

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): 8/9/2022**
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Lordsburg solar project AJD request, SPA-2022-00314**
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: NM County/parish/borough: Grant County City: Lordsburg
Center coordinates of site (lat/long in degree decimal format): Lat. 32.255539 °, Long. -108.522591°
Universal Transverse Mercator: 733384.72 W, 3571454.71 N, Zone 12
Name of nearest waterbody: Burro Cienaga
Name of watershed or Hydrologic Unit Code (HUC): Animas Valley 15040003

- 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:
8-1-2022
- Field Determination. Date(s):
8-2-2022

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):

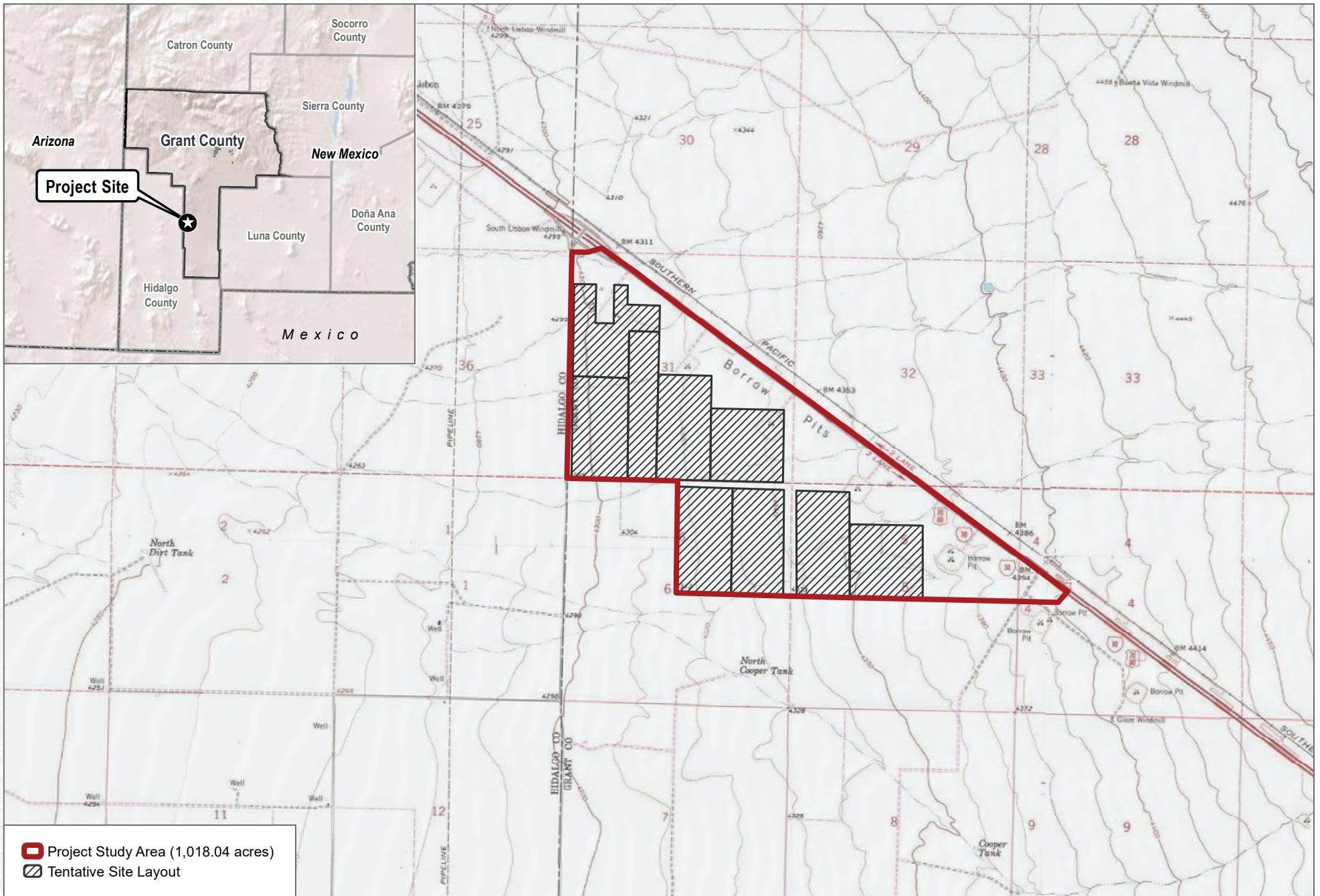
- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Dudek
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: Lower Colorado Region
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24K; Lisbon
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS websoil Survey
- National wetlands inventory map(s). Cite name: Lisbon
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Satellite imagery (Bing Maps 2021)
- or Other (Name & Date): Site images (May 4-5, 2022)
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature: Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin (USDA Handbook 296, issued 2006. pp 1-669) found at https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_050898.pdf
- 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 contains only small discrete drainages consistent with the effects of sheet flow with the presence of erosional rills and upland depression swells. In addition to the features discussed above the study area includes manmade livestock ponds constructed entirely within uplands with no indication of riverine features flowing into or out of each livestock pond. Ephemeral features identified by the agent have been determined to be erosional rills caused by sheet flows running down the banks of the livestock ponds and/or ruts caused by motor vehicles. A field site visit conducted by our office confirmed that there are no aquatic features that express a defined bed and bank or any indicators of an ordinary high-water mark.

The determination discussed above was based on the most recent aerial imagery available and the data collected by the agent to support this AJD. To summarize, the identified drainage areas lack a bed, bank, and/or OHWM and are simply the result of sheet flow during discrete precipitation events. And the previously constructed livestock ponds have been constructed entirely within uplands and do not have an OHWM themselves. Therefore, it has been determined that the 1,018-acre review area is comprised entirely of dryland.



SOURCE: Bing Maps 2021