

APPENDIX A

INTERAGENCY COORDINATION AND CORRESPONDENCE

PARSONS

8000 Centre Park Drive, Suite 200 • Austin, Texas 78754 • (512) 719-6000 • Fax: (512) 719-6099 • www.parsons.com

March 18, 2003

Lloyd Mullins, Unit Leader, USACE
Corpus Christi Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411

Dear Mr. Mullins:

The United States Section, International Boundary and Water Commission (USIBWC) contracted with Parsons to conduct an environmental assessment (EA) for the proposed action to remove sediment material downstream of the Retamal Diversion Dam located in the Lower Rio Grande Flood Control Project (LRGFLP) near Mercedes, Texas.

Retamal Dam is located approximately 8 miles south of Weslaco in Hidalgo County, Texas at river mile 132.5. The diversion dam was constructed jointly by the USIBWC and Mexico in 1973. The dam is about 182 feet wide and 88 feet long and contains three radial gates that regulate river flows. The dam is an integral part of the LRGFCP. Its primary function is to force all flood flows in excess of the safe capacity of the channel (20,000 cfs design flow) through the Mexican Floodway of the Rio Grande between the dam and the Gulf of Mexico.

The purpose for removing the sediment is to allow the hydraulic system to pass the design flood flow effectively in the river. Currently, sediment has accumulated below the diversion dam, and is impairing the ability to pass the design flood flow designated by the US and Mexico. Removal of the sediment material is necessary to provide immediate flood control relief below the diversion dam.

USIBWC is extending an invitation to resource agencies to attend a site visit and Project kick-off meeting on the morning of March 27. We would like to meet at the Mercedes USIBWC Field Office located at 325 Golf Course Rd., Mercedes, TX, 78570 and caravan to the project site. The USIBWC would like to have early input by resource agencies concerning the proposed project, environmental concerns and potential mitigation options. USIBWC expects to complete a description of the proposed action and alternatives (DOPAA) by the second week of May 2003 and would welcome early input by resource agencies.

Attached are a project location map, site photographs, and sample engineering cross-section graphs (preliminary), and other related information. If you have any questions, please contact Anthony Davis, Parsons Project Manager (512/719-6022) or Daniel Borunda, USIBWC Project Technical Representative (915/832-4701).

Sincerely,



Anthony Davis, P.E.
Project Manager

Acid: SK
Attachments



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March 18, 2003

Brunilda Fuentes-Capozello
Corpus Christi Ecological Services USFWS Field Office
6300 Ocean Drive, Campus Box 338
Corpus Christi, Texas 78412-5599

Dear Ms Fuentes-Capozello:

The United States Section, International Boundary and Water Commission (USIBWC) contacted Parsons to conduct an environmental assessment (EA) for the proposed action to remove sediment material downstream of the Retamal Diversion Dam located in the Lower Rio Grande Flood Control Project (LRGFLP).

Retamal Dam is located approximately 8 miles south of Weslaco in Hidalgo County, Texas at river mile 132.5. The diversion dam was constructed jointly by the USIBWC and Mexico in 1973. The dam is about 182 feet wide and 88 feet long and contains three radial gates that regulate river flows. The dam is an integral part of the LRGFCP. Its primary function is to force all flood flows in excess of the safe capacity of the channel (20,000 cfs design flow) through the Mexican Floodway of the Rio Grande between Retamal and the Gulf of Mexico.

The purpose for removing the sediment is to allow the hydraulic system to pass the design flood flow effectively in the river. Currently, sediment has accumulated below the Retamal Diversion Dam, and is impairing the ability to pass the design flood flow designated by the US and Mexico. Removal of the sediment material is necessary to provide immediate flood control relief below Retamal Diversion Dam.

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Project Manager

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March 18, 2003

Mark Fisher
Texas Commission on Environmental Quality
Water Quality Assessment Section, MC 150
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Fisher:

The United States Section, International Boundary and Water Commission (USIBWC) contacted Parsons to conduct an environmental assessment (EA) for the proposed action to remove sediment material downstream of the Retamal Diversion Dam located in the Lower Rio Grande Flood Control Project (LRGFLP).

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March 18, 2003

Ismael Nava
Texas Parks and Wildlife Department
TAMUCC, Natural Resources Center
6300 Ocean Drive, Suite 2501
Corpus Christi, Texas 78412

Dear Mr. Nava:

The United States Section, International Boundary and Water Commission (USIBWC) contacted Parsons to conduct an environmental assessment (EA) for the proposed action to remove sediment material downstream of the Retamal Diversion Dam located in the Lower Rio Grande Flood Control Project (LRGFLP).

Retamal Dam is located approximately 8 miles south of Weslaco in Hidalgo County, Texas at river mile 132.5. The diversion dam was constructed jointly by the USIBWC and Mexico in 1973. The dam is about 182 feet wide and 88 feet long and contains three radial gates that regulate river flows. The dam is an integral part of the LRGFCP. Its primary function is to force all flood flows in excess of the safe capacity of the channel (20,000 cfs design flow) through the Mexican Floodway of the Rio Grande between Retamal and the Gulf of Mexico.

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Project Manager

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PARSONS

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May 5, 2003

Mark Fisher
Texas Commission on Environmental Quality
Water Quality Assessment Section, MC 150
P.O. Box 13087
Austin, Texas 78711-3087

Dear Mr. Fisher:

The United States Section of the International Boundary and Water Commission (USIBWC) plans to prepare an Environmental Assessment to assess the potential environmental impacts of removing sediment downstream of Retamal Diversion Dam in the Lower Rio Grande Flood Control Project. On behalf of the USIBWC, Parsons has prepared the attached sediment sampling plan.

This sediment sampling plan describes the collection and analysis of sediment samples to determine the suitability of dredged material for disposal or beneficial use. The sediment is located downstream of Retamal Diversion Dam in the Rio Grande. The USIBWC is proposing to remove the sediment downstream using a hydraulic dredging system. Sediment removal activities are expected to be completed between September 2003 and February 2004. This sediment is currently impairing passage of the design flood flow and has caused the main river channel to shift toward the Mexico side of the river, thus changing the boundary location between the two countries.

The field work necessary to complete the activities described in the sampling plan is expected to start on or before June 2, 2003. Parsons would appreciate any comments or information prior to May 26, 2003. Responses should be sent directly to:

Mr. Daniel Borunda
Environmental Protection Specialist
United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

Your assistance in providing information is greatly appreciated. If you have any questions, please call Mr. Borunda at (915) 832-4701 or me at (512) 719-6022.

Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment: DOPAA



PARSONS

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May 5, 2003

Lloyd Mullins, Unit Leader, USACE
Corpus Christi Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411

Dear Mr. Mullins:

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United States Section, International Boundary and Water
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El Paso, Texas 79902

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Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment:





REPLY TO
ATTENTION OF.

DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318

May 8, 2003

Corpus Christi Regulatory Office

SUBJECT: Project File D-14576

Attn: Mr. Anthony Davis
Parsons
8000 Centre Park Drive Suite 200
Austin, Texas 78754

Dear Mr. Davis,

This concerns a March 20, 2003 letter from the Parsons in which a request for the Corps of Engineers environmental concerns was made for the proposed removal of sediment material downstream of the Retamal Diversion Dam. The project site is located approximately 8 miles south of Weslaco on river mile 132.5 near Mercedes, Hidalgo County, Texas.

The Corps of Engineers has the authority to regulate certain work under the provisions of Section 10 of the Rivers and Harbor Act and Section 404 of the Clean Water Act (Section 404). Section 404 provides for the regulation of the discharge of fill material into Waters of the United States, which includes all wetlands adjacent to tidal and nontidal waters. Isolated wetlands and outlying areas that are seasonally saturated may be regulated under the provisions of Section 404 depending on their relationship with interstate commerce.

The project as described in your letter will require a Corps permit. The type of permitting action required depends on amount of material to be dredged, type of dredging equipment / techniques used, and placement of dredge materials. This information, along with a Corps of Engineers permit application, will need to be submitted before processing of the relevant Department of the Army permit can begin. It is recommended that you begin coordination of the project with the United States Fish and Wildlife Service and Texas Parks and Wildlife Department if you have not done so already.

This preliminary jurisdictional determination is valid for five years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date. Please reference the determination D-14576 in any future correspondence.

Thank you for contacting our office and please do not hesitate to contact Steve Moore at the letterhead address or by telephone at 361-814-5847 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Mullins", with a stylized flourish extending to the right.

Lloyd Mullins
Unit Leader
Corpus Christi Regulatory Office

Enclosures

PARSONS

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May 9, 2003

Lloyd Mullins, Unit Leader, USACE
Corpus Christi Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411

Dear Mr. Mullins:

The United States Section of the International Boundary and Water Commission (USIBWC) plans to prepare an Environmental Assessment to assess the potential environmental impacts of removing sediment downstream of Retamal Diversion Dam in the Lower Rio Grande Flood Control Project. On behalf of the USIBWC, Parsons has prepared the attached Description of the Proposed Action and Alternatives (DOPAA) which provides details of the action, explains the purpose and need for the action, and discusses alternatives to the action.

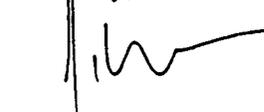
According to the National Environmental Policy Act (NEPA), the USIBWC must assess the potential environmental impacts of the proposed and alternative actions. In accordance with USIBWC Operational Procedures for Implementing Section 102 of the National Environmental Policy Act of 1969, Other Laws Pertaining to Specific Aspects of the Environment and Applicable Executive Orders (46FR44083, September 2, 1981), the USIBWC is requesting input from other federal, state, and local agencies on the proposal. Please identify any resources within your agency's purview that may be potentially impacted. Maps and graphics are included within the DOPAA to assist your office in reviewing the proposal.

Please provide any comments or information by June 2, 2003. Responses should be sent directly to:

Mr. Daniel Borunda
Environmental Protection Specialist
United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

Your assistance in providing information is greatly appreciated. If you have any questions, please call Mr. Borunda at (915) 832-4701.

Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment: DOPAA



May 9, 2003

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Corpus Christi Ecological Services USFWS Field Office
6300 Ocean Drive, Campus Box 338
Corpus Christi, Texas 78412-5599

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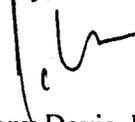
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Environmental Protection Specialist
United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

Your assistance in providing information is greatly appreciated. If you have any questions, please call Mr. Borunda at (915) 832-4701.

Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment: DOPAA



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May 9, 2003

Mark Fisher
Texas Commission on Environmental Quality
Water Quality Assessment Section, MC 150
P.O. Box 13087
Austin, Texas 78711-3087

Dear Mr. Fisher:

The United States Section of the International Boundary and Water Commission (USIBWC) plans to prepare an Environmental Assessment to assess the potential environmental impacts of removing sediment downstream of Retamal Diversion Dam in the Lower Rio Grande Flood Control Project. On behalf of the USIBWC, Parsons has prepared the attached Description of the Proposed Action and Alternatives (DOPAA) which provides details of the action, explains the purpose and need for the action, and discusses alternatives to the action.

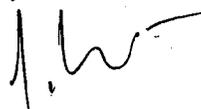
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Environmental Protection Specialist
United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

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Sincerely,



Anthony Davis, P.E.
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May 9, 2003

Ismael Nava
Texas Parks and Wildlife Department
TAMUCC, Natural Resources Center
6300 Ocean Drive, Suite 2501
Corpus Christi, Texas 78412

Dear Mr. Nava:

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Mr. Daniel Borunda
Environmental Protection Specialist
United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

Your assistance in providing information is greatly appreciated. If you have any questions, please call Mr. Borunda at (915) 832-4701.

Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment: DOPAA



PARSONS

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May 9, 2003

Jeff Rupert
Refuge Manager
Lower River Grande Valley
National Wildlife Refuge
Department of the Interior
Rt 2 Box 202-A
Alamo, Texas 78516

Dear Mr. Rupert:

The United States Section of the International Boundary and Water Commission (USIBWC) plans to prepare an Environmental Assessment to assess the potential environmental impacts of removing sediment downstream of Retamal Diversion Dam in the Lower Rio Grande Flood Control Project. On behalf of the USIBWC, Parsons has prepared the attached Description of the Proposed Action and Alternatives (DOPAA) which provides details of the action, explains the purpose and need for the action, and discusses alternatives to the action.

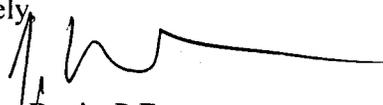
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United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

Your assistance in providing information is greatly appreciated. If you have any questions, please call Mr. Borunda at (915) 832-4701.

Sincerely,


Anthony Davis, P.E.
Project Manager

Attachment: DOPAA



PARSONS

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May 9, 2003

William Martin
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276

Dear Mr. Martin:

The United States Section of the International Boundary and Water Commission (USIBWC) plans to prepare an Environmental Assessment to assess the potential environmental impacts of removing sediment downstream of Retamal Diversion Dam in the Lower Rio Grande Flood Control Project. On behalf of the USIBWC, Parsons has prepared the attached Description of the Proposed Action and Alternatives (DOPAA) which provides details of the action, explains the purpose and need for the action, and discusses alternatives to the action.

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Environmental Protection Specialist
United States Section, International Boundary and Water
Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

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Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment: DOPAA



Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 30, 2003

United States Section
International Boundary and Water Commission
4171 N. Mesa, C-100
El Paso, Texas 79902

Attn: Mr. Daniel Borunda

Re: USACE Permit Application Retamal Diversion Dam

Dear Sir:

The International Boundary and Water Commission (IBWC) proposes to remove an island and additional sedimentation from an area downstream of the Retamal Diversion Dam. The dam is located approximately eight miles south of Weslaco in Hidalgo County, Texas at river mile 129.22. The IBWC prefers to hydraulically dredge the sediment and place it into diked areas in Mexico for subsequent beneficial use.

After preliminary review of this project, the Texas Commission on Environmental Quality (TCEQ) has no objections to this project at this time. However, if new concerns are identified from comments, the TCEQ will submit a comment letter to identify those concerns.

Under Section 2.4.4, a statement is made regarding the effective removal of sediments from the return water leaving the temporary upland cells which will receive the dredged material. TCEQ asks that the any return water leaving the cells which may enter into waters of the United States not exceed a total suspended solids (TSS) concentration of 300 mg/l. Please provide detailed information regarding how the sediments will be removed from the return water and how a TSS concentration of 300 mg/l will not be exceed in the return water. The TCEQ also encourages the use of Best Management Practices during and after construction for as long as is necessary to protect water quality.

The TCEQ looks forward to receiving and evaluating other agency or public comments. Please provide any agency comments, public comments, as well as the applicant's comments, to Ms. Sidne Tiemann of the Water Quality Division MC-150, P.O. Box 13087, Austin, Texas 78711-3087. Ms. Tiemann may also be contacted by phone at (512) 239-4606, or by e-mail at stiemann@tceq.state.tx.us.

Sincerely,


Michael D. Cowan, Director
Water Quality Division

MF/SGT/emh

cc: U.S. Army Corps of Engineers, Corpus Christi Regulatory Field Office, CESWG-PE-RCC,
5151 Flynn Parkway, Suite 306, Corpus Christi, Texas 78411-4318



TEXAS
HISTORICAL
COMMISSION

The State Agency for Historic Preservation

RICK PERRY, GOVERNOR

JOHN L. NAU, III, CHAIRMAN

F. LAWRENCE OAKS, EXECUTIVE DIRECTOR

13 June 2003

Sylvia A. Waggoner
Division Engineer
Environmental Management Division
International Boundary and Water Commission
The Commons, Building C, Suite 310
4171 N. Mesa Street
El Paso, Texas 79902

Re: Project review under Section 106 of the National Historic Preservation Act of 1966, DOPAA:
Sediment Removal Downstream of Retamal Diversion Dam, Hidalgo County, Texas (IBWC)

Dear Ms. Waggoner:

Thank you for the correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Debra L. Beene, has completed its review. We understand that you need us to comment on the proposed removal of the island and sandbar downstream of the Retamal Diversion Dam. The removal of these sediments should not have an effect on cultural resources eligible for inclusion in the National Register of Historic Places (NRHP). However, the construction of field offices, storage yards, and diked facilities for storage and dewatering of the excavated sediments has the potential to damage cultural resources. Considering that these activities will be restricted to the Mexican riverbank, which is beyond our jurisdiction, we have no cultural resource concerns and the project should continue without further consultation with this office.

It is possible, however, that buried cultural materials may be present in the project area. If such materials are encountered during construction, work should cease in the immediate area; work may continue in the project area where no archaeological deposits are present. The State Historic Preservation Officer should be notified at 512/463-6096.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. We thank you for your efforts to preserve the irreplaceable heritage of Texas. **If you have any questions concerning our review or if we can be of further assistance, please contact Debra L. Beene at 512/463-5865.**

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Lawrence Oaks".

for

F. Lawrence Oaks, State Historic Preservation Officer

cc: Daniel Borunda, Environmental Protection Specialist, IBWC
Steve Fox, IBWC
Anthony Davis, Project Manager, Parsons, Austin

FLO/dlb



**United States Department of the Interior
FISH AND WILDLIFE SERVICE**

Ecological Services - LRGV SubOffice
Phone: (956) 784-7631 Fax: (956) 787-0547
Rt. 2 Box 202-A
Alamo, TX 78516
June 17, 2003

Mr. Anthony Davis, P.E.
Project Manager
Parsons
8000 Centre Park Drive, Suite 200
Austin, TX 78754

Re: Consultation No. 2-11-03-I-0207

Dear Mr. Davis:

This responds to your letter received March 31, 2003, regarding the effects of the planned removal of sediment material within the Rio Grande on species federally-listed or proposed for listing as threatened and endangered occurring in Hidalgo County, Texas. In addition, your project was evaluated with respect to wetlands and other important fish and wildlife resources.

This office understands that the project consists of the removal of sediment material that has accumulated downstream of the Retamal Diversion Dam located in the Lower Rio Grande Flood Control Project (LRGFCP). The dam is located approximately 8 miles south of the City of Weslaco, and is about 182 feet wide and 88 feet long and contains three radial gates that regulate river flows. Its primary function is to force all flood flows in excess of the safe capacity of the channel (20,000 cfs design flow) through the Mexican Floodway of the Rio Grande between Retamal and the Gulf of Mexico.

Currently, sediment has accumulated below the dam and is impairing the ability to pass the design flow designated by the US and Mexico. Part of the proposed project also entails the leveling of the river channel. Sediment accumulation downstream of the dam has occurred for a length of time, in that what was once a sandbar along the US side has now been covered by grasses, brush and several trees. IB&WC would like to first remove all vegetation from the sandbar/island, by chipping brush and trees and deposit these materials in a landfill, and then removing the sandbar/island and depositing the materials on the Mexican side where it will then be disposed of in a landfill.

On March 27, 2003, the project site was visited by representatives of several agencies including Internal Boundary and Water Commission (IB&WC), US Fish and Wildlife Service (USFWS), both National Wildlife Refuge and Ecological Services, and representatives of Parsons Consulting. The project area is bordered on three sides by the La Coma tract of the Lower Rio Grande Valley National Wildlife Refuge (LRGV-NWR) system, and the downstream portion of the sandbar/island appears to be directly across a portion of the refuge. LRGV-NWR markers were noted for IB&WC, as well as a visual observation of the sandbar/island. It was noted by IB&WC that the construction phase of the project would encompass entering the sandbar/island via the IB&WC levee in order to remove and dispose of the vegetation, then sediment removal would begin at the downstream portion of the sandbar/island so as not to have to cross over and impact LRGV-NWR land.

Regarding important fish and wildlife resources, please keep in mind that many bird species protected under the Migratory Bird Treaty Act may nest in an area containing trees or other suitable habitat. As the

Federal agency responsible for the protection of migratory birds, the Service recommends vegetation disturbances potentially associated with these activities avoid the general nesting period of March through August or that areas proposed for disturbance be surveyed first for nesting birds, in order to avoid the inadvertent destruction of nests, eggs, etc.

In accordance with Executive Order 13112 on Invasive Species and the Executive Memorandum on Beneficial Landscaping, any landscaping should be limited to seeding and replanting with native species, where possible. A mixture of grasses and forbs appropriate to address potential erosion problems and long-term cover should be planted when seed is reasonably available. Although bermudagrass is listed in seed mixtures, this species and other introduced species should be avoided as much as possible. Also, the Service recommends native trees, shrubs, and herbaceous species used for landscaping in the project areas which are more drought-tolerant, adaptable, and use less water. Tree species already located in the area should remain undisturbed as much as possible.

Based on the above recommendations and understandings, the Service concurs that there will be a Not Likely to Adversely Effect on Federally-listed species by the proposed project. For continued compliance under the Endangered Species Act, the Service recommends further consultation on any project-related impacts not described herein. If 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 on this letterhead.

Sincerely,



Brunilda Fuentes-Capozello
Fish & Wildlife Biologist

For
Allan M. Strand
Field Supervisor

cc: Field Supervisor, U.S. Fish and Wildlife Service, Corpus Christi, TX
June 17, 2003



DEPARTMENT OF THE ARMY
GALVESTON DISTRICT, CORPS OF ENGINEERS
Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
June 18, 2003

REPLY TO
ATTENTION OF.

Regulatory Branch

SUBJECT: D-14828

International Boundary and Water Commission
United States Section
Attention: Daniel Borunda
4171 N. Mesa Street Suite C100
El Paso, Texas 79902-1432

Gentlemen:

This concerns a letter, dated May 9, 2003, submitted on your behalf by Parsons, requesting comments on the proposed removal of a island and sandbar from the Rio Grande River as shown on the enclosed plan in one sheet. The project site is located downstream of the Retamal Diversion Dam in the Lower Rio Grande Flood Control Project, 8 miles south of Weslaco, Hidalgo County, Texas.

According to the information that was submitted by Parsons, a vegetated island and sand bar will be removed from the Rio Grande River by hydraulic dredging. Approximately 54,000 cubic yards of material will be dredged and placed in temporary dewatering cells along the Mexican riverbank. The material will eventually be removed from the cells and taken to a permanent disposal area in Mexico. The Rio Grande River is a navigable water of the United States and is regulated by the Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. Under Sections 10 and 404, activities that involve work in waters of the United States, including the discharge of dredged and/or fill material, require a Department of the Army (DA) permit. The proposed removal of the sandbar will require a DA permit under Section 10; however, as long as all the excavated material will be placed in Mexico there will not be a requirement to review the permit under Section 404 of the Clean Water Act. Mitigation will probably be necessary to compensate for those impacts to wetlands located on or adjacent to the island and sandbar. Once project specific plans are available, you should contact us for additional information regarding the permitting process.

-2-

Please reference the determination number D-14828 in future correspondence pertaining to this project. This determination is based on a preliminary jurisdictional determination. If you have any questions concerning this matter, please contact Marie Pattillo at the letterhead address or by telephone at 361-814-5847.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Mullins", written in a cursive style.

Lloyd Mullins
Unit Leader,
Corpus Christi Field Office

Enclosures

Copy Furnished: Parsons, Attention: Anthony Davis, 8000 Centre Park Drive,
Austin, Texas 78754

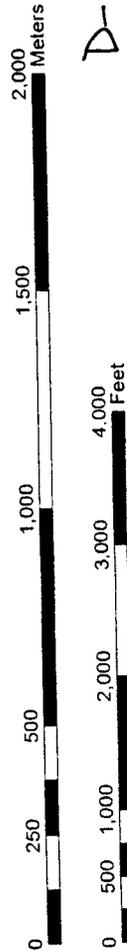
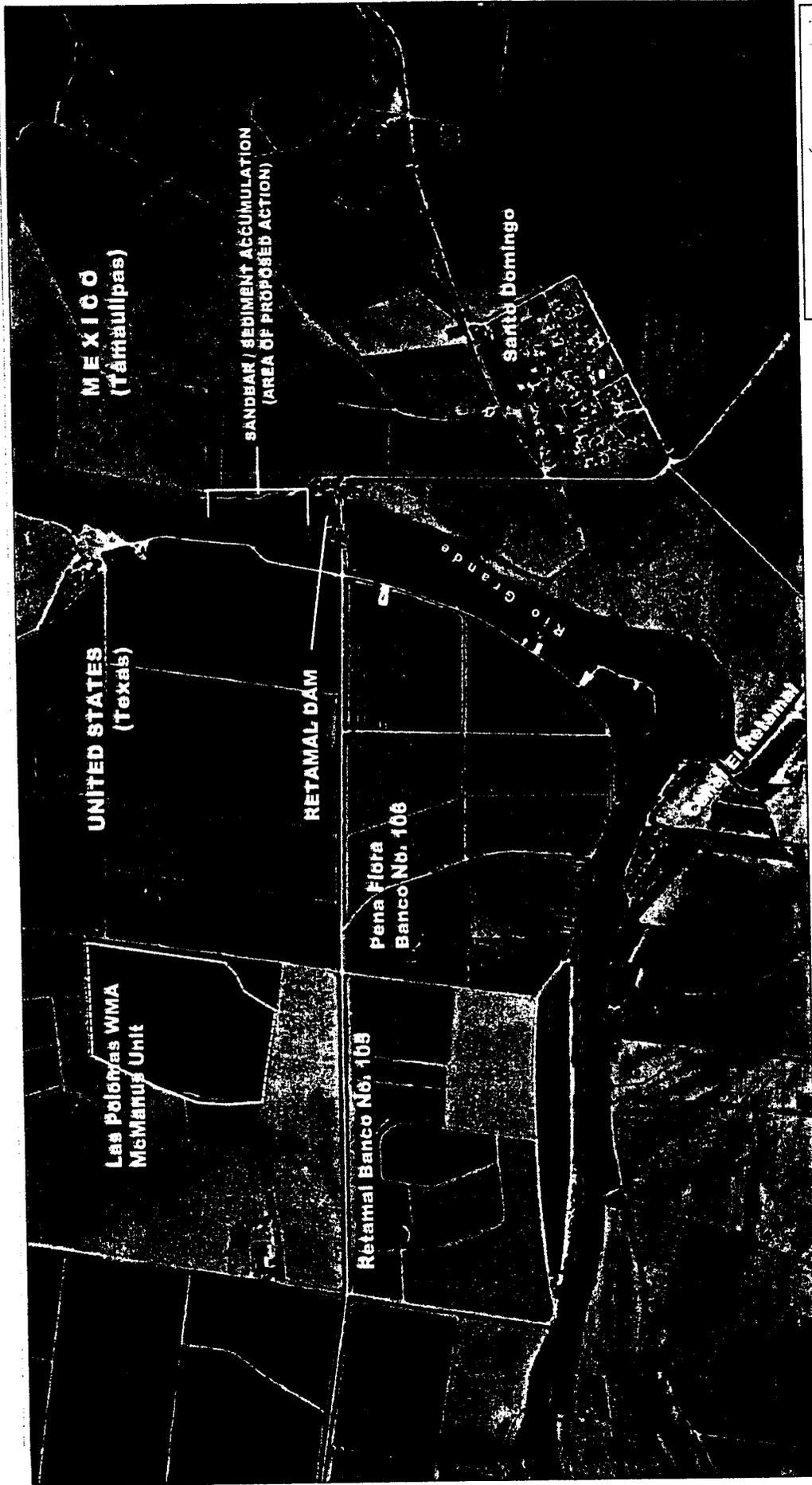
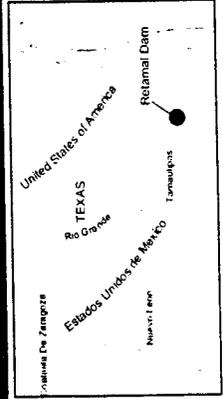


FIGURE 2.1 Detailed Location of Study Area



PARSONS
APRIL 2003

D-14828
 Location Map
 International Boundary and
 Water Commission
 Rio Grande River
 Hidalgo County, Texas
 Page 1 of 1
 18 June 2003

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: International Boundary & Water Commission		File Number: D-14828	Date 18 June 2003
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
	APPROVED JURISDICTIONAL DETERMINATION		D
X	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/inet/functions/cw/cecwo/reg/> 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 jurisdictional determination (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:

Marie C. Pattillo, Project Manager
U.S. Army Corps of Engineers, CESWG-PE-RB
Corpus Christi Regulatory Field Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
Telephone 361-814-5847; FAX 361-814-5912

If you only have questions regarding the appeal process you may also contact:

James E. Gilmore, Appeal Review Officer
CESWD-ETO-R, 1100 Commerce Street
Dallas, Texas 75242-0216
Telephone: 214-767-2457; FAX 214-767-9021
Email: James.E.Gimore@swd02.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 authorized agent.

Date:

Telephone number:



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

JUN 27 2003

Ms. Sidne Tiemann
Water Quality Division
Texas Commission on Environmental Quality
MC-150, P.O. Box 13087
Austin, TX 78711-3087

Re: USACE Permit Application Retamal Diversion Dam

Dear Ms. Tiemann:

The United States Section, International Boundary and Water Commission (USIBWC) has received your letter dated May 30, 2003. We would like to respond to your question regarding return water from temporary dewatering cells flowing into the Rio Grande during operations of the proposed sediment removal project at Retamal Diversion Dam. As per your telephone conversation with Mr. Daniel Borunda of my staff, the USIBWC does not anticipate any return water entering the Rio Grande during the course of this project. The binational project entails removing sediment accumulated downstream of the diversion dam and placing the sediment in Mexico. The sediment slurry will be placed in dewatering cells away from the river, and the proper containment will be constructed. The area near the project location slopes away from the river bank, and return water has no possibility of flowing back into the river. At this time two possible sites have been suggested by Mexico. We have scheduled a meeting with the Mexican Section of the IBWC (MXIBWC) at their offices in Anzalduas on July 10, 2003 to finalize logistics and the location of the sediment.

As this project progresses, we will keep you informed. If you have any questions, please feel free to call Environmental Protection Specialist, Daniel Borunda at (915) 832-4701.

Sincerely,

Sylvia A. Waggoner

Division Engineer

Environmental Management Division

cc: Parsons
Attn: Mr. Anthony C. Davis
8000 Centre Park Drive, Suite 200
Austin, TX 78754

PARSONS

8000 Centre Park Drive, Suite 200 • Austin, Texas 78754 • (512) 719-6000 • Fax: (512) 719-6099 • www.parsons.com

August 13, 2003

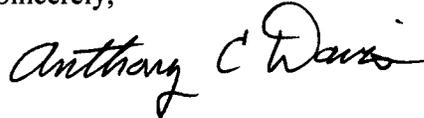
Ms. Marie Pattillo, USACE
USACE Galveston District
Corpus Christi Regulatory Office
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318

Dear Ms. Pattillo:

Enclosed is one bound copy and two copies of a CD-ROM containing the electronic files of the results of the field studies which Parsons performed in June 1993 for the United States International Boundary and Water Commission. The document describes the field investigation of the sandbar downstream of the Retamal Diversion Dam and presents results of jurisdictional wetland delineation; analyses of potential threatened and endangered species habitat; sediment analyses for the beneficial use of dredge material, and a review of waste disposal activities at or near the project area.

We appreciate the assistance you have provided us in the permitting process required for this project. If you have any questions, please call me at (512) 719-6022.

Sincerely,



Anthony Davis, P.E.
Project Manager

Attachment: Results of Field Studies and Information Research
Sediment Removal Downstream of Retamal Diversion Dam



PARSONS

8000 Centre Park Drive, Suite 200 • Austin, Texas 78754 • (512) 719-6000 • Fax: (512) 719-6099 • www.parsons.com

October 13, 2003

Lloyd Mullins
Corpus Christi Field Office
Galveston District, Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318

Re: USACE File No. D-14828
Tracking No. 200301573
Section 10 Permit Application

Dear Mr. Mullins:

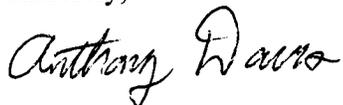
The U.S. Section, International Boundary and Water Commission (USIBWC) proposes to remove approximately 54,000 cubic yards of sediment that has formed a 2.3 acre vegetated island downstream of Retamal Diversion Dam on the Rio Grande. The island contains 2.1 acres of wetlands.

The objective of this project is to: address sediment deposits in a manner that prevents obstruction to flow downstream of the dam; to comply with international agreements to manage flood flows; and to maintain the international boundary between the United States and Mexico. The sediment will be removed by mechanical or hydraulic dredging during the fall season when the river flow rate is lowest. The hydraulic dredging option will require obtaining up to 1,200 acre-feet of water from an upstream water rights holder.

Although not acting as an agent, Parsons is preparing this documentation for the USIBWC. Enclosed with this letter is a permit application for a Section 10 and/or 404 permit, 2 maps (Exhibits 1 and 2), Attachments 1 through 4, and the Wetlands Delineation Report (WDR). A 404 permit may be required in addition to the Section 10 permit for mechanical dredging. The 3 maps identify the project location, project area, and construction lay-down area on the U.S. side. Attachment 1 contains the project description. Attachment 2 contains agency correspondence. Attachment 3 contains river cross-sections of the project area before and after the dredging operation. The mitigation projects, as described in Attachment 4, will be performed by the Nature Conservancy with funding from the USIBWC. The WDR provides a concise description of impacted wetlands and photographs.

If you have any question or need additional information, please contact me at (512) 719-6022 or Enrique Reyes, P.E., USIBWC Project Manager, at (956) 565-3159.

Sincerely,



Anthony Davis, P.E.
Parsons Project Manager

cc: Enrique Reyes, P.E., USIBWC
Danny Borunda, USIBWC

