

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): August 11, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Valdez Property/Building Construction, SPA-2019-00169

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NM County/parish/borough: Taos County City: Rancho de Taos

Center coordinates of site (lat/long in degree decimal format): Lat. 36.3357754188022 °, Long. -105.600866283309°

Universal Transverse Mercator: 446075.55 W, 4021359.44 N, Zone 13

Name of nearest waterbody: Grande del Rancho, Rio

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:
August 9, 2022
- ☒ Field Determination. Date(s):
August 2, 2022

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:
- ☐ 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; Ranchos De Taos
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name: Ranchos De Taos
- ☐ 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): Corps site visit photos, 8/2/22 & applicant site visit photos, 7/28/22
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

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

The review area consists of an approximately 0.23-acre area within a terraced, rectangular parcel, abutting the Rio Grande del Rancho. The review area is just below the second terrace, approximately 380-feet from the streambank of

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.

the river. From the second terrace, the topography is sloping toward the river. The majority of the property has been historically flood irrigated and cultivated.

On August 2, 2022, a Corps staff member conducted a site examination within the applicant's review area. Prior to the site visit, the review area was left un-mowed allowing the natural vegetation to be observed. The area immediately north of the review area appeared to be relatively undisturbed.

Soil Pit-1 is located south of the northern boundary of the review area prior to the transition to a more dominant wetland vegetation community. Sample Point-1 had a soil color matrix of 10YR 4/3 with redoximorphic features observed along root channels and not within the matrix. Redox along root channels may be the result of ongoing flood irrigation within this area. Soils within Sample Point-1 did not exhibit matrix chroma and value colors indicative of hydric soils and, therefore, did not meet the hydric soil indicator test. Sample point-1 met the hydrology indicator C3, Oxidized rhizospheres on living roots. Sample Point-1 does meet the Corps' definition of a wetland.

Sample Point-2 is located outside and immediately north of the review area within the undisturbed area. This area is located at a lower elevation than the review area. Soils within Sample Point-2 had a soil color matrix of 7.5YR 4/3 with redoximorphic features observed along root channels and within the matrix. Soil Pit-2 met the hydric soil indicator of Depleted Matrix (F3). Vegetation within the sample point was composed entirely of plants within the herb stratum. Wetland plants (e.g. *Juncus* spp., *Carex* spp., & *Poaceae* spp.) dominated the sample point meeting the rapid test for the presence of hydrophytic vegetation. Lastly, the sample point exhibited oxidized rhizospheres on living roots, which meets the hydrology indicator (C3). Sample Point-2 was confirmed wetland but outside of the review area.



Sample Point-3 is located at the northern boundary of the review area in between Sample Point-1 and Sample Point-2. This sample point is lower in elevation than Sample Point-1, but higher in elevation than Sample Point-2. Soils within Sample Point-3 had a soil color matrix of 7.5YR 5/3 with redoximorphic features observed along root channels and not within the matrix. Soils within Sample Point-3 did not exhibit matrix chroma and value colors indicative of hydric soils and, therefore, did not meet the hydric soil indicator test. Vegetation within the sample point was composed entirely of plants within the herb stratum. Wetland plants (e.g. *Juncus* spp., *Carex* spp., & *Poaceae* spp.) dominated the sample point meeting the rapid test for the presence of hydrophytic vegetation. Additionally, the hydrology indicator was met as oxidized rhizospheres on living roots were observed, which meets the hydrology indicator (C3). Sample Point-3 did not exhibit all three (3) indicators of a Corps defined wetland.

Based on the site examination, the Corps has determined the review area is composed entirely of uplands and, therefore, outside of the Corps' geographic jurisdiction.

SPA-2019-00169

Tavita Valdez Dry-Land AJD

Legend

-  Review Area (Non-wetlands/Uplands)
-  Sample Point

Sample Point-1
Sample Point-3
Sample Point-2

Google Earth

400 ft

