US Army Corps of Engineers®

PUBLIC NOTICE

Wilmington District
Permit Application
No. SAW-2026-00878

Published: November 13, 2026
Expires: December 14, 2026

Interested parties are hereby notified that the U.S. Army Corps of Engineers (USACE), Wilmington 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). 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: Chris Sander
Microsoft
1 Microsoft Way
Redmond, Washington 98052

LOCATION OF PROPOSED ACTIVITY: The proposed activity would affect waters of the United States associated with Storys Creek in the Lower Dan watershed. The project/review area is located south of Edwin Robertson Road and on the east and west side of Country Club Road; at Latitude 36.478290 and Longitude -78.993160; in Roxboro, Person County, North Carolina.

PROPOSED ACTIVITY: The applicant is requesting a DA permit for the permanent discharge of fill material into 0.47 acre (ac) of wetland, 0.29 ac (4,045 linear feet [lf]) of stream and the permanent-no permanent loss of 0.012 ac (11 lf) of stream for the construction of four one-story data center buildings, two logistics centers, one campus amenities building that will contain multiple storage servers, an on-site electrical substation and substation logistics center, sewage treatment, detention ponds and associated infrastructure. Additional improvements include installation of domestic and fire hydrant water, fiber and electrical conduits, and stormwater conveyance systems throughout. The Project area is designed based on a datacenter footprint building, site access needs, and utility requirements (electricity, parking, security, water/sewer, fiber, etc.). The footprint of the proposed development is approximately 450 acres.

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 for. “The DAN07 Data Center Project has avoided and minimized impacts to the maximum extent practicable. The impacts that could not be completely avoided will be mitigated through purchase of wetland and stream credits from the North Carolina Division of Mitigation Services (NCDMS) in-lieu fee program.” The applicant proposes purchasing 0.94 riparian non-riverine wetland credits and 7,888 warm water stream credits from NCDMS. The applicant included a Statement of Availability letter from NCDMS in their application. 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 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.

The USACE evaluated the undertaking pursuant to Section 106 of the National Historic Preservation Act utilizing 36 CFR § 800 and program-specific regulations and procedures found at 33 CFR § 325, Appendix C, and revised interim guidance issued in 2005 and 2007, respectively. The District Engineer consulted district files and records and the latest published version of the National Register of Historic Places and initially determines that:

Cultural resources that have been determined not eligible for inclusion in the National Register of Historic Places are present within the USACE's permit area; therefore, there would be no historic properties affected by the proposed work. The USACE will request concurrence with this determination from the State and/or Tribal Historic Preservation Officers.

No resources listed in or eligible for inclusion in the National Register of Historic Places are known to be present in the vicinity; 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 the State and/or Tribal Historic Preservation Officers and other interested parties to provide any information they may have regarding historic properties.

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 tribes, 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 described activity will have no effect on any threatened or endangered species or designated critical habitat. USACE will consider comments from this public notice, including any comments provided by the NMFS and/or USFWS, regarding the need to consult.

ESSENTIAL FISH HABITAT: Section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) as amended (16 U.S.C. § 1855), requires Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act 1996, the USACE reviewed the project area, examined information provided by the applicant, and consulted available species information. The USACE's determination is that the described activity would not affect EFH at the project location or in its vicinity.

NAVIGATION: The proposed structure or activity is not located in the vicinity of a federal navigation channel.

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: An Individual Water Quality Certification may be required from the North Carolina Division of Water Resources pursuant to Section 401 of the Clean Water Act (33 U.S.C. § 1341).

COASTAL ZONE MANAGEMENT: The USACE determines that this application for a DA permit does not involve an activity which would affect the coastal zone pursuant to Section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451).

NATIONAL WILD AND SCENIC RIVERS: Coordination with the U.S. Forest Service is not required pursuant to Section 7 of the Wild and Scenic Rivers Act (16 U.S.C. § 1278)**.**

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.

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.

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 Wilmington District will receive written comments on the proposed activity, as outlined above, until December 14, 206. 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 Rachel Capito at rachel.a.capito@usace.army.mil or U.S. Army Corps of Engineers, Wilmington District, Attention: Rachel Capito, 3331 Heritage Trade Drive Suite 105, Wake Forest, NC 27587. Please refer to “**SAW-2026-00878**” in your comments.