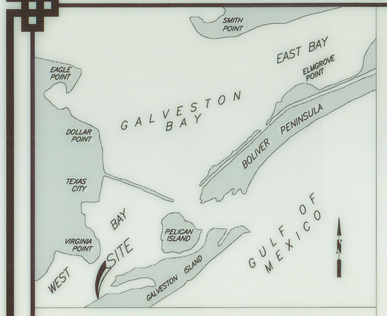
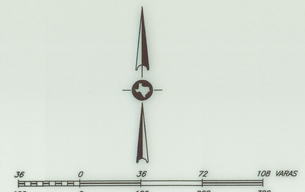
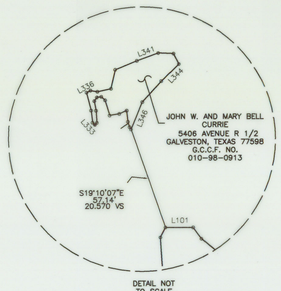
SURVEY OF MEAN HIGH WATER ALONG THE WEST BAY OF GALVESTON BAY WITHIN A PORTION OF SECTION 2 OF THE TRIMBLE & LINDSEY SURVEY OF GALVESTON ISLAND GALVESTON COUNTY, TEXAS



VICINITY MAP N.T.S.





TEXAS GENERAL LAND OFFICE
Art. 33.136, Natural Resources Code
Co. Galveston, Sketch No. 41
File Date 10-4-2006 By D.S.H.
Sheet 1

LINE TABLE			
LINE	BEARING	DISTANCE FEET	DISTANCE VARAS
L1	S05°46'36"W	15.25'	5.491 VS
L2	S54°30'15"W	2.91'	1.048 VS
L3	N81°23'48"W	15.02'	5.408 VS
L4	S29°09'09"W	11.55'	4.158 VS
L5	S32°01'27"E	12.27'	4.418 VS
L6	S66°44'09"W	5.88'	2.117 VS
L7	N76°11'07"W	7.49'	2.697 VS
L8	N00°05'14"E	10.18'	3.665 VS
L9	N12°37'18"W	16.72'	6.020 VS
L10	S60°43'15"W	17.30'	6.229 VS
L11	S76°22'39"W	18.44'	6.639 VS
L12	S28°01'15"W	20.97'	7.550 VS
L13	S44°52'08"W	19.04'	6.855 VS
L14	N69°35'59"W	15.72'	5.660 VS
L15	N77°08'26"W	27.41'	9.869 VS
L16	S75°00'49"W	17.06'	6.142 VS
L17	S33°16'57"W	10.41'	3.748 VS
L18	S81°49'09"W	20.31'	7.312 VS
L19	S81°20'56"W	28.79'	10.365 VS
L20	S71°27'50"W	26.90'	9.685 VS
L21	S77°00'29"W	28.18'	10.146 VS
L22	S69°05'09"W	26.80'	9.649 VS
L23	N59°48'26"W	7.84'	2.823 VS
L24	N55°49'49"W	14.03'	5.051 VS
L25	S71°06'40"W	25.12'	9.044 VS
L26	N85°56'57"W	34.51'	12.425 VS
L27	S61°59'42"W	28.52'	10.268 VS
L28	S42°50'14"W	24.78'	8.922 VS
L29	S64°35'49"W	26.60'	9.577 VS
L30	S76°42'02"W	25.44'	9.159 VS
L31	N53°40'16"W	18.93'	6.815 VS
L32	S77°43'44"W	23.67'	8.522 VS
L33	S24°33'37"W	18.13'	6.527 VS
L34	S66°23'34"W	27.57'	9.926 VS
L35	S81°19'49"W	38.47'	13.851 VS
L36	S65°01'50"W	28.25'	10.171 VS
L37	S82°55'07"W	27.73'	9.984 VS
L38	S53°29'21"W	30.75'	11.071 VS
L39	S50°32'58"W	17.84'	6.423 VS
L40	S40°22'50"W	25.93'	9.336 VS
L41	S76°38'11"W	29.32'	10.556 VS
L42	S79°52'25"W	37.54'	13.516 VS
L43	S52°37'03"W	31.63'	11.388 VS
L44	S48°45'50"W	28.36'	10.211 VS
L45	S70°40'50"W	28.66'	10.319 VS
L46	S58°39'50"W	29.05'	10.459 VS
L47	S61°28'07"W	31.72'	11.420 VS
L48	S58°54'18"W	28.03'	10.092 VS
L49	S47°27'15"W	30.89'	11.158 VS
L50	S39°27'34"W	27.31'	9.833 VS
L51	S23°33'20"W	30.04'	10.815 VS
L52	S08°19'04"W	30.35'	10.927 VS
L53	S02°13'10"E	28.53'	10.272 VS
L54	S32°04'37"W	28.76'	10.355 VS
L55	S47°39'29"W	32.39'	11.662 VS
L56	N20°16'22"W	27.57'	9.926 VS
L57	N14°52'40"E	31.58'	11.370 VS
L58	N00°45'40"E	27.77'	9.998 VS
L59	N03°25'21"W	26.62'	9.584 VS
L60	N10°13'11"W	27.26'	9.815 VS
L61	N12°53'29"W	8.95'	3.222 VS
L62	N02°43'18"E	24.24'	8.727 VS
L63	N03°28'17"E	20.32'	7.316 VS
L64	N10°05'10"E	11.45'	4.122 VS
L65	N29°53'55"W	14.14'	5.091 VS
L66	N07°20'04"W	8.28'	2.981 VS
L67	N36°38'28"E	8.06'	2.902 VS
L68	N27°45'57"E	20.34'	7.323 VS
L69	N03°59'08"E	14.77'	5.318 VS
L70	N83°45'45"W	8.19'	2.949 VS
L71	N36°54'17"W	6.11'	2.200 VS
L72	N00°00'00"E	8.27'	2.977 VS
L73	N51°10'51"E	11.95'	4.302 VS
L74	N22°45'55"E	24.96'	8.986 VS
L75	N40°19'36"E	23.28'	8.382 VS
L76	N56°26'34"E	28.27'	10.178 VS
L77	N40°15'22"E	27.83'	10.020 VS
L78	N50°29'27"E	25.79'	9.645 VS
L79	N22°02'32"E	17.31'	6.232 VS
L80	N84°43'25"E	17.00'	6.121 VS
L81	N88°04'50"E	26.00'	9.361 VS
L82	N65°32'06"E	29.05'	10.459 VS
L83	N63°13'18"E	26.89'	9.681 VS
L84	N62°22'00"E	26.78'	9.642 VS
L85	N67°06'25"E	30.49'	10.977 VS
L86	N62°14'20"E	27.56'	9.923 VS
L87	N68°25'24"E	28.17'	10.142 VS
L88	N65°11'15"E	31.12'	11.204 VS
L89	N44°11'02"E	28.92'	10.412 VS
L90	N12°06'30"E	15.82'	5.696 VS
L91	N57°07'28"E	24.33'	8.760 VS
L92	N52°08'39"E	26.67'	9.602 VS
L93	N41°48'30"E	23.08'	8.310 VS
L94	N24°33'57"E	30.17'	10.862VS
L95	N40°42'09"E	27.64'	9.951 VS
L96	N17°44'02"E	30.27'	10.898 VS
L97	N11°06'52"E	24.88'	8.958 VS
L98	N11°25'00"W	24.70'	8.893 VS
L99	N03°23'23"W	15.53'	5.591 VS
L100	N26°51'45"E	6.18'	2.225 VS
L101	S89°29'26"E	15.10'	5.437 VS
L102	S35°42'24"E	7.72'	2.779 VS
L103	S50°34'10"E	25.73'	9.264 VS
L104	S57°43'44"E	29.71'	10.697 VS
L105	S61°25'06"E	26.77'	9.638 VS
L106	S70°46'23"E	24.26'	8.734 VS
L107	S62°52'08"E	29.49'	10.617 VS
L108	S70°53'48"E	28.08'	10.110 VS
L109	S75°44'58"E	29.07'	10.466 VS
L110	S86°59'01"E	25.61'	9.221 VS
L111	S86°33'09"E	24.89'	8.961 VS
L112	N85°20'14"E	6.01'	2.164 VS
L113	N79°16'39"E	28.17'	10.142 VS
L114	S72°15'00"E	12.99'	4.677 VS
L115	N88°06'45"E	26.72'	9.620 VS
L116	N81°33'36"E	28.62'	10.304 VS
L117	N87°19'37"E	27.88'	10.036 VS
L118	N76°28'37"E	27.97'	10.070 VS
L119	N68°54'25"E	27.10'	9.757 VS
L120	N67°39'22"E	24.28'	8.742 VS
L121	N65°54'20"E	28.03'	10.452 VS
L122	N55°45'25"E	28.51'	10.265 VS

LINE TABLE			
LINE	BEARING	DISTANCE FEET	DISTANCE VARAS
L123	N53°21'12"E	27.78'	10.002 VS
L124	N49°21'32"E	25.60'	9.217 VS
L125	N44°43'23"E	27.66'	9.959 VS
L126	N53°28'29"E	28.57'	10.286 VS
L127	N67°44'00"E	19.35'	6.967 VS
L128	N64°28'01"E	32.51'	11.705 VS
L129	N61°10'41"E	29.19'	10.509 VS
L130	N69°22'23"E	36.37'	13.095 VS
L131	N63°16'56"E	27.67'	9.962 VS
L132	N62°25'16"E	29.25'	10.531 VS
L133	N64°15'26"E	25.84'	9.303 VS
L134	N62°24'36"E	28.98'	10.434 VS
L135	N48°36'38"E	32.39'	11.662 VS
L136	N44°57'04"E	28.97'	10.430 VS
L137	N50°32'28"E	17.66'	6.358 VS
L138	S52°55'48"E	3.43'	1.235 VS
L139	S48°31'47"W	5.94'	2.139 VS
L140	S31°32'41"W	21.44'	7.719 VS
L141	S51°52'13"W	26.41'	9.509 VS
L142	S33°44'38"W	25.25'	9.091 VS
L143	S28°47'37"W	26.31'	9.473 VS
L144	S29°10'53"E	19.16'	6.898 VS
L145	S36°17'43"W	28.71'	10.337 VS
L146	S07°08'17"E	29.59'	10.653 VS
L147	S08°38'10"E	14.79'	5.325 VS
L148	N35°31'33"W	7.07'	2.545 VS
L149	N52°37'28"W	6.08'	2.189 VS
L150	N89°19'55"W	13.30'	4.788 VS
L151	S56°25'58"W	28.78'	10.362 VS
L152	S32°01'19"W	26.75'	9.631 VS
L153	S15°31'24"W	17.86'	6.430 VS
L154	N60°40'53"W	16.54'	5.955 VS
L155	S69°00'58"W	21.24'	7.647 VS
L156	S41°41'41"W	13.07'	4.706 VS
L157	S21°44'53"E	14.09'	5.073 VS
L158	S23°16'07"E	18.24'	6.567 VS
L159	S71°07'59"E	7.08'	2.549 VS
L160	S37°12'45"W	22.60'	8.137 VS
L161	S58°17'16"W	23.90'	8.605 VS
L162	S29°32'17"W	25.62'	9.224 VS
L163	N09°45'04"E	13.23'	4.763 VS
L164	S69°59'07"E	11.81'	4.252 VS
L165	S65°59'59"E	7.11'	2.560 VS
L166	S17°18'25"E	6.68'	2.405 VS
L167	S53°08'16"W	21.17'	7.622 VS
L168	S43°29'25"W	29.25'	10.53VS
L169	S60°08'05"W	35.51'	12.785VS
L170	S20°53'39"W	26.83'	9.660 VS
L171	S40°54'48"E	15.87'	5.714 VS
L172	S03°47'17"E	10.47'	3.770 VS
L173	S42°13'02"W	11.22'	4.040 VS
L174	N87°22'38"W	16.23'	5.843 VS
L175	N12°37'14"W	8.90'	3.204 VS
L176	N22°52'36"E	9.27'	3.338 VS
L177	S82°33'30"W	22.08'	7.950 VS
L178	S69°21'51"W	26.80'	9.649 VS
L179	S89°42'25"W	9.77'	3.518 VS
L180	S77°39'11"W	5.19'	1.869 VS
L181	N33°14'45"E	4.01'	1.444 VS
L182	N43°43'08"E	6.42'	2.311 VS
L183	N17°48'06"E	11.90'	4.284 VS
L184	N12°54'21"E	15.49'	5.577 VS
L185	N49°01'46"E	13.67'	4.922 VS
L186	N43°44'14"E	29.24'	10.527 VS
L187	N42°24'14"E	26.06'	9.383 VS
L188	N19°14'31"E	9.00'	3.240 VS
L189	N38°54'11"E	24.10'	8.677 VS
L190	N59°02'10"E	10.91'	3.928 VS
L191	N43°21'28"E	15.70'	5.653 VS
L192	N05°23'33"E	9.14'	3.291 VS
L193	N13°06'56"W	15.03'	5.411 VS
L194	N20°28'37"E	14.61'	5.260 VS
L195	N26°21'44"E	27.28'	9.822 VS
L196	N31°59'37"E	23.95'	8.623 VS
L197	N46°22'51"E	19.19'	6.909 VS
L198	N64°42'38"E	7.80'	2.808 VS
L199	N60°24'23"E	16.16'	5.818 VS
L200	N33°18'51"E	9.80'	3.456 VS
L201	N16°41'28"E	13.48'	4.853 VS
L202	N38°51'50"E	8.12'	2.923 VS
L203	N25°44'32"E	13.08'	4.709 VS
L204	N17°53'23"E	25.96'	9.347 VS
L205	N27°55'55"E	29.02'	10.448 VS
L206	N23°11'45"E	27.78'	10.002 VS
L207	N22°47'21"E	27.41'	9.869 VS
L208	N48°06'01"E	10.51'	3.784 VS
L209	N20°00'24"E	23.65'	8.515 VS
L210	N22°38'01"E	25.64'	9.231 VS
L211	N33°22'00"E	16.47'	5.930 VS
L212	N45°39'42"E	16.47'	5.930 VS
L213	N09°24'57"E	14.21'	5.116 VS
L214	N07°16'24"W	14.96'	5.386 VS
L215	N13°48'30"E	14.40'	5.185 VS
L216	N18°05'42"E	20.53'	7.392 VS
L217	N04°43'52"W	11.99'	4.317 VS
L218	N07°45'15"E	20.40'	7.345 VS
L219	N06°44'19"E	28.40'	10.225 VS
L220	N11°04'40"W	16.58'	5.969 VS
L221	N15°22'58"W	25.43'	9.156 VS
L222	N05°59'49"E	18.92'	6.812 VS
L223	N25°25'37"W	13.51'	4.864 VS
L224	N17°48'44"W	20.52'	7.388 VS
L225	N32°29'24"W	27.85'	10.027 VS
L226	N29°36'49"W	28.43'	10.236 VS
L227	N32°27'19"W	30.08'	10.830 VS
L228	N45°13'34"W	18.63'	6.707 VS
L229	N27°39'52"W	26.02'	9.368 VS
L230	N38°11'52"W	26.64'	9.591 VS
L231	N45°26'16"W	33.42'	12.032 VS
L232	N17°30'58"W	22.92'	8.252 VS
L233	N37°44'29"W	17.83'	6.419 VS
L234	N80°32'38"W	7.83'	2.819 VS
L235	N86°10'21"W	13.63'	4.907 VS
L236	N08°45'35"E	14.86'	5.350 VS
L237	N18°13'27"E	20.55'	7.399 VS
L238	N14°46'02"W	10.80'	3.888 VS
L239	N15°23'11"W	17.89'	6.441 VS
L240	N30°10'18"W	18.49'	6.657 VS
L241	N43°53'04"W	26.12'	9.404 VS
L242	N36°38'31"W	21.83'	7.860 VS
L243	N58°56'33"W	25.64'	9.231 VS
L244	N45°13'16"W	38.28'	13.782 VS

LINE TABLE			
LINE	BEARING	DISTANCE FEET	DISTANCE VARAS
L245	N24°10'32"W	38.51'	13.865 VS
L246	N22°30'11"E	13.58'	4.889 VS
L247	N11°01'10"E	18.38'	6.617 VS
L248	N66°12'59"E	14.90'	5.365 VS
L249	N84°53'25"E	32.45'	11.683 VS
L250	S79°27'02"E	29.94'	10.779 VS
L251	N89°41'32"E	37.24'	13.408 VS
L252	N84°02'58"E	25.76'	9.275 VS
L253	S52°19'40"E	11.11'	4.000 VS
L254	S79°08'08"E	11.36'	4.090 VS
L255	N62°43'34"E	17.90'	6.445 VS
L256	N45°13'07"E	19.65'	7.075 VS
L257	S84°34'40"E	9.00'	3.240 VS
L258	S44°06'59"E	10.23'	3.683 VS
L259	S26°08'02"E	14.74'	5.307 VS
L260	S63°01'42"W	9.53'	3.431 VS
L261	N22°06'14"W	13.94'	5.019 VS
L262	N44°04'49"W	16.68'	6.005 VS
L263	N55°33'09"W	20.18'	7.266 VS
L264	N56°17'19"E	10.25'	3.690 VS
L265	N15°51'42"W	11.26'	4.054 VS
L266	N60°54'50"W	19.43'	6.995 VS
L267	N03°18'03"E	13.51'	4.864 VS
L268	N78°02'06"E	10.79'	3.885 VS
L269	N32°59'15"E	12.66'	4.558 VS
L270	N08°22'16"W	12.39'	4.461 VS
L271	S75°42'59"W	8.01'	2.884 VS
L272	S64°58'57"W	9.15'	3.294 VS
L273	N36°56'07"W	9.83'	3.539 VS
L274	N34°39'11"E	15.65'	5.635 VS
L275	N19°33'30"E	6.98'	2.513 VS
L276	N12°51'55"E	17.38'	6.257 VS
L277	N50°55'48"E	19.25'	6.931 VS
L278	N62°08'32"E	17.74'	6.387 VS
L279	N56°36'39"E	2.85'	1.026 VS
L280	S14°13'54"W	4.22'	1.519 VS
L281	S47°08'13"E	5.73'	2.063 VS
L282	N82°57'12"E	9.82'	3.536 VS
L283	N82°52'21"E	1.26'	0.454 VS
L284	N32°17'23"E	6.82'	2.455 VS
L285	N38°43'23"W	8.90'	3.204 VS
L286	N03°57'29"W	14.29'	5.145 VS
L287	N54°48'21"E	12.41'	4.468 VS
L288	N65°27'01"E	19.28'	6.941 VS
L289	S29°45'30"E	6.28'	2.261 VS
L290	N09°12'19"E	4.03'	1.451 VS
L291	N14°53'38"E	11.34'	4.083 VS
L292	N16°45'05"E	14.71'	5.296 VS
L293	N50°28'53"E	16.49'	5.937 VS
L294	N60°02'57"E	23.14'	8.331 VS
L295	N86°45'02"E	13.06'	4.702 VS
L296	N52°04'06"E	12.61'	4.540 VS
L297	S84°17'21"E	23.92'	8.612 VS
L298	S53°47'49"E	20.62'	7.424 VS
L299	S71°15'14"E	10.89'	3.921 VS
L300	N58°28'10"E	13.18'	4.745 VS
L301	N42°29'56"E	20.73'	7.464 VS
L302	N49°39'34"E	28.74'	10.347VS
L303	N87°29'30"E	18.74'	6.747 VS
L304	S89°27'33"E	13.09'	4.713 VS
L305	S55°16'30"E	27.46'	9.887 VS
L306	S61°28'37"W	3.25'	1.170 VS
L307	S02°39'48"W	6.33'	2.279 VS
L308	S22°44'22"W	12.31'	4.432 VS
L309	N27°13'55"W	10.15'	3.654 VS
L310	N12°05'18"E	5.05'	1.818 VS
L311	N35°49'32"E	14.03'	5.051 VS
L312	N03°13'12"E	21.05'	7.579 VS
L313	N77°29'54"E	3.65'	1.314 VS
L314	S36°35'04"E	9.55'	3.438 VS
L315	N67°01'47"E	5.54'	1.995 VS
L316	N27°14'07"E	6.50'	2.340 VS
L317	N01°35'39"E	8.30'	2.988 VS
L318	N13°28'26"E	12.70'	4.572 VS
L319	N44°24'48"E	17.33'	6.239 VS
L320	N22°29'55"E	9.39'	3.381 VS
L321	N52°41'10"W	8.36'	3.010 VS
L322	N14°50'31"E	9.28'	3.341 VS
L323	N34°32'14"E	10.53'	3.791 VS
L324	N36°34'18"E	10.37'	3.734 VS
L325	N30°59'30"E	15.79'	5.685 VS
L326	N19°12'28"E	10.18'	3.665 VS
L327	N62°20'09"E	8.49'	3.057 VS
L328	N78°00'25"E	10.30'	3.708 VS
L329	S62°31'59"E	7.05'	2.538 VS
L330	S02°09'48"W	10.40'	3.744 VS
L331	S50°12'47"E	8.16'	2.938 VS
L332	S07°59'30"E	8.81'	3.172 VS
L333	N40°14'18"W	1.86'	0.864 VS
L334	N06°29'18"W	6.74'	1.383 VS
L335	N14°12'29"W	10.19'	2.751 VS
L336	N62°30'43"E	2.40'	3.838 VS
L337	S80°05'00"E	3.84'	4.616 VS
L338	N77°17'32"E	7.64'	4.486 VS
L339	N12°16'08"E	10.66'	2.988 VS
L340	N67°29'06"E	12.82'	2.329 VS
L341	N69°57'12"E	12.46'	4.832 VS
L342	S87°54'51"E	8.30'	5.573 VS
L343	S26°56'42"E	6.47'	5.865 VS
L344	S45°35'30"W	13.42'	0.529 VS
L345	S41°54'56"W	15.48'	1.127 VS
L346	S22°24'32"W	16.29'	2.225 VS
L347	N32°37'56"W	1.47'	1.588 VS
L348	N17°19'46"W	3.13'	1.915 VS
L349	N05°55'55"W	6.18'	3.147 VS
L350	S86°28'32"W	4.41'	1.012 VS
L351	S80°21'44"W	5.32'	0.875 VS
L352	N16°29'09"W	8.74'	0.904 VS
L353	N47°36'01"W	2.81'	1.941 VS
L354	S83°27'39"W	2.43'	2.398 VS
L355	S34°27'15"W	2.51'	0.652 VS
L356	S10°12'52"E	5.39'	0.670 VS
L357	S04°00'21"E	6.66'	2.427 VS
L358	S40°46'25"W	1.81'	3.689 VS
L359	N61°27'59"W	25.27'	9.097 VS
L360	S63°04'06"E	14.00'	5.040 VS
L361	S63°05'17"W	15.83'	5.699 VS
L362	S36°27'22"E	17.28	6.220 VS

NOTE:

1) All coordinates and bearings shown hereon are grid values referenced to the Texas Coordinate System of 1983, South Central Zone – NAD 83 (2001) and NGS Monument "HGCSD 62". All distances shown hereon are surface distances unless noted and may be converted to grid distances by multiplying by a scale factor of 0.999864323.

NOTICE:
This survey was performed in accordance with Section 33.136, Natural Resources Code, for the purpose of evidencing the location of the shoreline in the area depicted in this survey as that shoreline existed before commencement of erosion response activity, as required by Chapter 33, Natural Resources Code. The meander line depicted on this survey fixes the shoreline for the purpose of locating a shoreline boundary, subject to movement landward as provided by Section 33.136, Natural Resources Code.

I, William E. Merten, Licensed State Land Surveyor in and for the State of Texas, do hereby certify that on September 6, 2006, I have located the natural contour line of Mean High Water on the ground, according to law and with the personnel stated, and that the meanders of said contour line are true and correct as shown hereon. To the best of my knowledge, no artificial fill or any development, other than as shown hereon, that would cause alteration to said contour line has occurred within the area surveyed. Reference is hereby made to the accompanying report by me of the same date.

Field Personnel:
Steven Wigington
Jomes Mahoney

William E. Merten
Licensed State Land Surveyor

LICENSED STATE LAND SURVEYOR STATE OF TEXAS

GBI PARTNERS, L.P.
PROFESSIONAL LAND SURVEYING
10710 S. SAM HOUSTON PARKWAY W. SUITE: 230
HOUSTON, TX. 77031 TEL:713.995.1306 FAX:713.995.1906

SHEET 1 OF 1

Galveston Co. Art. 33.136 Sketch 41, Sheet 1

Counter 83074

GALVESTON BAY FOUNDATION

September 19, 2006
Melissa Van Horn
La Porte Regional Office
11811 North D Avenue
La Porte, TX 77571

RE: Sportsman Road Shoreline Protection project

Dear Ms Van Horn:

Please find the enclosed surveyor's report and results from our completed LSLS as required for our recent Sportsman Road Shoreline Protection Project; Surface Lease application. Enclosed are the Mylar survey and a paper copy.

Thank you for your assistance as we work to complete this important project. Should you require any additional information or have any questions, please do not hesitate to contact me at 281-332-3381 (x210).Thank you again for your guidance and assistance as we work to complete this project.

Sincerely,

Philip Smith
Habitat Restoration Specialist

• 17324-A Highway 3, Webster, TX 77598 • Phone 281-332-3381• Fax 281-332-3153•

SURVEYORS REPORT
SURVEY OF THE LINE OF MEAN HIGH WATER
ALONG THE WEST BAY OF GALVESTON BAY WITHIN
A PORTION OF SECTION 2, TRIMBLE AND LINDSEY SURVEY
OF GALVESTON ISLAND, GALVESTON COUNTY, TEXAS

At the request of the Galveston Bay Foundation and in my capacity as a Licensed State Land Surveyor in Texas, I have determined the line of Mean High Water along the West Bay of Galveston Bay within a portion of Section 2 of the Trimble and Lindsey Survey of Galveston Island in Galveston County, Texas. This survey was performed as per the requirements outlined in the Coastal Public Lands Management Act of 1973, as amended, Chapter 33, Natural Resources Code, and specifically per Section 33.136, Natural Resources Code, "Property Rights: Preservation of Littoral Rights".

The purpose of this survey was to evidence "...the location of the shoreline in the area depicted in this survey as that shoreline existed before commencement of erosion response activity..."(Section 33.136(b), Natural Resources Code).

This site, in general, is located on the southern shore of the West Bay of Galveston Bay immediately west of the west end of Sportsman Road and this site is tidally influenced.

In the case of Humble Oil & Refining Co. vs. Sun Oil Co. (190 F 2d 191), the court held that "grants issued by the King of Spain and the Mexican State before the adoption of common law in Texas, the boundary between sea and upland must be determined in accordance with principals announced in Las Siete Partidas, the basic law of Spain and Mexico which defines "shore" as all ground covered with water at high tide during the whole year, whether in winter or summer."

In a decision by the Texas Supreme Court in the case of Luttes vs. State (324 SW 2nd 167, on remand 328 SW 2nd 920) it was found that the littoral boundaries for civil law grants differs from the boundaries of common law grants. The court states that for civil law grants (grants by Spain and Mexico) the boundary is the line of Mean Higher High Water (MHHW) and for common law grants (grants made by the Republic and State of Texas) the boundary is the line of Mean High Water (MHW). This case described that the best method of determining MHHW and MHW is to employ the use of scientific tide gauges.

The Luttes case defined MHHW as a tidal datum that is the average of the higher of the two daily tides observed over a specific 19 year period (epoch) and MHW as a tidal datum that is the average of all high tides over a specific 19 year period (epoch). Tides being defined as the regular and predictable rise and fall in sea level due to the gravitational pull of the sun and moon. Also, sea levels are influenced by weather conditions, geographical location and topography of the coastline. The combination of these conditions can result in a wide variation in the elevation of the tidal datum from location to location.

Due to this variation, the tidal datum had to be determined at the project location. Because of the impracticality of obtaining 19 years of tide readings at a specific location, methods have been developed to correct short term observations between project site staff gauges and a primary tide gauge (gauges with more than 19 years of observations).

Tide gauges along the Texas coastline are installed, operated and maintained by a joint effort involving the National Oceanic and Atmospheric Administration (NOAA), the Conrad Blucher Institute (CBI) and Lamar University. Tidal datum's, benchmarks and gauge readings are published and available from NOAA and CBI.

The project site is located in the general vicinity of the Galveston Pier 21 Tide Gauge, a primary gauge in use since 1908. In the past several years, NOAA has adopted new procedures to compute accepted tidal datum's in the Galveston area based on more recent observations. This procedural change is due to the rise in sea level in the Galveston area, being over 0.02 feet per year, which far exceeds the U.S. average rise of 0.005 feet per year. Currently the published tidal datum for the gauge is based on the 19-year epoch from 1983 to 2001. Due to this relatively rapid change in sea level I felt it was necessary to compute data on a more current epoch in lieu of using the published datum's. A new tidal datum for the Galveston Pier 21 Tide Gauge was calculated for the 19-year epoch ending in July, 2006.

A site staff gauge was installed and observed simultaneously with the Galveston Pier 21 Tide Gauge for four days (eight high tide cycles). These reading were compared to the Galveston Pier 21 Tide Gauge using the amplitude ratio method resulting in a calculated elevation for mean high water at the site staff gauge.

The project site is along approximately 5,400 linear feet of coast line which runs from the end of Sportsman Road, west, crossing Gangs Bayou and continuing west, to the mouth of Oxen Bayou.

Using the calculated elevation from the site staff gauge, points were located on the natural contour line of Mean High Water along the entire shoreline for the entire project length. These points were incorporated into surveyed meanders delineating the littoral boundary between the state owned seabed and privately owned uplands.

The surveyed meander line was tied to the Texas Coordinate System of 1983, South Central Zone – NAD 83 using NGS Monuments "HGCSD 62" and "162+87.6" for reference. Scale factor for this project is 0.999864323.

Galveston Co. NRC Art. 33.136 Sketch 41, Sheet 4

To the best of my knowledge, except as shown on the accompanying plat, no artificial fill or development that would cause alteration to the line of mean high water has occurred within the area surveyed.

A plat showing the results of this survey was prepared and filed with this report.

Respectfully submitted,

William E. Merten
Licensed State Land Surveyor
GBI Partners, L.P.
10710 South Sam Houston Parkway West
Suite 230
Houston, Texas 77031
713-995-1306
September 14, 2006

Galveston Co. NRC Art. 33.136 Sketch 41, Sheet 5