October 29, 2026

Transmitted Electronically

Karl Brutsaert
Portsmouth DevCo, LLC
3 Lagoon Drive, Suite 280
Redwood City, CA, 94065
travis@sbenergy.com

Re: Bobo Technology Project
Permit - Intermediate
Correspondence
401 Wetlands
Pike
DSW401 263102A1

Subject: Incomplete Section 401 Water Quality Certification (WQC) Application
Bobo Technology Project
Corps Public Notice No. LRH-2026-00976-SCR
Ohio EPA ID No. 263102A1

Dear Mr. Brutsaert:

On October 21, 2026 the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) received a Section 401 WQC application for your project to construct six data center buildings located along Bobo Road in Pike County (39.0085, -82.9455).

In accordance with Section 6111.30 of the Ohio Revised Code (ORC), a Section 401 WQC application must contain all the below listed items to be considered administratively complete.

The application package for this project did not contain all the required components; therefore, as required by ORC section 6111.30(B), you are hereby notified that this application is **INCOMPLETE** and Ohio EPA will not proceed with any further review until the following deficient items have been adequately addressed:

[x] A complete 401 WQC application form;

- ***In order to help expedite the review, it is preferred that you enter the stream and wetland impacts into the tables provided in the eBusiness center application rather than uploading separate tables. If that is not possible, then please use the column headings provided in the fill-in tables provided in the eBusiness center application.***

  - ***Also, please ensure that the stream linear footage, wetland acreage and impact numbers are consistent between the Corps Public Notice, the Ohio EPA Impact Tables and the Mitigation Plan.***
- ***Wetlands and streams that are within the survey area but are not being impacted should still be listed in the impact table.***

☐ Current and unexpired correspondence from the United States Army Corps of Engineers' documenting the jurisdictional status of waters located within the project area;

☒ A wetland characterization analysis consistent with the Ohio Rapid Assessment Method (Completed ten-page form including background information, scoring boundary worksheet, narrative rating, quantitative rating, and wetland categorization worksheet) for each wetland within the project boundary;

- ***The ORAM form for wetland 5C was not provided. Please provide.***
- ***Several submitted ORAM forms noted the wetland categorization as Category 3, even though the numeric score did not fall in the Category 3 range nor did any of the narrative rating sections of the form indicate the wetlands were Category 3. Please correct and resubmit applicable forms.***

☐ Data to determine existing aquatic life use, if the project impacts a stream for which a specific aquatic life use designation has not been made (QHEI or HHEI);

☒ A specific and detailed mitigation plan prepared in accordance with 33 C.F.R. Part 332, ORC 6111.30(I), and OAC 3745-1-54, including the location and proposed real estate instrument or other mechanism for protecting the property long term;

- ***The proposed mitigation plan states that in-lieu fee (ILF) credits will be purchased in an adjacent watershed for credits unavailable to purchase in both watersheds for the project area when credits through a mitigation bank and ILF program become unavailable within the project watersheds. The mitigation hierarchy is as follows: mitigation bank credits available within the watershed, ILF credits available within the watershed, permittee responsible mitigation within the watershed, mitigation bank credits available within an adjacent watershed, ILF credits available within an adjacent watershed. Provide a mitigation plan that would follow this hierarchy before the purchase of ILF credits in an adjacent watershed. Ohio***

EPA is aware of a pending modification request for additional ILF credits to become available within the watershed, but those cannot be considered in the present mitigation plan.

☐ Site photographs of water resources in accordance with OAC 3745-32-03(B)(2)(e);

☒ Documentation confirming that the applicant has requested comments from ODNR and USFWS regarding threatened and endangered species, including the presence or absence of critical habitat;

- ***The request for USFWS comments is incomplete. Only the IPaC is submitted, for completeness provide the request for the applicable Determination Keys (dKeys) of the project and/or the final coordination letter.***
  - **USFWS Ohio Field Office: 4625 Morse Rd., Suite 104, Columbus, OH 43230, 614-416-8993**

☐ Descriptions, schematics, and appropriate economic information of the applicant's alternatives analysis prepared in accordance with 40 C.F.R. Part 230 and OAC 3745-1-54 for the project;

☐ The delineation report of the waters of the United States in support of a federal license or permit;

☐ A copy of the United States Army Corps of Engineers' public notice regarding the 404 permit application or other notification from the Corps that the project will be authorized under a general permit or letter of permission if applicable; and

☐ Applicable application and review fees in accordance with ORC 3745.114.

☒ A copy of the federal license or permit application, including all attachments, that was submitted to the federal agency in accordance with 40 C.F.R. Part 121.5. The 2023 Clean Water Act Section 401 Water Quality Certification Improvement Rule (2023 Rule) went into effect on November 27, 2023, and requires submittal of the federal license or permit application to the state certifying agency (Ohio EPA) in addition to state required components outlined in ORC section 6111.30(B).

- ***Provide a copy of the federal license of permit application. This can be submitted through the eBusiness Center under the Corps Public Notice or the***

Jurisdictional Determination portion of "Section 4: Submitted Documentation" of the eBusiness Center application.

Any missing items identified above must be uploaded to your application through the Ohio EPA eBusiness center. Once all the missing items have been uploaded, the application should be resubmitted.

For any modified or revised materials that are submitted in response to the identified deficient completeness requirements, please submit revised, dated pages. As such, each revised page should include in a header or footer the following information:

- ✓ **Project name;**
- ✓ **Ohio EPA ID number;**
- ✓ **Revision date; and**
- ✓ **Revision number.**

Also, the body of the page should clearly identify where changes from the original document were made.

You may find a copy of Ohio EPA's rules and laws online at https://epa.ohio.gov/dsw. Information regarding Ohio's Section 401 and Isolated Wetlands Permitting programs is also available online at https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits.

If you have any questions, please contact me at (614) 644-2146 or via email at James.Morris@epa.ohio.gov.

Sincerely,

James Morris

James Morris
Application Coordinator
401/Wetlands/Mitigation Section

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