



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): February 19, 2021

ORM Number: SPA-2021-00031-ABQ

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: NM City: Clovis County/Parish/Borough: Roosevelt County

Center Coordinates of Review Area: Latitude 34.330367 Longitude -103.327406

**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: The project corridor is located between a roadway and farm fields with no identifiable aquatic resources intersecting the corridor.
- 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
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):

<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 and 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 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.

<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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
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
N/A	N/A	N/A	N/A

**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: *Easter New Mexico Rural Water System-100% Design Submittal (December 2020).*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Google Earth (2003-2020)*
- Corps Site visit(s) conducted on: *N/A*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *N/A*
- USFWS NWI maps: *N/A*
- USGS topographic maps: *Oasis State Park Quadrangle-New Mexico, 2010. 7.5-Minute Series.*

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS. National Hydrography Dataset. Accessed Feb. 2016.
USDA Sources	United States Department of Agriculture, Natural Resources Conservation Service. 2006. <i>Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin.</i> U.S. Department of Agriculture Handbook 296.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to determine if the review area is experiencing a climatological “typical year”. Data was gathered from seven (7) weather stations (i.e. Portales, Clovis 4.6 W, Clovis, Portales 2.8 NNE, Clovis 6.6 SE, Melrose, & Clovis 13 N) located within the same 12-digit HUC as the review area. Results from the APT note that the review area is in the wet season and experiencing severe drought. The results indicate that at the time of this JD request, the review area was within normal conditions for the rolling 30-year period.

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- C. Additional comments to support AJD:** The review area is composed of approximately 150-acres within a linear length of 11.5-miles and is located within the 10-digit Hydrologic Unit Code (HUC) boundary of the Town of Midway (No. 1205000201). This area is found within the Natural Resources Conservation Service's (NRCS) designated Land Resource Region (LRR) H-Central Plains Winter Wheat Range Region, specifically within Major Land Resource Area (MLRA) 77C-Southern High Plains, Southern Part. The MLRA is generally located in the high plains section of the Great Plains Province of the Interior Plains (NRCS 2006). This area is characterized by open plains and generally flat land. The elevation within the northwestern portion of the MLRA is on average approximately 4,600 feet and gradually decreases to 2,600 feet further east-southeast. Average annual precipitation ranges from 16 to 22 inches but can fluctuate widely each year.

A desktop examination of the review area was conducted, which consisted of examining aerial photography from February 2020, January 2014, March 2012, October 2011, August 2011, August 2009, October 2006, September 2006, July 2005, November 2003, and September 2003, a topographic map of the review area, and the U.S. Geological Service (USGS) National Hydrograph Dataset map. No aquatic resources were identified within the review area. Following the desktop examination, it was determined the review is composed entirely of dry land.

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