



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): 09-SEP-2020

ORM Number: SPA-2020-00200-ABQ

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: NM City: SE of Nambe Pueblo and W of Nambe Falls

County: Santa Fe County

Center Coordinates of Review Area: Latitude 35.852435 Longitude -105.915026

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

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<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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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

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Arroyo	0.06 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The aquatic feature is an ephemeral stream channel. See section III. C. for more details.

**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: *JD Request Form*  
This information is and is not sufficient for purposes of this AJD  
Rationale: The information outlined below was supplemented by the Corps in order to aid in the decision.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: Onsite Photographs (7/31/20)
- Corps Site visit(s) conducted on: July 31, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: Detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Nambe Pueblo/Low Water Crossing JD (8/21/20)
- USFWS NWI maps: *Title(s) and/or date(s)*.
- USGS topographic maps: *Title(s) and/or date(s)*.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrograph Dataset (8/21/2020)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	United States Department of Agriculture, Natural Resources Conservation Service. 2006. <i>Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin</i> . U.S. Department of

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	<p>Agriculture Handbook 296.</p> <p>United States Department of Agriculture, Natural Resources Conservation Service. 2020. <i>Ecological Site R035XG114NM Gravelly</i>. Ecological Site Descriptions.</p>
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- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was used to determine if the site visit was conducted during a climatological “typical year” for the review area. Data was gathered from six (6) weather stations located approximately 18.9-miles (Santa Fe Co MUNI AP), 6.6-miles (Tesuque 0.7 SSW), 5.1-miles (Pojoaque 1.0 E), 16.45 (Santa Fe E), 12.94-miles (Española), and 23.3-miles (Turquoise Bonanza CK) from the review area. Results from the APT note that the review area is currently in the dry season and experiencing severe drought. However, the results indicate that the field visit was conducted during normal conditions for the rolling 30-year period.
- C. Additional comments to support AJD:** The review area encompasses approximately 0.10-acres and consists of a graded earthen low water crossing situated within an aquatic feature that contributes surface water flow to the Rio Nambe. The site is located within the Hydrologic Unit Code (HUC)-12 boundary of the Rio Nambe (No. 130201011201) in Nambe Pueblo, Santa Fe County, NM. This area falls within the Natural Resources Conservation Service’s (NRCS) designated Land Resource Region (LRR) D-Western Range and Irrigated Region, specifically within Major Land Resource Area (MLRA) 36-Southwestern Plateaus, Mesas, and Foothills. This MLRA is located on the intermontane plateaus where the landforms are mostly controlled by underlying sedimentary rock formations. Elevations within the MLRA generally range from 4,600 to 8,500 feet but can reach heights of 9,300 feet. Average annual precipitation for the region ranges from 10 to 16 inches. Precipitation occurs in winter in the form of snow, but the region is characterized by cold dry winters in which moisture is much less than in the summers. Generally, the majority of the annual precipitation within this region occurs during the monsoon season from July to September. The NRCS Web Soil Survey indicates the review area contains primarily a Levante-Riverwash complex, 1 to 3 percent slopes, and Ohke sandy loam, 1 to 3 percent slopes. The soils are categorized as being excessively drained and somewhat excessively drained, respectively.

As part of the JD assessment, Google Earth aerial images of the review area dated June 2017, November 2015, October 2013, September 2011, June 2011, September 2011, July 2005, April 2005, October 2004, September 2003, and December 2002 were examined. Evidence of flow (i.e. defined channel devoid of vegetation) was observed within the aerial images of the review area. However, none of the images captured active flow events or onsite ponding. Digital Globe images of the review area dated June 28, 2020, April 27, 2020, June 22, 2019, April 19, 2019, and July 11, 2018 yielded the same results.

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An onsite assessment of the review area was conducted on August 31, 2020. The aquatic feature upstream and downstream of the graded low water crossing exhibited marginal signs of a bed and bank and indicators of an ordinary high-water mark (OHWM) [e.g. sediment sorting, minor breaks in slope, & gravel sheets]. The vegetation lining the streambank corridor is composed of mature upland plants, specifically, Sagebrush (*Artemisia sp.*) and Apache plume (*Fallugia paradoxa*). No riparian vegetation or wetlands were identified within the review area.

It has been determined that the aquatic feature evaluated as part of this review is an ephemeral stream channel. The marginal stream bed and bank, the lack of observed flow or ponding during the site assessment and aerial imagery review, the low likelihood of snowpack accumulation based on the precipitation patterns of the region, the lack of riparian vegetation, and the presence of mature upland vegetation within the review area are indications that the aquatic feature experiences flow for short durations of time after perceptions events (i.e. rain or snow). Furthermore, the USGS' National Hydrograph Dataset classifies the aquatic feature as an ephemeral stream channel. As such, the aquatic feature is excluded from regulation under the National Waters Protection Rule.

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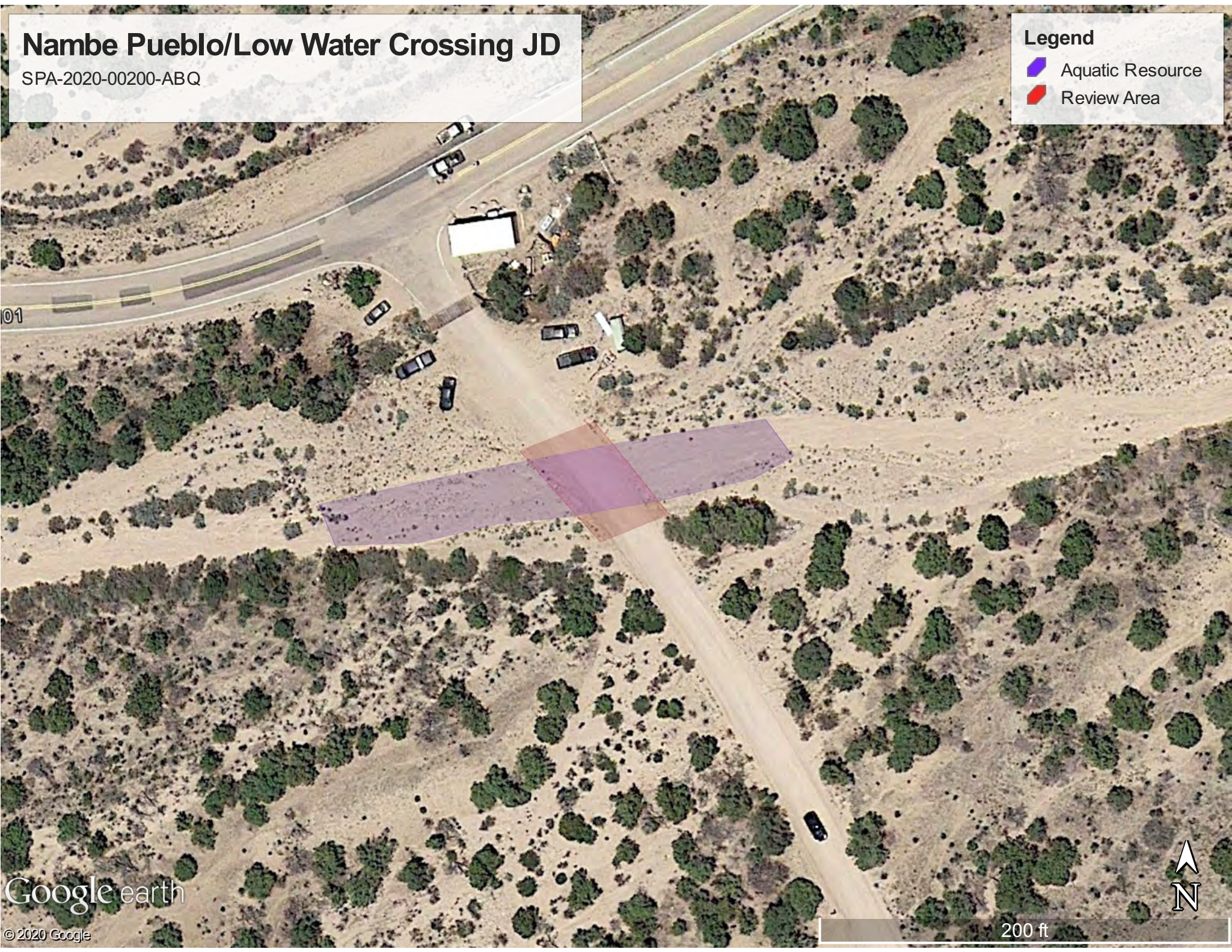


# Nambe Pueblo/Low Water Crossing JD

SPA-2020-00200-ABQ

## Legend

-  Aquatic Resource
-  Review Area



Google earth

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200 ft