



DANIEL JONES
County Judge

CHARLES OLFERS
County Commissioner
Precinct No. 1

KEITH KRAMER
County Commissioner
Precinct No. 2

CHUCK JENSCHKE
County Commissioner
Precinct No. 3

DON WEINHEIMER
County Commissioner
Precinct No. 4

December 11, 2025

Rogers Draw Energy Storage LLC
1495 Canyon Blvd, Ste 235
Boulder, CO 80302

VIA USPS Certified Mail

Subject: Notice of Stop Work Orders for the Rogers Draw BESS Project in Harper, Texas

Dear Sir or Madam:

This letter serves as a formal notification from the Gillespie County Commissioners Court regarding the proposed Rogers Draw Battery Energy Storage System (BESS) Project within Gillespie County, Texas.

Gillespie County officials have issued two (2) separate stop work orders for the Rogers Draw BESS Project. Copies of both Orders are enclosed, along with supporting documentation.

Please direct any questions concerning compliance with the applicable codes and ordinances to the Gillespie County Engineer or the Gillespie County Fire Marshall, as appropriate. Thank you for your time and attention to this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "D. Jones", is written over a horizontal line.

Daniel Jones, County Judge

cc: Registered Agent for Rogers Draw Energy Storage LLC
c/o C T Corporation System
1999 Bryan St., Suite 900
Dallas, TX 75201

101 W. Main, Unit 9
Fredericksburg, Texas 78624
830-997-7502
www.gillespiecounty.gov



GILLESPIE COUNTY ENGINEERING DEPARTMENT

101 West Main St. Room 105B Fredericksburg, TX 78624

12/5/2025

To: Garrett Sabino, Peregrine Energy Solutions

Re: Notice of Violation – Flood Damage Prevention Ordinance

Mr. Sabino,

This letter serves as official notice that construction activities have occurred on the Rogers Draw BESS project located at 22489 FM 2093 in Harper, Texas, in violation of the Gillespie County Flood Damage and Prevention Ordinance (“Ordinance”). As of December 4, 2025, County staff have observed the placement of a new LCRA utility pole on the subject property and have received information from CTEC that the installation of the pole is directly related to the Rogers Draw BESS project. Photos of pole installation taken on 12/4/2025 are attached hereto as Exhibit “A”. Section 2.4.1 of the Ordinance states that no structure or land shall be altered without full compliance with the terms of the Ordinance.

Based on the preliminary information received by the County to date for the Rogers Draw BESS project, the project is subject to compliance with the Floodplain Ordinance, including but not limited to Section 3.1.1.B which states that a development greater than 5 acres where the tract is wholly or partially within Zone A must determine the BFE’s by a detailed hydrologic and hydraulic study performed by the developer’s engineer and submit the hydrologic and hydraulic study to FEMA as a LOMR for review and approval. Developments with the entirety of the SFHA in an undeveloped open space may not be required to establish BFE’s if a drainage easement is established over the SFHA prohibiting any encroachments or development within the easement.

As of the date of this letter, none of the Section 3.1.1 requirements set forth above have been submitted to or approved by the County Floodplain Administrator. Since a finalized construction plan has not been received by the Floodplain Administrator, additional requirements may also apply depending on the scope of work proposed.

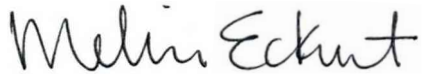
Effective Immediately:

- 1. Cease all construction activity within the Rogers Draw BESS project.**
2. Submit a Development Determination Form to the Floodplain Administrator for review of the scope of work as it relates to the requirements of the Floodplain Ordinance.
3. Submit a Floodplain Development Permit Application, including all documents listed on the Development Permit Checklist (this will be provided by the Floodplain Administrator after receipt of the Development Determination Form).

Failure to comply with this notice and/or cure this violation may result in enforcement actions. Penalties for non-compliance include, but are not limited to, fines of not more than \$500 for each violation. Each violation of the Ordinance and each day of a continuing violation shall constitute a separate offense. Additionally, the Commissioners Court of Gillespie County, Texas may take any other lawful action as is necessary to prevent or remedy any violation.

Please respond within 5 business days with your plan and timeline for bringing the project into conformance with the Ordinance. Feel free to reach out to me with any questions.

Respectfully,

A handwritten signature in black ink that reads "Melissa Eckert". The signature is written in a cursive, flowing style.

Melissa Eckert, PE, CFM
Gillespie County Engineer
meckert@gillespiecounty.org
830-307-6196

Attached:

Exhibit A: photos of pole installation taken 12/4/2025

EXHIBIT A: CONSTRUCTION OF UTILITY POLE ON PROJECT SITE





COUNTY FIRE MARSHAL ORDER TO STOP WORK

Location: Rogers Draw Energy Storage Project (22277 FM 2093 Harper, TX).

Date and time of incident: December 2025-Present

To: Peregrine Energy Solutions, LLC, and any occupants, operators, subcontractors, subsidiaries, agents, successors, and other persons responsible for violations listed herein (hereafter identified collectively as “Peregrine Energy Solutions”)

Peregrine Energy Solutions is HEREBY ORDERED TO STOP WORK at the Location and comply with all the requirements listed below. Under no circumstances may any work or construction continue at the Location until all requirements have been met, nor may any batteries for the Rogers Draw project enter Gillespie County until all requirements have been met.

Overview: Peregrine Energy Solutions must conform to all applicable National Fire Protection Association (NFPA) standards adopted by the State, per Texas Government Code 352. In December of 2025, an LCRA poll was constructed on the Rogers Draw Energy Storage Project property prior to any project plans being submitted to and approved by the Authority Having Jurisdiction (AHJ). The Gillespie County Commissioners Court, in its capacity as AHJ, has determined that Peregrine Energy Solutions is in violation of NFPA 1. This Order is being issued to confirm such finding, per NFPA 1.16.1.

Peregrine Energy Solutions is hereby ORDERED to conform with all applicable codes.

Current Violations:

1. NFPA 1 (2021 ed.)
 - a. Plans shall be submitted to the AHJ prior to construction (see Chapter 1, Section 1.7.12.2)
 - b. Prior to installation, plans shall be submitted and approved by the AHJ (see Chapter 52, Section 52.1.2.2).

- c. On October 24, 2025, the County sent correspondence to Peregrine Energy Solutions requesting pertinent documentation pursuant to NFPA 855. Peregrine Energy Solutions has not provided any substantive response to date.
- d. To date, no plans have been submitted by Peregrine Energy Solutions for approval by the AHJ.

This is not an all-inclusive list as it is the burden of Peregrine Energy Solutions to know, understand, and comply with applicable Federal, State and local codes, ordinances and laws.

Peregrine Energy Solutions is hereby ordered to stop work at the Location, and to comply with applicable State and local fire code requirements prior to commencing any further construction or work at the Location.

NOTICE - Texas Local Government Code Sec. 352.022 - PENALTY FOR FAILURE TO COMPLY WITH ORDER. An owner or occupant who is subject to an order issued under Section 352.016 or 352.0165 commits an offense if that person fails to comply with the order. Each refusal to comply is a separate offense. The offense is a Class B misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted two or more times under this section, in which event the offense is a state jail felony.

SIGNED on the 10th day of December 2025.

Respectfully,

Steve Olfers
Gillespie County Fire Marshall



Enclosures (2)



Facility Information	Contact Information	Dept. Use Only
Name:	Name:	Date submitted: _____
Address:	Phone Number:	Fee \$ _____ () paid
Phone Number:	Email Address:	Receipt # _____
TYPE OF PERMIT AND SERVICES		

- | | | |
|--|--|--|
| ☐ New Construction | ☐ Certificate of Compliance | ☐ Other 24-Hour Care Facility |
| ☐ Fixed Pipe System | ☐ Fireworks Stand | ☐ Mass Gathering |
| ☐ Fire Alarm System | ☐ Fireworks Public Display | ☐ Game Room |
| ☐ Fire Protection Systems | ☐ Mobile Food Unit | ☐ Game Room (Machines) |
| ☐ Pre-Submittal Plan Review | ☐ Kitchen Hood System | ☐ Teir II (Annual) |
| ☐ Reinspection & Retesting | ☐ Spray Booth Installation | ☐ Re-inspection |
| ☐ Duplicate Permit | ☐ Hot Works (per project) | ☐ OTHER _____ |
| ☐ TABC License Inspection | ☐ Foster Home/Group Home | |
| ☐ Fire Watch/Standby | ☐ Daycare Centers | |
| ☐ Fire Sprinkler | ☐ Hospital /Nursing Homes | |

Details regarding the above request must be provided when application is made and whenever request by the Fire Marshal. It is the applicant's responsibility to ensure that conditions are in accordance with the applicable codes and regulations. No work is to commence until plans are approved and a permit is issued. Violation of work without a permit can result in the issuance of a fine, permit revocation or both. Approved drawing, plans and/or details must always remain present at the location of the project.

Signature of Applicant: _____	Date: _____
☐ Inspection date: _____	Permit Approved by: _____
☐ Re-inspection date(s): _____	Date approved: _____
☐ Re-inspection date(s): _____	Steve Olfers, Gillespie County Fire Marshal



RESOLUTION REQUIRING HARPER BATTERY ENERGY STORAGE SYSTEM (BESS) DOCUMENTATION REQUIREMENTS

WHEREAS, Texas Local Government Code 352.016.(b) provides that in the absence of a county fire code, the county fire marshal may conduct an inspection using any nationally recognized code or standard adopted by the state; and

WHEREAS, Texas Local Government Code 352.016.(b-1) provides that in the interest of safety and fire protection, the county fire marshal shall, if required, and may, if requested, review the plans of a business, single-family residence, multi-family dwelling, or commercial property for fire or life safety hazards; and

WHEREAS, State Fire Marshal's Office (SFMO) currently adopts the 2021 National Fire Protection Association (NFPA) 1 Fire Code and the 2020 NFPA 855 Standard for the Installation of Stationary Energy Storage Systems; and

WHEREAS, 2020 NFPA 855 3.2.2 defines Authority Having Jurisdiction (AHJ) as an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure; and

WHEREAS, 2020 NFPA 855 4.1.2.1.1 provides that the plans and specifications associated with ESS (Energy Storage Systems) and its intended installation, replacement or renewal, commissioning, and use shall be submitted to the AHJ for approval and includes the Items (1) through (8) below; and

WHEREAS, 2020 NFPA 855 4.1.2.1.3 provides that the following test data, evaluation information, and calculations [set forth in Items (9) through (12) below] shall be provided in addition to the plans and specifications in 4.1.2.1.1 where required elsewhere in the standard; and

WHEREAS, the Rogers Draw Energy Storage Project (Harper BESS) is situated approximately 550 yards from the K-12 Harper ISD where the prevailing wind for 9 months out of the year would carry any highly toxic smoke produced by the Harper BESS directly towards the school and surrounding community; and

WHEREAS, the Harper BESS is situated approximately 610 yards from the Harper Head Start Preschool, where the wind could carry any highly toxic smoke produced by the Harper BESS towards the Preschool and surrounding community; and

WHEREAS, the Pedernales River riverbed is located inside the Harper BESS property and the

details of the site plan Peregrine Energy claims were developed to purposefully ensure that the headwaters of the Pedernales River remain unaffected by the project are unknown; and

WHEREAS, the Harper BESS will be the first Peregrine Energy Solutions first installation, and the battery supplier Wartsila's Quantum 2 modular battery system was reported on April 6, 2024 to have not been rolled out anywhere to date; and

WHEREAS, the Electric Power Research Institute (EPRI) 2024 White Paper entitled "Insights from EPRI's Battery Energy Storage Systems (BESS) Failure Incident Database" in May 2024 reported 81 incidents and information about root causes for 26 incidents; the breakdown of BESS failures by root cause was 36% Integration, Assembly & Construction, 29% Operation, 21% Design, and 14% Manufacturing; and nine more incidents have been added to date including the recent Moss Landing 300MW BESS fire that started on January 16, 2025; and

THEREFORE, BE IT RESOLVED THAT, the Commissioners Court of Gillespie County adopts this Resolution to proactively mitigate the safety and environmental risks associated with the Rogers Draw Energy Storage Project located in Harper, Texas, during the full life cycle of the Project by enforcing certain requirements related to the Authority Having Jurisdiction (AHJ) in the 2020 NFPA 855 Standard currently adopted by the State Fire Marshal's Office (SFMO); and

FURTHERMORE, BE IT RESOLVED THAT, the AHJ be defined as the Gillespie County Commissioners Court, and any designees, including the Gillespie County Fire Marshal; and

FURTHERMORE, BE IT RESOLVED THAT, the following plans and specifications associated with the ESS and their intended installation of the Rogers Draw Energy Storage Project, as outlined in 2020 NFPA 4.1.2.1.1, shall be submitted by Peregrine Energy Solutions, LLC, its agents, representatives, successors, subsidiaries, and assigns (collectively referred to herein as "Peregrine Energy Solutions, LLC"), to the AHJ for approval:

- (1) Location and layout diagram of the room or area in which the ESS (Energy Storage Systems) are to be installed.
- (2) Details on hourly fire-resistant-rated assemblies provided or relied upon in relation to the ESS
- (3) The quantities and types of ESS units
- (4) Manufacturer's specifications, ratings, and listings of ESS
- (5) Description of energy storage management systems and their operation
- (6) Location and content of required signage
- (7) Details on fire suppression, smoke or fire detection, gas detection, thermal management, ventilation, exhaust, and deflagration venting systems, if provided
- (8) Support arrangement associated with the installation

FURTHERMORE, BE IT RESOLVED THAT, the following use data, evaluation information, and calculations as outlined in 2020 NFPA 4.1.2.1.3, shall be provided by Peregrine Energy Solutions, LLC, to the AHJ:

- (9) Calculations or modeling data to determine compliance with NFPA 68 (Standard on Explosion Protection by Deflagration Venting) and NFPA 69 (Standard on Explosion Prevention Systems)
- (10) Large-scale fire test data
- (11) Hazard Mitigation Analysis (HMA)
- (12) Other test data, evaluation information, or calculations required elsewhere in this Standard.

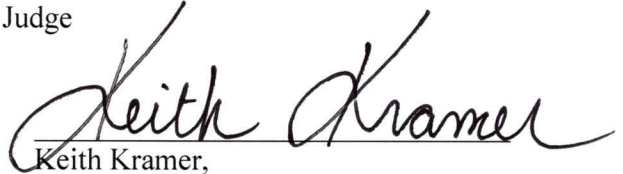
Passed and approved this 24 day of February, 2025.



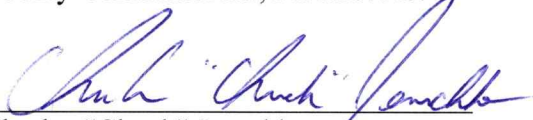
Daniel Jones,
County Judge



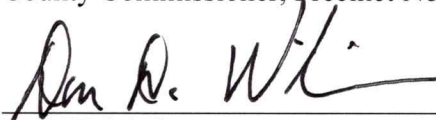
Charles Olfers,
County Commissioner, Precinct No. 1



Keith Kramer,
County Commissioner, Precinct No. 2



Charles "Chuck" Jenschke,
County Commissioner, Precinct No. 3



Don Weinheimer,
County Commissioner, Precinct No. 4

Attest: 

Lindsey Brown
County Clerk

