



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): May 19, 2021

ORM Number: SPA-2020-00298-ABQ

Associated JDs: N/A

Review Area Location¹:

State/Territory: NM City: Cannon Air Force Base County/Parish/Borough: Curry County
Center Coordinates of Review Area: Latitude 34.387031 Longitude -103.317205

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
Retention Pond-H	2 acres	(b)(12) Waste treatment system	The aquatic feature is part of wastewater treatment system (i.e. evaporation pond) categorized as a (b)(12) water and is excluded from jurisdiction.
Retention Pond-I	1.75 acres	(b)(12) Waste treatment system	The aquatic feature is part of wastewater treatment system (i.e. evaporation pond) categorized as a (b)(12) water and is excluded from jurisdiction.
Wetland-A	4.56 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.
Wetland-B	16.7 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.
Wetland-C	0.18 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.
Wetland-D	1.82 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.
Wetland-E	1.5 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.
Wetland-F	13.6 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.
Wetland-G	3.9 acres	(b)(1) Non-adjacent wetland	The aquatic resource is non-adjacent wetland categorized as a (b)(1) water and is excluded from jurisdiction.

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: : *“Cannon Air Force Base: Waters of the United States Delineation”, August 2005.*

This information is sufficient for purposes of this AJD.
Rationale: *N/A.*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Aerial photos from document titled “Cannon Air Force Base: Waters of the United States Delineation”. Google Earth imagery 2020-2006.*

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).*

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- USFWS NWI maps: *Title(s) and/or date(s)*.
- X** USGS topographic maps:
Oasis State Park Quadrangle 7.5 Minute Series (scale 1:24,000)-New Mexico.2020.
Portair Quadrangle 7.5 Minute Series (scale 1:24,000)-New Mexico, Curry County.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.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** A typical year assessment was not conducted due to the type and setting of the aquatic resources whose jurisdiction would not be influenced by climatic factors.
- C. Additional comments to support AJD:** Google Earth ariel imagery of the review area for the dates of February 2020, October 2016, January 2014, March 2012, October 2011, August 2011, August 2009, April 2007, and October 2006 was examined as part of this review. During the examination, none of the aquatic resources appeared to discharge to the surrounding area nor were indications of an outlet connection between the aquatic resources and the surrounding landscape observed. Additionally, there did not appear to be any other aquatic resources surrounding Cannon Air Force Base (AFB).

Wetland-A is a depressional palustrine emergent seasonal flooded wetland. Hydrology within this wetland is generally a result of stormwater runoff from the flight line via a culverted drainage system and the surrounding uplands. Historic disposal of fill material into areas surrounding the wetland have created steeper banks and appear to confine water that enters the wetland. This aquatic resource does not appear to contain an outlet. Wetland-A is considered a non-adjacent wetland and categorized as a (b)(1) water excluded from jurisdiction.

Wetland-B is a permanently flooded wetland that has been excavated over time to increase holding capacity. Hydrology within the wetland is a result of directed stormwater runoff from the surrounding facilities and uplands. The wetland is confined and does not appear to contain an outlet or contain a connection with any waters of the U.S. Wetland-B is considered a non-adjacent wetland and categorized as a (b)(1) water excluded from jurisdiction.

Wetlands-C through G are depressional palustrine emergent occasionally flooded wetlands that have been altered over time. Specifically, a golf course has been constructed around Wetlands C-G, confining them to their current location and prohibiting any release of water from these areas.

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Hydrology within these wetlands is a result of overland sheet flow from the surrounding golf course. The wetlands do not appear to contain an outlet or have a connection to any waters of the U.S. Wetlands-C through G are considered a non-adjacent wetland and categorized as a (b)(1) water excluded from jurisdiction.

Retention Ponds-H & I are artificially created plastic-lined evaporation ponds associated to the Cannon AFB wastewater treatment plant. Effluent within these ponds are retained within the pond and do not discharge into a waters of the U.S. Retention Ponds-H & I are part of a waste treatment system and are categorized as a (b)(12) water excluded from jurisdiction.

Based on the review of aerial imagery and the information provided by the applicant in the document titled "Cannon Air Force Base: Waters of the United States Delineation", Wetlands-A through G are considered non-adjacent wetlands categorized as (b)(1) waters and Retention Ponds-H & I are considered part of a waste treatment system and categorized as (b)(12) waters. In accordance with 33 CFR 328.3 and the June 22, 2020 implementation of the Navigable Water Protection Rule, these aquatic resources do not meet the definition of "Waters of the United States" and, therefore, are not currently subject to regulation under Section 404 of the Clean Water Act.

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