

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):3/9/2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Albuquerque District, Alchemist Atlanta Pipeline Project, SPA-2023-00131

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

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

Center coordinates of site (lat/long in degree decimal format): Lat. 31.655038 °, Long. -103.560355°

Universal Transverse Mercator: 636495.32 W, 3503100.36 N, Zone 13

Name of nearest waterbody: Pecos River

Name of watershed or Hydrologic Unit Code (HUC): Lower Pecos-Red Bluff Reservoir 13070001

- 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:3/7/2023
- 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; Mentone
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Mentone
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google® satellite image 2/2019
- or Other (Name & Date): Site photographs February 17, 2023
- 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 contains only one small discrete drainage consistent with the effects of sheet flow with the presence of erosional rills and upland depressional swells. Ephemeral feature identified by the agent have been determined to be erosional rill caused by sheet flows and motor vehicles.

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. Therefore, it has been determined that the 0.60-mile review area is comprised entirely of dryland.

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.