APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): March 17, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Lands of Salazar Subdivision Development, SPA-2016-00057-ABQ

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **New Mexico** County/parish/borough: **Bernalillo** City: **Albuquerque**
Center coordinates of site (lat/long in degree decimal format): Lat. **35.0311540148681°**, Long. **-106.74267376047°**
Universal Transverse Mercator: **13 341030 3877885.92**
Name of nearest waterbody: **Amole Arroyo**
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Rio Grande**
Name of watershed or Hydrologic Unit Code (HUC): **Rio Grande-Albuquerque, 13020203 and City of Armijo-Rio Grande, 130202030305**
☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form:

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: **March 17, 2016**
☒ Field Determination. Date(s): **March 10, 2016**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** *"navigable waters of the U.S."* within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [*Required*]

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]
      ☐ TNWs, including territorial seas
      ☐ Wetlands adjacent to TNWs
      ☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
      ☐ Non-RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
      ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
      ☐ Impoundments of jurisdictional waters
      ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
      Non-wetland waters: linear feet, wide, and/or acres.
      Wetlands: acres.

   c. **Limits (boundaries) of jurisdiction** based on: **Pick List**
      Elevation of established OHWM (if known):

2. **Non-regulated waters/wetlands (check if applicable):**[3]
   ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
   Explain: **The subject property consists of approximately 38 acres (ac) of predominately native and non-native scrub-shrub vegetation with 3 linear drainage features that have ordinary high water marks of varying widths traversing the property in a west to east direction. All 3 drainages are ephemeral streams; Sacate Blanco is located along the south boundary and is approximately 1,510 linear feet (lf) and 8 feet (ft) wide, one unnamed stream is located in the middle of the property and is approximately 1,409 lf and averages approximately 3 ft wide, and another unnamed stream is located along the northern boundary and is approximately 1,495 lf and averages approximately 8 ft wide.**

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

Sacate Blanco does not have a significant nexus to a traditional navigable water and the other 2 ephemeral streams are isolated intrastate waters with no nexus to interstate commerce. Therefore, none of the water features located within the subject property are waters of U.S.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW
Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW
Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:
Watershed size: **43.5 square miles**
Drainage area: **10.9 acres**
Average annual rainfall: **9.43** inches
Average annual snowfall: **4.9** inches

(ii) Physical Characteristics:
(a) Relationship with TNW:
☐ Tributary flows directly into TNW.
☒ Tributary flows through **3** tributaries before entering TNW.

Project waters are **15-20** river miles from TNW.
Project waters are **15-20** river miles from RPW.
Project waters are **10-15** aerial (straight) miles from TNW.
Project waters are **10-15** aerial (straight) miles from RPW.

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters cross or serve as state boundaries. Explain: **No, the subject property is located in the center of the State of New Mexico and there are no tribal reservation boundaries that cross or abut the subject waters.**

Identify flow route to TNW[5]: **The Sacate Blanco flow route has been significantly altered by human activity. Upstream and disconnected from the review area is an approximately 0.9 mile (mi) of Sacate Blanco that drains from its headwaters at the West Mesa, east into Powerline Ponds; a series of approximately 8 detention ponds located on the west side of 118th Street and managed by an unknown private entity. It is unknown where water captured in these ponds flows to, but it is likely that water from these ponds enters City of Albuquerque storm water drainage system since state law requires flood control impoundments to be drained in 96 hours. In approximately 2004-2005, an 80-ac subdivision called Anderson Heights, was built west of the subject property, which filled in a portion of Sacate Blanco and resulted in the construction of an approximately 3.8-ac detention pond that appears to drain into the City of Albuquerque storm water system as no outlet to the stream channel remaining on the subject property could be found during multiple site visits. The downstream portion of Sacate Blanco that contains the reach that is the subject of this JD runs along the southern boundary of the subject property and through double barrel culverts crossing under 98th Street, where it continues as a natural channel for approximately 1,520 lf before it becomes an earthen trapezoidal channel called the Sacate Blanco Diversion Channel. The Sacate Blanco Diversion Channel runs under Unser Boulevard and into Amole Channel; a soil cement lined trapezpoidal ephemeral stream channel managed by Albuquerque Metropolitan Arroyo Flood Control Authority (AMAFCA). Amole Channel drains into Amole Dam, which is a gated flood water detention pond also managed by AMAFCA. Water released from Amole Dam flows through an underground conveyence approximately 0.35 mile where it discharges into Arenal Main Canal, an upland constructed irrigation canal managed by Middle Rio Grande Conservancy District (MRGCD). Arenal Main Canal drains into MRGCD's Isleta Interior Drain just south of Interstate Highway 25, approximately 6.26 aerial miles. Isleta Interior Drain is also an upland constructed irrigation canal that drains into the Rio Grande, a Traditionally Navigable Water, approximately 5 aerial miles south of the Arenal Main Canal and Isleta Interior Drain confluence.**

Tributary stream order, if known: **1**

(b) General Tributary Characteristics (check all that apply):

Tributary is:
- ☐ Natural
- ☐ Artificial (man-made). Explain:
- ☒ Manipulated (man-altered). Explain: **As desribed in Section III B 1. (ii) (a) the flow path has been signficantly altered by human activity. Currently, the stream channel flows into 2 flood water management facilities (Powerline Ponds and Amole System) and through 2 upland constructed irrigation canals before reaching the Rio Grande. Only a small portion of the remaining stream channel is in it's natural state.**

Tributary properties with respect to top of bank (estimate):
- Average width: **4.5** feet
- Average depth: **1.5** feet
- Average side slopes: **3:1 .**

Primary tributary substrate composition (check all that apply):

☐ Silts	☒ Sands	☐ Concrete
☐ Cobbles	☒ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover:	
☐ Other. Explain:		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **Sacate Blanco is a moderately stable channel in it's natural state on the subject property. The banks show some evidence of erosion in places and it is clear that humans have been driving vehicles in the channel.**

Presence of run/riffle/pool complexes. Explain: **None are present because the stream channel is ephemeral and the contributing hydrology has been significantly altered within the watershed.**

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): **5** %

(c) Flow:

Tributary provides for: **Ephemeral flow**

Estimate average number of flow events in review area/year: **1**

Describe flow regime: **The natural flow regime has been significantly altered by human activity as described above. Flow regime has not been studied or documented historically for the drainage area; however, flows**

[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

probably only occur after large (i.e., >5-year return interval) precipiation events, which rarely occur in any given year due to the low amount of annual precipation for the region.

Other information on duration and volume:

Surface flow is: **Discrete and confined**. Characteristics: **Flow path contains bed and banks with other physical indicators. No channel braiding was observed during field visits or on most recent aerial photography. Flows are confined within flood management facilities and upland constructed canals.**

Subsurface flow: **Unknown**. Explain findings:
- ☐ Dye (or other) test performed:

Tributary has (check all that apply):
- ☒ Bed and banks
- ☒ OHWM[6] (check all indicators that apply):
  - ☒ clear, natural line impressed on the bank
  - ☒ changes in the character of soil
  - ☐ shelving
  - ☒ vegetation matted down, bent, or absent
  - ☐ leaf litter disturbed or washed away
  - ☐ sediment deposition
  - ☐ water staining
  - ☐ other (list):
  - ☒ the presence of litter and debris
  - ☒ destruction of terrestrial vegetation
  - ☐ the presence of wrack line
  - ☒ sediment sorting
  - ☒ scour
  - ☐ multiple observed or predicted flow events
  - ☐ abrupt change in plant community
- ☐ Discontinuous OHWM.[7] Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):
- ☐ High Tide Line indicated by:
  - ☐ oil or scum line along shore objects
  - ☐ fine shell or debris deposits (foreshore)
  - ☐ physical markings/characteristics
  - ☐ tidal gauges
  - ☐ other (list):
- ☐ Mean High Water Mark indicated by:
  - ☐ survey to available datum;
  - ☐ physical markings;
  - ☐ vegetation lines/changes in vegetation types.

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: **Sacate Blanco is an ephemeral stream and flows through the channel have not been observed for the purposes of this assessment. There are moderate amounts of human placed trash and debris in Sacate Blanco and on the suurounding subject property; it is likely that a small amount of this material has been deposited from flood flows. The subject property is surrounded by primarily residential development and the drainage area is approximately >50% built out. It is likely that oil and other lubricants from vehicles traveling on adjacent roadways, pollutants leaching from asphalt on adjacent roadways, and herbicides and pesticides applied within the adjacent developments, are deposited in Sacate Blanco on the subject property.**

Identify specific pollutants, if known: **Unknown because the water has not been tested on the subject property.**

(iv) Biological Characteristics. Channel supports (check all that apply):
- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings:
  - ☐ Fish/spawn areas. Explain findings:
  - ☐ Other environmentally-sensitive species. Explain findings:
  - ☐ Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

[7]Ibid.

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:
Flow is: **Pick List**. Explain:

Surface flow is**: Pick List**
Characteristics:

Subsurface flow: **Pick List**. Explain findings:
☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:
☐ Directly abutting
☐ Not directly abutting
☐ Discrete wetland hydrologic connection. Explain:
☐ Ecological connection. Explain:
☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW
Project wetlands are **Pick List** river miles from TNW.
Project waters are **Pick List** aerial (straight) miles from TNW.
Flow is from: **Pick List.**
Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:
Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):
☐ Riparian buffer. Characteristics (type, average width):
☐ Vegetation type/percent cover. Explain:
☐ Habitat for:
☐ Federally Listed species. Explain findings:
☐ Fish/spawn areas. Explain findings:
☐ Other environmentally-sensitive species. Explain findings:
☐ Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)
All wetland(s) being considered in the cumulative analysis: **Pick List**
Approximately acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: **The only water feature located on the subject property that currently retains connectivity with the nearest TNW and, therefore, is subject to a significant nexus analysis is Sacate Blanco. The other linear drainage features on the subject property (middle and northern ephemeral streams) have had their flow paths cut off since approximately 2005 due to construction of surrounding development, and particuarly due to construction of the 98th Street extention located along the east boundary and downslope of the subject property. Based on 2009 aerial photography, the 98th Street extention appears to have included a culvert to pass flows from the middle and northern ephemeral streams; however, reconstruction and wideing of 98th Street in 2014 did not include a culvert to pass flows from these streams as evidanced during a site visit conducted by USACE personnel on March 10, 2016. Therefore, the middle and northern ephemeral streams are currently isolated intrastate waters, which do not have a nexus to interstate commerce and are documented elsewhere on this form. Sacate Blanco contains a defined bed, banks and OHWM; it only flows when there is a precipitation event, therefore, it is ephemeral. Sacate Blanco has a drainage area of approximately 10.9 ac in an area that receives approximately 9.43 inches of rain annually. The flow path for Sacate Blanco has been signifcantly altered by human activity both upstream and downstream (see flow path information in Sec. III B. 1. (ii)(a)). Due to construction of Anderson Heights detention pond, any pollutants carried in flows in the upstream areas of Sacate Blanco watershed would primarily be captured in this pond with any remaining pollutants probably discharged into the City of Albuquerque storm water system, where it appears water is discharged from this pond. Pollutants from surrounding development captured by Sacate Blanco on the subject property would be primarily discharged and held in Amole Detention Basin. According to Lynn Mazur, Development Review Engineer, AMAFCA, the Amole Detention Basin is a gated detention pond and must be manually opened when it begins approaching capacity (approximately 582 acre-feet or 189,645,531 gallons). Based on AMAFCA recorded data since 2012, the Amole Detention Basin has been opened for water passage six times or an average of approximately one to two times per year (L. Mazur, personal communication with the interested party on 02/2016). Therefore, only small amounts of pollutants would be expected to travel past Amole Dam and into the MRGCD canal system before discharging into the Rio Grande approximately 11 aerial miles away. No water quality data from the City of Armijo-Rio Grande watershed is available and Sacate Blanco is not listed on the New Mexico Environment Department (NMED), Surface Water Quality Bureau's (SWQB) 303(d) list of Impaired Waters (NMED 2015). Regardless, the area upstream and surrounding the subject reach is primarily residential subdivisions, and stormwater that might carry pollutants most likely discharges to stormwater retentions basins. Therefore it is unlikely that there is a chemical nexus between the Sacate Blanco and the Rio Grande. The subject property is located in the Plains-Mesa Sand Scrub vegetation type (Dick-Peddie 1993), which is dominated by sand sage (Artemsia filifolia), four-wing saltbush, and various grasses. Sacate Blanco does not have a riparian zone and does not provide habitat for listed species, environmentally sensitive species or biologicial diversity. Because Sacate Blanco is an ephemeral stream, it is not likely to provide lifecycle support for fish and other aquatic species in the Rio Grande. The Sacate Blanco does not possess more than a speculative or insubstantial effect on the physical, chemical and/or biological integrity of the Rio Grande.**

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs: linear feet, wide, Or acres.
   - ☐ Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet wide.

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

3. Non-RPWs[8] that flow directly or indirectly into TNWs.

☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet, wide.

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.[9]

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

[8] See Footnote # 3.

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain:
☐ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet, wide.
☐ Other non-wetland waters: acres.
Identify type(s) of waters:
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: **Sacate Blanco is a non-RPW or ephemeral stream, that is approximately 11 aerial miles from the nearest TNW, the Rio Grande, and flows through a gated detention pond and 2 upland constructed irrigation canals, before discharging into the Rio Grande. There is no water quality data available to determine what pollutants, if any, reach the Rio Grande from Sacate Blanco. Sacate Blanco probably flows only once or twice annually due to a small, highly altered, drainage area and small amount of annual precipitation. Sacate Blanco does not have a riparian zone and does not provide habitat for sensitive species, listed species or biological diversity. Sacate Blanco does not appear to affect the chemical, physical and biological integrity of the Rio Grande and therefore, it does not have a significant nexus to a TNW.**
☐ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):
☐ Non-wetland waters (i.e., rivers, streams): linear feet, wide.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):
☒ Non-wetland waters (i.e., rivers, streams): **1,438** linear feet, **8** wide.
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **"Submittal of Jurisdictional Determination for Sacate Blanco, Lands of Salazar Subdivision Project, Albuquerque, Bernalillo County, NM" dated February 23, 2016 & March 11, 2016 from D'Antonio & Associates, LLC**
☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas:
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:24K; NM-ALBUQUERQUE WEST**
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: **Bernalillo County**
☒ National wetlands inventory map(s). Cite name: **NM-ALBUQUERQUE WEST**

☐ State/Local wetland inventory map(s):
☐ FEMA/FIRM maps:
☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): **Google Earth 1991, 1996, 2002, 2004, 2005, 2006, 2007, 2009, 2011, 2012, 2013, 2014 & 2015**
or ☒ Other (Name & Date): **March 10, 2016 from Corps field determination**
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: