



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): October 27, 2020

ORM Number: SPA-2020-00236-ABQ

Associated JDs: N/A

Review Area Location¹:

State/Territory: NM City: Rodarte County/Parish/Borough: Taos County

Center Coordinates of Review Area: Latitude 36.152 Longitude -105.6728

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: Portions of the review area contain a dominance of wetland type vegetation, but do not exhibit indicators of hydric soils or hydrology. Additionally, no riverine features were observed within the review area. Therefore, the review area is comprised entirely of dry land.
- ☐ 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

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

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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 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.

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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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))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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.

X Information submitted by, or on behalf of, the applicant/consultant: Review area map and AJD form.

This information *is and is not* sufficient for purposes of this AJD but will aid in the review.

Rationale: The map and AJD form will aid in the identification of the review, but more information will be needed to evaluate the site.

Data sheets prepared by the Corps: N/A

X Photographs: Google Earth (2017). Onsite photographs taken October 9, 2020.

X Corps Site visit(s) conducted on: October 9, 2020

 Previous Jurisdictional Determinations (AJDs or PJDs): N/A

X Antecedent Precipitation Tool: Detailed discussion in Section III.B.

X USDA NRCS Soil Survey: *Custom Soil Resource Report for Taos County and parts of Rio Arriba and Mora Counties, New Mexico* (Accessed 10/19/20).

USFWS NWI maps: N/A

X USGS topographic maps: USGS Penasco Quadrangle, New Mexico-Taos County, 7.5 minute series. 2020. (1:24,000 topo map)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	United States Department of Agriculture, Natural Resources Conservation Service. <i>Ecological site R036XB008NM Meadow</i> . Accessed 10/19/20. 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 Agriculture Handbook 296.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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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 two (2) weather stations located approximately 6.9 miles (Gallegos Peak) and 10.3 miles (Truchas 1.4 ESE) from the review area. Results from the APT note that the review area is currently in the dry season and experiencing extreme drought. The results indicate that the field visit was conducted during drier than normal conditions for the rolling 30-year period.

A review of the APT climate data for the previous 20 years indicates the region has been experiencing drier than normal conditions for five (5) of the previous six (6) years, while the preceding 14 years have been categorized as normal or wetter than normal. Although the site assessment was conducted during drier than normal climatic conditions, given the historic climate data identified above it is unlikely that the drier than normal conditions have significantly affected the presence or absence of wetland soil indicators or aquatic resource indicators within the review area.

- C. Additional comments to support AJD:** The review area is approximately 0.28-acres and is located within the 12-digit Hydrologic Unit Code (HUC) boundary of the Outlet Rio Santa Barbara (No. 130201010905). This area falls within the Natural Resources Conservation Service’s (NRCS) designated Land Resource Region (LRR) D-Western Range and Irrigated Areas, specifically within Major Land Resource Area (MLRA) 36-Southwestern Plateaus, Mesas, and Foothills. The MLRA is generally located mainly in canyon lands and extends marginally into the Southern Rocky Mountain Province (NRCS 2006). Elevations within the MLRA range from 4,600 to 8,500 feet and certain small portions of the region can reach elevations of 9,300 feet. Average annual precipitation ranges from 10 to 16 inches with about 25 to 35 percent occurring in the form of snow during the winter. 65 to 75 percent of total precipitation occurs in the form of rain typically between April and November. “Wide yearly and seasonal fluctuations are common for this climatic zone” (NRCS 2020). The NRCS Web Soil Survey indicates the review area contains primarily Loveland clay loam soils, 0 to 3 percent slopes, which are rated as hydric within this region.

An on-site assessment of the review area was conducted on October 9, 2020. The review area is irregularly shaped and situated atop a mounded portion of the property (see attached map of the review area). The Rio Santa Barbara is located approximately 100-feet downgradient of the southern perimeter of the review area. Approximately 30 to 50 feet north of the northern boundary of the review area is a depressional wetland that begins at the toe of a sloped bank. Nine (9) soil sample pits were excavated at various points within the boundary of the review area (see attached map). Each pit was excavated to a depth of 16 to 20 inches. The soils within each pit did not exhibit characteristics of hydric soils, such as redoximorphic features, depleted features, or Histosols. Hydrologic indicators, such as surface water (A1), soil cracking (B6), or saturation (A3) were not observed within the review area or within the soil sample pits. Additionally, signs of recent high-water events, such as drift deposits (B3) or sediment deposits (B2) were not observed within the review area.

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Spike rush (*Eleocharis sp.*/OBL-FACW), Rush plants (*Juncus spp.*/OBL-FAC), horsetail (*Equisetaceae sp.*/OBL-FACW), Bent grass (*Poaceae sp.*/FAC), and other various unidentified plant species were observed within the review area. Spike rush, Rush plants, and bent grass were the dominant plant species near the boundary of the review area. As you approach the center of the review area vegetated cover became less prominent while bare ground becomes more prominent.

The review area does not contain wetlands exhibiting all three (3) required components of Corps regulated wetlands (i.e. hydrophytic vegetation, hydric soils, and hydrology). Additionally, no stream channels are present within the review area.

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Sanchez/Approved Jurisdictional Determination

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Legend

 JD Review Area

Google Earth

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100 ft