

**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, Firebird Solar, SPA-2021-00384**

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

State: TX County/parish/borough: Ector County City:

Center coordinates of site (lat/long in degree decimal format): Lat. 31.7017 °, Long. -102.334°

Universal Transverse Mercator: 752670.94 W, 3510462.65 N, Zone 13

Name of nearest waterbody: Fivemile Creek

Name of watershed or Hydrologic Unit Code (HUC): Landreth-Monument Draws 13070007

- 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: **November 30, 2021**
- Field Determination. Date(s):

**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; South Cowden Ranch
- USDA Natural Resources Conservation Service Soil Survey. Citation: Custom Soil Resource Report for Ector and Crane Counties, Texas November 30, 2021
- National wetlands inventory map(s). Cite name: South Cowden Ranch
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: 2021-384 Flood map
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): 2021-384 Aerial photos
- 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 review area is within an arid climate that has an annual rainfall of 14 inches. There is no visible channel that crosses the review area and according to the national wetland inventory map, no potential wetlands occur within the review area. However, there is an ephemeral wetland, defined as Palustrine Freshwater Pond adjacent to but not within the review area. That feature was separated by a road that was constructed sometime after October 2014 as shown in the areal images. As a result, it is the conclusion of the Corps that the review area is composed entirely of dry land.

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<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.