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): 7/12/2021
ORM Number: SPA2021-211
Associated JDs: N/A
Review Area Location[1]: State/Territory: New Mexico City: Coruco County/Parish/Borough: San Miguel
Center Coordinates of Review Area: Latitude 35.356786° Longitude -105.433789°

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.	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.	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.	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.	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.	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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Unnamed tributary to Pecos River	1300	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: **Gerald Romero from Tierra y Montes SWCD submitted wetland delineation data sheets**

This information is not sufficient for purposes of this AJD.
Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
☒ Photographs: Aerial:
☐ 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: July 8, 2021
☒ USFWS NWI maps: July 8, 2021
☒ USGS topographic maps: NM Sena 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)	N/A.
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 Emerging 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, it should be noted that upon reviewing the ATP results discussed in the next section, this area

[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.

experiences a highly variable amount of precipitation each year. Due to this lack of a consistent amount of precipitation from year to year for the review area, it is difficult to determine whether the analysis has been conducted during normal, wetter, or drier conditions. Regardless, the results of this AJD are not heavily reliant on the typical year assessment.

It is also worth noting that a recent study by Columbia University notes 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). Based on this data, it seems reasonable that in New Mexico a typical year within the 30-year rolling period is characterized by drought conditions—even severe drought conditions.

C. Additional comments to support AJD:

The review area for this AJD includes the location of one planned project (Arawaka Fish and Wildlife Channel Restoration) by the applicant.

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 14 to 16 inches annually. Seventy seven percent of the year's moisture normally falls during the period of May through October. Practically all of it is brought by brief afternoon and evening thunderstorms. In July and August, normally the wettest months of the year. Winter precipitation supplies 24 percent of the year's moisture. About 70 percent of the 14 to 16 inches of annual precipitation falls in the form of rainfall during the frost-free season. About 40 percent of the annual precipitation benefits cool-season plants, 50 percent benefits warm-season plants and 10 percent falls during the season of plant dormancy. March is the windiest month. Strong winds during the spring cause rapid drying of the soil surface.

There is one predominate soil type present in the review area: Tinaja gravelly loam. The Tinaja gravelly loam soil is described as Well drained with a depth to restrictive feature of more than 80 inches and a depth to water table greater than 80 inches. The soil is does not flood or pond. A typical profile for this soil consists of 0 to 7 inches of gravelly loamy in the H1 Horizon, 7 to 14 inches of gravely loam in the H2 Horizon, 14 to 60 inches of extremely gravelly loamy sand in the H3 Horizon.

Data from the Office of the State Engineer shows 2 wells within 0.1 of a mile of the project site. Well UP-03780 has a depth to water of 48 feet and well number UP-03139 has a depth to water of 45 feet.

The APT tool was run for the following additional dates in conjunction with reviewing satellite imagery of the review area: July 25, 2014, October 18, 2012, July 24, 2011, and June 30, 2005 (see document 2021-211 APT Batch Results.pdf, 2021-211 Satellite Imagery 06-25-2014, 2021-211 Satellite Imagery 10-18-2012, 2021-211 Satellite Imagery 07-24-2011, and 2021-211 Satellite Imagery 06-30-2005). The dates of July 25, 2014, October 18, 2012, July 24, 2011, and June 30, 2005 were selected because for each date there was at least one precipitation event of over 0.5-inch withing the previous 14 days and available satellite imagery for those dates. Upon review of satellite imagery for these dates, no surface water or indication of recent flows were observed in the stream channel. 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 occasional flows in response to rain events and, therefore, is ephemeral.

Untitled Map

Write a description for your map.

Legend

- Arawaka Restoration project
- projected work area 1.82 acres

Arawaka Restoration project

Google Earth

N

300 ft