

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):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, PNE USA, Inc. Gladstone Wind Project, SPA-2019-00220-ABQ

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NM County/parish/borough: Colfax, Harding, and Union County City: Gladstone
Center coordinates of site (lat/long in degree decimal format): Lat. 36.23309243155 °, Long. -104.010300079379°
Universal Transverse Mercator: 588937.41 W, 4010256.36 N, Zone 13
Name of nearest waterbody: Alamosita Creek
Name of watershed or Hydrologic Unit Code (HUC): Ute 11080007

- 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:
May 5, 2020
 Field Determination. Date(s):

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: Jesse Shuck, SWCA
 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: Arkansas-White-Red Region
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Divine Lake
 USDA Natural Resources Conservation Service Soil Survey. Citation: Albuquerque Regulatory Viewer
 National wetlands inventory map(s). Cite name: Divine Lake
 State/Local wetland inventory map(s):
 FEMA/FIRM maps:
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): Gladstone wind farm, June 2019
 or Other (Name & Date): Site photos, June 2019
 Previous determination(s). File no. and date of response letter:
 Applicable/supporting case law:
 Applicable/supporting scientific literature:
 Other information (please specify): kmz file of project area boundary.

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

The project site (the site) is located south of Gladstone, New Mexico in the parts of Colfax, Harding, and Union Counties. The site resides in MLRA system-77B, MLRA-ID 112; Southern High Plains, Northwestern Part. This MLRA is characterized by extensive areas of open plains on an elevated plateau. The topographic

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.

relief is comprised nearly level to gently sloping plains and gently sloping to strongly sloping sandhills. Semi-arid climate with an average annual rainfall of approximately 14 to 18 inches, fluctuating widely from year to year. Most precipitation occurs as high intensity, convective thunderstorms during spring and fall. The surrounding area is situated in primarily open terrain that is used for farming, and ranching. The area is dominated by mid and tall prairie grasses. Nearly level to sloping plains and sand hills dominated by moderately fine textured to moderately coarse textured soils are characterized by a mixture of mid and tall grasses and a lesser amount of short grasses. Site topography is flat with only has an approximate slope of 2.0% and dropping in elevation by approximately 500 ft. across a Northwestern to Southeastern transect of the project site. No potential Waters of the U.S. (WOUS) are present within the site. There are no characteristics of a continuous defined bed and bank; sparse or inconsistent ordinary high water marks; and of the possible wetlands found on the site none of them met all three environmental parameters of a wetland. This site is comprised entirely of uplands.