



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

January 16, 2024

Regulatory Division

SUBJECT: Project Number SWF-2023-00396 Paisano Drive Battery Storage Facility



This letter is in regard to information received September 8, 2023, concerning the proposal for the development of a battery energy storage system located near Del Rio, Val Verde, Texas. This project has been assigned Project Number SWF-2023-00396. Please include this number in all future correspondence concerning this project.

Under Section 404 of the Clean Water Act the U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged and fill material into waters of the United States, including wetlands. USACE responsibility under Section 10 of the Rivers and Harbors Act of 1899 is to regulate any work in, or affecting, navigable waters of the United States. Based on information concerning the tract of land that is to contain the proposed development as shown on the plan entitled Figure B, Site Plan Map consisting of 1 sheet and dated August 21, 2023, and other information available to us, there are no waters of the United States within the tract of land. The determination that there are no waters of the United States within the tract of land is based on a Dryland Approved Jurisdictional Determination (AJD) that there are no aquatic features on the property. The basis of this AJD 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.

This determination does not convey any permit, property rights, either in real estate or material or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations. This determination does not constitute authorization to undertake any regulated activities in waters of the US and does not eliminate the requirements to obtain State or local permits or approvals as needed.

You 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 you elect to appeal this approved JD, you 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]

[REDACTED] and refer to your assigned project number.

Please help the regulatory program improve its service by completing the survey on the following website: <https://regulatory.ops.usace.army.mil/ords/f?p=136:4>.

Sincerely,

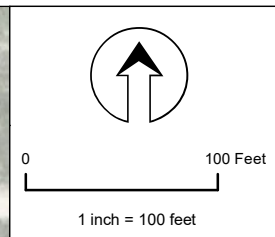
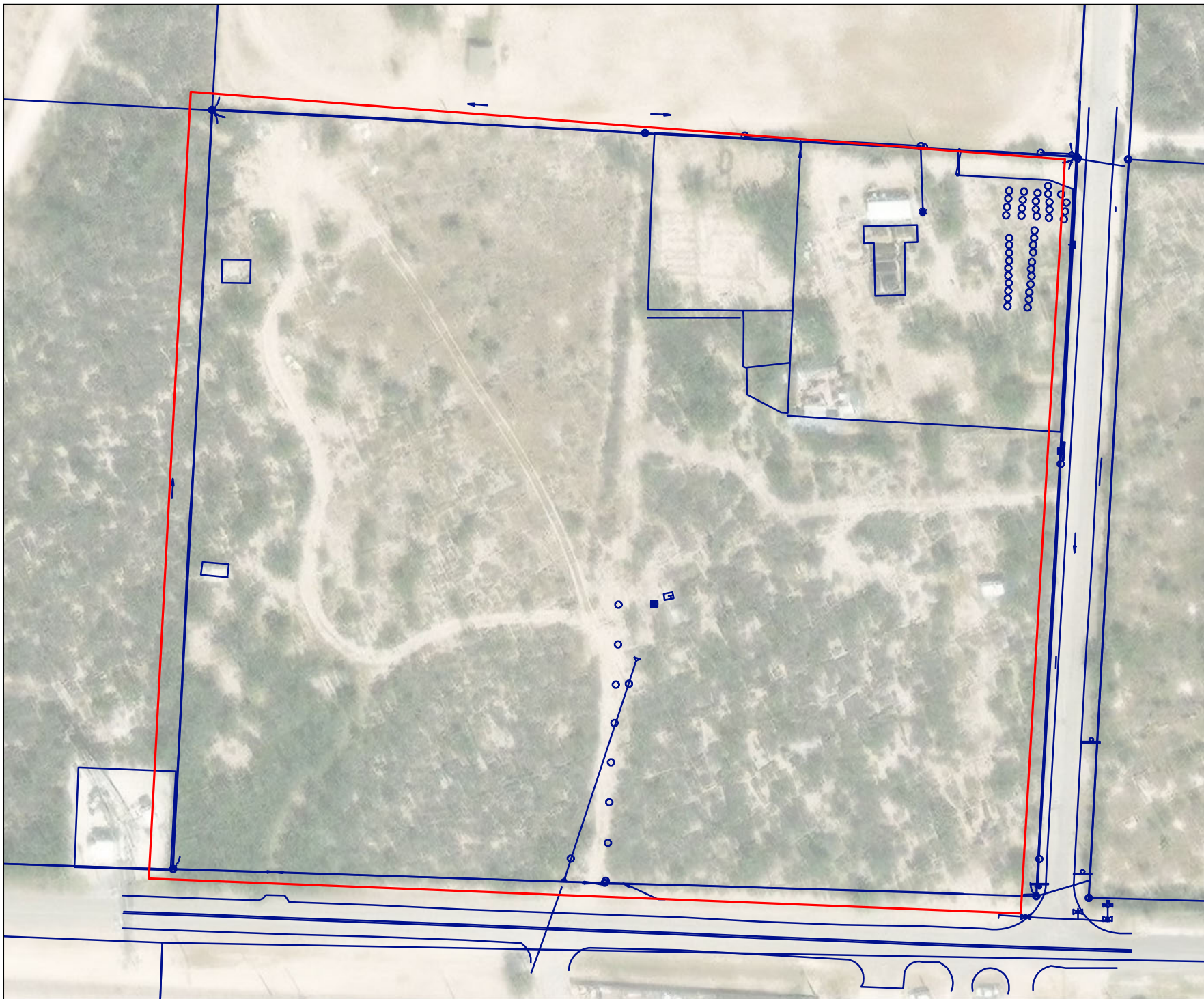
[REDACTED]

(For) Brandon W. Mobley  
Chief, Regulatory Division

Enclosure:  
Notification of Administrative Appeal Options and Process and Request for Appeal  
Dryland AJD Memorandum for Record  
Site Map

Copy furnished to:

[REDACTED]



**LEGEND**  
 [Red Line] Approximate Property Boundary  
 [Blue Line] Proposed Electrical Equipment

Projection: NAD 1983 StatePlane Texas  
 South Central FIPS 4204 Feet  
 Source: Esri, Maxar, Earthstar  
 Geographics, and the GIS User  
 Community

**ese**  
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NEW LEAF ENERGY  
 APPROXIMATELY 9.02 ACRES  
 99 PAISANO DRIVE - DEL RIO - TX DG SAS  
 DEL RIO, VAL VERDE COUNTY, TEXAS

**SITE PLAN MAP**

PROJECT NUMBER: 22-1944-006  
 FILE NAME: AJD\_FIGURE\_B\_SITE\_PLAN  
 DATE: 8/21/2023  
 DRAWN BY: MP, APPROVED BY: AB

**FIGURE B**