

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): May 9, 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CESWG; Riviera I, II and West Beach Grand Condominiums; SWG-2011-01124

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Galveston County City: Galveston
Center coordinates of site (lat/long in degree decimal format): Lat. 29.223440°N, Long. -94.901772°W
Universal Transverse Mercator: (NAD 83)
Name of nearest waterbody: Gulf of Mexico
Name of watershed or Hydrologic Unit Code (HUC): 12040204 West Galveston Bay

- ☒ 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: April 10, 2023
☒ Field Determination. Date(s): April 11, 2023

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: Riviera I, II and Grand West Beach Condominiums/High Tide Land Surveying, LLC, delineation completed 5 August 2022
☐ 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: [Click here to enter text.](#)
☐ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: Galveston 1943 1:24,000, Galveston 2019 1:24,000
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Galveston County, Texas
☒ National wetlands inventory map(s). Cite name: Google Earth NWI Mapper
☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
☒ FEMA/FIRM maps: Panel 48167C0507G eff. 8/15/2019 Zone: VE Elevation: 18
☐ 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): Google Earth January 2006, February 2010, March 2018, September 2019, April 2022
☐ or ☐ Other (Name & Date): [Click here to enter text.](#)
☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
☐ Applicable/supporting case law: [Click here to enter text.](#)
☐ Applicable/supporting scientific literature: [Click here to enter text.](#)
☐ Other information (please specify): [Click here to enter text.](#)

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: No wetlands were found on the project site. The data from the report and desk review shows the project site elevation is above the Mean High Water, the shoreward limit of tidal jurisdiction under Section 10 of the Rivers and Harbors Act (Section 10) and the High Tide Line, the shoreward limit of tidal jurisdiction under Section 404 of the Clean Water Act (Section

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.

404). The Galveston Bay Entrance, North Jetty tide gauge elevation for the Mean High Water is +0.41 feet NAVD88 and the Mean Higher-High Water (MHHW) elevation is +1.11 feet NAVD88. The High Tide Line is approximately 0.5 feet higher than the MHHW line, at approximately +1.61 feet NAVD88. The delineation survey conducted on 5 August 2022 is more contemporary data than obtained from NOAA's 2018 LIDAR dataset and was surveyed relative to Mean Sea Level (MSL). Based on the Galveston Bay Entrance, North Jetty tide gauge, the Mean Water Level is 0.0 feet MSL and the MHHW is +0.7 feet MSL. By adding the 0.5 feet to the MHHW, the High Tide Line is approximately +1.2 feet MSL. By plotting the High Tide Line in NAVD88 and MSL based on the different surveys, the NAVD88 High Tide Line was approximately 42 feet landward of the MSL High Tide Line. The project plans show the geo-textile tube and sand cover are above +4.0 feet MSL and above +5.0 feet NAVD88. Both the submitted survey and the LiDAR indicate the proposed project site is located above the survey and LiDAR High Tide Line and Mean High Water line. Therefore, the proposed geo-textile tube and sand cover is not subject to Section 10 or Section 404.