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## R. Gutierrez Engineering Corporation

March 26, 2014

Lloyd Mullins  
Supervisor, Corpus Christi Regulatory Field Office  
U.S. Army Corps of Engineers  
5151 Flynn Parkway  
Corpus Christi, Texas 78411-4318

**SUBJECT: Section 404 Application for Department of Army Permit  
Hidalgo County Precinct No. 2 – South Tower Road Improvements**

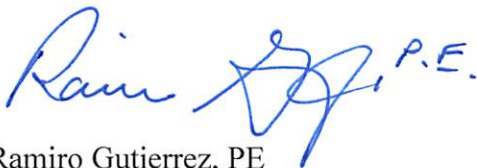
Dear Mr. Mullins,

On behalf of our client, County of Hidalgo Precinct No. 2, we would like to submit the attached permit application and support documentation for your review and approval.

Please refer to your letter of March 14, 2012, regarding SWG-2012-00136 Determination. The proposed improvements for this roadway include a road crossing over the IBWC Main Floodway Channel, including La Cruz Resaca, which is determined to be a water of the United States subject to U.S. Army Corps of Engineers Section 404 Permit of the Clean Water Act.

Should you have any questions or require additional information, please do not hesitate to contact me at (956)782-2557 or [rgutierrez@rgec.net](mailto:rgutierrez@rgec.net)

Sincerely,

A handwritten signature in blue ink that reads "Ramiro Gutierrez, P.E." with a stylized flourish.

Ramiro Gutierrez, PE  
Project Engineer

**U.S. ARMY CORPS OF ENGINEERS  
SECTION 404  
APPLICATION FOR  
DEPARTMENT OF THE ARMY PERMIT**

Prepared for:  
Hidalgo County – Texas  
302 W. University Drive  
Edinburg, Texas 78539

Prepared by



130 East Park  
Pharr, Texas 78577  
Tel: 956-782-2557  
Fax: 956-782-2558

**March 26, 2014**

R. Gutierrez Engineering Corporation  
T.B.P.E. FIRM: F486

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Cover Letter

404 Permit Application

Additional Sheet for Block 22

Agency Correspondence

    State Historic Preservation Office

    U.S. Fish and Wildlife Service

    Texas Commission on Environmental Quality

    Texas Parks & Wildlife

Project Drawings



**17. DIRECTIONS TO THE SITE**

From Expressway 83 (IH-2) take Tower Road exit and travel south on Tower Road approximately 3.5 miles until getting to IBWC levee.

**18. Nature of Activity (Description of project, include all features)**

The project proposes to construct a new road across the Main IBWC Floodway and crossing Main Pilot Channel (La Cruz Resaca) with a proposed bridge, the project will consist of:  
Excavation of the channel banks, stone riprap, and pre-stressed concrete piles.

**19. Project Purpose (Describe the reason or purpose of the project, see instructions)**

The purpose of the proposed project is to continue the existing Tower Road from Rancho Blanco Road across the Main IBWC Floodway to Juan Balli Road to allow for better traffic circulation.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

**20. Reason(s) for Discharge**

Permanent discharges associated with this project will consist on stone riprap to protect the channel banks and possible drilling of pilot holes to drive concrete piles into the bottom of the channel to support the proposed bridge, excess excavated material will be properly removed from the site

**21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:**

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Stone Riprap = 1,265 CY	Excavated Material = 2,631 CY	

**22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)**

Acres See attached sheet  
or  
Linear Feet

**23. Description of Avoidance, Minimization, and Compensation (see instructions)**

Stone riprap will be utilized for bank stabilization and protection and to allow habitat to grow beneath the bridge. Also a series of BMPs will be utilized as sediment control fence, stabilization blankets, and compost filter socks as deemed necessary. Final vegetation will be accomplished by seeding with a mix of native grasses and temporary irrigating the affected area.

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Rio Fresh Inc. PO Box 1619

City - San Juan State - TX Zip - 78589

b. Address- Valley Land Fund Inc. 2400 N. 10th Street Suite A

City - McAllen State - TX Zip - 78501

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
State Hist. Presrv. Of.	No Adverse Effect		02/15/2012	03/07/2012	
US Dept. of FWS	No Adverse Effect			10/09/2012	
TCEQ	Letter of Clearence		01/28/2013	02/11/2013	
Texas Parks & Wildlif	No Adverse Impact			02/26/2013	

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
DATE

*Rain A. P.E.* 3/26/14  
\_\_\_\_\_  
SIGNATURE OF AGENT DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

## **Block 22**

This project will disturb 100 linear feet of the IBWC Main Pilot Channel (La Cruz Resaca), work will consist on excavating both sides of the channel to provide trapezoidal channel. Work will be done with backhoe or excavator from the top of the bank. Excavated material will be placed directly into the trucks to removed said excavated material from the Resaca area. If excavated material is suitable for embankment it might be used for this purpose during the construction of the roadway embankment. Contractor will be required to implement Storm Water Pollution Prevention Plan .prior to commencement of any construction or excavation activities.

**R. Gutierrez Engineering Corporation – Firm # F-486**

February 15, 2012

Mr. James E. Bruseth, Ph.D.  
Department of Antiquities Protection  
Texas Historical Commission  
P.O. Box 12276  
Austin, TX 78711



RE: South Tower Road Floodway Crossing

Dear Dr. Bruseth:

Hidalgo County Precinct No. 2 is planning to extend Tower Road, south of Alamo, Texas, across the International Boundary & Water Commission (IBWC) Floodway from Rancho Blanco Road, south to Juan Balli Road. The existing right-of-way width varies from 40 feet to 100 feet in width. The proposed right-of-way width will be a usual 100 feet with additional right-of-way at the floodway levees.

Currently, there is no paved road across the IBWC floodway and no bridge crossing the pilot channel. The proposed scope of work includes extending a road across the floodway and a bridge across the pilot channel. A copy of the USGS map and preliminary construction plan details are enclosed for your information and review.

Since the floodway is under IBWC jurisdiction, Hidalgo County is required to obtain a license from them; therefore, I request your concurrence that this project will not impact any cultural resources.

Thank you in advance for your expeditious review. If you have any questions concerning project environmental issues or would like to visit the project, please do not hesitate to call me at (956) 782-2557.

Sincerely,

A handwritten signature in blue ink that appears to read "Ramiro" followed by a stylized monogram.

Ramiro Gutierrez, P.E.  
President

Enclosure (as stated)

cc: Files





United States Department of the Interior  
**FISH AND WILDLIFE SERVICE**  
Ecological Services - LRGV Sub Office  
Phone: (956) 784-7560 Fax: (956) 787-0547  
3325 Green Jay Road  
Alamo, TX 78516  
October 9, 2012

Marc Haws, P.G., Sr. Consultant  
Ambiotec Engineering Group  
1101 East Harrison Avenue  
Harlingen, TX 78550

Re: Consultation No.: 02ETCC00-2012-I-0106

Dear Mr. Haws;

This responds to letters, documentation and conversations regarding your request that the U.S. Fish and Wildlife Service (Service) review the proposed roadway extension south of the City of Alamo, Hidalgo County, Texas. Your client, Hidalgo County Precinct No. 2, had notified us via correspondence dated January 15, 2012 of their intent to extend Tower Road southward, across the International Boundary & Water Commission (IBWC) Floodway from Ranch Blanco Road to join with Juan Balli Road. Since the existing ROW widths vary from 40 to 100, additional ROW will be obtained to increase the proposed ROW to 100 feet wide with additional ROW at the floodway levees. Because the Floodway is under IBWC jurisdiction, the County is required to obtain a license from them to proceed with the project. We had responded on April 5, 2012, with several questions regarding specifics of the original project and are now in receipt of your Environmental Assessment (EA) prepared for R. Gutierrez Engineering and Hidalgo County Precinct No. 2.

While R. Gutierrez had made an initial determination of 'No Impacts to threatened or endangered species', we had requested further information and clarification of the project since the proposed roadway extension would cross over the pilot channel that would include habitat removal around the pilot channel, irrigation ditch and levees. The EA contained engineering schematics showing the proposed roadway and bridge components, but did not have a clear map delineating where the road extension was to occur. Also, there was no clear indication of the amount of habitat or locations of habitat to be removed.

On an informal site visit to the proposed area, you, Ms. Fuentes-Capozello of the Service and Mr. Gutierrez noted that both sides of the pilot channel contain existing ditches, brush and shrub habitat, and agricultural fields. The proposed project area is located within agricultural/rangeland, with open ditches and a pilot channel crossing through it, and the waterways are lined with trees, shrubs and brush.

From subsequent phone and email conversations, as well as a site visit with you on October 3, 2012, we were able to note exactly where the pilot channel will be crossed, as well as where the roadway is to be diverted from the existing irrigation ditch. It was also clarified that the banks of the pilot channel would be lined with riprap rather than smooth concrete as it crosses beneath the bridge and allow habitat to grow beneath the bridge.

It was mentioned in the EA that "...*(n)o effects or adverse impacts on Federal...threatened and endangered species would occur as a result of the proposed project due to a lack of preferred habitat within the proposed project area...Potential habitat was identified for several threatened and endangered species at the site; however, the proposed project would not jeopardize the continued existence of any listed threatened or endangered species...*" we had mentioned that the brush and trees

lining the pilot channel and the levees may constitute wildlife corridors that may allow not only listed species such as ocelots and jaguarundis, but their prey and other wildlife such as bobcats, raccoons, coyotes, to travel from one habitat to another along these waterways, so the Service recommends minimal habitat disturbance, and to revegetate with native vegetative species in disturbed areas.

We have also reviewed the BMPs submitted and noted that the ocelot (*Leopardus pardalis*) and the jaguarundi (*Herpailurus yagouaroundi cacomithi*) were not included in the list of species that may occur in the area. The Northern Aplomado falcon (*Falco femoralis septentrionalis*), as well as the Interior Least Tern (*Sterna antillarum athalassos*) are also federal listed as endangered, and not just as migratory birds.

Please note that the Service strives to respond to requests for project review within 30 days of receipt, however, this time period is not mandated by regulation. Responses may be delayed due to workload and lack of staff. Failure to meet the 30-day timeframe does not constitute a concurrence from the Service that the proposed project will not have impacts to threatened and endangered species.

The Service agrees that these avoidance and minimization measures are appropriate, and with their implementation the likelihood of an impact occurring is insignificant and discountable, therefore, the Service concurs with the determination that the project "is not likely to adversely affect listed species". Should project plans change, portions of the project were not evaluated, or differ from the described above, please notify us. If we can be of further assistance, please contact Brunilda Fuentes-Capozello (956-784-7631), or Ernesto Reyes, Jr. on this letterhead.

Sincerely,



Ernesto Reyes, Jr.  
Fish & Wildlife Biologist

For  
Allan M. Strand  
Field Supervisor

cc: Field Supervisor, U.S. Fish and Wildlife Service, Corpus Christi, TX

Bryan W. Shaw, Ph.D., *Chairman*  
Carlos Rubinstein, *Commissioner*  
Toby Baker, *Commissioner*  
Zak Covar, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 11, 2013

Mr. Arturo Garcia, Jr., P.E., Senior Project Manager  
R. Gutierrez Engineering Corporation  
130 E. Park Ave.  
Pharr, TX 78577

Dear Mr. Garcia:

We have reviewed the applicable Storm Water Rules under the Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP) to see if the rules apply to your project. According to your letter dated January 28, 2013, you are requesting a letter of clearance for a construction project to construct a roadway along South Tower Road in Alamo (Hidalgo County), Texas. Based on the review of the material you submitted, your construction project requires coverage under the TPDES CGP as a large construction site. As stated in your letter, continue your plan to develop a Storm Water Pollution Prevention Plan, submit your Notice of Intent, and post your Large Construction Site Notice for the construction project listed above.

Consider this correspondence as the Letter of Clearance you requested. Please comply with any applicable environmental regulations of the U.S. Environmental Protection Agency and associated agencies dealing with this clearance request.

The TCEQ appreciates your concern and your efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Norberto Mendoza Jr. in the Harlingen Region Office at (956) 430-6037.

Sincerely,

A handwritten signature in cursive script that reads "Jaime Garza".

Jaime Garza, Regional Director  
Harlingen and Laredo Regional Offices

JG/nmj



Life's better outside.®

February 26, 2013

Arturo Garcia, Jr.  
R. Gutierrez Engineering Corporation  
130 East Park Avenue  
Pharr, TX 78577

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Dick Scott  
Wimberley

Lee M. Bass  
Chairman-Emeritus  
Fort Worth

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Carter P. Smith  
Executive Director

RE: Proposed Tower Road Floodway Crossing, Hidalgo County, Texas

Dear Mr. Gutierrez:

This letter is in response to your request for review of the project referenced above. Hidalgo County Precinct No. 2 is proposing to extend Tower Road across the International Boundary and Water Commission (IBWC) floodway. Texas Parks and Wildlife Department (TPWD) provided comments on this project in a letter dated April 24, 2012 in response to the threatened and endangered species review required by the IBWC.

### Project Description

Hidalgo County Precinct No. 2 is proposing to widen and extend Tower Road from Rancho Blanco Road south to Juan Balli Road by constructing an at-grade asphalt roadway. Existing segments of Tower Road consist of either a single 10-foot wide dirt road or a two 10-foot wide lane caliche road. The proposed road would widen the existing portion of Tower Road to include four 12-foot wide travel lanes with a 14-foot wide center turn lane. The extended portion of Tower Road would consist primarily of two 12-foot wide travel lanes with eight-foot wide outside shoulders. The road would extend across the floodway and a bridge would be constructed to span the pilot channel. Drainage structures would be installed under the road to convey stormwater. The existing right-of-way (ROW) varies from 40 to 100 feet in width. The proposed ROW would be 100-foot wide throughout with additional ROW (approximately 385-foot wide) at the floodway levees.

### TPWD Review

As part of the original 2012 review, TPWD searched the Texas Natural Diversity Database (TXNDD) of known records for species and rare resources within 1.5 miles of the project site, reviewed the Annotated County List of Rare Species for Hidalgo County, and the project information that was provided. TPWD recommended a number of measures and best management practices (BMPs) that could be implemented to avoid and/or minimize potential negative impacts to federal and state-listed species.

For the current review, TPWD was provided with a preliminary plan and layout of the project site as well as a "Contractor Awareness and Best Management Practices for Biological Resources" document that contained many of the recommendations provided by TPWD in the April 24, 2012, letter.

**Recommendation:** As noted in the Contractor Awareness and BMP document, it is preferable to allow wildlife that may enter the project area to leave the area on its own. It should be noted that handling or relocating state-listed species requires a permit issued by TPWD. The required permit (i.e., scientific collection permit) can be obtained from TPWD Wildlife Permits Program. For more information regarding this permit, please visit TPWD's wildlife permit website at: <http://www.tpwd.state.tx.us/business/permits/land/wildlife/>

**Comment:** TPWD commends Hidalgo County for having the "Contractor Awareness and Best Management Practices for Biological Resources" document prepared. Based on the project description and if the recommendations and BMPs described in the "Contractor Awareness and Best Management Practices for Biological Resources" are implemented, the Wildlife Habitat Assessment Program does not anticipate significant adverse impacts to rare, threatened or endangered species, or other fish and wildlife resources.

Thank you for the additional opportunity to review and comment on this project. Please contact me at (361) 825-3240 or [russell.hooten@tpwd.state.tx.us](mailto:russell.hooten@tpwd.state.tx.us) if you have any questions regarding our comments.

Sincerely,



Russell Hooten  
Wildlife Habitat Assessment Program  
Wildlife Division

/rh 4607