



**US Army Corps
of Engineers®**

PUBLIC NOTICE

**Huntington District
Permit Application
No. LRH-2025-00939-
OHR-rev**

Published: September 2, 2026
Expires: September 17, 2026

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Huntington District has received an application for a Department of the Army (DA) permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) and Section 10 of the Rivers and Harbors Act of 1899. The purpose of this Public Notice is to solicit comments from the public and information necessary to evaluate the probable impact on the public interest regarding the proposed activity as described below and as shown on the enclosed drawings.

APPLICANT: Timothy Chadwick
Tilted Gate LLC
2801 Centerville Road, 1st Floor (PMB 160)
Wilmington, Delaware 19808

LOCATION OF PROPOSED ACTIVITY: The proposed activity would affect waters of the United States associated with one (1) wetland (Wetland P) and one (1) navigable water of the United States (Ohio River). As depicted on the attached Sheet 1 of 3, the project area is located on a 792-acres site east of the Ohio River and west of U.S. Route 52 in Green Township, Scioto County, Ohio at approximately 38.606686 latitude, -82.839197 longitude. As shown on attached Sheet 3 of 3, the approximate location where the barge would be spudded is 38.602451 latitude, -82.849234 longitude along the right descending bank of the Ohio River.

PROPOSED ACTIVITY: Reference Public Notice LRH-2025-00939-OHR, which was issued on April 14, 2026. A copy of this previous public notice can be accessed at <https://publibrary.sec.usace.army.mil/api/download?id=dea094f7-af49-4326-bdab-4a6491c90e30&filename=LRH-2025-00939-OHR.pdf&token=&preview=true>.

Since the issuance of the April 14, 2026 Public Notice, the applicant has modified the project design to temporarily offload construction materials, including limestone, via barge. This Public Notice describes the revised proposal.

The applicant has requested a DA permit to permanently discharge dredged and/or fill material into 3.12 acres of one (1) wetland (Wetland P) including 2.05 acres of forested wetland and 1.07 acres of emergent wetland in conjunction with the Project Dazzler, as depicted on the attached site plan (Sheet 2 of 3). The proposed project would include the construction of 1.7 million square feet of data center building space, office/support buildings, paved access roads, stormwater facilities, electrical substation, secure entrance features, and associated infrastructure.

As shown on Sheet 3 of 3, the applicant has indicated one (1) barge 140-feet long and 45-feet wide would be spudded via two (2) spuds on the shoreline side with spud dimensions of 20-inches by 20-inches. The riverward extent of the moored barge would not exceed 45-feet riverward of the shoreline measured from the ordinary high water mark of the Ohio River, elevation 515.3. The maximum length parallel to the stream bank would not exceed 140 feet. Additionally, the applicant has requested to install a temporary floating jetty approximately 100 feet downstream of the moored barge. The temporary floating jetty would be 54-feet long and eight (8)-feet wide with two (2) spuds with spud dimensions of 20-inches by 20-inches. The riverward extent of the jetty would not exceed 54-feet riverward of the shoreline measured from the ordinary high water mark of the Ohio River, elevation 515.3. The barge and jetty would be anchored and not move for the duration of the project, with exception of emergency events. Materials would be moved from the barge to the construction site via ramp and conveyor.

MITIGATION: The applicant has provided the following information to explain how impacts to waters of the United States associated with the proposed activity are to be avoided, minimized, and compensated. Waters of the United States within the 792-acre project site include three (3) perennial streams (Ohio River – 2,910 linear feet, Stream 1 – 4,061 linear feet, and Stream 9 – 3,033 linear feet), five (5) intermittent streams (Stream 2 – 225 linear feet, Stream 4 – 268 linear feet, Stream 5 – 129 linear feet, Stream 7 – 604 linear feet, and Stream 8 – 119 linear feet), six (6) wetlands (Wetland M – 0.61 acre, Wetland P – 3.35 acres, Wetland Q – 1.12 acres, Wetland AA – 0.38 acre, Wetland AI – 0.50 acre, and Wetland AO – 17.22 acres), and one (1) open water feature (Marina – 6.52 acres). The applicant's preferred development alternative design would involve the permanent discharge of dredged and/or fill material into 3.12 acres of one (1) wetland (Wetland P), including 2.05 acres of forested wetland and 1.07 acres of emergent wetland, and the temporary placement of a barge and jetty within the Ohio River. Approximately 86.5% of on-site jurisdictional wetlands, 100% of on-site jurisdictional streams, and 100% of on-site jurisdictional open water features would be avoided by the proposed project. Best management practices would be implemented to minimize erosion and sedimentation to avoid impacts to downstream areas. All disturbed areas would be seeded and/or revegetated with native plant species and native seed mixes after completion of construction activities. To compensate for the loss of 2.05 acres of forested wetland and 1.07 acres of emergent wetland, the applicant proposes to purchase 2.2 acres of non-forested wetland credit from the Stream + Wetland Foundation In-Lieu Fee Program and 5.2 acres of forested wetland credit from the Stream + Wetland Foundation In-Lieu Fee Program. The USACE will determine the type and amount of compensatory mitigation necessary to offset losses of waters of the United States which may result from the proposed activity in accordance with 33 CFR § 332.

HISTORIC PROPERTIES/CULTURAL RESOURCES: Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. § 306108), requires federal agencies to consult with the appropriate State and/or Tribal Historic Preservation Officers to take into account the effects of actions they undertake or permit on historic properties listed in or eligible for listing in the National Register of Historic Places

(NRHP). The USACE is evaluating the undertaking for effects to historic properties as required under Section 106 of the NHPA. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, state, and federal government agencies with respect to historic resources.

The applicant provided a copy of the *Phase I Cultural Resources Management Investigation for the approximately 792-acre Project Dazzler, located in Green Township, Scioto County, Ohio* (Phase I report), dated December 16, 2025.

Approximately 595 acres of the approximately 792-acre project has been subject to previous archaeological testing. No historic properties (i.e., properties listed in or eligible for inclusion in the NRHP) are present within the USACE's permit area; therefore, there would be no historic properties affected by the proposed undertaking. Additionally, one (1) historic property eligible for inclusion in the NRHP is present within the viewshed of the permit area; however, the proposed undertaking would have no adverse effect on this historic property. On April 24, 2026, the USACE requested concurrence with these determinations from the State and/or Tribal Historic Preservation Officers. Via email dated May 5, 2026, the Ohio State Historic Preservation Office (SHPO) confirmed their determination that the project, as proposed, will have no adverse effect on historic properties (2025-SCI-66376). On June 9, 2026, the Phase I report was modified to more thoroughly define the Area of Potential Effects. On July 17, 2026, the Ohio SHPO indicated they continue to agree that the project, as proposed, will have no adverse effect on historic properties and stated no further coordination is required for this project unless the scope of work changes, or archaeological deposits are discovered during the course of the project. Since the project scope has changed with the inclusion of the temporary barge mooring and jetty, the Corps reevaluated the overall scope of the proposed project and determined the proposed undertaking would have no adverse effect on historic properties and initiated additional coordination with the Ohio SHPO on July 29 and 30, 2026. On August 21, 2026, the Ohio SHPO indicated they continue to agree that the project, as proposed, will have no adverse effect on historic properties and stated no further coordination is required for this project unless the scope of work changes, or archaeological deposits are discovered during the course of the project. The USACE's final eligibility and effect determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, federally recognized Tribal Nations, and other interested parties, and with full consideration given to the proposed undertaking's potential direct and indirect effects on historic properties within the USACE-identified permit area.

ENDANGERED SPECIES: Section 7 of the Endangered Species Act (ESA) (16 U.S.C. § 1536) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or that may adversely modify designated critical habitat (or critical habitat proposed such designation). USACE's preliminary review indicates the proposed project is located within the known or historic range of the endangered Indiana bat (*Myotis sodalis*), the proposed endangered tricolored bat (*Perimyotis subflavus*), the endangered fanshell mussel (*Cyprogenia stegaria*), the threatened longsolid mussel (*Fusconaia subrotunda*),

the endangered pink mucket pearly mussel (*Lampsilis abrupta*), the proposed endangered salamander mussel (*Simpsonaias ambigua*), the endangered sheepsnose mussel (*Plethobasus cyphus*), the endangered snuffbox mussel (*Epioblasma triquetra*), the proposed threatened monarch butterfly (*Danaus plexippus*), the threatened small whorled pogonia (*Isotria medeoloides*), and the threatened Virginia spiraea (*Spiraea virginiana*). According to the Information for Planning and Consultation (IPaC) official species list, no critical habitat is located within the proposed Project Dazzler site.

Initial Project

Based on the applicant's information, the proposed Project Dazzler would not include work within streams; thus, no suitable habitat for the fanshell mussel, the longsolid mussel, the pink mucket pearly mussel, the salamander mussel, the sheepsnose mussel, and the snuffbox mussel would be affected by the proposed project. The applicant would use best management practices to minimize erosion and sedimentation to avoid impacts on downstream aquatic species. Therefore, the Corps has determined the proposed project would have no effect on the fanshell mussel, the longsolid mussel, the pink mucket pearly mussel, the sheepsnose mussel, and the snuffbox mussel and would not jeopardize the continued existence of the salamander mussel. A plant survey was conducted in July 2025 within the proposed project area. No federally listed plant species were identified during the survey efforts. The Corps has determined the proposed project would have no effect on the small whorled pogonia and the Virginia spiraea. The proposed project would include the removal of wooded habitat. A Summer Bat Survey was conducted in June 2025 for a larger area containing the proposed project area. No federally listed or proposed listed species of bats were captured during the survey efforts. The Corps has determined the proposed project may affect, but is not likely adversely affect the Indiana bat and will not jeopardize the continued existence of the tricolored bat. The applicant provided a technical assistance letter (Project Code: 2025-0097765) from the USFWS for reference with the application materials. The USACE requested concurrence with our effects determination from the USFWS. On April 21, 2026, the USFWS provided concurrence with the USACE's effect determinations and provided no further ESA concerns.

Modified Project

A scoping mussel survey was conducted from Ohio River mile point 336.8-338.3. The proposed temporary barge unloading would be located at Ohio River mile point 337.8, within the limits of the scoping mussel survey. The purpose of the scoping mussel survey was to determine if concentrations of mussels exist and if the potential exists for federally or state listed endangered or threatened mussel species to be present. No live or fresh dead federally listed species were observed during the scoping mussel survey. A mussel salvage/relocation would be conducted following the Ohio Mussel Survey Protocol prior to construction. The applicant would use best management practices to minimize erosion and sedimentation to avoid impacts on downstream aquatic species. The Corps has determined the modified project proposal may affect, but is not likely to

adversely affect the Indiana bat, the fanshell mussel, the longsolid mussel, the pink mucket pearly mussel, the sheepnose mussel, and the snuffbox mussel. The Corps has determined the proposed project would have no effect on the small whorled pogonia and the Virginia spiraea and would not jeopardize the continued existence of the salamander mussel, the tricolored bat, and the monarch butterfly.

On July 29, 2026, the USACE requested concurrence with our effects determination from the USFWS for the aforementioned species and for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the barge and jetty, pursuant to Section 7(c) of the ESA of 1972 (as amended). On August 10, 2026, the USFWS provided concurrence with the USACE's effect determinations and provided no further ESA concerns.

ESSENTIAL FISH HABITAT: Not applicable.

NAVIGATION: The proposed Project Dazzler is located adjacent and within a federal navigation channel, the Ohio River. The riverward extent of the moored barge would not exceed 45-feet riverward of the shoreline measured from the ordinary high water mark of the Ohio River, elevation 515.3. The maximum length parallel to the stream bank for the moored barge would not exceed 140 feet. The riverward extent of the floating jetty would not exceed 54-feet riverward of the shoreline measured from the ordinary high water mark of the Ohio River, elevation 515.3. The maximum length parallel to the stream bank for the floating jetty would not exceed eight (8) feet. The applicant would be required to install and maintain any safety lights and signals prescribed by the United States Coast Guard, through regulations or otherwise, for all structures within the Ohio River. This notice serves as request to interested parties in the navigation community for any information regarding possible impacts to navigation.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 408) because the activity, in whole or in part, would not alter, occupy, or use a USACE Civil Works project.

WATER QUALITY CERTIFICATION (WQC): An individual WQC with conditions was granted on June 10, 2026, by the Ohio Environmental Protection Agency (OEPA) pursuant to Section 401 of the Clean Water Act (33 U.S.C. § 1341). On August 18, 2026, the OEPA determines the proposed temporary barge mooring and floating jetty modification would not require any additional agency action.

COASTAL ZONE MANAGEMENT: A federal consistency decision is not required from the state of Ohio pursuant to Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451).

NATIONAL WILD AND SCENIC RIVERS: No National Wild and Scenic Rivers pursuant to Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. § 1278) would be affected by the proposed project.

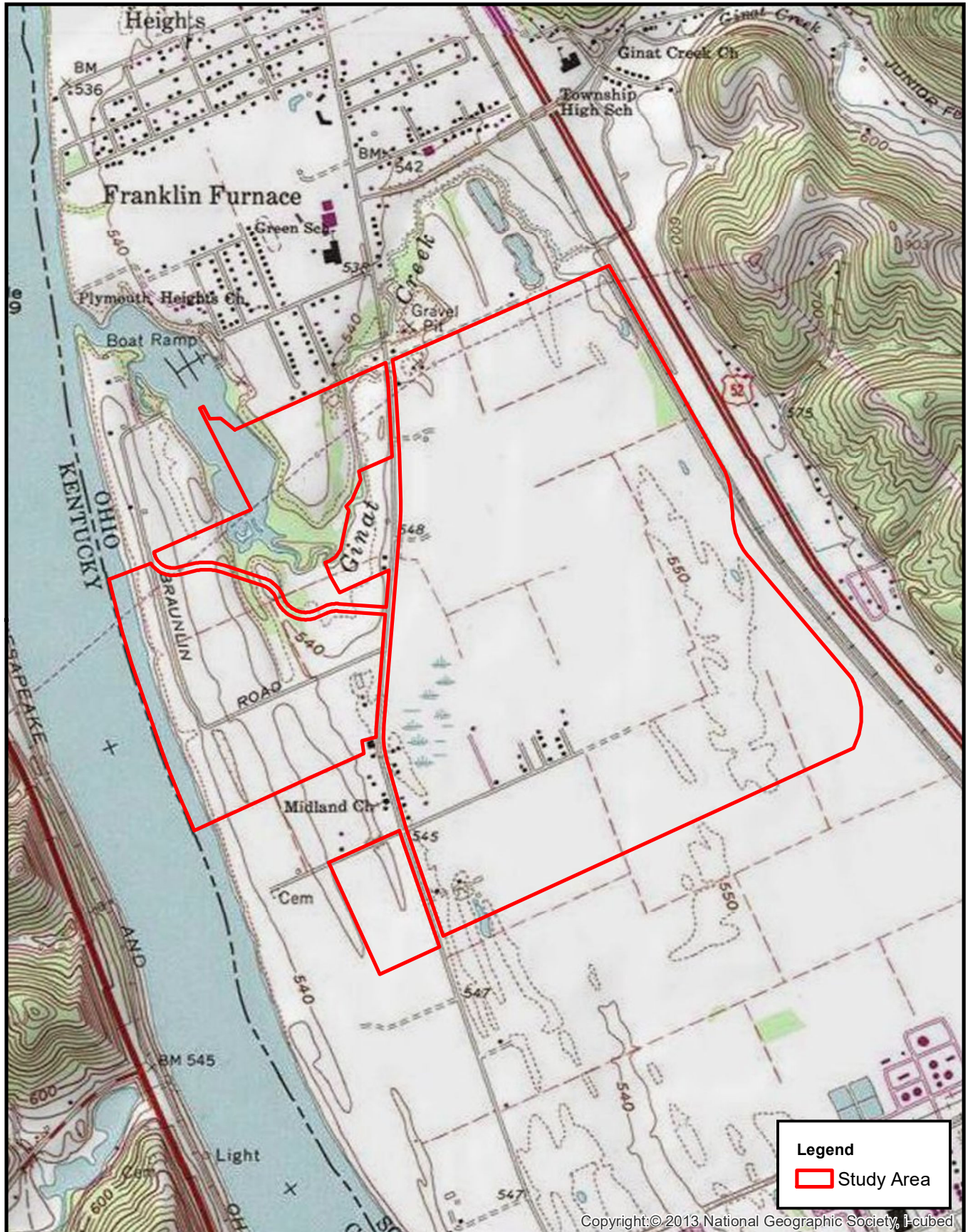
NOTE: This Public Notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The geographic extent of aquatic resources within the proposed project area that either are, or are presumed to be, within the USACE jurisdiction has been verified by USACE personnel.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact 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 benefits, 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 cumulative impacts thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, 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. Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, USEPA, under authority of Section 404(b) of the Clean Water Act. A permit will be granted unless its issuance is found to be contrary to the public interest.

COMMENTS: The USACE is soliciting comments from the public, federal, state, and local agencies and officials, Tribal Nations, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the USACE to determine whether to issue, modify, condition, or deny a permit for this proposed activity. To make this determination, comments are used to assess impacts to 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 and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. Any comments or objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested permit. Please note that all comments received will become part of the administrative record and are subject to public release under the Freedom of Information Act. All comments received in response to the initial Public Notice LRH-2025-00939-OHR have been made as part of the administrative record and are under review.

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 Huntington District will receive written comments on the proposed activity, as outlined above, until September 17, 2026. Comments should be submitted electronically via the Regulatory Request System (RRS) at <https://rrs.usace.army.mil/rrs/public-notices>. Alternatively, you may submit comments to Kayla Osborne at kayla.n.osborne@usace.army.mil or U.S. Army Corps of Engineers, Huntington District, Attention: Kayla Osborne, 502 Eighth Street, Huntington, West Virginia 25701-2070. Please refer to “**LRH-2025-00939-OHR-rev**” in your comments.



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GREEN TOWNSHIP, SCIOTO COUNTY, OHIO

Project Dazzler
USGS Topographic Map
Exhibit 3

SCALE: 1" = 1,500'

0 700 1,400 2,800 Feet

Source: USGS: Greenup, Ohio Quadrangle, 1958

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