columns
1 <sup>st</sup> prior month	January	2.33	3.97	5.60	9.5	WET	3	x 3	9
2 <sup>nd</sup> prior month	December	2.77	4.42	6.06	3.63	NORMAL	2	x 2	4
3 <sup>rd</sup> prior month	November	2.07	3.78	5.48	1.47	DRY	1	x 1	1
								Sum =	14
Note:									
If sum is:						Condition value:			
6-9	then period prior has been drier than normal				Dry =		1		
10-14	then period prior has been normal				Normal =		2		
15-18	then period prior has been wetter than normal				Wet =		3		
Conclusions: <b>Period prior has been normal.</b>									

A photographic summary and associated Photo Location Map (Figure 5) depicting conditions observed during the site visit are attached. A description of hydrologic features observed during the field survey on February 23, 2022 is detailed below.

WWC/UDF-1 is a wet weather conveyance/upland drainage feature that begins at coordinates 35.933201; -86.440203 and drains west for approximately 76 linear feet before ending in a sinkhole at coordinates 35.93334; -86.440359. WWC/UDF-1 is an erosional swale that forms due to an organic material buildup along a barb wire fence. Flowing water was not observed during the site visit, only ponded pools throughout the channel. The primary substrate observed in the channel was silt. The hydrologic determination score for WWC/UDF-1 is 8.0.

PND-1 is an isolated farm pond approximately 0.06 acres in size located at coordinates 35.927801; -86.438988. PND-1 is an isolated farm pond excavated in an upland area that has no defined inlet

or outlet, and collects overland storm water flow and precipitation seasonally. This pond is considered non-jurisdictional.

CEC personnel also documented nine sinkholes during the field survey. All of these sinkholes are considered open-throated and are located in areas with exposed bedrock. CEC would recommend having a geotechnical survey performed to ensure there are no other sinkholes on site. Locations of the sinkholes are as follows:

- SNK-1 is located at 35.938731, -86.439599.
- SNK-2 is located at 35.93809, -86.438705.
- SNK-3 is located at 35.932267, -86.441983.
- SNK-4 is located at 35.930869, -86.440249.
- SNK-5 is located at 35.926771, -86.43978.
- SNK-6 is located at 35.926547, -86.437017.
- SNK-7 is located at 35.935178, -86.440604.
- SNK-8 is located at 35.935013, -86.440944.
- SNK-9 is located at 35.93334, -86.440359.

In summary, CEC identified 76 linear feet of wet weather conveyance/upland drainage feature, and 0.06 acres of farm pond within the subject property boundary. If you have any questions or need any additional information, please contact us at 615-333-7797 or by e-mail at [jgarcia@cecinc.com](mailto:jgarcia@cecinc.com).

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



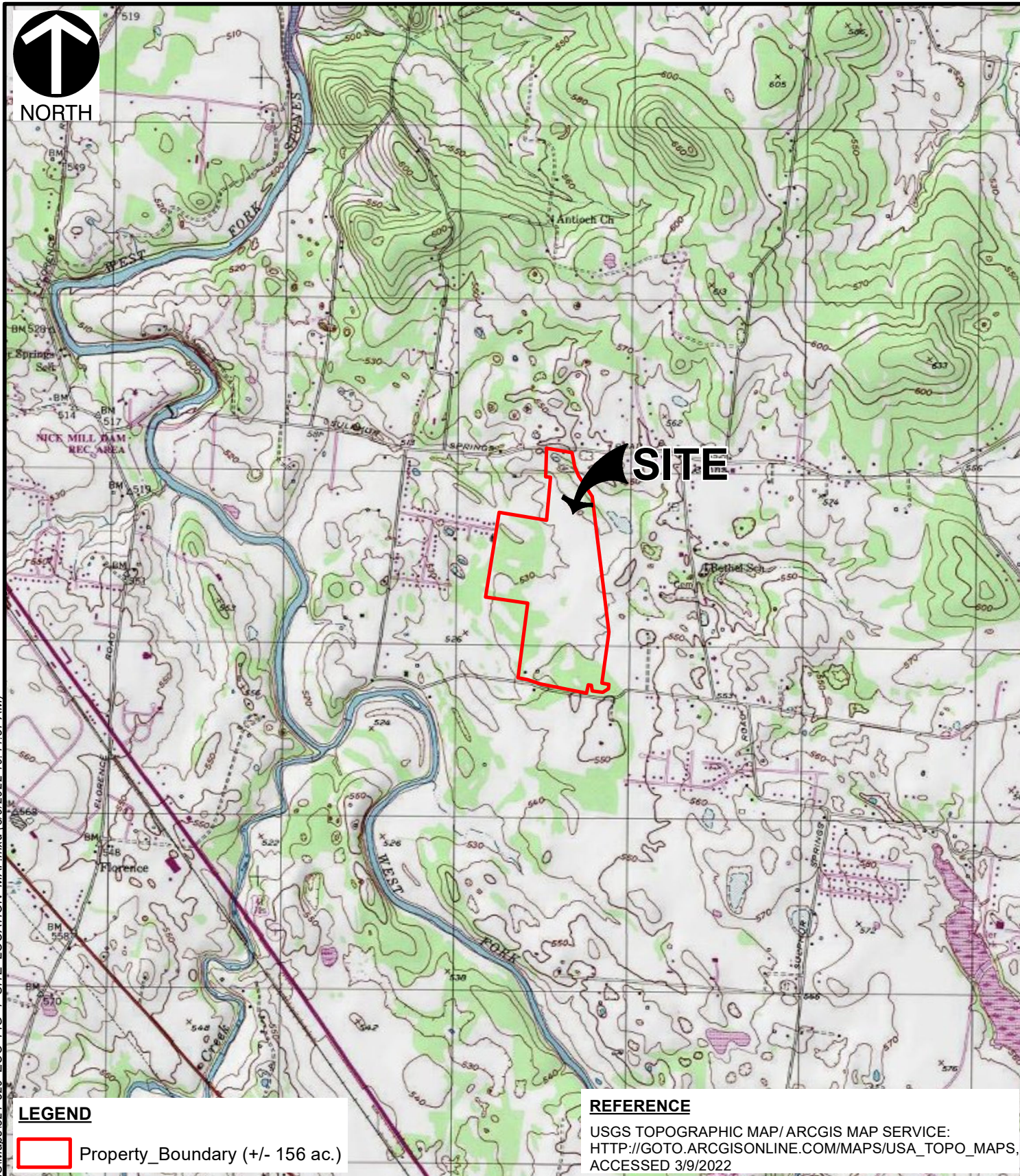
Jose Garcia, PWS, TNQHP  
Project Manager



Tim Nehus  
Principal

Attachments: Figures  
Photo Summary  
Field Forms

*Level of Care: CEC's wetland and stream delineation services were conducted in a manner consistent with the criteria contained in the Corps Manual and Regional Supplement, and with the level of care and skill ordinarily exercised by members of the environmental consulting profession practicing contemporaneously under similar conditions in the locality of the project. It must be recognized that the delineation of waters of the U.S. was based on field observations and CEC's professional interpretation of the criteria in the Corps Manual and Regional Supplement at the time of our fieldwork. Wetland determinations may change subsequent to CEC's delineation based on changes in the regulatory criteria, seasonal variations in hydrology, alterations to drainage patterns and other human activities and/or land disturbances.*



#### LEGEND

 Property\_Boundary (+/- 156 ac.)

#### REFERENCE

USGS TOPOGRAPHIC MAP/ARCGIS MAP SERVICE:  
[HTTP://GTO.ARCGISONLINE.COM/MAPS/USA\\_TOPO\\_MAPS](http://gto.arcgis.com/maps/usa_topo_maps),  
ACCESSED 3/9/2022



**Civil & Environmental Consultants, Inc.**

117 Seaboard Lane, Ste. E100 Franklin, Tennessee

615-333-7797 • 800-763-2326

[www.cecinc.com](http://www.cecinc.com)

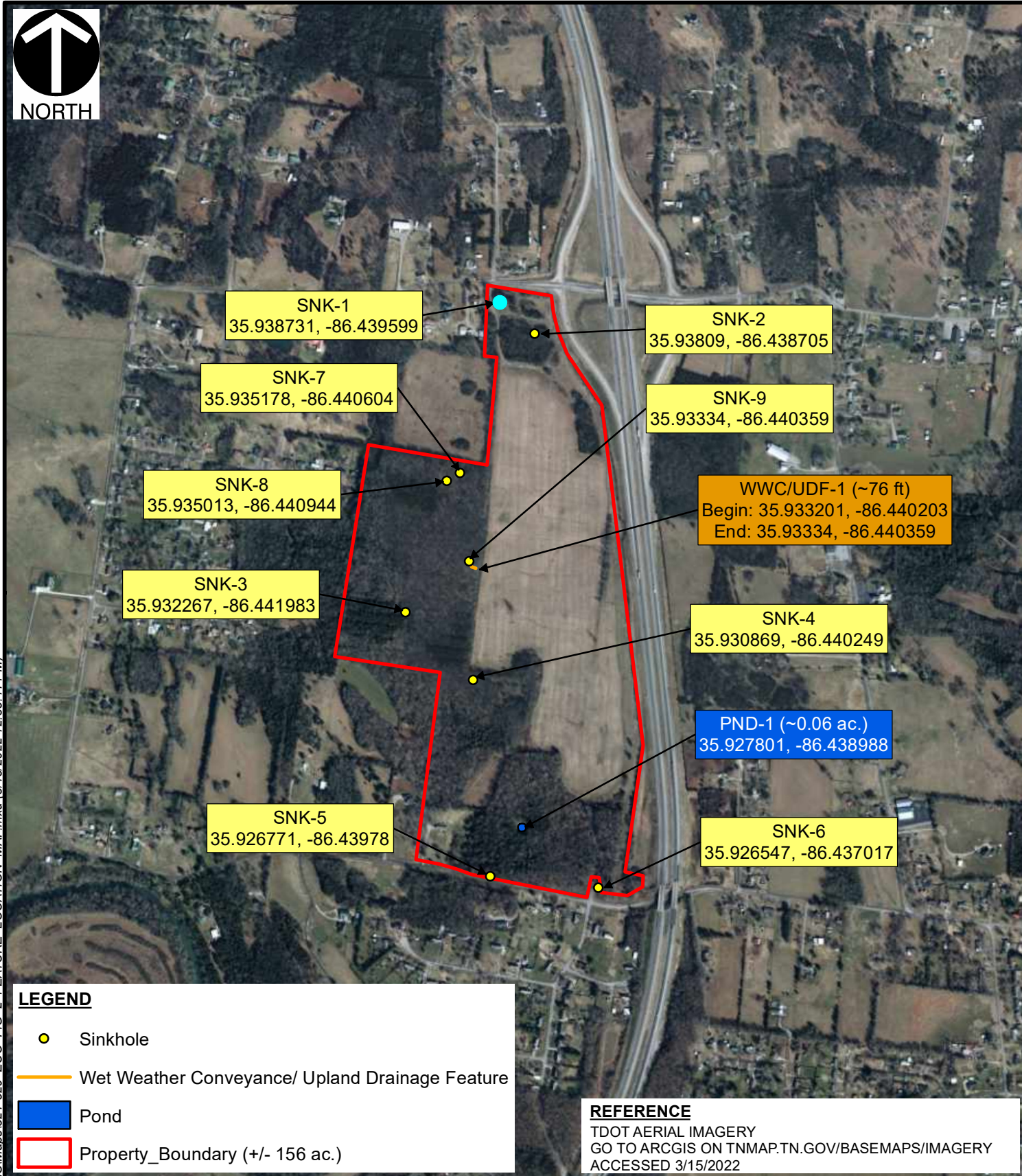
**STONEMONT FINANCIAL GROUP  
SULPHUR SPRINGS ROAD SITE  
JURISDICTIONAL DETERMINATION  
MURFREESBORO, RUTHERFORD COUNTY, TN**

#### SITE LOCATION MAP

DRAWN BY:	JFS	CHECKED BY:	JVG	APPROVED BY:	TJN <small>* Hand signature on file</small>	FIGURE NO:	1
DATE:	3/9/2022	SCALE:	1" = 2,500'	PROJECT NO:	321-520		



ISVR-NASHV\PI\320-000\321-520\GIS\Maps\321-520 ECO FIG 2 FEATURE LOCATION MAP.mxd (3/15/2022 12:35:41 PM)



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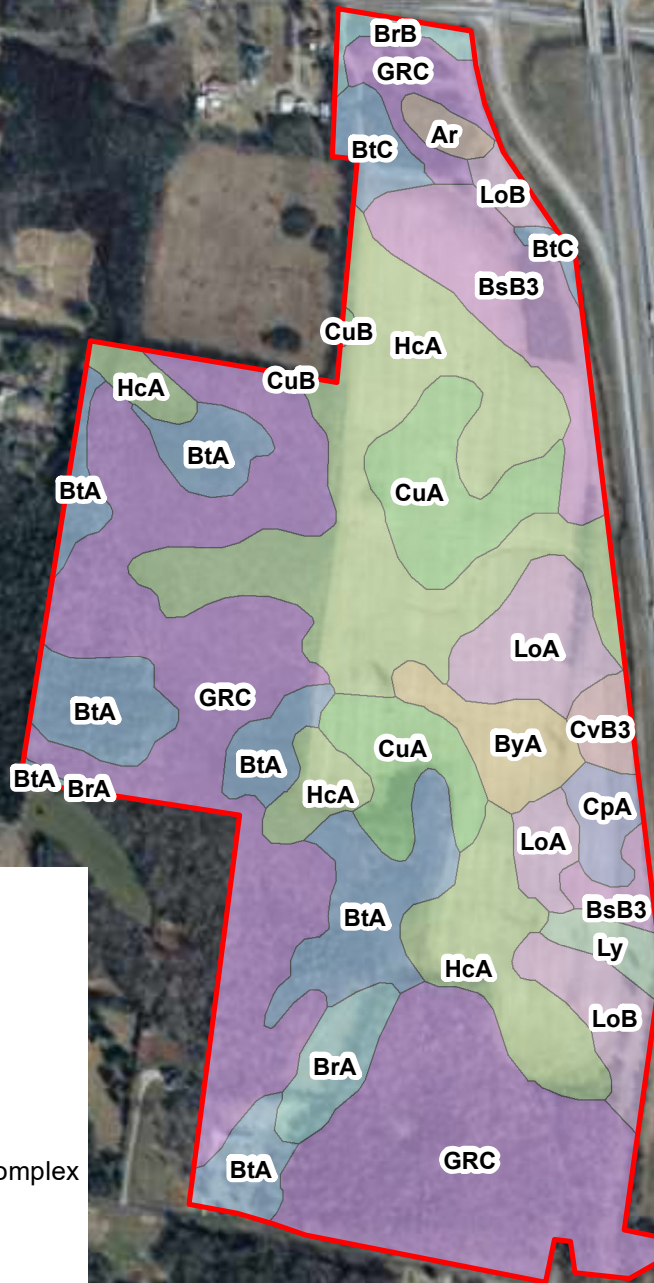
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JURISDICTIONAL DETERMINATION  
MURFREESBORO, RUTHERFORD COUNTY, TN

**SITE LOCATION MAP**

DRAWN BY:	JFS	CHECKED BY:	JVG	APPROVED BY:	TJN <small>* Hand signature on file</small>	FIGURE NO:	2
DATE:	3/15/2022	SCALE:	1" = 1,000'	PROJECT NO:	321-520		



#### LEGEND

- Property\_Boundary (+/- 156 ac.)
- Ar - Arrington Silt Loam
- BrA; BrB - Bradyville Silt Loam
- BsB3 - Bradyville Silty Clay Loam
- BtA; BtC - Bradyville-Rock Outcrop Complex
- ByA - Byler Silt Loam
- CpA - Capshaw Silt Loam
- CuA; CuB - Cumberland Silt Loam
- CvB3 - Cumberland Silty Clay Loam
- GRC - Gladeville-Rock Outcrop Complex
- HcA - Harpeth Silt Loam
- LoA; LoB - Lomond Silt Loam
- Ly - Lynnville Silt Loam

#### REFERENCE

TDOT AERIAL IMAGERY  
GO TO ARCGIS ON [TNMAP.TN.GOV/BASEMAPS/IMAGERY](http://TNMAP.TN.GOV/BASEMAPS/IMAGERY)  
ACCESSED 3/9/2022



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MURFREESBORO, RUTHERFORD COUNTY, TN

NRCS SOILS MAP








DRAWN BY:	JFS	CHECKED BY:	JVG	APPROVED BY:	TJN <small>* Hand signature on file</small>	FIGURE NO:	3
DATE:	3/9/2022	SCALE:	1" = 700'	PROJECT NO:	321-520		

\\SVR-NASHV\P\320-000\321-520-GIS\Maps\321-520\_ECO\_FIG\_3\_NRCS\_SOILS\_MAP.mxd (3/9/2022 10:58:00 AM)



\\SVR-NASHV\\P\\320-000\\321-520\\GIS\\Maps\\321-520 ECO FIG 4 NWI MAP.mxd (3/9/2022 10:47:30 AM)

#### LEGEND

-  Property\_Boundary (+/- 156 ac.)
-  Freshwater Emergent Wetland
-  Freshwater Forested/Shrub Wetland
-  Freshwater Pond
-  Lake
-  Other
-  Riverine

#### REFERENCE

TDOT AERIAL IMAGERY  
GO TO ARCGIS ON TNMAP.TN.GOV/BASEMAPS/IMAGERY  
ACCESSED 3/9/2022



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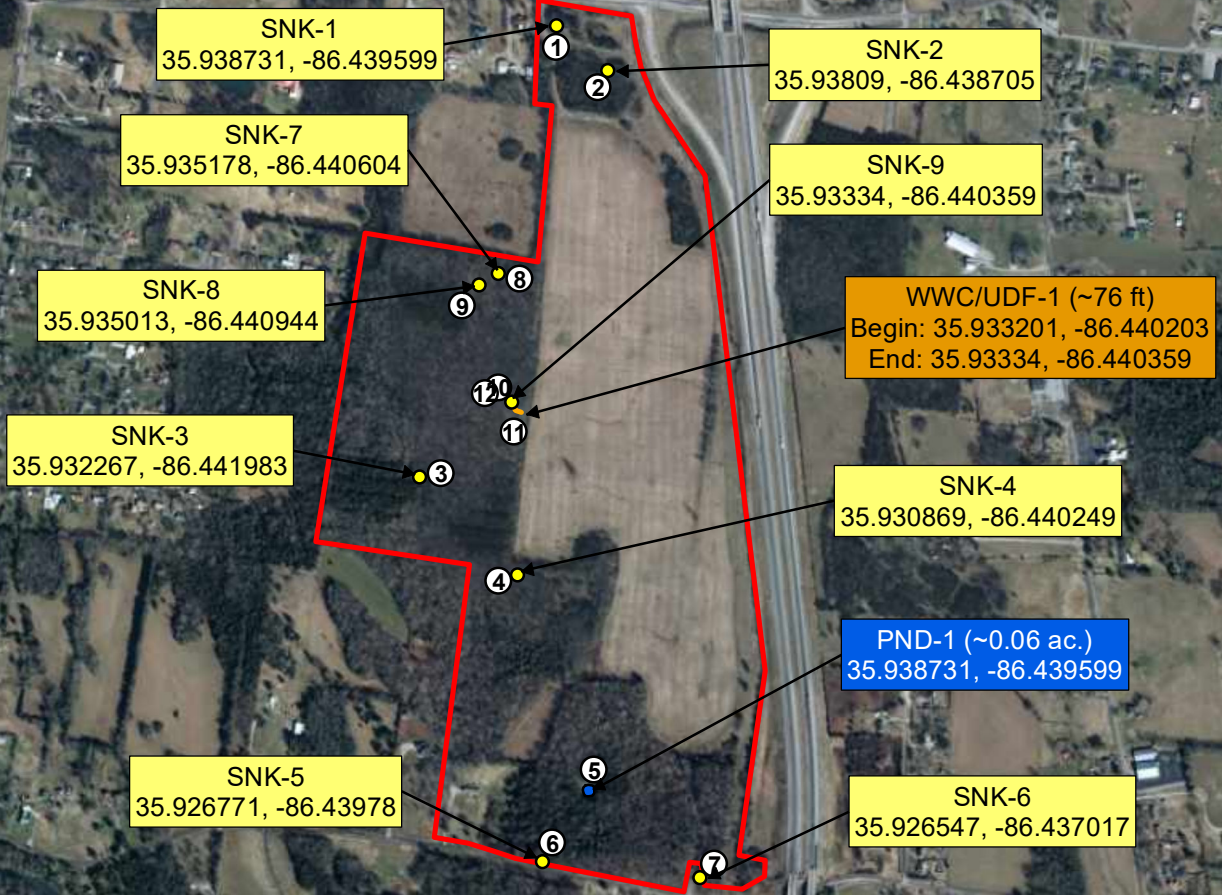
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MURFREESBORO, RUTHERFORD COUNTY, TN

NATIONAL WETLANDS INVENTORY (NWI) MAP

DRAWN BY:	JFS	CHECKED BY:	JVG	APPROVED BY: TJN	* Hand signature on file	FIGURE NO:
DATE:	3/9/2022	SCALE:	1" = 1,000'	PROJECT NO:	321-520	<b>4</b>



#### LEGEND

- Photo Number
- Sinkhole
- Wet Weather Conveyance/ Upland Drainage Feature
- Pond
- Property\_Boundary (+/- 156 ac.)

#### REFERENCE

TDOT AERIAL IMAGERY  
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ACCESSED 3/9/2022



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JURISDICTIONAL DETERMINATION  
MURFREESBORO, RUTHERFORD COUNTY, TN

#### PHOTO LOCATION MAP

DRAWN BY:	JFS	CHECKED BY:	JVG	APPROVED BY: TJN	* Hand signature on file	FIGURE NO:
DATE:	3/9/2022	SCALE:	1" = 1,000'	PROJECT NO:	321-520	<b>5</b>

# Hydrologic Determination Field Data Sheet

## Tennessee Division of Water Pollution Control, Version 1.5

Named Waterbody: N/A		Date/Time: 2/23/2022
Assessors/Affiliation: Jedidiah Scott, CEC Inc., JD Wilhide, CEC Inc.		Project ID :
Site Name/Description: Sulphur Springs Road Site		WWC/UDF-1
Site Location: Murfreesboro, TN		
HUC (12 digit): 051302030206		Lat/Long:
Previous Rainfall (7-days) : 3.77" in prev. 7 days, 2.39" in prev. 48hrs		Begin: 35.933201, -86.440203 End: 35.9334, -86.440359
Precipitation this Season vs. Normal : abnormally wet elevated <u>average</u> low abnormally dry unknown		
Source of recent & seasonal precip data : <a href="https://www.tva.com/environment/lake-levels/rainfall-gauge-data">https://www.tva.com/environment/lake-levels/rainfall-gauge-data</a>		
Watershed Size : 0.01 square miles	County: Rutherford	
Soil Type(s) / Geology : Harpeth Silt Loam		Source: WSS
Surrounding Land Use : Forested, Agriculture		
Degree of historical alteration to natural channel morphology & hydrology (circle one & describe fully in Notes) :		
Severe <u>Moderate</u> Slight      Absent		

### Primary Field Indicators Observed

Primary Indicators	NO	YES
1. Hydrologic feature exists solely due to a process discharge	✓	WWC
2. Defined bed and bank absent, vegetation composed of upland and FACU species	✓	WWC
3. Watercourse dry anytime during February through April 15th, under normal precipitation / groundwater conditions	✓	WWC
4. Daily flow and precipitation records showing feature only flows in direct response to rainfall	✓	WWC
5. Presence of multiple populations of obligate lotic organisms with ≥ 2 month aquatic phase	✓	Stream
6. Presence of fish (except <i>Gambusia</i> )	✓	Stream
7. Presence of naturally occurring ground water table connection	✓	Stream
8. Flowing water in channel and 7 days since last precip >0.1" in local watershed	✓	Stream
9. Evidence watercourse has been used as a supply of drinking water	✓	Stream

**NOTE: If any Primary Indicators 1-9 = "Yes", then no further investigation is necessary. However, assessors may choose to score secondary indicators as supporting evidence.**

In the absence of a primary indicator, or other definitive evidence, complete the secondary indicator table on page 2 of this sheet, and provide score below.

Guidance for the interpretation and scoring of both the primary & secondary indicators is provided in *TDEC-WPC Guidance For Making Hydrologic Determinations, Version 1.5*

**Overall Hydrologic Determination = Wet Weather Conveyance**

**Secondary Indicator Score (if applicable) = 8.0**

**Justification / Notes :**

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## Secondary Field Indicator Evaluation

**A. Geomorphology** (Subtotal = )<sup>5</sup>

A. Geomorphology (Subtotal = ) <sup>5</sup>		Absent	Weak	Moderate	Strong
1. Continuous bed and bank	2.5	0	1	2	3
2. Sinuous channel	0	0	1	2	3
3. In-channel structure: riffle-pool sequences	0.5	0	1	2	3
4. Sorting of soil textures or other substrate	0	0	1	2	3
5. Active/relic floodplain	0	0	0.5	1	1.5
6. Depositional bars or benches	0	0	1	2	3
7. Braided channel	0	0	1	2	3
8. Recent alluvial deposits	0	0	0.5	1	1.5
9. Natural levees	0	0	1	2	3
10. Headcuts	1	0	1	2	3
11. Grade controls	0.5	0	0.5	1	1.5
12. Natural valley or drainageway	0.5	0	0.5	1	1.5
13. At least second order channel on existing USGS or NRCS map	0	No = 0		Yes = 3	

**B. Hydrology** (Subtotal = )<sup>0.5</sup>

<b>B. Hydrology</b> (Subtotal = ) <sup>0.5</sup>		<b>Absent</b>	<b>Weak</b>	<b>Moderate</b>	<b>Strong</b>
14. Subsurface flow/discharge into channel	0	0	1	2	3
15. Water in channel and >48 hours since sig. rain	0	0	1	2	3
16. Leaf litter in channel (January – September)	0.5	1.5	1	0.5	0
17. Sediment on plants or on debris	0	0	0.5	1	1.5
18. Organic debris lines or piles (wrack lines)	0	0	0.5	1	1.5
19. Hydric soils in channel bed or sides of channel	0	No = 0		Yes = 1.5	

**C. Biology** (Subtotal = ) 2.5

C. Biology (Subtotal = ) <sup>2.5</sup>		Absent	Weak	Moderate	Strong
20. Fibrous roots in <b>channel bed</b> <sup>1</sup>	0.5	3	2	1	0
21. Rooted plants in <b>the thalweg</b> <sup>1</sup>	2	3	2	1	0
22. Crayfish in stream (exclude in floodplain)	0	0	1	2	3
23. Bivalves/mussels	0	0	1	2	3
24. Amphibians	0	0	0.5	1	1.5
25. Macrobenthos (record type & abundance)	0	0	1	2	3
26. Filamentous algae; periphyton	0	0	1	2	3
27. Iron oxidizing bacteria/fungus	0	0	0.5	1	1.5
28. Wetland plants in <b>channel bed</b> <sup>2</sup>	0	0	0.5	1	1.5

<sup>1</sup> Focus is on the presence of **terrestrial** plants.

<sup>2</sup> Focus is on the presence of aquatic or wetland plants.

Total Points = 8

*Under Normal Conditions, Watercourse is a Wet Weather Conveyance if Secondary Indicator Score < 19 points*

**Notes :** Feature is a short erosional drainage swale that begins with a small headcut due to a buildup of organic material along barb wire fence. Water observed ponded in channel but feature has no flow even after 2+ Inches of rain previous day. Feature ends in a sinkhole.

[illegible]



Photo 1: View of general location of SNK-1.



Photo 2: .View of general location of SNK-2.



Photo 3: View of general location of SNK-3.



Photo 4: View of general location of SNK-4.



Photo 5: View of PND-1 looking south.



Photo 6: View of general location of SNK-5.



Photo 7: View of general location of SNK-6.



Photo 8: View of general location of SNK-7.



Photo 9: View of general location of SNK-8.



Photo 10: View of general location of SNK-9.



Photo 11: WWC/UDF-2 view looking up gradient.



Photo 12: WWC/UDF-2 view looking down gradient toward SNK-9.