



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P. O. BOX 17300
FORT WORTH, TEXAS 76102-0300

November 21, 2023

Regulatory Division

SUBJECT: Project Number SWF-2023-00493, Pecan Battery Energy Storage System



This letter is in regard to information received November 13, 2023, concerning the proposal for the construction of a battery storage facility located in Leon County, Texas. This project has been assigned Project Number SWF-2023-00493. Please include this number in all future correspondence concerning this project.

The U. S. Army Corps of Engineers (USACE) regulates the discharge of dredge and fill material into waters of the United States, including wetlands, under Section 404 of the Clean Water Act. USACE also has responsibility under Section 10 of the Rivers and harbors Act of 1899 to regulate any work in, or affecting, navigable waters of the United States. Based on your description of the proposed work, plans entitled Figure 7. Potential Waters of the U.S. dated November 7, 2023, and (Preliminary) General Layout Development Plan, dated September 2023, and other information available to use, we have determined this project will not involve activities subject to the requirements of Section 404 or Section 10. Therefore, it will not require Department of the Army authorization pursuant to Section 404 and/or Section 10.

The USACE based this decision on an approved jurisdictional determination (JD) that there are no waters of the United States on the project site. The basis of this approved JD is enclosed. This approved JD is valid for a period of no more than five years from the date of this letter unless new information warrants revision of the delineation before the expiration date. The Applicant may accept or appeal this approved JD or provide new information in accordance with the enclosed Notification of Administration Appeal Options and Process and Request for Appeal (NAAOP-RFA). If the Applicant elects to appeal this approved JD, the Applicant must complete Section II (Request for Appeal or Objections to an Initial Proffered Permit) of the enclosure and return it to the Division Engineer, ATTN: CESWD-PD-O Appeals Review Officer, U.S. Army Corps of Engineers, 1100 Commerce Street Suite 831, Dallas, Texas 75242-0216 within 60 days of the date of this notice. Failure to notify the USACE within 60 days of the date of this notice means you accept the approved JD in its entirety and waive all rights to appeal the approved JD.

Thank you for your interest in our nation's water resources. If you have any questions concerning our regulatory program, please refer to our website at <http://www.swf.usace.army.mil/Missions/Regulatory> or contact [REDACTED] at the address above, by telephone ([REDACTED]) or by email [REDACTED] and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey

Sincerely,

[REDACTED]

For: Brandon W. Mobley
Chief, Regulatory Division

Attachments:
Approved JD Appeal Form
Figure 7. Potential Waters of the U.S.
General Layout

Copy furnished (electronically):
Ms. Genesis Sanchez, genesis.sanchez@stantec.com



- ▬ Project Location
- - - Transect
- Wetland Determination Point

Figure 7.
Potential Waters of the U.S.

Pecan Storage

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Data Sources: Stantec (2023)
Aerial Source: Maxar (2017)

		<div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: right; margin-right: 5px;">0</div> <div style="flex-grow: 1; border-bottom: 1px solid black; position: relative;"> <div style="position: absolute; right: -5px; top: 0; bottom: 0; border-left: 1px solid black;"></div> </div> <div style="text-align: left; margin-left: 5px;">200 Feet</div> </div>
		<div style="display: flex; align-items: center; justify-content: center;"> <div style="text-align: right; margin-right: 5px;">0</div> <div style="flex-grow: 1; border-bottom: 1px solid black; position: relative;"> <div style="position: absolute; right: -5px; top: 0; bottom: 0; border-left: 1px solid black;"></div> </div> <div style="text-align: left; margin-left: 5px;">60 Meters</div> </div>
		<div style="display: flex; justify-content: space-between;"> <div>1 in = 200 feet</div> <div>Scale: 1:2,400</div> <div>Date: 11/7/2023</div> </div>