



**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): 9/21/2020

ORM Number: SPA2020-163

Associated JDs: N/A

Review Area Location¹: State/Territory: New Mexico City: Albuquerque County/Parish/Borough: Bernillo

Center Coordinates of Review Area: Latitude 35.145175 Longitude -106.721901

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: N/A or describe rationale.
- 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)²

§ 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): ³			
(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):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or 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.

³ 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 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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
North Fork San Antonio Arroyo	1000	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See Section III. C below for information supporting the exclusion determination.

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: [email \[Non-DoD Source\] RE: City of Albuquerque San Antonio Arroyo Project Jurisdictional Determination Request](#)

This information is *not* sufficient for purposes of this AJD.

Rationale: [The email provides photos and a list of plants occurring in the water feature that shows there is not a consistent flow of water in the area, but it is not sufficient on its own to make a determination.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other:](#)

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).

USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).

USGS topographic maps: [Los Griegos, NM 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
Other USDA data (specify)	NRCS Ecological site R042XA054NM -description
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	A. Park Williams, Edward R. Cook, Jason E. Smerdon, Benjamin I. Cook, John T. Abatzoglou, Kasey Bolles, Seung H. Baek, Andrew M. Badger, Ben Livneh. 2018. Large Contribution from Anthropogenic Warming to an Wmerging North American Megadrought. Science. Vol. 368 Issue 6488. Pp. 314-318.

B. Typical year assessment(s): According to the Antecedent Precipitation Tool (APT), July through October is the time of year with the most precipitation over a 30-year rolling period for the review area; and the monsoon season occurs between mid-June and the end of September. However,

⁴ 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.

⁵ 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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regarding the date of the site visit on February 12, 2020, the APT results note that it was conducted during the wet season for this year; and the Drought Index (PDSI) is noted as “mild wetness” (2020-06). As this information did not definitively determine whether or not the field assessment was conducted during a typical year, additional data was obtained and reviewed to support our jurisdictional determination. This information is provided below under III.C.

It is also worth noting that a recent study by Columbia University concludes that the American Southwest is experiencing a historic “megadrought” not seen in centuries. In fact, for several western states, including New Mexico, the last twenty years ranks as the second-driest period in the past 1,200 years (A. Park. Williams, 2018).

- C. Additional comments to support AJD:** According to information provided by the Natural Resources Conservation Service, the review area has an arid climate with distinct seasonal temperature variations and large annual and diurnal temperature changes characteristic of a continental climate. Precipitation averages 8 to 10 inches annually; however, deviations of 4 inches or more from the average are common. Approximately 50 percent of the precipitation occurs between July and November, which is the dominant growing season of native plants. Summer precipitation is characterized by high-intensity, short-duration rainstorms. Winter precipitation averages less than one-half inch per month, usually in the form of rain.

The predominate soil in the review area is Sheppard loamy fine sand (i.e. approximately 85 percent). It is described as somewhat excessively drained with a depth to restrictive feature of more than 80 inches. It is also characterized as having a low available water capacity and does not flood or pond. A typical profile for this soil consists of 0 to 8 inches of loamy fine sand in the A Horizon, 8 to 60 inches fine sand to gravelly loamy fine sand in the C1 Horizon.

A field assessment of the review area was conducted on February 12, 2020 in conjunction with an on-site preapplication meeting. No surface water or evidence of recent flows in the channel were observed during the assessment. It was also noted that the stream channel bed is mostly devoid of vegetation, and there is no riparian corridor present. The vegetation that is present on the banks are upland species: sand sage (*Artemisia filifolia*), four-wing saltbush (*Atriplex canescens*) and rabbit brush (*Ericameria nauseosa*). Other common species present include scorpion weed (*Phacelia* sp.), globe mallow (*Sphaeralcea* sp.), cat's eye (*Cryptantha* sp.), milkvetch (*Astragalus* sp.), golden aster (*Heterotheca* sp.), broom dalea (*Psoralea scoparius*), spectacle pod (*Dimorphocarpa candicans*), tansy mustard (*Descurainia pinnata*), curly dock (*Rumex crispus*) and snake weed (*Gutierrezia sarothrae*), all of which are upland species.

In addition to the field assessment, the APT was run for the following additional dates in conjunction with reviewing satellite imagery of the project site.

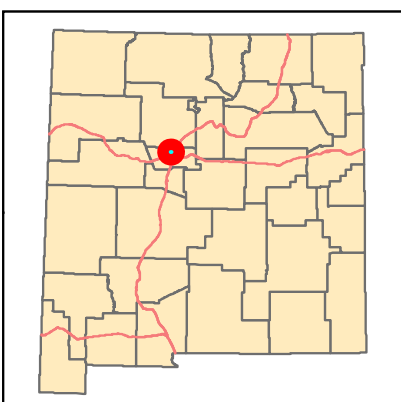
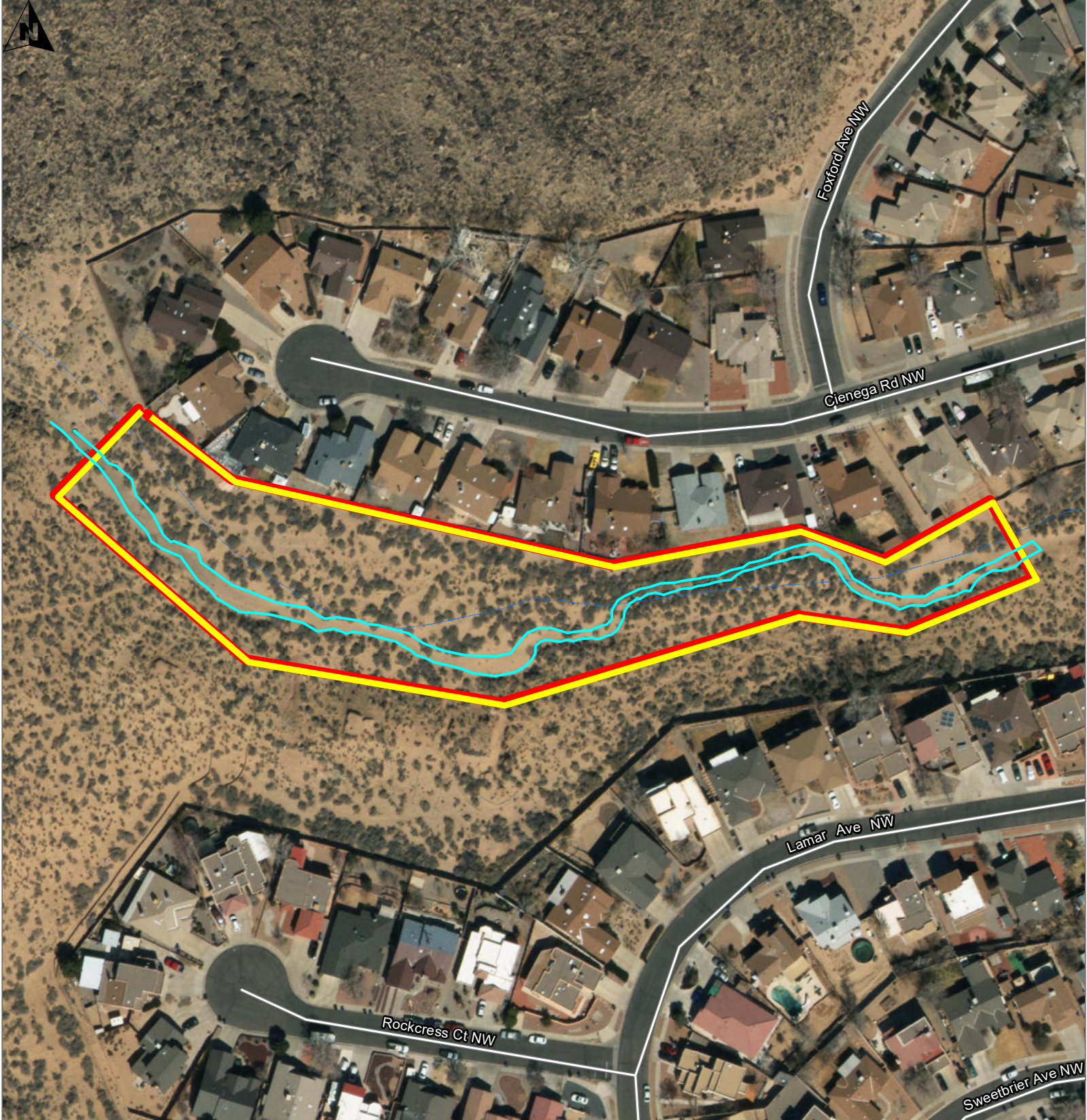
October 25, 2018	Mild drought	Dry Season	Wetter than Normal
April 22, 2017	Mild drought	Dry Season	Normal Conditions



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November 1, 2015	Normal	Dry Season	Wetter than Normal
March 8, 2014	Moderate drought	Dry Season	Drier than Normal
January 17, 2013	Extreme drought	Wet Season	Drier than Normal
March 21, 2012	Moderate drought	Dry Season	Drier than Normal
November 23, 2009	Normal	Dry Season	Normal Conditions
December 31, 2005	Mild drought	Wet Season	Drier than Normal

No surface water or indication of recent flows were observed in the stream channel for any of these dates. As such, and in consideration of the other information provided above, it has been determined that the stream channel comprising the review area only experiences flows in response to rain events and, therefore is ephemeral.



SymbolID
 0
 San_Antonio_Arroyo_Project_Limits

SymbolID
 0
 Street/Road
 Intermittent Stream

0 25 50 100 150 200 250
 Feet


1:1,442

Coordinate System: NAD 1983 UTM Zone 13N

City of Albuquerque
SF Village N
San Antonio Arroyo

Bernalillo County, NM

Sections 27/34
 Township 11 Range 2E

 **Ecosphere**
 Environmental Services

Date: 4/28/2020



San Antonio Arroyo facing west looking upstream

Photo taken 7/28/2020 submitted by applicant



San Antonio Arroyo facing East looking downstream

Photo taken 7/28/2020 submitted by applicant



San Antonio arroyo looking East facing downstream.

Photo taken 7/28/2020 submitted by applicant