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WV Department of Environmental Protection
Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304

DATE

17 June 2026

SUBJECT

Monarch Compute Campus - Data Center #2
Federally Non-Jurisdictional Waters Permit Application

REFERENCE

0809366

To Whom It May Concern:

On behalf of Monarch Cloud Campus, LLC, Environmental Resources Management, Inc. (ERM) is pleased to submit the enclosed Application for West Virginia State Waters Permit for Federally Non-Jurisdictional Waters for the proposed Monarch Compute Campus – Data Center #2 Project (Project) in Mason County, West Virginia (Section 1). The Project involves the construction of one data center and associated vital infrastructure necessary for the operation of the facility.

The Project has a proposed limits of disturbance (LOD) of approximately 193 acres and includes construction of one data center building, four power nodes, and associated infrastructure.

The Project is necessary to support the objectives of President Donald Trump's Winning the AI Race: America's AI Action Plan, Executive Order 14318 (Accelerating Federal Permitting of Data Center Infrastructure), and West Virginia House Bill 2014 (Power Generation and Consumption Act).

The Project is located in Mason County, West Virginia, east of Ohio River Road, near coordinates 38.909875, -82.100642, as depicted on the United States Geological Survey (USGS) Site Location Map (Cheshire Quadrangle) included as Section 2.

A stream and wetland delineation was completed for an approximately 1,200-acre study area encompassing the proposed Project. The Wetland Delineation Report is included as Section 3.

The Project design was developed to avoid and minimize impacts to streams and wetlands by reducing disturbance in sensitive areas and designing around aquatic features where practicable. However, construction activities would result in permanent impacts to approximately 0.09 acres of palustrine emergent (PEM) wetland, 2,487 linear feet (LF) of intermittent streams, and 2,697 LF of ephemeral streams determined to be WOTUS through Preliminary and Approved Jurisdictional Determinations (Section 4). In addition, approximately 1.78 acres of palustrine forested (PFO) wetlands and a combined total of approximately 3,296 LF of ephemeral streams determined to be non-WOTUS are proposed to be permanently impacted (Section 5).

The final Project design avoids impacts to approximately 0.03 acres of palustrine emergent (PEM) wetlands, 14.48 acres of PFO wetlands, 5,201 LF of ephemeral stream, 8,273 LF of intermittent

stream, and 3,720 LF of perennial stream through reduction of the construction footprint and design modifications. Aquatic resource impact figures and upload tables are included as Section 5. An Alternatives Analysis was prepared in accordance with Section 404(b)(1) Guidelines to discuss the proposed action and other practicable alternatives that were evaluated for the Project. The Alternatives Analysis is included as Section 6.

ERM is also coordinating to reserve and purchase compensatory mitigation credits through the West Virginia In-Lieu Fee (ILF) Program to offset permanent impacts. Documentation of credit reservation will be provided once obtained.

The enclosed permit application describes the proposed regulated activities and demonstrates compliance with Section 404 of the Clean Water Act. Should you have any questions regarding this PCN or the enclosed materials, please do not hesitate to contact me at (612) 337-3369 or Michael.Tincher@erm.com.

Sincerely,



Michael Tincher, PWS

Partner

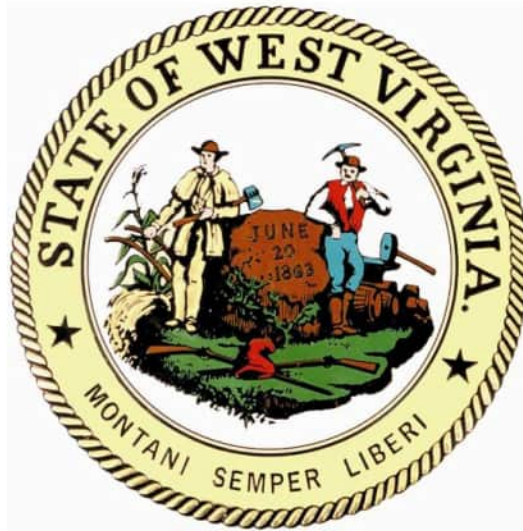


SECTION 1 FEDERALLY NON-JURISDICTIONAL WATERS APPLICATION FORM

Application for

West Virginia State Waters Permit

For Federally Non-Jurisdictional Waters



WEST VIRGINIA STATE WATERS PERMIT FOR FEDERALLY NON-JURISDICTIONAL WATERS

This application must be completed for any activity involving a discharge into federally non-jurisdictional waters of the State which require a West Virginia State Waters Permit from the West Virginia Department of Environmental Protection (WVDEP). In accordance with the West Virginia Water Pollution Control Act (WPCA), the WVDEP has the responsibility to protect all waters of the State. The WPCA requires a permit for activities that may cause an alteration to the physical or biological integrity of the waters of the State. To determine whether you need to submit this application to the WVDEP, contact the WVDEP - Division of Water and Waste Management 401 Certification Program at (304) 926-0499.

The WVDEP West Virginia State Waters Permit is authorized by W. Va. Code §22-11-8(b)(3). The statute does not differentiate between those waters of the State which are under the federal jurisdiction of the Corps of Engineers and those waters of the State which are outside said jurisdiction, nor is there any provision contained in the WPCA which provides for an exemption from obtaining a permit for impacts to federally non-jurisdictional waters. Therefore, WVDEP follows the existing West Virginia Legislative Rule §47CSR5A which pertains to jurisdictional waters for the purpose of outlining this application process and compensatory mitigation guidelines.

In order for the WVDEP to issue a West Virginia State Waters Permit, the project must comply with the State Water Quality Standards (§47CSR2) and not potentially result in an adverse long- term or short-term impact on water quality. Included with the Water Quality Standards is the Antidegradation Implementation Rule (§60CSR5) effective July 2, 2001. The Rule includes additional application requirements and public participation procedures. Because there is a potential for lowering of water quality, or impacts to designated uses, associated with every project being reviewed for a West Virginia State Waters Permit, every applicant must provide the information required of this application.

Information provided with the application will be used to evaluate the project for a State permit and is a matter of public record. If the Secretary determines that the application lacks information necessary to determine whether the applicant has demonstrated the criteria set forth in Legislative Rule 47CSR5A, the WVDEP will inform the applicant in writing of the additional information that must be submitted. The application will not be accepted until it is considered complete by the Department. You will be informed in writing when your application is determined to be complete.

Please submit one (1) paper copy of this form and one (1) electronic copy with the \$350 application fee (if applicable, see instructions) to: Division of Water and Waste Management, 401 Certification Program, 601 57th Street SE, Charleston, West Virginia 25304

If any information is missing in this package it will be considered incomplete. A full permit review will not be made until all information is provided. The WVDEP will notify you of any missing and/or further information necessary for a proper and thorough review for a permit.

For Agency Use Only			
Date Received by Agency:		WVDEP application No.:	
Filing Fee of \$350 received:		Check No.:	
Reviewer's Name:		Date Application Deemed Complete:	

APPLICANT INFORMATION

Applicant Name:			Agent Name:		
William Calhoun			Michael Tincher		
Company:			Company:		
Monarch Cloud Campus, LLC			Environmental Resources Management		
109 North Post Oak Lane, Suite 140			1030 Quarrier Street, Suite 100		
Address:			Address:		
Houston	TX	77204	Charleston	WV	25301
City:	State:	Zip Code:	City:	State:	Zip Code:
281-917-8571			612-337-3369		
Telephone Number:			Telephone Number:		
jack.calhoun@nscale.com			michael.tincher@erm.com		
Email Address:			Email Address:		

PROJECT DESCRIPTION

Type of operation:
The project proposes to construct one data center building with four associated power nodes to support regional data processing and power infrastrure.
Activity or activities proposed in federally non-jurisdictional stream or wetland:
The Project proposes to permanently impact approximately 1.78 acres of federally non-jurisdictional PFO wetland and a combined total of approximately 3,296 linear feet (LF) of federally non-jurisdictional ephemeral streams.
Project purpose:
Meet the President's Winning the AI Race: America's AI Action Plan and West Virginia's House Bill 2014 (Power Generation and Consumption Act).
Briefly describe the proposed project:
The purpose of the project is to construct one data center building with four associated power nodes to support regional data processing and power infrastructure needs. The proposed activity is consistent with the objectives of the President's Winning the AI Race: America's AI Action Plan, Executive Order 14318 (Accelerating Federal Permitting of Data Center Infrastructure), and West Virginia House Bill 2014 (Power Generation and Consumption Act).

PROJECT INFORMATION

County: Mason	Nearest Town: Point Pleasant	Coordinates (decimal degrees): 38.909875, -82.100642
Directions to site: include a USGS topographical map section showing location of proposed project.		
From the intersection of Ohio River Rd (WV 62) and Camp Conley Rd, travel north 0.7 mi. Turn Right on Airport Rd, go 0.5 mi. The site is on the right		
Watershed Name (12 digit HUC): 050302021004	Watershed Size (acres): 	
Name of federally non-jurisdictional stream(s) where impact(s) will occur and receiving streams to which they drain: 		
Federally non-jurisdictional wetlands on project site (acres): 1.78 acres of PFO wetland		
Federally non-jurisdictional wetlands impacted by proposed project (acres): 1.78 acres of PFO wetland		
Briefly describe wetland type and function: PFO wetland		
Describe the type, composition, and quantity of fill material: Fill material will originate from within the Project's limits of disturbance.		

NO PRACTICAL ALTERNATIVE DEMONSTRATION (See Instructions)

Due to land limitation constraints in within the site and surrounding parcels, as well as the close proximity to third party buyers of the energy produced, an alternative configuration to avoid all wetland impacts was not feasible.

**DELINEATION OF FEDERALLY NON-JURISDICTIONAL STREAMS
AND WETLANDS (See Instructions)**

Included as a separate attachment.

MITIGATION / COMPENSATION AGREEMENT
Include West Virginia Stream and Wetland Valuation Metric (See Instructions)

Included as a separate attachment.

SIGNATURE – STATEMENT OF AFFIRMATION

Please read carefully before signing

Application is hereby made for a West Virginia State Waters Permit to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true and accurate. I certify that I have the authority to undertake the activities proposed in the application. I understand and agree to allow representatives of the Department of Environmental Protection to enter upon said property in order to inspect the proposed project. I understand that the granting of other permits by local, state or federal agencies does not release me from the requirements of obtaining the permit requested herein before commencing the project.

Applicants Printed Name: William Calhoun

Applicant's Signature: 

Date: 5/6/2026

PUBLIC NOTICE

Publication Date:

Expiration Date (30 days after initial publication date):

TO WHOM IT MAY CONCERN:

A West Virginia State Waters Permit, as required by W. Va. Code §22-11-8(b)(3) has been requested from the West Virginia Department of Environmental Protection (WVDEP) for:

(Name of Project)

(Name and Address of Applicant)

SCOPE OF PERMIT:

The West Virginia Water Pollution Control Act requires a permit for activities that may cause an alteration to the physical or biological integrity of the waters of the State. The WVDEP West Virginia State Waters Permit is authorized by W. Va. Code §22-11-8(b)(3). WVDEP follows the existing West Virginia Legislative Rule §47CSR5A which pertains to jurisdictional waters for the purpose of outlining this application process and compensatory mitigation guidelines.

DESCRIPTION OF THE ACTIVITY:

PROJECT LOCATION:

INFORMATION AVAILABLE:

The West Virginia State Waters Permit application is available for inspection between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, at the following location:

WV Department of Environmental Protection
Division of Water and Waste Management
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304

COMMENTS:

Comments and information relating to the West Virginia State Waters Permit for this activity are hereby solicited. The need for a public hearing will be determined based on an evaluation of specific request(s) for such hearing. Comments and information can be emailed to: WQScomments@wv.gov

All electronically-received comments will be considered if received prior to the expiration date of this notice.

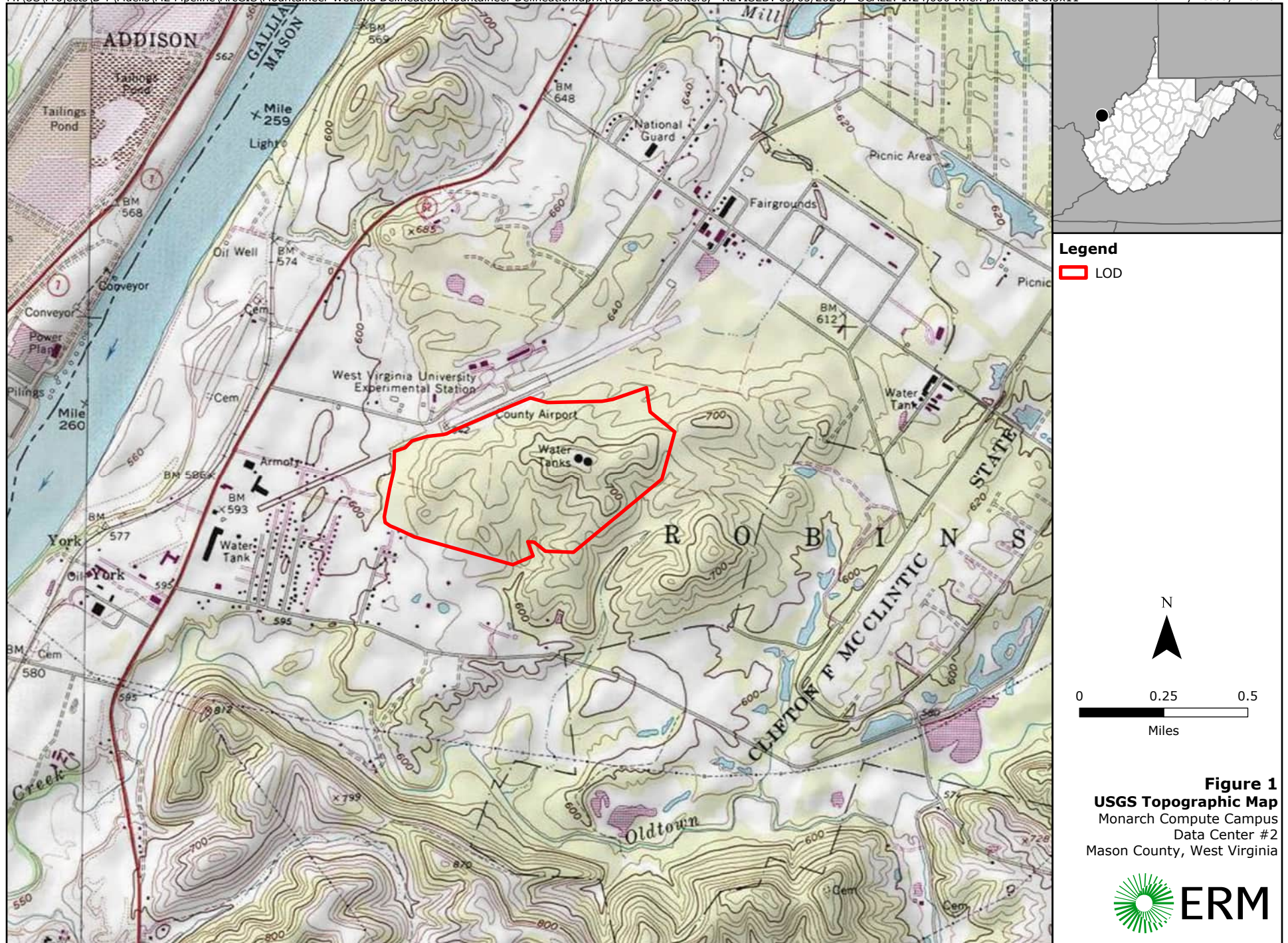
Comments and information can also be mailed to:

WV Department of Environmental Protection
Division of Water and Waste Management
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304

All mailed comments and information on the activity's impact will be considered if postmarked prior to the expiration date of this notice. Comments and information postmarked later than the expiration date may not be considered.



SECTION 2 USGS MAPS





SECTION 3 WETLAND DELINEATION REPORT



SECTION 4 APPROVED JURISDICTIONAL DETERMINATION



SECTION 5 IMPACT FIGURES

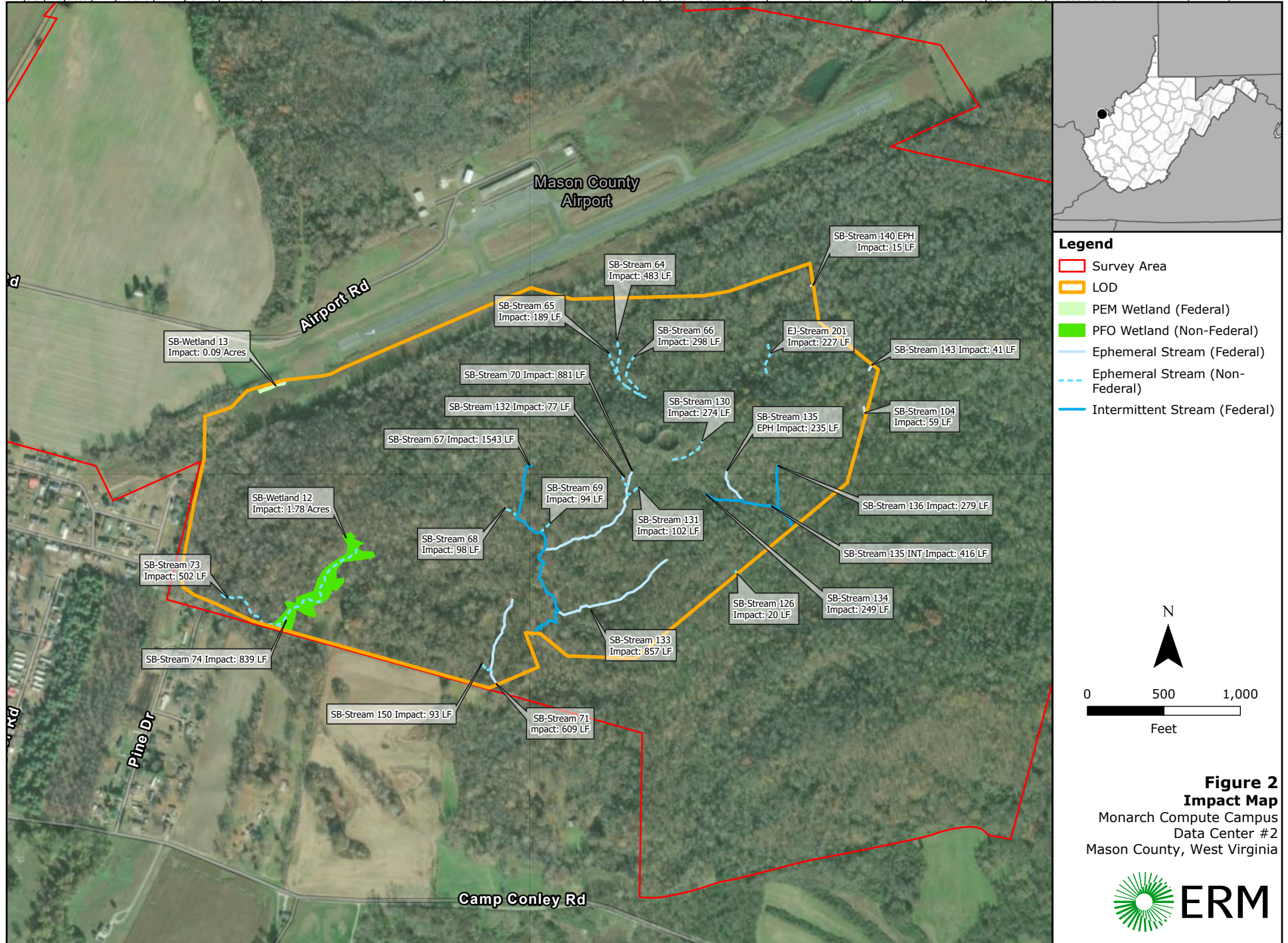


TABLE 1: PROPOSED FEDERALLY JURISDICTIONAL WATERBODY IMPACTS FOR THE MONARCH COMPUTE CAMPUS – DATA CENTER #2 PROJECT, MASON COUNTY, WEST VIRGINIA

Feature	Flow Regime / Cowardin	Latitude	Longitude	Impact Length (LF)	Impact Area (Acres)
SB-Stream 104	Ephemeral	38.91068854	-82.09264451	59	0.0007
SB-Stream 133	Ephemeral	38.90785362	-82.09846521	857	0.0197
SB-Stream 135 EPH	Ephemeral	38.90988629	-82.09582797	235	0.0040
SB-Stream 140 EPH	Ephemeral	38.91360578	-82.09385051	15	0.0003
SB-Stream 143	Ephemeral	38.91250784	-82.09272547	41	0.0005
SB-Stream 70	Ephemeral	38.90916359	-82.09879527	881	0.0202
SB-Stream 71	Ephemeral	38.90706413	-82.10120217	609	0.0140
SB-Stream 134	Intermittent	38.9096844	-82.09599385	249	0.0029
SB-Stream 135 INT	Intermittent	38.90902583	-82.09439878	416	0.0143
SB-Stream 136	Intermittent	38.9099279	-82.0947741	279	0.0048
SB-Stream 67	Intermittent	38.90820896	-82.10018443	1543	0.0354
SB-Wetland 13	PEM	38.91162800	-82.10638000	--	0.09
Total Ephemeral Impacts				2,697	0.059
Total Intermittent Impacts				2,487	0.057
Total Wetland Impacts				--	0.09
TOTAL IMPACTS				5,184	0.206

TABLE 2: PROPOSED FEDERALLY NON-JURISDICTIONAL WATERBODY IMPACTS FOR THE MONARCH COMPUTE CAMPUS – DATA CENTER #2 PROJECT, MASON COUNTY, WEST VIRGINIA

Feature	Flow Regime	Latitude	Longitude	Impact Length (LF)	Impact Area (Acres)
EJ-Stream 201	Ephemeral	38.91219031	-82.09504705	227	0.008
SB-Stream 126	Ephemeral	38.90772646	-82.09528231	20	0.0002
SB-Stream 130	Ephemeral	38.91049591	-82.09678263	274	0.003
SB-Stream 131	Ephemeral	38.90981601	-82.0980744	102	0.001
SB-Stream 132	Ephemeral	38.90999526	-82.0983109	77	0.001
SB-Stream 150	Ephemeral	38.90661726	-82.10141954	93	0.001
SB-Stream 64	Ephemeral	38.91159427	-82.0980642	483	0.011
SB-Stream 65	Ephemeral	38.91204776	-82.09856507	189	0.004
SB-Stream 66	Ephemeral	38.91182199	-82.09821862	298	0.007
SB-Stream 68	Ephemeral	38.90943998	-82.10087581	98	0.004
SB-Stream 69	Ephemeral	38.90915769	-82.10008998	94	0.002
SB-Stream 73	Ephemeral	38.90760359	-82.10685677	502	0.012
SB-Stream 74	Ephemeral	38.90800904	-82.10525019	839	0.019
TOTAL STREAM IMPACTS				3,296	0.074

TABLE 3: PROPOSED FEDERALLY NON-JURISDICTIONAL WETLAND IMPACTS FOR THE MONARCH COMPUTE CAMPUS – DATA CENTER #2 PROJECT, MASON COUNTY, WEST VIRGINIA

Feature	Cowardin Code	Latitude	Longitude	Impact Area (Acres)
SB-Wetland 12	PFO	38.90805979	-82.10519342	1.78
TOTAL WETLAND IMPACTS				1.78



SECTION 6 ALTERNATIVES ANALYSIS