

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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 19, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Vigil Property/Shed Construction, SPA-2019-00076-ABQ

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NM County/parish/borough: Taos County City: Questa

Center coordinates of site (lat/long in degree decimal format): Lat. 36.7303°, Long. -105.5745°

Universal Transverse Mercator: 448698.5 W, 4065109.28 N, Zone 13

Name of nearest waterbody: Cabresto Creek

Name of watershed or Hydrologic Unit Code (HUC): Upper Rio Grande 13020101

- ☒ Check if map/diagram of review area is 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 6, 2019
- ☒ Field Determination. Date(s): October 9, 2018

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.

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.

SECTION III: 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: Property map
- ☐ 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:
- ☒ U.S. Geological Survey Hydrologic Atlas: Rio Grande Region
- ☒ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Questa
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name: Questa
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☐ Aerial (Name & Date):
- ☐ or ☒ Other (Name & Date): Site Visit Mapped Photo Log, 10/09/2018 (PW 2019-076)
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): NRCS MLRA data

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

The project area is located within the National Resources Conservation Service's (NRCS) identified Southwestern Plateaus, Mesas, and Foothills Major Land Resources Area (MLRA) in Land Resource Region

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

D –Western Range and Irrigated Region. The area is located on the Intermontane Plateaus and receives average annual precipitation ranging from 8 to 31 inches, of which 15 to 25 percent is snow.

A site visit was conducted on October 9, 2018. The project area was observed to be dominated by juniper (*Juniperus spp.*) and upland shrubs (e.g. Coyotes bush [*Baccharis pilularis*]). A linear drainage feature was observed within the northwest section of the property. Perennial plants, which include cacti (*Cactaceae spp.*) and juniper (*Juniperus spp.*), were established within the middle of the linear drainage feature suggesting the feature receives limited amounts of flow on an irregular basis. Additionally, there were no characteristics of a defined bed and bank, no observable ordinary high water mark, and no wetland flora species observed within the feature. After examining the site, it was determined the feature is an erosional and not an aquatic resource. This field assessment did not identify any potential Waters of the U.S.