



**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): 1/19/2021

ORM Number: SWG-2005-00433

Associated JDs: SWG-2005-00433 (formerly D-17157) dated 11 May 2005

Review Area Location<sup>1</sup>: State/Territory: Texas City: Galveston County/Parish/Borough: Galveston

Center Coordinates of Review Area: Latitude 29.226525 Longitude -94.897748

**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.	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.	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.	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.	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 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland A	0.1	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A does not abut an (a)(1)-(a)(3) water, is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”, nor is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.

**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: [Title\(s\) and date\(s\)](#)

This information [Select](#). sufficient for purposes of this AJD.

Rationale: [N/A](#).

- ☒ Data sheets prepared by the Corps: [16 January 2021 by John Davidson](#)
- ☒ Photographs: [Aerial: Google Earth 2006-2018](#)
- ☒ Corps site visit(s) conducted on: [16 January 2021](#)
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): [AJD - SWG-2005-00433 on 11 May 2005](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Web Soil Survey](#)
- ☒ USFWS NWI maps: [Google Earth Layer](#)
- ☒ USGS topographic maps: [Earth Point Topo Map](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">Tides and Currents website</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [The wetland is located on an island surrounded by tidal waters. The four nearest NOAA tide stations to the project site are Pier 21, Galveston Bay Entrance, Galveston Railroad Bridge and San Luis Pass. The data from each station was analyzed for the time frame of 2001 to 2020 to cover a tidal epoch \(18.6 year\). The Pier 21 and Galveston Bay Entrance stations were active and had data covering the 19-year time frame, however, the Galveston Railroad Bridge and San Luis Pass stations had less than 8 years of data.](#)

[- The Pier 21 tide station, located in the Galveston Ship Channel, was out of service in September 2008](#)

<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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from Hurricane Ike

- The Galveston Bay Entrance tide station, located at the North Jetty, was out of service from September 2008 to May 2011, also from Hurricane Ike.
- The Galveston Railroad Bridge tide station, located at the Galveston Causeway, has been active since 2013.
- The San Luis Pass tide station, located at the southwest end of Galveston Island, has been active since 2015.

The monthly high tides were averaged to obtain the highest water levels of the years to determine areas that would be inundated by flooding by a nearby tidal water in a typical year. The highest tide elevation, based on the monthly average, occurred in October, which normally does not have many tropical storm systems, at all four tide stations. The October average for the Pier 21 station was +2.82 feet NAVD88, the Galveston Bay Entrance station was +2.95 foot NAVD88, the Galveston Railroad Bridge station was +3 feet NAVD88 and the San Luis Pass station was +2.98 feet NAVD88, all being within 0.18 feet.

The LiDAR elevations for the project site were all above a base elevation of +4 feet NAVD88. Therefore, Wetland A on the project site is at a minimum of 1-foot above the average highest tides of the year and does not get inundated from the Gulf of Mexico or West Bay in a typical year.

- C. Additional comments to support AJD:** A previous AJD was completed on this tract under SWG-2005-00433 (formerly D-17157) on 11 May 2005. The AJD was performed under the SWANCC guidance and stated that the 1.8-acre tract contained one 0.16-acre wetland that was subject to Section 404 of the Clean Water Act.



# SWG-2005-00433

San Luis Pass Acquisitions, LLC  
Approved Jurisdictional Determination  
Approximate 2-Acre Tract  
Galveston, Galveston County, Texas

Wetland A = 0.1-acre

SWG-2005-0043 Wetland A

3005

Google Earth

200 ft

