

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 21, 2021**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SPA-2021-00403 Velarde Earth Work**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: New Mexico County/parish/borough: Rio Arriba City: Velarde

Center coordinates of site (lat/long in degree decimal format): Lat. 36.137824 °, Long. -106.003135 °

Universal Transverse Mercator: 13 S 409746 x-*ea*, 3999701 y-*no*

Name of nearest waterbody: Rinconada Isla Ditch

Name of watershed or Hydrologic Unit Code (HUC): Upper Rio Grande Watershed (HUC8 13020101)

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

Office (Desk) Determination. Date: December 20, 2021

Field Determination. Date(s): December 2, 2021

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: [Click here to enter text.](#)
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: SPA-2021-403 NPR MFR
- U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: [Click here to enter text.](#)
- USDA Natural Resources Conservation Service Soil Survey. Citation: SPA-2021-Site Map
- National wetlands inventory map(s). Cite name: SPA-2021-403 NWI
- State/Local wetland inventory map(s): [Click here to enter text.](#)
- FEMA/FIRM maps: SPA-2021-403 FEMA
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): SPA-2021-403 Site Map
- or  Other (Name & Date): Photo 1, 2, 3, & 4
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): Site investigation conducted.

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The review area is within an arid climate that has an annual rainfall of 14 inches. According to the USDA NRCS the depth to water table at the project location is over 200 centimeters deep. The soils in the review area are also classified as well drained. During our site visit investigation, the review area did not contain any swales and contained only sparse upland plants. The landowner is wanting to restore a manageable grade from previous excavation that made steep slopes on his property (seen in photos and aeriels). The project area has a likely jurisdictional arroyo close by (south of review area), but the landowner says he has no plans to work in or close to the

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<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

arroyo. During our site visit the project area was flagged and the flags by the arroyo were well outside the OHWM. As a result, it is the conclusion of the Corps that the review area is composed entirely of dry land.