

**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): August 9, 2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, John Jacobs/Dry Land JD, SPA-2022-00304**

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

State: NM County/parish/borough: Taos County City: El Prado

Center coordinates of site (lat/long in degree decimal format): Lat. 36.4748861680301 °, Long. -105.605018483924°

Universal Transverse Mercator: 445799.62 W, 4036792.49 N, Zone 13

Name of nearest waterbody: Seco, Arroyo

Name of watershed or Hydrologic Unit Code (HUC): Upper Rio Grande 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:  
August 9, 2022
- Field Determination. Date(s):  
July 20, 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: Review area map
- 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:
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Taos
- 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): Applicant submitted photos 7/14/2022, Site Visit Photos 7/20/2022
- 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:**

On July 20, 2022, Corps Regulatory staff conducted a site examination within the review area. The review area is located within the applicant's one (1)-acre residential parcel and made up of two areas to be reviewed. Review Area-1 is located at the northwest corner of the parcel and Review Area-2 is located at the northeast corner of the parcel. A



<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.

stream of unknown flow type (i.e. intermittent or ephemeral) is located adjacent to the northwest corner of the property and an irrigation return ditch runs along the northern boundary and eastern boundary of the parcel. Review Area-1 contains a vegetated patch of ground and a ditch associated to historic irrigation that occurred prior to the development of the property. The ditch was completely vegetated and has not received flow for some time. The ditch did not exhibit an ordinary high-water mark (OHWM0) or bed and bank. This would not be considered a jurisdictional feature, nor would it be considered an aquatic resource in this context as it has not conveyed flows for an extended period. The vegetated patch within Review Area-1 was examined to determine if wetlands are present. Vegetation within the patch appeared to be composed of upland grasses (i.e. poaceae spp.). Additionally, two (2) soil pits were excavated to a depth of less than 10-inches due to the soil being hard and compact prohibiting further excavation. Both soil pits did not exhibit hydric soil indicators common to New Mexico wetlands such as, redoximorphic or depleted features. Review Area-2 contained the same features as Review Area- 1; upland grasses and hard compact soil containing no hydric soil indicators. Based on the site examination, the Corps has determined Review Area-1 and Review Area-2 are composed entirely of uplands and, therefore, are outside of the Corps' geographic jurisdiction.


# SPA-2022-00304


John Jacobs AJD Review Area Map

## Legend

-  Review Area
-  Soil Pit

Soil Pit-1 

Soil Pit-2 

Soil Pit-3 

Google Earth



200 ft