

**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):**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Wastewater System Improvements Pueblo of Zia, SPA-2022-00174**

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

State: NM County/parish/borough: Sandoval County City:

Center coordinates of site (lat/long in degree decimal format): Lat. 35.50383 °, Long. -106.70431°

Universal Transverse Mercator: 345430.7 W, 3930253.56 N, Zone 13

Name of nearest waterbody: Chamisa, Arroyo

Name of watershed or Hydrologic Unit Code (HUC): Jemez 13020202

- 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: 5/19/2022

Field Determination. Date(s): May 5, 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: Environmental Assessment June 2020
- 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. 2022-174 HUC 12 Map.pdf
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Jemez Pueblo 2020
- USDA Natural Resources Conservation Service Soil Survey. Citation: 2022-174\_NRCS\_Soil\_Report.pdf
- National wetlands inventory map(s). Cite name: Jemez Pueblo, 2022-174 NWI Map.pdf
- 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):
- 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:**

The two arroyos evaluated within the 10.3-acre review area (RA) (Figure 1). These arroyos are known as the West Arroyo and the East Arroyo, for the purpose of this jurisdictional determination (JD), these arroyos make up 1300

<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.

linear feet (west arroyo 1200 linear feet) (east arroyo 100 linear feet). The West Arroyo is mapped by the national Wetlands Inventory (NWI) and the East Arroyo was not mapped by the NWI but is visible on site.

The Jemez River is the closest Water of the U.S. and is 0.4 miles away. The Jemez River flows directly into the Rio Grande which is the closest Navigable Water 14 miles away

On May 5, 2022, members of the U.S. Army Corps of engineers conducted a site visit of the RA. The north end of the West Arroyo seen in red on the map (Figure 1) has no discernable Ordinary High-Water Mark (OHWM). The lower reach of the West Arroyo seen in blue on the map (Figure 1) has a false OHWM created by windblown sand. This effect is caused by the use of vehicles, foot traffic, and livestock using this reach as a path. The traffic disrupts the soil structure causing the soil to be removed by high winds creating what appears to be a faint/false OHWM. However, this feature is not caused by flowing waters but by the wind and human activity. As a result, the West Arroyo has no natural occurring OHWM as result of water flow. The flow that does occur in the area as a result of precipitation is sheet flow. This flow will move through the RA terminating at the south end of the RA where all flow is retained, as seen in the orange area of the RA map (Figure 1).

The second arroyo known as the East Arroyo does have a discernable OHWM upstream of the RA. However, as the arroyo enters into the RA, the OHWM falls out and changes into sheet flow. The sheet flows continue on to the same terminus point as the West Arroyo and is retained until water percolates into the soil (Figure 1).

All flows for both the West and East Arroyos terminate at the south end of the RA. All flow is retained, and no flow continues downstream. Theses arroyos are isolated waters with no connection to interstate commerce and are not regulated under Section 404 of the CWA

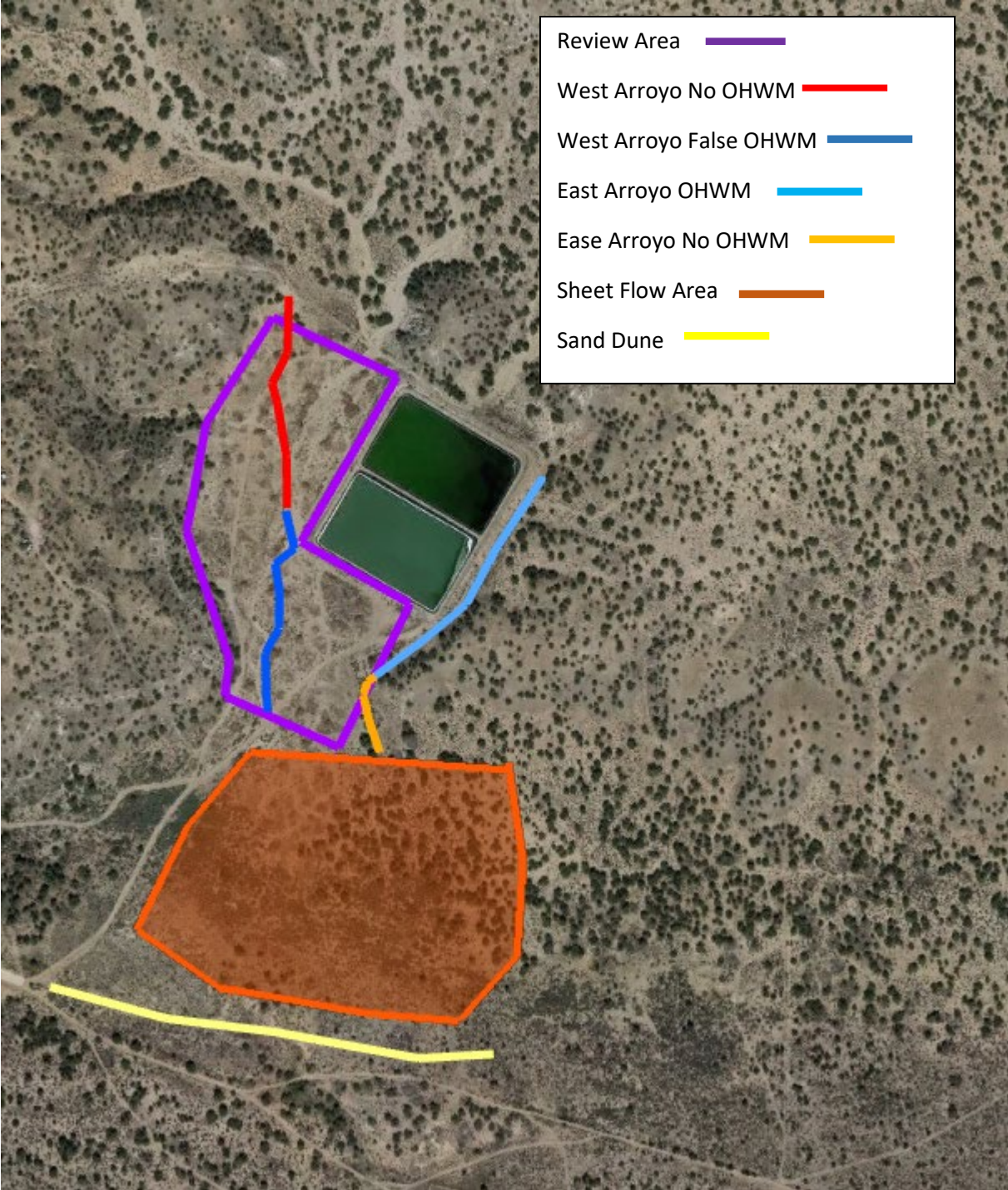


Figure 1