



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): 8-JAN-2021

ORM Number: SPA-2020-00273

Associated JDs: N/A

Review Area Location¹:

State/Territory: NM City: Blanco County/Parish/Borough: San Juan County

Center Coordinates of Review Area: Latitude 46.710054, Longitude -107.784671

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 and 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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Largo Wash	0.17 acres	RHA Section 10 water excluded from CWA as B3EPHEMERAL	Ephemeral feature

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: *2020-273. Map (2020).*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps:

Photographs: Aerial imagery – Google Earth 2019, Digital Globe 2018; On-site photographs 2021.

Corps Site visit(s) conducted on: *1/4/21*

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool:

USDA NRCS Soil Survey:

USFWS NWI maps:

USGS topographic maps:

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset (2020), WaterWatch (2020)
USDA Sources	N/A.
NOAA Sources	U.S. Drought Monitor
USACE Sources	National Wetland Plant List (2020)
State/Local/Tribal Sources	NMED San Juan Basin Watershed Management Plan (2005)
EPA Sources	The Ecological and Hydrological Significance of Ephemeral and Intermittent Streams in the Arid and Semi-arid American Southwest (2008).
DOI Sources	Navajo Operations EIS (2005), Effects of Roads and Well Pads on Upland Erosion in the Largo Canyon Watershed, New Mexico (2001).
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 Emerging North American Megadrought. <i>Science</i> . Vol. 368 Issue 6488. Pp. 314-318.

B. Typical year assessment(s): Data provided by USGS and NOAA indicates that this region is experiencing *Extreme Hydrologic Drought* and conditions are expected to persist. Stream gages in San Juan County are reporting *below normal* flows across the region. A peer reviewed study conducted by Columbia University indicates that the American Southwest is experiencing a historic

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“megadrought” with the last twenty years ranking as the second-driest period in the past 1,200 years (A. Park. Williams, 2018).

- C. **Additional comments to support AJD:** The review area is located approximately 2.5 miles southeast of Blanco, New Mexico, and the applicant has provided a project map identifying the limits of where work would occur. The project is located within Largo Wash on land managed by the Bureau of Land Management.

The Largo Canyon Watershed drains approximately 1700 square miles and consists primarily of sedimentary deposits such as sandstone and shale. It receives on average 10 inches of rainfall annually (USGS, 2001), and has been identified as a significant contributor of sediment to the San Juan River due to the high erosivity of the substrate (NMED 2005). The watershed is subject to the monsoonal weather pattern typical of the southwestern U.S. with most of the annual precipitation occurring from July to September. According to the Bloomfield 3 SE climatologic station, which is approximately 10 miles west of the review area, snow generally falls from December to mid-February and averages less than one-half inch in depth.

At the project location Largo Wash is approximately 515 feet (ft.) wide and during the site visit conducted on January 4, 2021 there were no signs of flow within the review area. Wildlife tracks were visible on the surface and numerous tumbleweeds (*Salsola* spp.) had accumulated along the 3-4 ft. high walls of the channel. A 3 ft. x 3ft. area of willows measuring approximately 2-3 feet in height and approximately 1 inch in diameter were present around the location where the exposed pipeline enters the subsurface, but vegetation in and adjacent to the channel primarily consists of upland species such as sagebrush (*Artemisia tridentata*), greasewood (*Sarcobatus vermiculatus*), and Russian thistle (*Salsola* spp.). The floodplain likely experiences braided flow due to the high intensity precipitation events, subsequent incision, and downstream deposition of large volumes of sediment. This is reflected in the imagery from 2018 (Digital Globe) where indicators of flow are observed on the opposing side of the channel and in 2019 (Google Earth) where indicators are present in the vicinity of the review area. Ephemeral channels in the arid southwest have been characterized as having high width-depth ratios and are likely to be braided (EPA, 2008). Based on evaluated data, information provided by the applicant, and in accordance with 33 CFR 328.3, this reach of Largo Wash does not meet the definition of “Waters of the United States” and is not subject to regulation under Section 404 of the Clean Water Act.

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Simmons No. 10 Exposure

Google Earth

Imagery © 2014 4/2/2014 36.710261° N, 107.794388° W, elev. 5600 ft, eye alt. 5041 ft