



**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): 2/22/2021

ORM Number: SWG-2017-00118

Associated JDs: N/A.

Review Area Location¹: State/Territory: Texas City: Crystal Beach County/Parish/Borough: Galveston

Center Coordinates of Review Area: Latitude 29.449980 Longitude -94.652122

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)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
Wetland 1	0.62 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. The aerial photos, the Earth Point Topo Map and the NWI show that Wetland 1 does not abut the Gulf of Mexico, the Gulf Intracoastal Waterway, or an apparent perennial tributary south of the project site. The aerials, topo and NWI also show that Wetland 1 is not separated from the Gulf of Mexico, the Gulf Intracoastal Waterway or the apparent perennial tributary by a single natural or artificial barrier. See the typical year discussion for information on flooding/inundation in a typical year.

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: [29 October 2020 by John Davidson](#)
- Photographs: [Aerial: Google Earth 2006-2018](#)
- Corps site visit(s) conducted on: [29 October 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [AJD - SWG-2017-00118 on 26 April 2017](#)
- 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
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	Tides and Currents website
USACE Sources	N/A.

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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Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The wetland is located on Bolivar Peninsula which is surrounded by tidal waters, specifically, the Gulf of Mexico and the Gulf Intracoastal Waterway/East Bay. The two nearest NOAA tide stations are Galveston Bay Entrance North Jetty and Rollover Pass and are located on the east and west sides of the project site. The data from each station was analyzed for the time frame of 2001 to 2020 to cover a tidal epoch (18.6 year). The Galveston Bay Entrance North Jetty station was active and had data covering the 19-year time frame, except after the station was damaged by Hurricane Ike, however, the Rollover Pass station only had 6 years of data.

- The Galveston Bay Entrance North Jetty tide station, located at the North Jetty and west of the project site, was out of service from September 2008 to May 2011, from Hurricane Ike.

- The Rollover Pass tide station, located on the bay side of the former location of Rollover Pass and east of the project site, 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, the Gulf of Mexico and/or the Gulf Intracoastal Waterway/East Bay, 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 both tide stations. The October average for the Galveston Bay Entrance North Jetty station was +2.97 feet NAVD88 and the Rollover Pass station was +3.11 feet NAVD88.

The LiDAR elevations for the project site were all above +4.9 feet NAVD88. Therefore, Wetland 1 on the project site is at a minimum of 1.5 feet above the average highest tides of the year and does not get inundated from the Gulf of Mexico or the Gulf Intracoastal Waterway/East Bay in a typical year.

C. Additional comments to support AJD: A previous AJD was completed on this tract under SWG-2017-00118 on 26 April 2017. The AJD was conducted under the Rapanos guidance and determined that Wetland 1 was subject to Section 404 of the Clean Water Act.

SWG-2017-00118

Aaron Plaunty
Approved Jurisdictional Determination
Approximate 1.5-Acre Tract
1418 State Highway 87, Crystal Beach, Galveston County, Texas

5 June 2018 Google Earth Aerial Photo



Google Earth

Image © 2021 Maxar Technologies

200 ft