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): 12/29/2020
ORM Number: LRN-2020-00966
Associated JDs: N/A
Review Area Location[1]: State/Territory: TN City: Lebanon County/Parish/Borough: Wilson
Center Coordinates of Review Area: Latitude 36.177066 Longitude -86.266432

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
D-1/Black Branch	4536	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	At the time of the Corps' site visit, D-1 did not exhibit flowing water, but pools of water were observed. During the consultant's site visit, running water and multiple macroinvertebrate species were observed. D-1 directly contributes surface flow to the (a)(2) Spring Creek, which flows into the ((a)(1) water) Cumberland River/Old Hickory Lake.
D-2	35	linear feet	(a)(2) Intermittent tributary contributes	At the time of the consultant's site visit, flowing water and multiple macroinvertebrate species, indicating groundwater influence, were observed in D-2. D-2

[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.	directly flows into the jurisdictional stream, D-1/Black Branch.
D-5	120	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	At the time of the consultant's site visit, D-5 was observed to have a well-defined channel with multiple macroinvertebrate species, indicating groundwater influence. D-5 directly flows into the jurisdictional stream, D-1/Black Branch.
D-9	1474	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	At the time of the consultant's site visit, D-9 was observed to have a moderate to well-defined channel that appeared to be historically altered and briefly loses definition due to karst holes. Macroinvertebrate species and Streamside Salamander (*Ambystoma barbouri*) larvae were observed in the lower half of the reach on 2/28/2020. D-9 directly flows into the jurisdictional stream, D-1/Black Branch.

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
WTL-4	0.702	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	As observed by the consultant, WTL-4 displayed hydric vegetation, soils and hydrology. WTL-4 is drained by and directly abuts the jurisdictional stream, D-9.
WTL-5	1.253	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	As observed by the consultant, WTL-5 displayed hydric vegetation, soils and hydrology. WTL-5 directly abuts the jurisdictional stream, D-9.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
D-3	1595	linear feet	(b)(3) Ephemeral feature, including	At the time of the consultant's site visit, D-3 lacked flowing or pools of water, iron staining, 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
			an ephemeral stream, swale, gully, rill, or pool.	macroinvertebrate species that would indicate groundwater influence.
D-4	74	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	At the time of the consultant's site visit, D-4 lacked flowing or pools of water, iron staining, or macroinvertebrate species that would indicate groundwater influence.
D-6	57	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	At the time of the consultant's site visit, D-6 lacked any flowing or pools of water, iron staining, or macroinvertebrate species that would indicate groundwater influence.
D-7	1396	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	At the time of the consultant's site visit, D-7 lacked any flowing or pools of water, iron staining, or macroinvertebrate species that would indicate groundwater influence.
D-8	503	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	At the time of the consultant's site visit, D-8 lacked any flowing water, iron staining, or macroinvertebrate species that would indicate groundwater influence, but did contain some pools of water.
D-10	316	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	At the time of the consultant's and Corps' site visits, D-10 lacked any flowing or pooling water, iron staining, or macroinvertebrate species that would indicate groundwater influence.
D-11	85	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	As observed by consultant during site visit, D-11 contained multiple macroinvertebrate species, flowing and pooled water. D-11 is impounded by Pond 2 with well-developed wetland fringe and outlet channel (D-12). D-11 is not jurisdictional due to a lack of surface flow contributed directly to an (a)(1) water in a typical year.
D-12	148	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	At the time of both the consultant's and Corps' site visits, D-12 had pools of water, but no flowing water. Consultant observed multiple populations of macroinvertebrate species. D-12 is impounded by Pond 3 and not jurisdictional due to a lack of surface flow contributed directly to an (a)(1) water in a typical year.
D-13	704	linear feet	(b)(3) Ephemeral feature, including an ephemeral	D-13 is an ephemeral channel that lacked any surface water, iron staining, or macroinvertebrates at the time of both the

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Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	consultant's & Corps' site visits. D-13 loses channelization and ends in dispersed sheet-flow.
D-14	185	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	D-14 is an ephemeral channel that lacked any surface water, iron staining, or macroinvertebrate species that would indicate groundwater influence at the time of the Corps' site visit.
D-15	452	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	D-15 is an intermittent stream that terminates into WTL-11 and does not have a surface connection to downstream jurisdictional waters. At the time of both the consultant's & Corps' site visits, D-15 lacked running water, but did have pools of water. The consultant documented the presence of the State T&E Streamside Salamander (*Ambystoma barbouri*) larvae and eggs within the stream on 3/15/19.
D-16	500	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	D-16 is an intermittent stream that enters an offsite sinkhole approximately 0.97 miles to the north (Lat. 36.1921°, Long. -86.2765) and does not resurface to contribute surface water directly, or indirectly, to an (a)(1) water in a typical year.
WTL-1	0.113	acre(s)	(b)(1) Non-adjacent wetland.	WTL-1 is an isolated wetland that is not adjacent to a jurisdictional water. WTL-1 is drained by the non-jurisdictional ephemeral stream D-6, severing its jurisdiction.
WTL-2	0.094	acre(s)	(b)(1) Non-adjacent wetland.	WTL-2 is an isolated wetland that is not adjacent to a jurisdictional water and is wholly contained in uplands.
WTL-3	0.026	acre(s)	(b)(1) Non-adjacent wetland.	WTL-3 is an isolated wetland that is not adjacent to a jurisdictional water and is wholly contained in uplands.
WTL-6	0.022	acre(s)	(b)(1) Non-adjacent wetland.	WTL-6 is an isolated wetland that is not adjacent to a jurisdictional water and is wholly contained in uplands.
WTL-7	0.189	acre(s)	(b)(1) Non-adjacent wetland.	WTL-7 is adjacent to the non-jurisdictional intermittent streams D-11 & D-12 and non-jurisdictional Pond-2, therefore, itself, not jurisdictional because it lacks a surface connection to downstream jurisdictional waters.
WTL-8	0.072	acre(s)	(b)(1) Non-adjacent wetland.	WTL-8 is an isolated wetland that is not adjacent to a jurisdictional water and is wholly contained in uplands.
WTL-9	0.760	acre(s)	(b)(1) Non-adjacent wetland.	WTL-9 is adjacent to the non-jurisdictional intermittent stream D-16, which lacks a surface

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Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				connection to an ((a)(1) water) and, therefore, itself, not jurisdictional because it lacks a surface connection to downstream jurisdictional waters.
WTL-10	0.203	acre(s)	(b)(1) Non-adjacent wetland.	WTL-10 is an isolated wetland that lost hydrology with the non-jurisdictional stream D-16 due to a man-made berm. Non-hydric soils were observed in the berm between WTL-10 and D-16.
WTL-11	0.223	acre(s)	(b)(1) Non-adjacent wetland.	WTL-11 is adjacent to the non-jurisdictional intermittent stream D-15, but has no adjacency to a stream that contributes surface flow to a jurisdictional water.
WTL-12	0.074	acre(s)	(b)(1) Non-adjacent wetland.	WTL-12 is an isolated wetland that is not adjacent to a jurisdictional water and is wholly contained in uplands.
Pond 1	0.524	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 a man-made feature created in uplands. A berm was evident during the Corps' site visit.
Pond 2	0.481	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 2 was created by the berming of the non-jurisdictional stream, D-11. Overflow from Pond 2 exits through and feeds stream D-12.
Pond 3	0.178	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as	Pond 3 was created by the berming of the non-jurisdictional stream, D-12. Overflow from Pond 3 exits through and feeds stream D-13 via a standpipe near the berm on the northern end of the pond.

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Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Isolated Pond 1	0.191	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.	Isolated Pond 1 is a man-made pond built in uplands with an evident berm at the time of the Corps' site visit. No inlet or outlet was identified.

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: Preliminary Jurisdictional Determination Request, Cainsville Road Industrial Development Site, Black Branch and Unnamed Tributaries to Black Branch and Sinking Creek, Lebanon, Wilson County, Tennessee, dated September 24, 2020.

This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other: Preliminary Jurisdictional Determination Request, Cainsville Road Industrial Development Site, Black Branch and Unnamed Tributaries to Black Branch and Sinking Creek, Lebanon, Wilson County, Tennessee, dated September 24, 2020.

☒ Corps site visit(s) conducted on: 10/19/2020

☐ 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: Preliminary Jurisdictional Determination Request, Cainsville Road Industrial Development Site, Black Branch and Unnamed Tributaries to Black Branch and Sinking Creek, Lebanon, Wilson County, Tennessee, dated September 24, 2020.

☒ USFWS NWI maps: Preliminary Jurisdictional Determination Request, Cainsville Road Industrial Development Site, Black Branch and Unnamed Tributaries to Black Branch and Sinking Creek, Lebanon, Wilson County, Tennessee, dated September 24, 2020.

☒ USGS topographic maps: Preliminary Jurisdictional Determination Request, Cainsville Road Industrial Development Site, Black Branch and Unnamed Tributaries to Black Branch and Sinking Creek, Lebanon, Wilson County, Tennessee, dated September 24, 2020.

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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): According to the APT Tool, both the consultant's and Corps' site visits were conducted during the dry season under normal conditions. The consultant's site evaluation was conducted over the course of August 7th, 14th, 21st and 27th. According to the National Weather Service's website, https://water.weather.gov/precip/?loctype=WFO&loc=wfoSJU, the site received 0.01" of precipitation on August 13th, 1.0" on August 19th and 1.0" on August 26th. According to the National Weather Service's website, the site received 0.00" of precipitation in the 48 hours prior to the Corps' site visit.

C. Additional comments to support AJD: N/A.