



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

January 11, 2024

Corpus Christi Field Office

SUBJECT: SWG-2023-00792; Approved Jurisdictional Determination

[REDACTED]

Dear [REDACTED],

This is in reference to the permit determination request received on November 29, 2023, submitted by [REDACTED] on behalf of [REDACTED] to determine if a proposed construction site is subject to Corps of Engineers Jurisdiction, or a Department of the Army (DA) Permit is required for the 14.49-acre site on the McMexico Battery Energy Storage System (BESS) project located in the city of McAllen, Hidalgo County, Texas.

Based on the review of the submitted information, resources available, and subsequent desk review, the Corps has determined that the 14.49-acre review area, depicted on the attached map in one 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 entirely of dry land 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 US (i.e., bulkheads, piers, etc.) under Section 10. The Corps also regulates the discharge of dredged and/or fill material into waters of the U.S., including navigable waters, under Section 404.

The enclosed approved jurisdictional determination (AJD), dated January 11, 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:



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 at the letterhead address or by telephone at [REDACTED] ext. [REDACTED] or by e-mail at [REDACTED]. 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,



Regulatory Specialist  
Corpus Christi Regulatory Field Office

Enclosures



SWG-2023-00792

Review Area: 14.49 acres

Review Area: 26.152474, -98.259232

W Military Hwy

1016

W Military Hwy

