



**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): 1/28/2021  
 ORM Number: SWG-2007-01475  
 Associated JDs: SWG-2007-01475 (completed 7/18/2017)  
 Review Area Location<sup>1</sup>: State/Territory: TX City: Galveston County/Parish/Borough: Galveston  
 Center Coordinates of Review Area: Latitude 29.121947 Longitude -95.083181

**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 or describe rationale.
- 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
West Bay 1	17.29	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	This area is part of West Bay subject to the daily tidal ebb and flow up to the mean tide line and as part of West Bay is included with an area identified within the SWG navigable waters list.
West Bay 2	0.205	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	This area is part of West Bay subject to the daily tidal ebb and flow up to the mean tide line and as part of West Bay is included with an area identified within the SWG navigable waters list.
West Bay 3	0.626	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	This area is part of West Bay subject to the daily tidal ebb and flow up to the mean tide line and as part of West Bay is included with an area identified within the SWG navigable waters list.
West Bay 4	2.3	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	This area is part of West Bay subject to the daily tidal ebb and flow up to the mean tide line and as part of West Bay is included with an area identified within the SWG navigable waters list.

**C. Clean Water Act Section 404**

<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.



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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
West Bay 1	17.29	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	This area is subject to the daily tidal ebb and flow to the mean high tide and is also subject to the RHA Section 10.
West Bay 2	0.205	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	This area is subject to the daily tidal ebb and flow to the mean high tide and is also subject to the RHA Section 10.
West Bay 3	0.626	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	This area is subject to the daily tidal ebb and flow to the mean high tide and is also subject to the RHA Section 10.
West Bay 4	2.3	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	This area is subject to the daily tidal ebb and flow to the mean high tide and is also subject to the RHA Section 10.
Sandflat 1	1.21	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	This feature lies above the West Bay, an (a)(1) water, mean tide line but below the annual high tide line and is therefore subject to inundation from West Bay in a typical year.
Sandflat 2	1.53	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or	This feature lies above the West Bay, an (a)(1) water, mean tide line but below the annual high tide line and is therefore subject to inundation from West Bay in a typical year.

<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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(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
		foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	
Sandflat 3	0.01	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).  This feature lies above the West Bay, an (a)(1) water, mean tide line but below the annual high tide line and is therefore subject to inundation from West Bay in a typical year.
Sandflat 4	0.04	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).  This feature lies above the West Bay, an (a)(1) water, mean tide line but below the annual high tide line and is therefore subject to inundation from West Bay in a typical year.
Sandflat 5	0.03	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).  This feature lies above the West Bay, an (a)(1) water, mean tide line but below the annual high tide line and is therefore subject to inundation from West Bay in a typical year.
Sandflat 6	0.21	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide  This feature lies above the West Bay, an (a)(1) water, mean tide line but below the annual high tide line and is therefore subject to inundation from West Bay in a typical year.



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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
			(CWA Section 404 ONLY).	

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
Tidal Wetland 1	1.343	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 10	3.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 2	0.374	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 3	0.158	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 4	0.085	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 5	0.057	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 6	0.257	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 7	0.143	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 8	0.013	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland 9	0.027	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland A	0.414	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Tidal Wetland A East	4.75	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland B	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland C	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.
Tidal Wetland D	0.37	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature is contiguous with and subject to the annual high tide of West Bay, an (a)(1) water.

**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 01	0.373	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 02	0.014	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 03	0.026	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 04	6.801	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 04a	0.023	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3)

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 05	0.020	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 06	3.180	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 07	0.063	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 08	0.308	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 09	0.322	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 10	1.703	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 11	0.141	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 12	0.085	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position





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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 13	0.123	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 14	0.133	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 16	0.007	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 17	0.043	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 18	0.014	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 19	0.415	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 20	0.011	acre(s)	(b)(1) Non-adjacent wetland. This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 21	0.037	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 23	0.037	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 24	0.009	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland 30	2.784	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland B	0.339	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland C	0.627	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland Pt 17	0.005	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wetland Pt 3	0.006	acre(s)	(b)(1) Non-adjacent wetland.	This wetland feature does not abut an (a)(1 - 3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1 - 3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.





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**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: [AJD request and supporting information received 10 September 2020.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Previous 2017 AJD was used.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: 2015 Texas Orthoimagery Program \(TOP\), 0.5-meter Color Infrared \(CIR\); 2018 National Agriculture Imagery Program \(NAIP\) 1.0-meter and 0.6-meter CIR; Google Earth Aerial Images, 1953-2018.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SWG-2007-01475](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Web Soil Survey, National Cooperative Soil Survey – Galveston County, Texas](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**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="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">Previous AJD, SWG-2007-01475 (18 July 2017).</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">Texas Strategic Mapping (StratMap) Program, 2018 Upper Texas Coast, 0.5-Meter Light Detection and Ranging (LiDAR) Bare Earth Digital Elevation Model.</a>

**B. Typical year assessment(s):** The four nearest NOAA Center for Operational Oceanographic Products and Services (CO-OPS) tide stations to the project site are Pier 21 (8771450), Galveston Bay Entrance (8771341), Galveston Railroad Bridge (8771486), and San Luis Pass (8771972). Data for each station was analyzed for the time frame of 2001 to 2020 to cover the contemporary tidal epoch (18.6 years). 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 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 Island Causeway Bridge, has been active since 2013.

- The San Luis Pass tide station, located at the southwest end of Galveston Island, has been active since 2015.



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NAVIGABLE WATERS PROTECTION RULE**

The monthly maximum high tides were averaged to obtain the highest water levels of the years to determine the anticipated tidal flood inundation areas in a typical year. The highest tide elevation, based on the monthly average occurred most often in October, which typically has few tropical storm systems, at all four tide stations. The October average maximum for the Pier 21 station was +2.86 feet NAVD88, the Galveston Bay Entrance station was +3.01 foot NAVD88, the Galveston Railroad Bridge station was +3.08 feet NAVD88 and the San Luis Pass station was +3.10 feet NAVD88, all being within 0.24 feet. The LiDAR elevations for the freshwater wetlands within the project site were all above a base elevation of +3.5 feet NAVD88. As such, the freshwater wetlands on the project site are a minimum of 0.5 foot above the average highest tides of the year and subject to neither Gulf of Mexico nor West Bay inundation in a typical year.

- C. Additional comments to support AJD:** Approved Jurisdictional Determination SWG-2007-01475 was conducted under the SWANCC and Rapanos guidance, finalized on 18 July 2017. Site conditions have not changed since the previous determination, therefore the previous wetland delineation still accurately characterizes the site. That previous AJD found that all the waters and wetlands within the subject site were waters of the United States subject to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and/or Section 404 of the Clean Water Act (Section 404).

Based on the previous delineation and AJD, and current federal regulation, we determined the subject site contains forty-eight (48) aquatic resources comprised of five (5) tidal open waters subject to Sections 10 and 404, three (3) sandflats subject to Section 404, twelve (12) adjacent wetlands subject to the West Bay annual high tide, and twenty-eight (28) non-adjacent wetlands.

Due to site complexity the AJD map is divided into two maps, one each for jurisdictional and excluded aquatic resources.