



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):

ORM Number: SPA-2021-00164

Associated JDs: SPK-2020-00597, SPK-2020-00831, SPK-2020-00923

Review Area Location¹:

State/Territory: CO City: Silverton County/Parish/Borough: San Juan County

Center Coordinates of Review Area: Latitude 37.80911, Longitude -107.66953

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.
- ☐ 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

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

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

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 independent 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Block 58, Lots 22-24 Wetlands	0.172 acres	(b)(1) Non-adjacent wetland	The wetland in question is part of a larger wetland complex. There are two culverts under Greene Street that can convey water from the ditch to the southwest. The northern culvert is currently full of gravel and is not functioning. The southern culvert could convey flows from the ditch to the southeast. Water could then potentially flow overland to the southeast but would be captured by a depressional basin that is dominated by willows located immediately northwest of an RV Park. This basin does not have an outlet. On 4 separate occasions (SPK-2018-00794, SPK-2020-00597, SPK-2020-00831, SPK-2020-00923.) the Corps determined that this wetland and another wetland that also flows into this scrub shrub wetland was an intrastate, isolated wetland and therefore not a waters of the U.S. There is not a surface connection to a Traditional Navigable Water (TNW) and no evidence of a subsurface connection. The closest TNW is the Animas River, which is approximately 2,200-linear feet to the east. For these reasons, it has been determined that the Block 58, Lots 22-24 Wetlands are not jurisdictional under the Navigable Waters Protection Rule.

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: *Submitted on June 2, 2021.*

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: *Aerials dated June 2, 2021, and photos taken by the Corps on May 19, 2021.*

☒ Corps Site visit(s) conducted on: *May 19, 2021.*

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *SPK-2018-00794, SPK-2020-00597, SPK-2020-00831, SPK-2020-00923.*

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☐ USDA NRCS Soil Survey: *Title(s) and/or date(s).*

☐ USFWS NWI maps: *Title(s) and/or date(s).*

☐ USGS topographic maps: *Title(s) and/or date(s).*

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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): N/A.

C. Additional comments to support AJD: Site visit performed on May 19, 2021 confirmed non-jurisdictional status.

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