



**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): 5/13/2021

ORM Number: LRN-2018-00701

Associated JDs: PJD LRN-2018-00701

Review Area Location<sup>1</sup>: State/Territory: TN City: Lebanon County/Parish/Borough: Wilson

Center Coordinates of Review Area: Latitude 36.1494565 Longitude -86.3987512

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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	
STR-1	808	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-1 has been documented with flowing water, pools of standing water and partially dry during different site visits. Hydric soils, hydrophytic plants, mineral stained rock, algal mats and macroinvertebrates were documented by the Corps. STR-1 is a tributary of the ((a)(2) water) Cedar Creek, a tributary to the ((a)(1) water) Cumberland River.
STR-2	423	linear feet	(a)(2) Intermittent tributary contributes	STR-2 has been documented with flowing water, pools of standing water and partially dry during different site visits. Hydric soils, hydrophytic plants,

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.	mineral stained rock, algal mats and macroinvertebrates were documented by the Corps. STR-2 is a tributary to STR-1.
STR-3	160	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-3 has been documented with flowing water, pools of standing water and partially dry during different site visits. Hydric soils, hydrophytic plants, mineral stained rock, algal mats and macroinvertebrates were documented by the Corps. STR-3 is a tributary to STR-1.

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.

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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
EPH-1	488	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 was dry during all site visits made by the Corps. Upland vegetation was documented growing within the channel, and non-hydric soils were documented within the channel.
EPH-2	555	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-2 has been observed with flowing water and as a dry channel during different site visits. Non-hydric soils and upland vegetation was documented by the Corps.
Wetland 1	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is an isolated depressional wetland that does not abut an (a)(1)-(3) jurisdictional water; is not inundated by flooding from an (a)(1)-(3) water in a typical year; is not physically separated from an (a)(1)-(3) water solely by a natural berm, bank, dune, or similar natural feature; nor by an artificial dike, barrier, or similar

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			artificial structure. WTL-2 does not have perennial or intermittent flow and does not meet the definition of an (a)(1)-(3) water.

### 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: [“Approved Jurisdiction Request – Urban Silos, Lebanon, Wilson County”, dated July 16, 2020.](#)  
This information is not sufficient for purposes of this AJD.  
Rationale: [The consultant’s delineation required two revisions over two site visits made by the Corps.](#)
  - ☐ Data sheets prepared by the Corps: [N/A](#)
  - ☒ Photographs: [Aerial and Other: “Approved Jurisdiction Request – Urban Silos, Lebanon, Wilson County”, dated July 16, 2020.](#)
  - ☒ Corps site visit(s) conducted on: [September 29, 2020, February 22, 2021 and April 16, 2021.](#)
  - ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [PJD LRN-2018-00701](#)
  - ☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
  - ☒ USDA NRCS Soil Survey: [“Approved Jurisdiction Request – Urban Silos, Lebanon, Wilson County”, dated July 16, 2020.](#)
  - ☒ USFWS NWI maps: [“Approved Jurisdiction Request – Urban Silos, Lebanon, Wilson County”, dated July 16, 2020.](#)
  - ☒ USGS topographic maps: [“Approved Jurisdiction Request – Urban Silos, Lebanon, Wilson County”, dated July 16, 2020.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

- B. Typical year assessment(s):** [According to the APT, the Corps’ site visit on September 29, 2020 was conducted during normal conditions in the dry season, the Corps’ February 22, 2021 visit was conducted during normal conditions in the wet season and the Corps’ April 16, 2021 visit was conducted during wetter than normal conditions in the wet season. According to the National Weather Service website, <https://water.weather.gov/precip/?loctype=WFO&loc=wfoSJU>, the site had received approximately 0.01” in the 48 hour period prior to all of the Corps’ site visits.](#)
- C. Additional comments to support AJD:** [N/A.](#)