



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
2000 POINT FORT ROAD
GALVESTON, TEXAS 77550

May 24, 2023

Compliance Branch

SUBJECT: **SWG-2010-01016**; Treasure Oaks, LP, Approved Jurisdictional Determination, Approximate 16.53-Acre Tract, Galveston, Galveston County, Texas

Treasure Oaks, LP
C/O Mr. Robert L. Moody Jr.
2302 Post Office Street, Suite 601
Galveston, Texas 77550

Dear Mr. Moody:

This letter is in response to your October 13, 2022 request for a re verification of an approved jurisdictional determination (AJD) on behalf of Treasure Oaks, LP. The original AJD (SWG-2010-01016) was issued on January 28, 2018. The request is for an approximate 16.53-acre tract located approximately 360 feet southwest of the intersection of 7 ½ Mile Road and Farm-to-Market Road 3005 (Termini-San Luis Pass Road) in Galveston, Galveston County, Texas (map enclosed).

Based on our April 11, 2023 site visit and a review of on and off-site data associated with this request, we have determined that the project area contains waters of the United States, specifically wetlands adjacent to the Gulf of Mexico, a TNW. Open Water A, totaling approximately 4.57 acres, is adjacent to the Gulf of Mexico and not subject to the ebb and flow of the tide; therefore, it is subject to Section 404. Additionally, ten wetlands totaling approximately 2.27 acres were observed on the site. The wetlands were identified using the Atlantic and Gulf Coastal Plain Region Supplement to the 1987 Corps of Engineers Wetland Delineation Manual, which requires a dominance of hydrophytic vegetation, wetland hydrology indicators, and hydric soils, under normal conditions. The wetlands are neighboring, and therefore adjacent to the Gulf of Mexico, a TNW. As such, Wetlands A - J are waters of the United States subject to the Section 404. Under Section 404, a Department of the Army permit is required prior to the discharge of dredged and/or fill material into these aquatic resources.

Areas of Federal Interests (federal projects, and/or work areas) may be located within this proposed project area. Any activities in these federal interest areas would also be subject to federal regulations under the authority of Section 14 of the Rivers and Harbors Act (aka Section 408). Section 408 makes it unlawful for anyone to alter in any manner, in whole or in part, any work (ship channel, flood control channels, seawalls, bulkhead, jetty, piers, etc.) built by the United States unless it is authorized by the Corps of Engineers (i.e., Navigation and Operations Division).

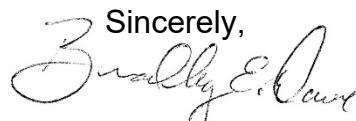
This delineation and/or jurisdictional determination included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for the purpose of the Clean Water Act for the particular site identified in this request. This delineation and/or determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985 as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This letter contains an AJD for your subject sites, which is valid for 5 years from the date of this letter unless new information warrants a revision prior to the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeals Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Southwestern Division Office at the following address:

Mr. Jamie Hyslop
Administrative Appeals Review Officer
Southwestern Division, (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061
Email: Jamie.r.hyslop@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP.; noting the letter date is considered day 1. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If you have any questions concerning this jurisdictional determination, please reference file number **SWG-2010-01016** and contact Mr. Bradley Dawe at the letterhead address, by telephone at 409-766-6313, or via email at Bradley.E.Dawe@usace.army.mil. To assist us in improving our service to you, please complete the survey found at <https://regulatory.ops.usace.army.mil/customer-service-survey> and/or, if you would prefer a hard copy of the survey form, please let us know, and one will be mailed to you.

Sincerely,


Brad Dawe
Project Manager, Compliance Branch