



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 6/7/2021
 ORM Number: SPA-2021-00128-LCO (Stateline Oilfield Waste Disposal Pit)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: NA County/Parish/Borough: Loving
 Center Coordinates of Review Area: Latitude 31.996328° Longitude -103.715269°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: There is 270 acres of land within the project area. The site is comprised entirely of uplands and upland drainage features.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

| § 10 Name | § 10 Size | § 10 Criteria | Rationale for § 10 Determination |
|-----------|-----------|---------------|----------------------------------|
| N/A. | N/A. | N/A. | N/A. |

C. Clean Water Act Section 404

| Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³ | | | |
|---|-------------|-----------------|------------------------------------|
| (a)(1) Name | (a)(1) Size | (a)(1) Criteria | Rationale for (a)(1) Determination |
| N/A. | N/A. | N/A. | N/A. |

| Tributaries ((a)(2) waters): | | | |
|------------------------------|-------------|-----------------|------------------------------------|
| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
| N/A. | N/A. | N/A. | N/A. |

| Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters): | | | |
|---|-------------|-----------------|------------------------------------|
| (a)(3) Name | (a)(3) Size | (a)(3) Criteria | Rationale for (a)(3) Determination |
| N/A. | N/A. | N/A. | N/A. |

| Adjacent wetlands ((a)(4) waters): | | | |
|------------------------------------|-------------|-----------------|------------------------------------|
| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
| N/A. | N/A. | N/A. | N/A. |

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|------|------------------------|---------------------------------------|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| N/A. | N/A. | N/A. | N/A. | |

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [KJ Environmental Mgt., Inc.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Title\(s\) and/or date\(s\)](#).
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [QuikTripStore7909 _Soil_Report](#)

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--|--|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | A. Park Williams, Edward R. Cook, Jason E. Smerdon, Benjamin I. Cook, John T. Abatzoglou, Kasey Bolles, Seung H. Baek, Andrew M. Badger, Ben Livneh. 2018. Large Contribution from Anthropogenic Warming to an Emerging North American Megadrought. Science. Vol. 368 Issue 6488. Pp. 314-318. |

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [The review area falls within the Chihuahua Desert, which has a dry climate with only one rainy season in the summer and smaller amounts of precipitation in early winter. Most of the summer rains fall between late June and early October, during the North American Monsoon when moist air from the Gulf of Mexico penetrates into the region. Furthermore, it is considered a rain shadow desert because the two main mountain ranges covering the desert, the Sierra Madre Occidental to](#)

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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the west and the Sierra Madre Oriental to the east, block most moisture from the Pacific Ocean and the Gulf of Mexico respectively.

Temperatures in this area range from 35 to 40° Celcius (C) (95 to 104°Fahrenheit [F]); and the average annual temperature is 24° C (75° F). The mean annual precipitation is 235 millimeters (mm) (9.3 inches [in]) with a range of approximately 150 to 400 mm (6 to 16 in), and snowfall is minimal to non-existent. Soils are well drained and the water table exceeds 80 inches in depth.

Based on a review of aerial imagery and photographs of the proposed project site, the three features are erosional and not potential waters. There is no sign of bed and bank or ordinary highwater mark.



LEA COUNTY

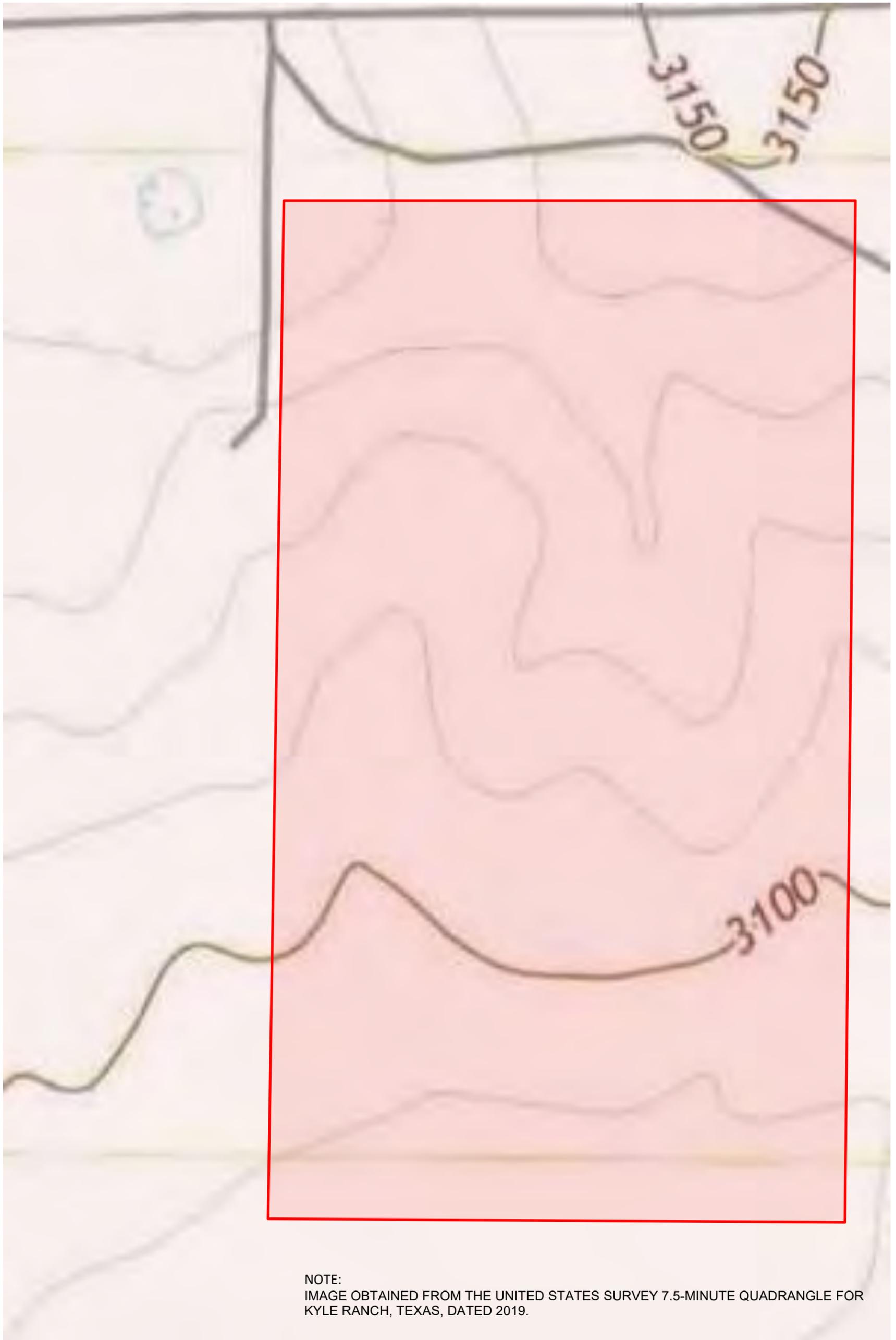
LOVING COUNTY

LEGEND

-  Site Boundary
-  Rivers/Streams
-  Transect
-  Proposed Wetland

NOTE:
GOOGLE MAPS WAS USED AS AN UNDERLAY IMAGE FOR
THIS MAP. (<http://google.com/>)

| | | | | | |
|---|------------------------|---|---|---|---|
| FIGURE: <h1 style="margin: 0;">02</h1> | Scale: 1"~1,280' | PROPOSED WETLANDS MAP STATELINE OILFIELD WASTE DISPOSAL PIT STATELINE OILFIELD WASTE DISPOSAL, LLC LATITUDE/LONGITUDE: 31.996328, - 103.715269 LOVING COUNTY TEXAS |  500 Moseley Road Cross Roads, Texas 76227 Phone (940) 387-0805 KJE-US.COM (TBPE # F-12214) | THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR DEMOLITION PURPOSES. IT IS TO BE USED FOR INFORMATION PURPOSES ONLY. |  |
| | Date: APRIL 2021 | | | | |



NOTE:
 IMAGE OBTAINED FROM THE UNITED STATES SURVEY 7.5-MINUTE QUADRANGLE FOR
 KYLE RANCH, TEXAS, DATED 2019.

| | | | | | |
|----------------------------|------------------------|---|--|---|---|
| FIGURE: <h1>03</h1> | Scale: 1"~400' | TOPOGRAPHIC MAP STATELINE OILFIELD WASTE DISPOSAL PIT STATELINE OILFIELD WASTE DISPOSAL, LLC LATITUDE/LONGITUDE: 31.996328, - 103.715269 LOVING COUNTY TEXAS |  500 Moseley Road Cross Roads, Texas 76227 Phone (940) 387-0805 KJE-US.COM (TBPE # F-12214) | THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR DEMOLITION PURPOSES. IT IS TO BE USED FOR INFORMATION PURPOSES ONLY. |  |
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