DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
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): January 26, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SPA-2022-00049 Taos Yurt AJD

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: New Mexico County/parish/borough: Taos County City: Taos
Center coordinates of site (lat/long in degree decimal format): Lat. 36.392744 °, Long. -105.605427 °
Universal Transverse Mercator: 13 S 445706 x-ea 4027682 y-no
Name of nearest waterbody: Rio Fernando de Taos
Name of watershed or Hydrologic Unit Code (HUC): Upper Rio Grande (HUC8 13020101)

- [x] 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):

- [x] Office (Desk) Determination. Date: January 25, 2022
- [x] Field Determination. Date(s): January 19, 2022

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):

- [x] Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: FW_ [Non-DoD Source] Building permit clearance for wetland.pdf
- [ ] 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.
- [x] Data sheets prepared by the Corps: ATP Batch Result.pdf, Taos Drought Map.png, Well Depth OSE POD Locations.PNG
- [x] U.S. Geological Survey Hydrologic Atlas: NRCS Upper Rio Grande Watershed
  - [ ] USGS NHD data.
  - [x] USGS 8 and 12 digit HUC maps.
- [ ] U.S. Geological Survey map(s). Cite scale & quad name: *Click here to enter text.*
- [x] USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Soil_Map.pdf
- [x] National wetlands inventory map(s). Cite name: NWI Map.pdf
- [ ] State/Local wetland inventory map(s): *Click here to enter text.*
- [x] FEMA/FIRM maps: FEMA Map
- [ ] 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)
- [x] Photographs: [x] Aerial (Name & Date): Google Earth 1 through 5 PNGs saved January 25, 2022
  or [x] Other (Name & Date): Photo 1 through 9 JPEGs from site visit, January 19, 2022
- [ ] 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.*
- [x] Other information (please specify): Ecological site R036XB008NM.pdf, NRCS Depth to Water Table.pdf,

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: This review area has a semi-arid continental climate. There are distinct seasonal temperature variations. Mean annual precipitation varies from 10 to 16 inches. The overall climate is characterized by cold dry winters in which winter moisture is less than summer. Wide yearly and seasonal fluctuations are common for this climatic zone, which can range from 5 to 25 inches. Of this, approximately 25-35% falls as snow, and 65-75% falls as rain between April 1 and November 1. The growing season is April through September.

[1] 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.

According to the USDA NRCS the depth to water table at the project location is approximately 122 centimeters deep. This is further supported from a nearby well (approximately 215 feet from review area) that the New Mexico Office of the State Engineers records indicate has a depth of 305 centimeters to the water table.

The US Fish & Wildlife Service's National Wetlands Inventory map has the review area as freshwater emergent wetland. This is similar to the FEMA flood map that has the review area in Flood Zone X, which is an area with low-to-moderate flood risk. Although, 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.

The National Oceanic and Atmospheric Administration (NOAA) categorizes drought conditions by intensity, and data over the last 20 years indicates that the Albuquerque District has experienced consistent drought conditions throughout this period. Current conditions in Taos County reflect 45.07% of the county is experiencing "extreme drought" (NOAA, 2022) including the review area.

To thoroughly investigate the review area a site visit was conducted on January 19, 2022 and 2 holes were dug in the review area to inspect for hydric soil indicators; both samples although dark lacked any hydric soil indicators ruling out the review area being a wetland by the US Army Corps of Engineers' (Corps) 1987 definition of a wetland. Furthermore, upon visual inspection the review area did not appear to have any hydrological indicators that are found on the Western Mountain, Valleys, and Coast Region delineation form. Satellite imagery over several years also shows no apparent inundation in the review area. The review area was previously an agricultural field so determining hydrophytic vegetation was not possible during the site visit, but to reiterate the finding of no hydric soils in the review area excludes it from being a wetland as defined by the Corps. As a result, it is the conclusion of the Corps that the review area is composed entirely of dry land.