

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Water Management project on Ladd S. Gordon Waterfowl Complex, SPA-2022-00118

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: NM County/parish/borough: Socorro County City: N/A

Center coordinates of site (lat/long in degree decimal format): Lat. 34.439957 °, Long. -106.82183°

Universal Transverse Mercator: 332620.03 W, 3812444.55 N, Zone 13

Name of nearest waterbody: Grande, Rio

Name of watershed or Hydrologic Unit Code (HUC): Rio Grande-Albuquerque 13020203

- 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:
June 13, 2022
- Field Determination. Date(s):
May 12, 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):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
- 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:
- U.S. Geological Survey Hydrologic Atlas: Rio Grande Region
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Abeytas
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Abeytas
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date):
- or Other (Name & Date): Sight photographs (June 3, 2021)
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:

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.

The review area (RA) for the purposes of the Jurisdictional Determination (JD) is the 243-acre study area that contains “E-Units” that measures approximately 80 acres (see figure 1) and the “Quagmire” that measures approximately 163 acres (see figure 1). This area is comprised entirely of dryland/uplands.

The RA is comprised of artificially irrigated wetlands. These wetlands contain characteristics of wetland vegetation, hydric soils, and wetland hydrology. However, without the application of irrigation water, the site immediately reverts to uplands. In accordance with Section 404, Preamble of the Clean Water Act; clearly states that we generally do not consider these waters to be water of the U.S. if “(b) *Artificially irrigated areas which would revert to upland if the irrigation ceased* [40 CFR 328.3(b); Vol. 51, No. 219, p. 41217]”.