

Fitzpatrick, Wayne C CIV USARMY CESWG (USA)

From: Trant, Angela G CIV USARMY CESWG (USA)
Sent: Monday, March 28, 2022 3:21 PM
To: ucp@co.hidalgo.tx.us
Cc: Fitzpatrick, Wayne C CIV USARMY CESWG (USA)
Subject: SWG-2014-00383 - Urban County Program, Alamo Water and Sewer Improvements, Hidalgo Co., TX

We received your request on August 12, 2021. It has been assigned Corps of Engineers file number SWG-2014-00383 and has been assigned to Mr. Wayne Fitzpatrick for review. Mr. Fitzpatrick may be reached by telephone at 361-814-5847 (ext 1008) or by e-mail at Wayne.C.Fitzpatrick@usace.army.mil.

Please allow Mr. Fitzpatrick time to review this action and note that he will contact you if further information is required.

Please reference the above number on any future correspondence to this office.

The new Supervisor for the Regulatory Field Office is Ms. Kristie Wood. Ms. Wood may be reached by telephone at 361-814-5847 (ext 1005) or by email at Kristie.A.Wood@usace.army.mil.

Thank you.

Angela Trant

Legal Instruments Examiner

US Army Corps of Engineers

Regulatory Field Office

5151 Flynn Parkway, Suite 306

Corpus Christi, TX 78411-4318

361-814-5847 ext 1001



AUG 12 2021

URBAN COUNTY PROGRAM

1916 TESORO STREET • PHARR, TEXAS 78577 • (956) 787-8127 FAX (956) 318-2988 • EMAIL: UCP@CO.HIDALGO.TX.US

August 6, 2021

Mark Harbers, Chief Environmental Resource Branch
c/o Lloyd Mullins, Supervisor
U.S. Army Corps of Engineers
5151 Flynn Parkway, Ste. 306
Corpus Christi, TX 78411

RE: Sect. 106 Reviews for Hidalgo County – 2021 Alamo Water & Sewer Improvements


Dear Mr. Harbers:

In an effort to conform with §58.5(b) (2) Wetlands Protection (E.O. 11990) and the requirements applicable to Federal Agencies, we are initiating consultation with your office regarding our federally funded project within Hidalgo County, Texas. Our agency understands your interest in reviewing new projects to ensure they do not affect wetlands, marshes, wet meadows, mud flats or natural ponds. As such, we request concurrence from your office regarding the following project:

Project consists of upgrade to water and sewer line. Project will include but limited to the paving of adjacent/abutting street within the same general vicinity. Other expenditures will include professional engineering services, surveying geo-technical and construction material testing fees, and all related appurtenances, etc. Location: Oneida Circle in County Living Estates No. 2 Alamo, Texas

As per a field observation and maps of the project site, the project is not located within or adjacent to wetlands. Please advise our office if you have any information regarding the above referenced project or if this project will require a permit under Section 404 of the Clean Water Act and/or wetland mitigation. A location map is enclosed for your review. Should you have any questions or need additional information, please contact me at (956) 787-8127.

Sincerely,


Antonio Barco, Assistant Director

AB/sr
Enclosures:



APPROXIMATE SCALE

2000

0

2000 FEET

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

**HIDALGO
COUNTY,
TEXAS**
(UNINCORPORATED AREA)

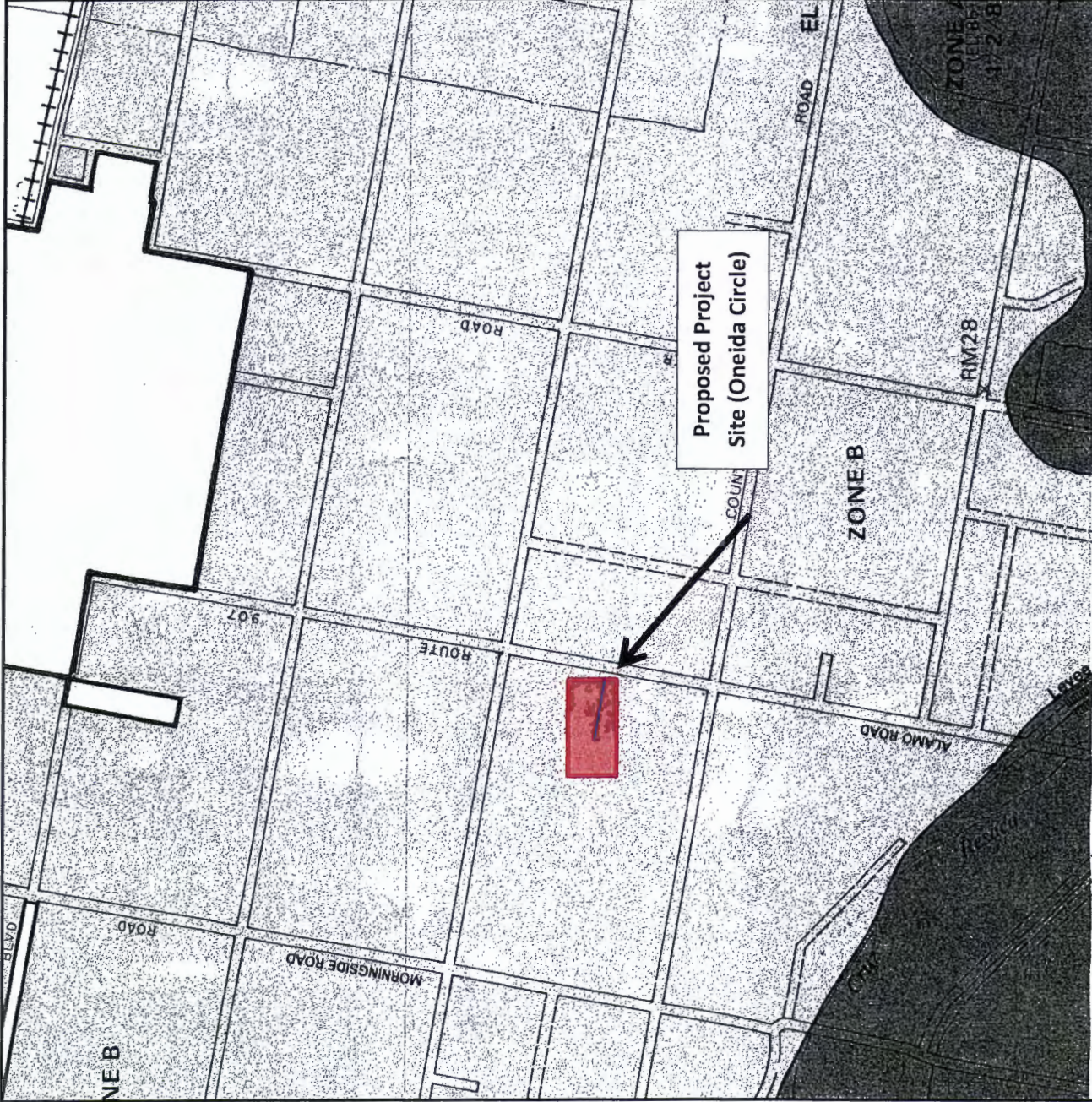
PANEL 425 OF 525
(SEE MAP INDEX FOR PANELS-NOT PRINTED)

**COMMUNITY-PANEL NUMBER
480334 0425 C**
**MAP REVISED:
NOVEMBER 16, 1982**

federal emergency management agency



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT CH-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



KEY TO MAP



500-Year Flood Boundary
 100-Year Flood Boundary
 Zone Designations* With Date of Identification e.g., 12/2/74
 100-Year Flood Boundary
 500-Year Flood Boundary

Base Flood Elevation Line With Elevation In Feet**

Base Flood Elevation in Feet Where Uniform Within Zone** (EL 987)

Elevation Reference Mark RM7 X

River Mile • M1.5

** Referenced to the National Geodetic Vertical Datum of 1929

***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; average depths of inundation are shown, but no flood hazard factors are determined.
AH	Areas of 100-year shallow flooding where depths are between one (1) and three (3) feet; base flood elevations are shown, but no flood hazard factors are determined.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A99	Areas of 100-year flood to be protected by flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of the 100-year flood and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors



NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 FLOOD INSURANCE RATE MAP

**HIDALGO
 COUNTY,
 TEXAS**
 (UNINCORPORATED AREA)

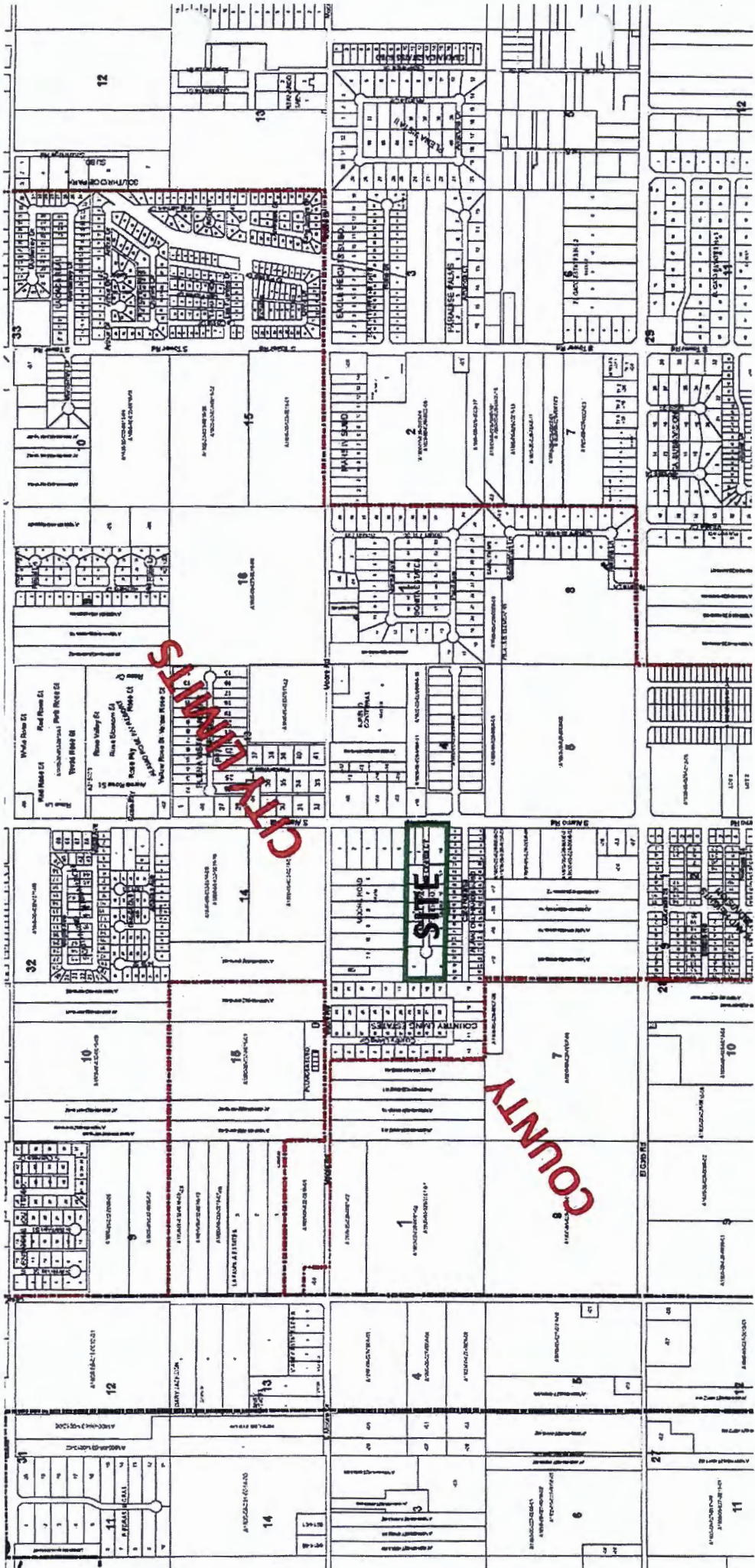
PANEL 425 OF 525
 (SEE MAP INDEX FOR PANELS NOT PRINTED)

COMMUNITY-PANEL NUMBER
 480334 0425 C

MAP REVISED:
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federal emergency management agency

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CLARK COUNTY

SITE





U.S. Fish and Wildlife Service

National Wetlands Inventory

2021 Alamo Water & Sewer Improvement



August 9, 2021

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

U.S. Fish and Wildlife Service, National Standards and Support Team
wetlands_team@fws.gov

DATE: 18 July 2022

PROJECT NUMBER: SWG-2014-00383

APPLICANT: Urban County Program

FEATURE/SITE NAME: Dry Land, Paved Street, Site # 1

LOCATION (LAT/LONG): Latitude : 26.163030, Longitude: -98.128434

I. Hydrology:

- a. Relative Landscape Position: residential streets and (ROWs).
- b. NWI Indicator: None present (NWI Mapper)
- c. Other Indicators of Hydrology: None
- d. Comments: A desktop review of the subject property was conducted on 18 July 2022 to gather preliminary information. Google Earth aerial imagery taken from 2017 and 2020 indicates that the proposed improvement site has been used primarily as streets and utility rights-of-way (ROWs). The proposed work involves improving sewer and water lines on Oneida Circle in Alamo, Texas. Per the FEMA Panel the review site has not been surveyed. The NWI mapper does not indicate any aquatic feature within the review area. Other topographic maps do not indicate any stream features within the review area.

II. Vegetative Community: No wetland vegetation visible on aerials.

Soils: Hidalgo County

Soil Map: Raymondville-Urban land complex, 0 to 1 percent slopes

Is map type Hydric? No

If yes, what is the rating? N/A

Comments: non-hydric soil.

III. Conclusion:

Using the 1987 Corps of Engineers Wetland Delineation Manual - Section D - Subsection 1: Onsite Inspection Unnecessary, we have determined that the review area does not occupy one or more of the three required wetland criteria (hydrology, dominance of hydrophytic vegetation, and hydric soils) and as such is not a wetland as determined by the 1987 Wetlands Delineation Manual.

A site visit is not warranted for this review.

Wayne Fitzpatrick

Wayne Fitzpatrick

Project Specialist

Corpus Christi Regulatory Field Office

Approved Jurisdictional Determination

Legend

SWG-2014-00383

Site 1

Lat:26.163030

Long:-98.128434

Google Earth

Image Landsat / Copernicus
Image U.S. Geological Survey



The Heights of Alamo 1000 ft

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): Nov 21, 2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: ;Galveston District; SWG-2014-00383, Site 1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Hidalgo County City: Alamo
Center coordinates of site (lat/long in degree decimal format): Lat, 26.163030, Long: -98.128434
Universal Transverse Mercator: 14R, 587105.61 m E, 2894030.72 m N
Name of nearest waterbody: Arroyo Colorado
Name of watershed or Hydrologic Unit Code (HUC): 12110208 South Laguna Madre Watershed.

- 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: July 18, 2022
 Field Determination. Date(s): *Click here to enter a date.*

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: Census Tract provided by Urban County Program.
 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: 12110208 South Laguna Madre Watershed.
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: USGS: 1:24K titled: San Juan, Texas
 USDA Natural Resources Conservation Service Soil Survey. Citation:
 National wetlands inventory map(s). Cite name: NWI Mapper provided by Urban County Program
 State/Local wetland inventory map(s): *Click here to enter text.*
 FEMA/FIRM maps: FEMA Panel provided by Urban County Program
 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): Google Earth Aerial 2017 and 2021
 or Other (Name & Date): Site photographs provide by Urban County Program
 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: There are no aquatic resources or potential aquatic resources in the review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction. (e.g., OHWM) Based on historical aerial imagery from Google Earth and

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.

topographic maps the proposed improvement site has been used primarily as residential streets and utility right-of-way (ROWS) and the proposed improvements are within these existing streets and ROWs.

MEMORANDUM FOR THE FILE

SUBJECT: Approved Jurisdictional Determination for the sewer improvements on Oneida Circle in the City of Alamo, Hidalgo County, Texas.

1. **Background:** On 12 August 2021 we received a request from Urban County Program requesting that the U.S. Army Corps of Engineers (Corps) provide an Approved Jurisdictional Determination (AJD) for proposed improvements, on upgrades to water and sewer lines on Oneida Circle within the city of Alamo, Texas. The applicant did not provide a wetland delineation of the subject property but did provide a map indicating the location of the proposed street improvement area.
2. **Resources:**
 - a. Aerials (2017 & 2020; source: Google Earth)
 - b. USGS Topographic Map 1:24,000 San Juan, Texas accessed online
 - c. National Wetland Inventory (NWI) Provided by Urban County.
 - d. National Hydrologic Dataset (NHD) – 12110208 South Laguna Madre Watershed.
 - e. FEMA Panel Provided by Urban County Program.
3. **Desktop Review:** A desktop review of the subject property was conducted on 18 July 2022 to gather preliminary information. Google Earth aerial imagery taken from 2017 and 2020 indicates that the proposed improvement site has been used primarily as streets and rights-of-way (ROWs). The proposed work involves upgrading the water and sewer lines on Oneida Circle in Alamo, Texas. Per the FEMA Panel the review site is not within the 100-year floodplain. The NWI mapper does not indicate any aquatic feature within the review area. Other topographic maps do not indicate any stream features within the review area.
4. **Site Visit:** No site visit necessary.
5. **Determination:** Based on our desktop review there does not appear to be any potential aquatic resources in the review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features present on the site that would affect the lateral limits of jurisdiction (e.g., OHWM).

- 6. Conclusion:** Based on the applicant's description (i.e. upgrading the water and sewer lines on Oneida Circle in Alamo, Texas) and our desktop review indicating that there are no jurisdictional waters of the US within the project area, the Corps finds that this project does not require a Department of the Army permit provided the project plans are followed as proposed.

PREPARED BY:

Wayne Fitzpatrick

Wayne Fitzpatrick
Regulatory Specialist
Corpus Christi Regulatory Field Office

Date: 17 Oct 2022

Mark Pattillo
Technical Lead
Corpus Christi Regulatory Field Office

Date: _____

Google Earth 2021

Approved Jurisdictional Determination

SWG-2013-00506

Legend



907

Speedling Incorporated, ALM

Plena Vista Cir

Moore Rd

Muniz Food Store

Moore Rd

E Moore Rd

Alvarez Auto Sales & Recycling Center

Materiales El Alamo

Oneida Cir

Cil Naranja

Mesquite Drive Thru

Calle Naranja Ave

Iglesia Cristiana Uncion y liberacion

1000 ft

Google Earth



NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Urban County Program		File Number: SWG-2014-00383	Date: Oct 22, 2022
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Wayne Fitzpatrick
Project Manager (CESWG-RDR)
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 ext. 1008

If you only have questions regarding the appeal process you may also contact:
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
Phone: 469-216-8324
Email: Jamie.r.hyslop@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

DATE: 17 Oct 2022

PROJECT NUMER: SWG-2014-00383

APPLICANT: Urban County Program

FEATURE/SITE NAME: Dry Land, Paved Street, Site # 1

LOCATION (LAT/LONG): Latitude : 26.163030, Longitude: -98.128434

I. Hydrology:

- a. Relative Landscape Position: residential streets and (ROWs).
- b. NWI Indicator: None present (NWI Mapper)
- c. Other Indicators of Hydrology: None
- d. Comments: A desktop review of the subject property was conducted on 18 July 2022 to gather preliminary information. Google Earth aerial imagery taken from 2017 and 2020 indicates that the proposed improvement site has been used primarily as streets and rights-of-way (ROWs). The proposed work involves improving sewer and water lines on Oneida Circle in Alamo, Texas. Per the FEMA Panel the review site has not been surveyed. The NWI mapper does not indicate any aquatic feature within the review area. Other topographic maps do not indicate any stream features within the review area.

II. Vegetative Community: No wetland vegetation visible on aerials.

Soils: Hidalgo County

Soil Map: Raymondville-Urban land complex, 0 to 1 percent slopes

Is map type Hydric? No

If yes, what is the rating? N/A

Comments: non-hydric soil.

III. Conclusion:

Using the 1987 Corps of Engineers Wetland Delineation Manual - Section D - Subsection 1: Onsite Inspection Unnecessary, we have determined that the review area does not occupy all three wetland criteria (hydrology, dominance of hydrophytic vegetation, and hydric soils) and as such one or more of the mandatory wetland criteria is not present and is not a wetland as determined by the 1987 Wetlands Delineation Manual.

A site visit is not warranted for this review.

Wayne Fitzpatrick

Wayne Fitzpatrick

Project Specialist

Corpus Christi Regulatory Field Office



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI, TEXAS 78411-4318

October 22, 2022

Corpus Christi Field Office

SUBJECT: SWG-2014-00383; Approved Jurisdictional Determination

Urban County Program
Attn: Mr. Antonio Barco
1916 Tesoro Street
Pharr, Texas 78577

Dear Mr. Barco:

This is in reference to the approved jurisdictional determination (AJD) request, received on August 12, 2021, to determine if the review area is subject to Corps of Engineers Jurisdiction. The review area is located on Oneida Circle within the city of Alamo, Hidalgo County, Texas.

Based on the review of the submitted information, resources available/used, subsequent desk review, the Corps has determined that the Site 1 review area, depicted on the attached map in 1 sheet, does not exhibit waters of the United States (US), subject to jurisdiction pursuant to Section 404 of the Clean Water Act (Section 404). Specifically, the Corps determined that the review area is comprised of uplands.

The enclosed approved jurisdictional determination (AJD), dated October 17, 2022, is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed is a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

Mr. Jamie Hyslop
Administrative Appeals Review Officer
Southwestern Division USACE (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-216-8324
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 regarding this determination, please contact Wayne Fitzpatrick by telephone at 361-814-5847 ext. 1008 or by e-mail at wayne.c.fitzpatrick@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/>.

Sincerely,

Kristie A. Wood
Supervisor
Corpus Christi Regulatory Field Office

Enclosures



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI, TEXAS 78411-4318

November 21, 2022

Corpus Christi Field Office

SUBJECT: SWG-2014-00383; Approved Jurisdictional Determination

Urban County Program
Attn: Mr. Antonio Barco
1916 Tesoro Street
Pharr, Texas 78577

Dear Mr. Barco:

This is in reference to the approved jurisdictional determination (AJD) request, received on August 12, 2021, to determine if the review area is subject to Corps of Engineers Jurisdiction. The review area is located on Oneida Circle within the city of Alamo, Texas.

Based on the review of the submitted information, resources available/used, subsequent desk review, the Corps has determined that the Site 1 review area, depicted on the attached map in 1 sheet, does not exhibit waters of the United States (US), subject to jurisdiction pursuant to Section 404 of the Clean Water Act (Section 404). Specifically, the Corps determined that the review area is comprised of uplands.

The enclosed approved jurisdictional determination (AJD), dated November 21, 2022, is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed is a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:

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If you have any questions regarding this determination, please contact Wayne Fitzpatrick by telephone at 361-814-5847 ext. 1008 or by e-mail at wayne.c.fitzpatrick@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/>.

Sincerely,

A handwritten signature in black ink that reads "Mark Pattillo". The signature is written in a cursive, slightly slanted style.

FOR Kristie A. Wood
Supervisor
Corpus Christi Regulatory Field Office

Enclosures

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Urban County Program		File Number: SWG-2014-00383	Date: Nov 21, 2022
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Wayne Fitzpatrick
Project Manager (CESWG-RDR)
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 ext. 1008

If you only have questions regarding the appeal process you may also contact:
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
Phone: 469-216-8324
Email: Jamie.r.hyslop@usace.army.mil

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

Fitzpatrick, Wayne C CIV USARMY CESWG (USA)

From: Trant, Angela G CIV USARMY CESWG (USA)
Sent: Tuesday, November 22, 2022 9:47 AM
To: ucp@co.hidalgo.tx.us
Cc: Fitzpatrick, Wayne C CIV USARMY CESWG (USA); Wood, Kristie A CIV USARMY CESWG (USA)
Subject: Corps of Engineers File No. SWG-2014-00383 - Approved Jurisdictional Determination, Oneida Circle, Alamo, Hidalgo Co., TX
Attachments: SWG-2014-00383 UCP AJD NPR Ltr.pdf

Please see attached Jurisdictional Determination. If you have any questions, please contact Mr. Wayne Fitzpatrick at 361-814-5847 x1008 or by email at Wayne.C.Fitzpatrick@usace.army.mil.

Angela Trant
Corps of Engineers
Regulatory Field Office
Corpus Christi, TX