

# Texas Commission on Environmental Quality

## 401 State Certification Pre-filing Meeting Request Form

*Why is this Pre-Filing Meeting Request Required?* The U.S. Environmental Protection Agency published its Clean Water Act Section 401 Certification Rule in the Federal Register on July 13, 2020. It took effect on September 11, 2020. The federal rule requires all project applicants to submit a Pre-filing Meeting Request to the state certifying authority, the Texas Commission on Environmental Quality (TCEQ), at least 30 days prior to submitting a Section 401 Water Quality Certification Request (Certification Request). The TCEQ has prepared this Pre-filing Meeting Request form to help project applicants comply with the new 401 Certification Rule requirements.

*Next Steps:* The TCEQ will review your request for a Pre-filing Meeting to determine whether it is necessary or appropriate for your specific project, though actually conducting a Pre-filing Meeting is optional. Completing this form will help with the TCEQ's determination. Thank you for using this form.

1. Please submit this request form and a project location map to [401Certs@tceq.texas.gov](mailto:401Certs@tceq.texas.gov).
2. If a Pre-filing Meeting is determined to be necessary by either the applicant or the TCEQ, the meeting will be scheduled to discuss the project.
3. If you do not receive a response to your request for a pre-filing meeting, after at least 30 days, you may submit the certification request to the TCEQ if a Section 401 certification is required for your project. Projects that require state certification are 1) all individual permit U.S. Army Corps of Engineer 404 permit applications and, 2) individual conditional certifications for the return water of Nationwide Permit 16.

For more information: EPA's 401 rule: <https://www.epa.gov/cwa-401/final-rule-clean-water-act-section-401-certification-rule>

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**Project Information**

Project Name: Raymondville Drain Project
United States Army Corps of Engineers Project Number: Not applicable (Note: a prefiling meeting request cannot be processed without this number.)
Project Applicant
Name: Raul Sesin
Organization: Hidalgo County Drainage District No. 1
Phone no.: (956) 292-7080
Email: raul.sesin@hcdd1.org
Consultant
Name: Daniel Garces, P.E.
Organization: RRP Consulting Engineers, LLC
Phone no.: (956) 926-5000
Email: HCDD1RDP@rrpeng.com
Project Location <i>(Note: Please attach a project location map when submitting this form)</i>
Address: Not Applicable; linear project (see attached map)
City: Edinburg
County: Hidalgo & Willacy
Latitude/Longitude of project location: western project terminus 26.382°/-98.156°; eastern project terminus 26.523°/-97.503°
<b>Brief Project Description and Scope:</b>  The US Army Corps of Engineers (USACE) and Hidalgo County Drainage District No. 1 (HCDD1) are conducting the Raymondville Drain Project (RDP) to identify alternatives to address flood control issues in Hidalgo County and Willacy County, Texas. The USACE and HCDD1 are, respectively, the Federal Sponsor and Non-Federal Sponsor (NFS) of the RDP. The RDP would consist of a diversion channel that connects the existing North Main Drain and the Raymondville Drain, improvements along the Raymondville Drain, a 272-acre detention pond located in Hidalgo County, and five control structures to regulate the flow of water. The proposed typical section of the new channel and the channel improvements would include a ROW 350-450 feet in width consisting of 10-foot-wide vegetative buffers and 20-foot-wide access roads on both sides, in-channel maintenance benches, and a pilot channel 60 feet wide and 5 feet deep; a 100-foot-wide spoil bank comprised of excavated soil would be located in the ROW on the right-hand side of the drain (when facing downstream) in select locations. The project limits of the RDP begin approximately 0.4 miles east of Edinburg Lake (western project terminus) and extend generally eastward to an unnamed private bridge approximately 2.0 miles north of the SH 186 bridge over the existing Raymondville Drain (eastern project terminus).

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Please provide the type of federal permit for which the applicant is seeking state 401 certification. Please include a federal permit number if available.

HCDD1 is seeking an Individual Permit for impacts to the existing Raymondville Drain under Section 404 of the Clean Water Act. The existing Raymondville Drain consists of a relatively permanent body of water which flows directly to the Laguna Madre.

Impacts to jurisdictional waters of the US, including wetlands, have been minimized to the extent practicable by shifting the RDP ROW laterally within the 600-foot-wide study corridor. A total of 42.21 acres of potentially jurisdictional wetlands were identified within the study corridor; minimization efforts have resulted in a total of 25.03 acres of total permanent impacts.

As the RDP would construct or widen a channel which conveys a relatively permanent flow of water to the Laguna Madre, impacts to jurisdictional non-wetland waters (i.e., drainage ditches) are not anticipated to result in a loss of physical, biological, or chemical function.

**Jurisdictional Impacts**

Fill/Excavate	Wetland (Cowardian Class), Seagrass, Oyster	Acres	Stream (linear feet)		
			<i>intermittent</i>	<i>perennial</i>	<i>tidal</i>
Fill/Excavate	Palustrine Emergent	25.03	N/A	N/A	N/A

**Best Management Practices (BMPs) to be implemented:**

BMPs would be implemented during construction activities to prevent sedimentation of the Raymondville Drain and the Laguna Madre. BMPs would include silt fences, sediment control logs, the establishment and maintenance of native vegetation buffers, and re-seeding of ground disturbed by construction activities.