



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

January 5, 2024

Corpus Christi Field Office

SUBJECT: SWG-2023-00678; Approved Jurisdictional Determination and Permit Determination

[REDACTED]

This is in reference to the approved jurisdictional determination (AJD) request and permit determination request received on October 2, 2023, on behalf of [REDACTED] to determine if the subject review area is subject to Corps of Engineers Jurisdiction and if a Department of the Army (DA) permit is required for the construction of a battery energy storage system. The review area is located in Mercedes, Hidalgo County, Texas.

Based on the review of the submitted information, resources available, and subsequent desk review, the Corps has determined that the proposed 24.7-acre 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 10 of the Rivers and Harbors Act of 1899 (Section 10) or Section 404 of the Clean Water Act (Section 404). Specifically, the Corps determined that the review area is comprised wholly of dryland and is not subject to jurisdiction pursuant to either Sections 10 or 404.

The Corps of Engineers regulates the placement of structures and/or work performed in/or affecting navigable waters of the U.S. (i.e. bulkheads, piers, etc.) under Section 10. The Corps also regulates the discharge of dredged and/or fill material into waters of the US, including navigable waters, under Section 404. Therefore, the construction of the battery energy storage system does not require a DA permit.

The enclosed approved jurisdictional determination (AJD), dated January 5, 2024, 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 me by telephone at [REDACTED] or by e-mail at amanda.m.barker@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,

[REDACTED]

[REDACTED]

Regulatory Specialist
Corpus Christi Regulatory Field Office


Cc w/Encl: [REDACTED] [REDACTED] [REDACTED]

SWG-2023-00678

Approved Jurisdictional Determination

Review Area: 26.2274 -97.9175 (approx. 24.7 acres)


Legend

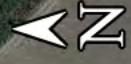
 Review Area

R A J Auto Sales

E Mile 12 N

Mile 12 N

 26.2274 -97.9175



800 ft