



PUBLIC NOTICE

**US Army Corps
Of Engineers**
Wilmington District

Issue Date: July 24, 2023
Comment Deadline: August 23, 2023
Corps Action ID Number: SAW-2022-02515

The Wilmington District, Corps of Engineers (Corps) received an application on July 11, 2023, from Microsoft Corporation (Microsoft) seeking Department of the Army authorization to permanently impact 1,826 linear feet (LF) (0.27 acres) of stream channel and 0.032 acre of wetland, and temporarily impact 73 LF (0.012 acre) of stream channel, associated with the construction of the Stover North Data Center- CLT 17 (Site) in Newton, Catawba County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at:

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Public-Notices/>

Applicant: Microsoft Corporation
Mr. Chris Sander
One Microsoft Way
Redmond, WA 98052

AGENT (if applicable): Stantec Consulting Services, Inc
Ms. Amber Coleman
801 Jones Franklin Road Suite 300
Raleigh, NC 27606-3394

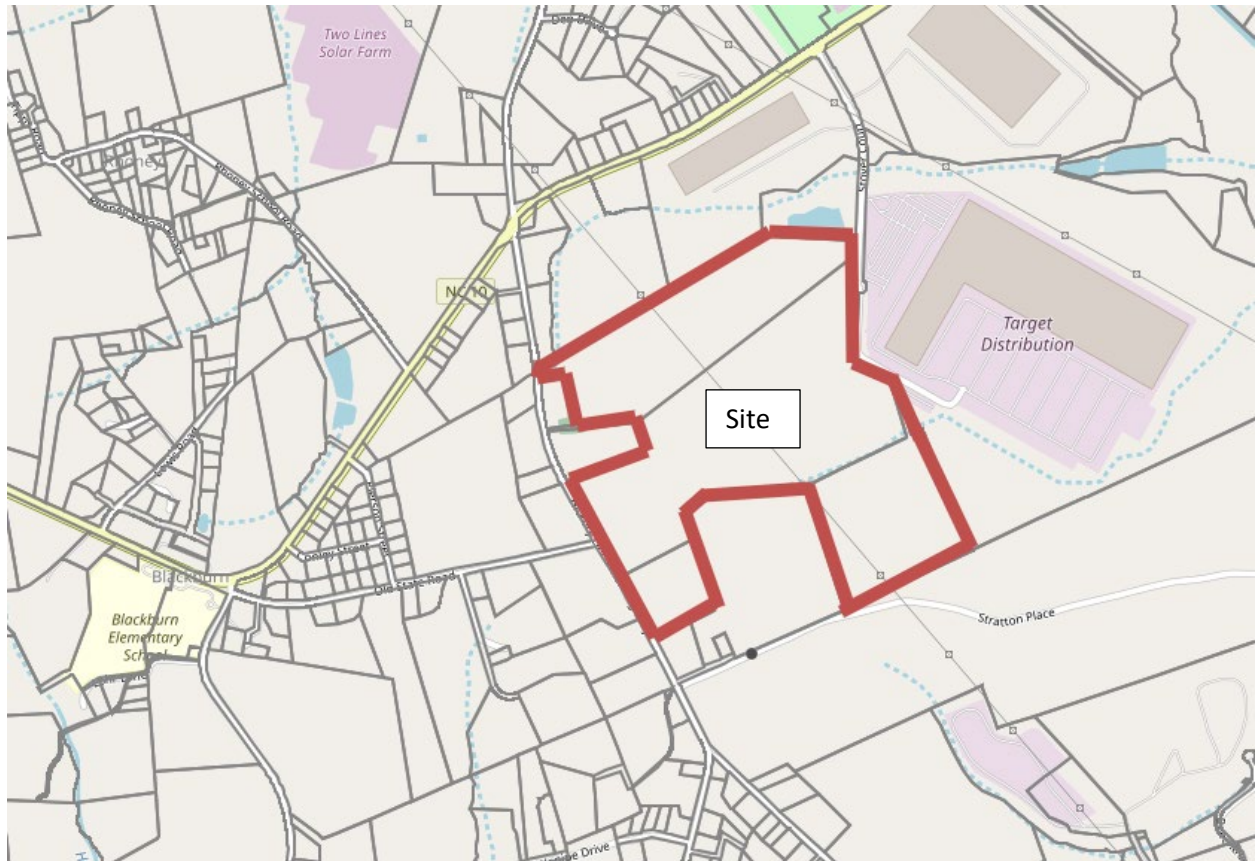
Authority

The Corps evaluates this application and decides whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of the following Statutory Authorities:

- Section 404 of the Clean Water Act (33 U.S.C. 1344)

Location

Figure 1. Location of the Stover North Data Center



Location Description: The 159.77-acre site is located on five (5) parcels Northeast of the intersection of Stratton Place and Hickory Lincolnton Highway in Newton, Catawba County, North Carolina (Parcel Tax IDs: 361801170411, 361801196254, 361801372692, 361801118776, and 3618010872910).

Project Area (acres): 159.77

Nearest Town: Newton

Nearest Waterway: South Fork Catawba River

River Basin: Santee

Latitude and Longitude: 35.619096N, -81.315780 W

Existing Site Conditions

The Site is characterized by a mixture of pasture, hayfields, and small wooded areas with most of the property having been farmed for over 75 years. A 150-foot Duke Energy easement bisects the property northwest to southeast. A previously forested area at the southeast end of the site was cleared and has since been reforested with a pine plantation.

A Best Usage Classification (BUC) is assigned to waters of North Carolina based on existing or contemplated best usage of various bodies of water. The streams on-site have a BUC of WS-V. The classification WS-V designates Water Supply V which require protections for Class C uses. Class C designates aquatic uplift, secondary recreation, and freshwater. Further, these on-site streams were rated as medium using the North Carolina Stream Assessment Method (NCSAM). The wetlands on-site were rated medium/low headwater forest using the North Carolina Wetland Assessment Method (NCWAM).

A jurisdictional determination (JD) was submitted on December 8, 2022, by Stantec Consulting Services, Inc. and field verified by the Corps on February 6, 2023. A preliminary JD was issued on March 23, 2023, identifying 3,051 LF of potentially jurisdictional stream channel, and 0.146 acres of wetland.

The site is characterized by several unique soil map units including Cecil Sandy Loam, Chewacla Loam, Lloyd Loam Soils, Lloyd Clay loam, and Pacolet Clay loam.

Figure 2. Existing Site Conditions.

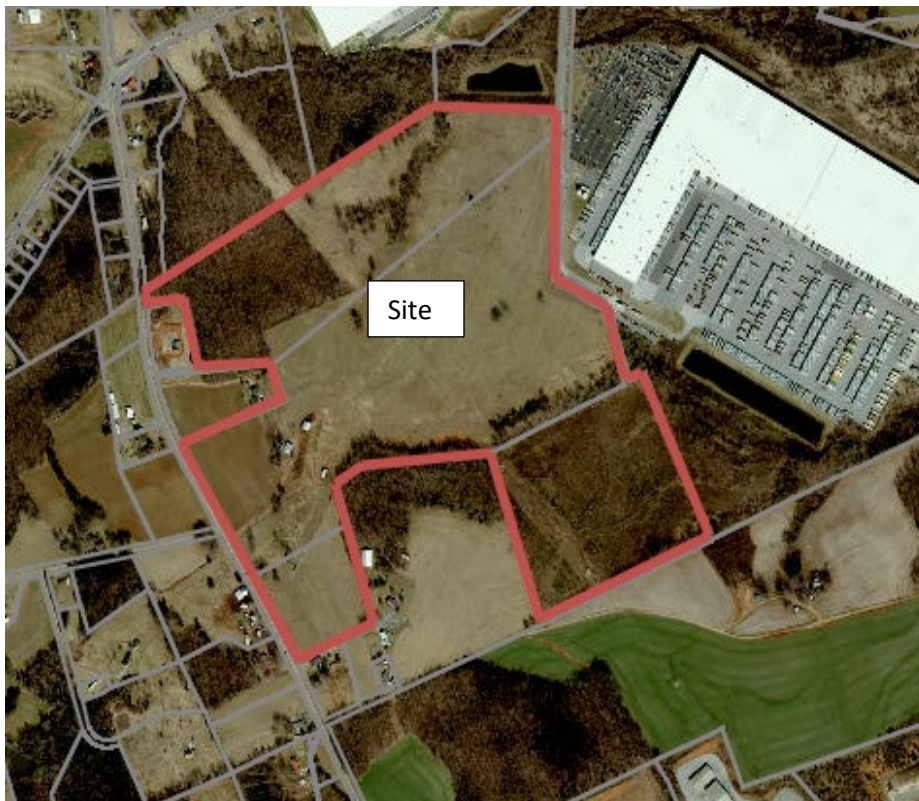


Figure 3. USGS Topographic Map



Applicant's Stated Purpose

The basic purpose of the project is to provide additional cloud storage capacity in support of Microsoft's North Carolina Regional Network Gateway (RNG). The overall purpose of the project is to construct a data center that would provide additional cloud storage capacity for Microsoft's North Carolina RNG.

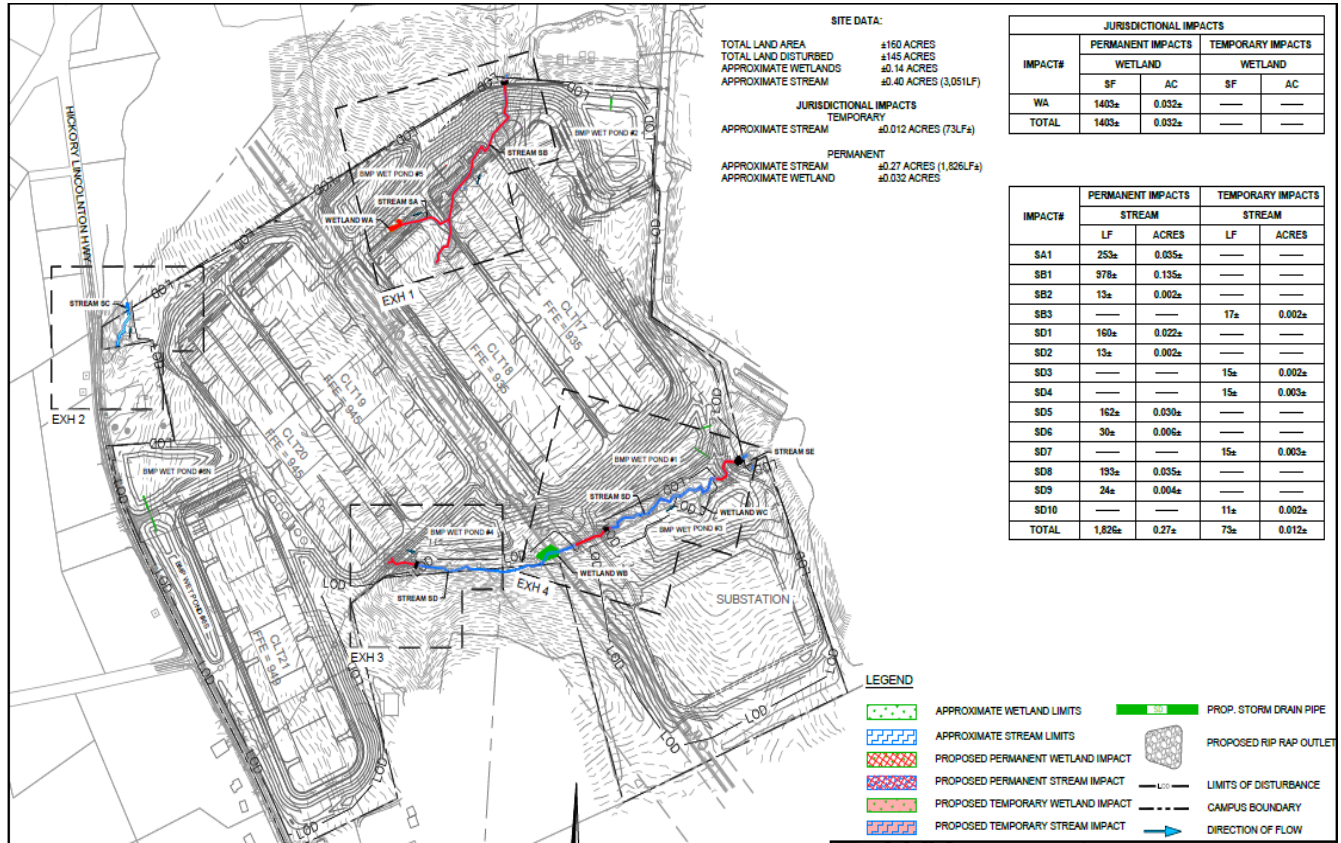
Microsoft established RNG's around the globe within identified regions. Sites within the RNG are required to meet certain connectivity and redundancy requirements and must be located within 20-kilometers (km) of other data centers in the region, all of which are connected through fiber optic lines.

Project Description

The applicant is proposing to construct five (5) single-story data center buildings along with associated infrastructure and amenities. The proposed project would provide 488 Megawatts (MW) of data storage and would include five 48-MW data center buildings with parking, access roads, one (1) Duke Energy Substation, security entrances and features, installation and/or relocation of utilities, and stormwater treatment facilities. Implementation of the proposed project would permanently impact 1,826 LF (0.27

acres) of stream channel and 0.032 acre of wetland, and temporarily impact 73 LF of stream channel.

Figure 4. Stover North Data Center- CLT 17 Design Drawing



Avoidance and Minimization

The applicant provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment: As detailed in the plans and alternatives analysis, the selected alternative as avoided and minimized impacts to waters of the U.S. to the maximum extent practicable by orienting the buildings to have the least impact on aquatic resources. The project area contains 0.146 acre of wetland and 3,051 LF of stream. The proposed development would avoid 1,152 LF of stream channel and 0.11 acre of wetlands.

Compensatory Mitigation

The applicant offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment: The applicant has chosen to purchase 3,492 stream mitigation units from the North Carolina Division of Mitigation Services (DMS) In-Lieu Fee Program to offset the unavoidable loss of 1,826 LF of stream channel. No mitigation is proposed for the permanent loss of 0.032 acre of wetland because it does not trip the threshold of 0.1 acre.

Essential Fish Habitat (EFH)

The Corps' determination is that the proposed project would not effect EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

Pursuant to Section 106 of the National Historic Preservation Act of 1966, Appendix C of 33 CFR Part 325, and the 2005 Revised Interim Guidance for Implementing Appendix C, the District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

- No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity of the proposed work; however, the permit area has not been formally surveyed for the presence of cultural resources. Additional work may be necessary to identify and assess any cultural resources that may be present. This notice serves as a request to SHPO, THPO, and/or other interested parties to provide any information they may have regarding historic properties. NOTE: The project area has been surveyed and the report is under review by the Regulatory Archaeologist. Section 106 consultation will proceed following the Corps' review of the report and the consultant's recommendations.

The District Engineer's final eligibility and effect determination will be based upon coordination with the SHPO and/or THPO, as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the Corps-identified permit area.

Endangered Species

Pursuant to the Endangered Species Act of 1973, the Corps reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information:

- For the proposed project, the Corps has made the following determination for federally listed endangered or threatened species or their formally designated critical habitat: May Affect, Not Likely To Adversely Affect

By copy of this public notice, the Corps initiates consultation under Section 7 of the ESA and will not make a permit decision until the consultation process is complete. According to the Information for Planning and Consultation (IPAC) website, the following species are listed: Bog Turtle (*Glyptemys muhlenbergii*), Dwarf-flowered Heartleaf (*Hexastylis naniflora*), Tricolored Bat (*Perimyotis subflavus*)

Roosting habitat for the Tricolored Bat is present across the site in the form of forested areas. Acoustic Surveys were undertaken in July and the results are currently being processed.

Other Required Authorizations

The Corps forwards this notice and all applicable application materials to the appropriate State agencies for review.

North Carolina Division of Water Resources (NCDWR):

- ☒ The Corps will generally not make a final permit decision until the NCDWR issues, denies, or waives the state Certification as required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice at the NCDWR Central Office in Raleigh constitutes initial receipt of an application for a 401 Certification. Unless NCDWR is granted a time review extension, a waiver will be deemed to occur if the NCDWR fails to act on this request for certification within 120 days of the date of this public notice. Additional information regarding the 401 Certification may be reviewed at the NCDWR Central Office, 401 and Buffer Permitting Unit, 512 North Salisbury Street, Raleigh, North Carolina 27604-2260. All persons desiring to make comments should do so in writing, within 30 days of the issue date of the notice by emailing comments to publiccomments@deq.nc.gov with the subject line of "401 Water Quality Certification" or by mail to:

NCDWR Central Office
Attention: Stephanie Goss, 401 and Buffer Permitting Branch
(USPS mailing address): 1617 Mail Service Center, Raleigh, NC 27699-1617

Or,

(Physical address): 512 North Salisbury Street, Raleigh, North Carolina 27604

North Carolina Division of Coastal Management (NCDQM):

- ☒ Based upon all available information, the Corps determines that this application for a Department of Army (DA) permit does not involve an activity which would affect the coastal zone, which is defined by the Coastal Zone Management (CZM) Act (16 U.S.C. § 1453).

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity on the public interest.

That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials, including any consolidated State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing will be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

The Corps of Engineers, Wilmington District will receive written comments pertinent to the proposed work, as outlined above, until 5pm, August 23, 2023. Comments should be submitted to Ms. Krystynka B. Stygar, Charlotte Regulatory Field Office, 8430 University Executive Park Drive, Suite 615, Charlotte, North Carolina 28262, or via email at krystynka.b.stygar@usace.army.mil. The Corps Project Manager can be contacted at (252) 545-0507. Comments may also be submitted to CharlotteNCREG1@usace.army.mil.