



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): 18-AUG-2020  
ORM Number: SPA-2020-00217-LCO (Plexxar Capital, LTD. & Hunt Companies)  
Associated JDs: N/A  
Review Area Location<sup>1</sup>:

State/Territory: Texas City: El Paso County/Parish/Borough: El Paso County  
Center Coordinates of Review Area: Latitude 31.882 Longitude -106.573

**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: N/A
- ☐ 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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SPA-2020-00217	50 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The waterways identified within the project area resides within the Chihuahua desert. This region consists of a dry climate with a limited rainy season from midspring to mid-autumn. Review of recent aerial imagery during that time frame showed no observable indicators of flow. Additionally, recent site photos confirmed that the streams are in fact ephemeral features (see attached photos 1-12). The waterway does not have any connection to a ground water source and upper reaches of the system does not receive runoff from snowpack throughout the year. The only source of flow that the stream system receives is from high intensity precipitation events and runoff from adjacent urban developed storm water facilities. The waterway does not exhibit a riparian corridor and only upland vegetative species were observed.

**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: Kimley-Horn and Associates, INC.

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

☒ Data sheets prepared by the Corps: *National Wetland Plant List.*

☒ Photographs: *Aerial: Sheet 1. Location Map (Plexxar 50-ac, Tract C.); Sheet 2. USGS Topo Map; Sheet 3. Recent Aerial.*

*Site Photographs: Ephemeral streams within the project area; September 1, 2020*

☒ Corps Site visit(s) conducted on: *September 1, 2020.*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

☒ Antecedent Precipitation Tool: *See discussion in Section III.B.*

☒ USDA NRCS Soil Survey: *Albuquerque District Regulatory Viewer*

☒ USFWS NWI maps: *Albuquerque District Regulatory Viewer*

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X USGS topographic maps: *Albuquerque District Regulatory Viewer*

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Water Watch (2020)
USDA Sources	Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin (USDA Handbook 296, issued 2006)
NOAA Sources	U.S. Drought Monitor (2020)
USACE Sources	National Wetland Plant List (2018)
State/Local/Tribal Sources	Drought monitoring report for Texas (2020)
USDA/NRCS; Digital Globe	USDA/ NRCS Plants Database (2020); Digital Globe, G-EGD/EVWHS aerial imagery (8-10-2020)

- B. Typical year assessment(s):** The Data provided by USGS and NOAA indicates that the project site resides within an arid region experiencing moderate hydrologic drought and the conditions are expected to continue. Additionally, the Antecedent Precipitation Tool indicates that this general area is drier than normal. As such, the evaluation of the proposed project site for this AJD has not been conducted during a typical year. Therefore, additional data has been obtained and reviewed to support our jurisdictional determination.
- C. Additional comments to support AJD:** The review area is located within the city limits of El Paso, Texas and is comprised of the geographic boundary of the proposed scope of work, which encompasses approximately 50 acres. The single waterway identified in the review area is located within the arid Chihuahua desert. More specifically, the review area falls within the Southern Desertic Basins, Plains, and Mountains region (USDA Handbook 296, issued 2006).

This region consists of a dry climate with a limited rainy season from midspring to mid-autumn. The average annual precipitation for this area is between 8 to 14 inches, with little winter precipitation, snowfall is minimal to non-existent. 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). Soils are well drained, and the water table exceeds 80 inches in depth.

Vegetation in the area of review was identified using aerial imagery and consists predominantly of Creosote (*Larrea tridentate*) and Honey Mesquite (*Prosopis Mutica*) and sparse upland bunch grasses. Based on the data provided by the applicant and obtained by the Corps Regulator, the waterway within the review area is an ephemeral stream.

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Figure 1: Plexxar 50-Acre Tract C., Digital Globe Imagery on August 10, 2020.

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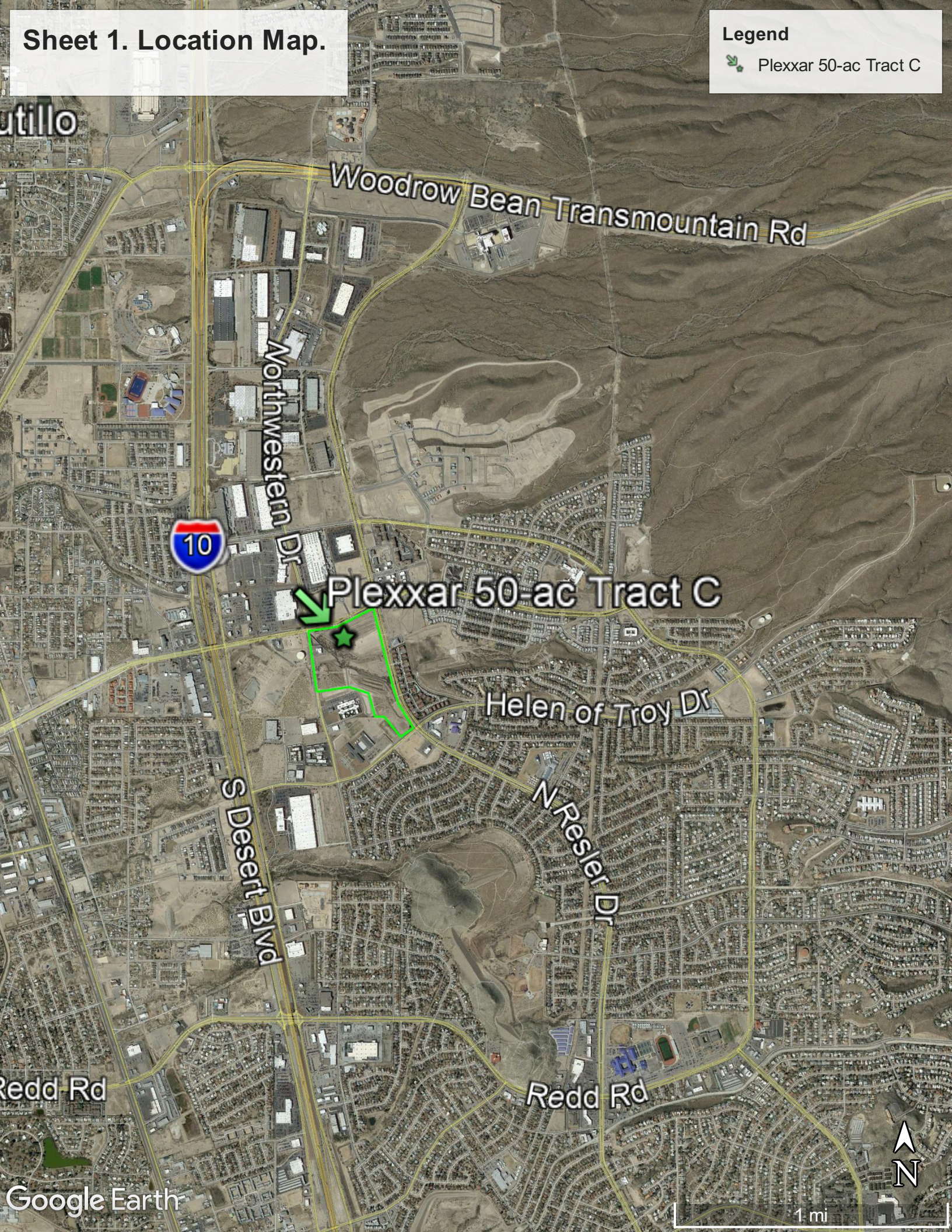


# Sheet 1. Location Map.

## Legend



Plexxar 50-ac Tract C



Redd Rd

Google Earth

Redd Rd

N Resler Dr

Helen of Troy Dr

S Desert Blvd

Northwestern Dr

Woodrow Bean Transmountain Rd



Plexxar 50-ac Tract C




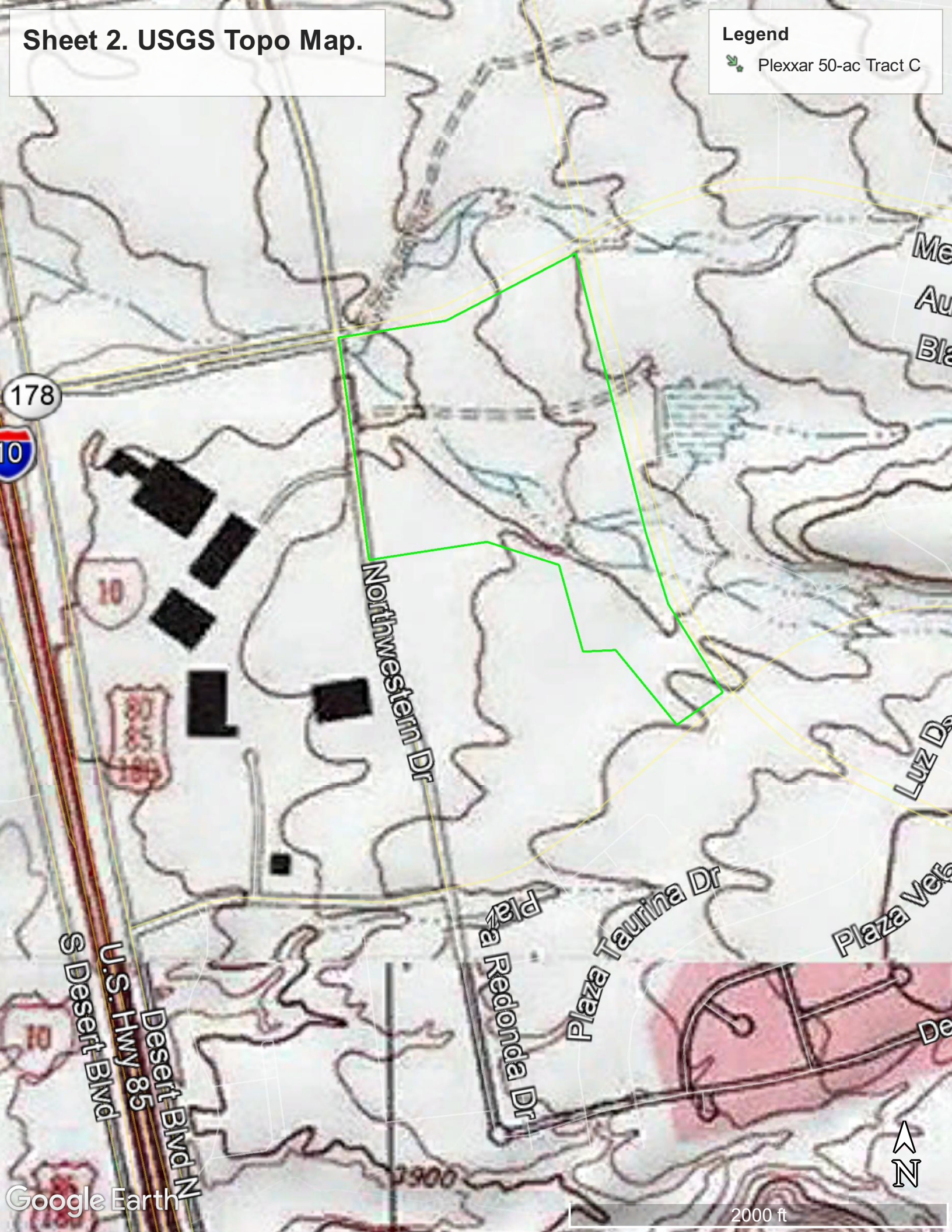
1 mi



Sheet 2. USGS Topo Map.


Legend

 Plexxar 50-ac Tract C





Legend

 Plexxar 50-ac Tract C





Plexxar Capital, Ltd. and Hunt Companies 50-acre Jurisdictional Determination.

Project site photos.



Figure 1; Northern stream entering project area, facing downstream.





Photo 2: Northern stream after entry into project area, facing downstream.





Photo 3: Northern stream converging with Southern stream, Facing downstream.





Photo 4: Southern stream entry into project area, facing downstream.





Photo 5: Southern stream entry into project area, facing upstream.





Photo 6: Sothern stream immediately after entry into project area, facing downstream.





Photo 7: southern stream, overlooking and facing downstream.





Photo 8: Southern stream bed, facing downstream.





Photo 9: Southern stream bed, facing downstream.





Photo 10: Southern stream, facing downstream.





Photo 11: stream before exiting project area, facing upstream.





Photo 12: stream exiting project area, facing upstream.