



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, TULSA DISTRICT
2488 EAST 81ST STREET
TULSA, OKLAHOMA 74137-4290

January 9, 2024

Regulatory Office

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

Please reference your request for an approved jurisdictional determination for the Seine Battery Storage Facility, located at latitude 33.946393, longitude -99.777684 in Foard County, Texas. We have reviewed the submitted data relative to Section 404 of the Clean Water Act (CWA).

We have examined the property (map enclosed) and concluded that the referenced property contains non-jurisdictional aquatic resources including 57.3 linear feet of ephemeral stream; the remaining property encompasses non-jurisdictional uplands, including erosional features E-1 and E-2. We have concluded that these features (depicted on the enclosed map) are not jurisdictional waters of the United States. Therefore, a discharge of dredge and/or fill material within these aquatic resources is not subject to regulation pursuant to Section 404 of the CWA, and a Department of the Army (DA) permit would not be required. The basis for this determination is documented on the enclosed Memorandum for Record.

This final determination constitutes an approved jurisdictional determination subject to the optional Corps Administrative Appeal Process. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed is a copy of the "Notification of Administrative Appeal Options and Process and Request for Appeal (RFA)" form. If you request to appeal this determination you must submit a completed RFA form to the Southwestern Division Office at the following address:

[REDACTED]
Administrative Appeals Review Officer,
Southwestern Division (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Phone: [REDACTED]
Email: [REDACTED]

In order for a RFA form 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 RFA form. Should you decide to submit a RFA form, it must be received at the above address by March 8, 2024. It is not necessary to submit a RFA form to the Division Office if you do not object to the determination in this letter.

We believe this determination to be an accurate assessment of the presence of jurisdictional wetlands and other waters on the site which are subject to Section 404 of the CWA. This is a final determination of federal jurisdiction on the property pursuant to Section 404 of the CWA. This determination is valid for 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This determination has been conducted to identify the limits of the Corps CWA jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are U.S. Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

Your project has been assigned Identification Number SWT-2022-275. If you have any questions, please contact [REDACTED] at [REDACTED].

Sincerely,

[REDACTED]
Chief, Regulatory Office

Enclosures

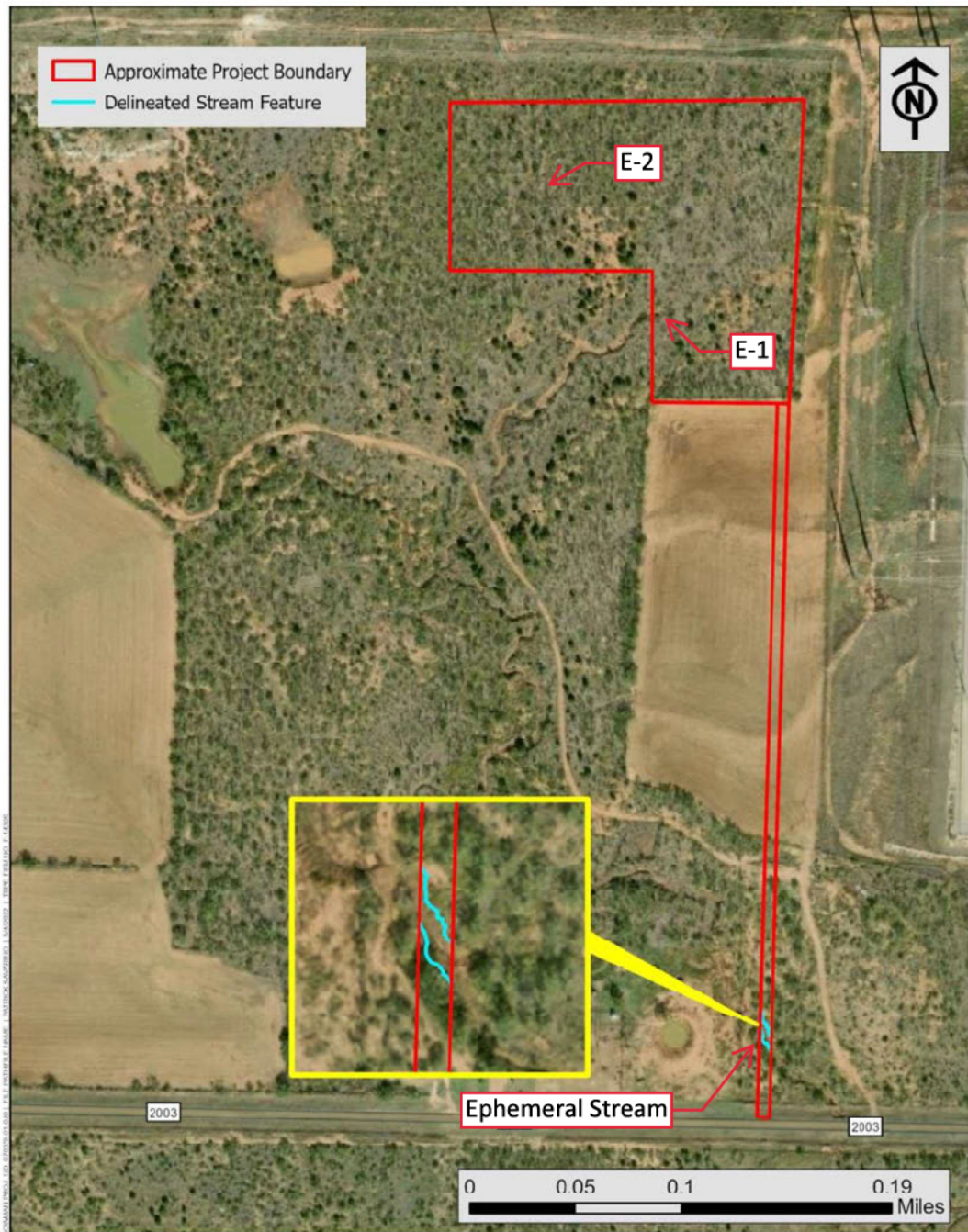
cc: [REDACTED], Bowman Consulting

SWT-2022-00275

Approved Jurisdictional Determination, January 9, 2024

The project boundary encompasses 57.3 linear feet of non-jurisdictional ephemeral stream.

There are two non-jurisdictional erosional features (E-1 and E-2), which lack OHWMs, within the project boundary.



Bowman

SEINE SITE
FOARD COUNTY, TX

Figure 6. Delineation of Features on Project Site