

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, Borderlands Wind Project, SPA-2020-00111-LCO

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NM County/parish/borough: Catron County City:

Center coordinates of site (lat/long in degree decimal format): Lat. 34.197183 °, Long. -108.834501°

Universal Transverse Mercator: 699533.51 W, 3786139.48 N, Zone 12

Name of nearest waterbody: Agua Fria Creek

Name of watershed or Hydrologic Unit Code (HUC): Carrizo Wash 15020003

- ☒ 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: 4/28/2020
- ☐ 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:
- ☐ 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: Lower Colorado Region
- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Red Hill
- ☐ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☐ National wetlands inventory map(s). Cite name: Red Hill
- ☐ 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):
- ☐ 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:

Based on the field reconnaissance, SWCA did not identify any drainage features in the project area that displayed strong or continuous indicators of OHWMs. Drainage features on-site consisted of almost entirely vegetated swales, with no distinct shifts in vegetation type or density. Some features displayed a

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.

concentration of larger aggregates or a lack of vegetation but failed to display any indicators of flow such as bed and bank, scour, debris, or sediment sorting. The pond and lake features (i.e., playas) did not contain surface water at the time of the site visit and did not show indicators of OHWM. Since the potential features showed poor development of bed and banks and have discontinuous or non-existent OHWMs, these features are considered to be uplands and upland drainage.

The results of the desktop research and field investigation indicate that there are no wetlands, because of a lack of hydrophytic vegetation, wetland hydrology, and hydric soil development. The project area contains no wetland.

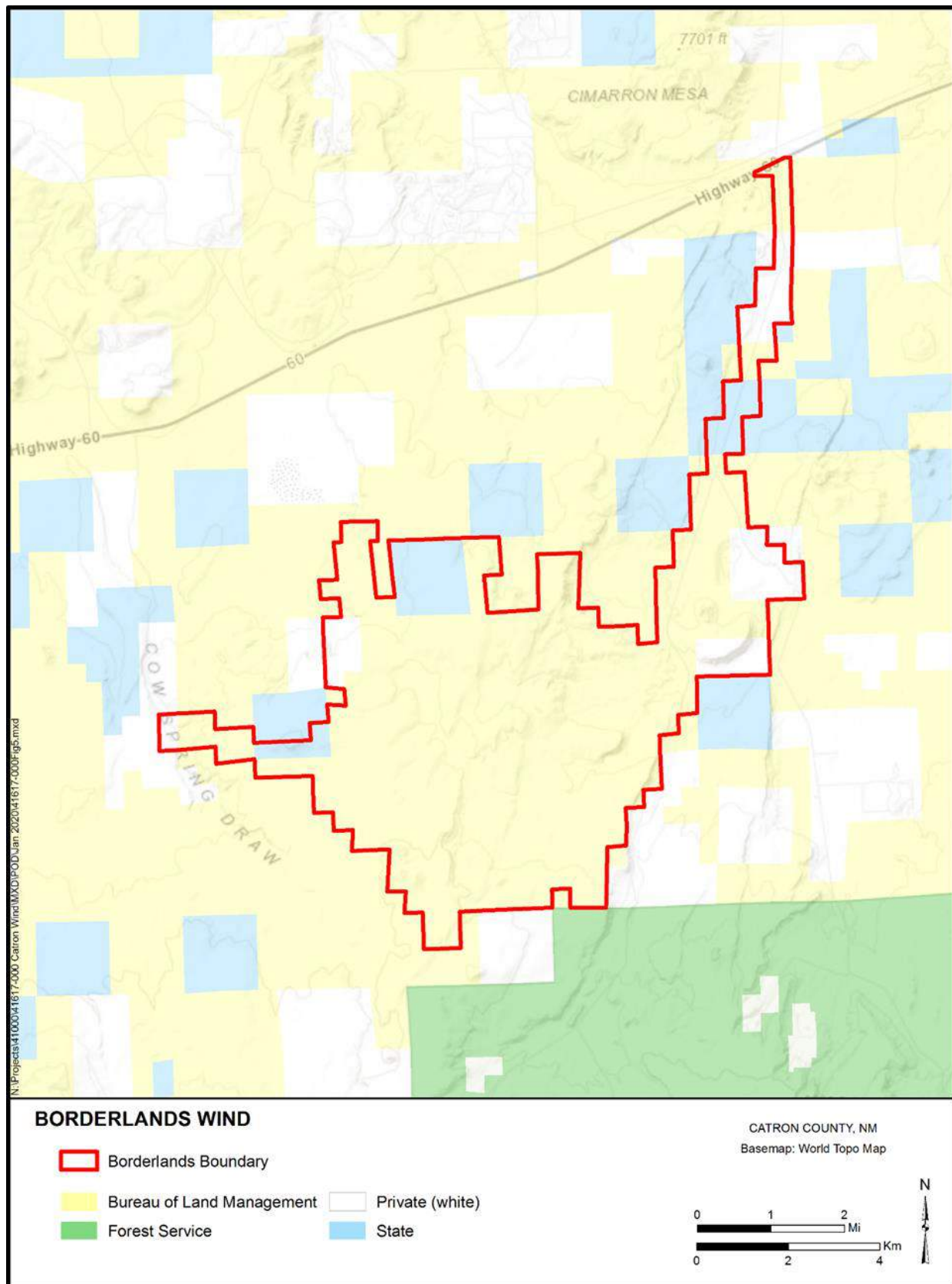


Figure A-2. Project area land ownership map.