



Public Notice

U.S. Army Corps of Engineers, Norfolk District

9/15/09

CENAO-REG

FEDERAL PUBLIC NOTICE

NOTICE OF PUBLIC HEARINGS: **PROPOSED SUSPENSION AND MODIFICATION OF NATIONWIDE PERMIT NUMBER 21 IN THE APPALACHIAN REGION OF KENTUCKY, OHIO, PENNSYLVANIA, TENNESSEE, VIRGINIA, AND WEST VIRGINIA**

NOTICE IS HEREBY GIVEN that six public hearings will be conducted by the U. S. Army Corps of Engineers in association with the proposal to suspend and modify Nationwide Permit 21 (NWP 21) in the Appalachian Region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia.

BACKGROUND: On July 15, 2009, the U.S. Army Corps of Engineers published a proposal to take two actions concerning NWP 21, which authorizes discharges of dredged or fill material into waters of the United States for surface coal mining activities (74 FR 34311). The two proposed actions are to suspend NWP 21 to prohibit its use to authorize surface coal mining activities in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and then to modify NWP 21 to make that prohibition permanent until NWP 21 expires on March 18, 2012. In this notice we also offered commenters the opportunity to request a public hearing. In a notice published in the August 13, 2009, issue of the Federal Register, we extended the comment period to September 14, 2009 (74 FR 40815).

We have received several requests to hold public hearings, and have determined that hearings would afford us the opportunity to gain additional information to assist us in reaching decisions on these two proposed actions. In the September 10, 2009, issue of the Federal Register (74 FR 46582), we announced that six public hearings will be held. A public hearing will be held in each of the six affected states. Written comments to supplement the hearing records may be submitted until October 26, 2009.

HEARING DATES, TIMES AND LOCATIONS: All hearings will be start at 7:00 P.M, with registration starting at 6:00 P.M. Three hearings will be held on October 13, 2009, at the following locations: Charleston, West Virginia; Pikeville, Kentucky; and Knoxville, Tennessee.

Three hearings will be held on October 15, 2009, at the following locations: Cambridge, Ohio; Pittsburgh, Pennsylvania and Big Stone Gap, Virginia.

ADDITIONAL DETAILS CONCERNING LOCATION OF EACH HEARING FOLLOW:

HEARING 1

DATE: October 13, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Charleston Civic Center, Little Theatre
200 Civic Center Drive
Charleston, WV 25301

ADDITIONAL INFORMATION:

<http://www.lrh.usace.army.mil/permits/publicnotices/wv/>

HEARING 2

DATE: October 13, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: East Kentucky Expo Center
126 Main St
Pikeville, KY 41501-1144

ADDITIONAL INFORMATION: <http://www.lrl.usace.army.mil/>

HEARING 3

DATE: October 13, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Knoxville Convention Center
701 Henley St.
Knoxville, TN 37902-2914

ADDITIONAL INFORMATION: http://www.lrn.usace.army.mil/cof/special_notices.htm

HEARING 4

DATE: October 15, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Pritchard Laughlin Civic Center
7033 Glenn Hwy.
Cambridge, OH 43725

ADDITIONAL INFORMATION:

<http://www.lrh.usace.army.mil/permits/publicnotices/oh/>

HEARING 5

DATE: October 15, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Pittsburgh, Pennsylvania

ADDITIONAL INFORMATION: http://www.lrp.usace.army.mil/or/or-f/public_notice.htm

HEARING 6

DATE: October 15, 2009

TIME: 7:00 P.M., with registration beginning at 6:00 P.M.

LOCATION: Big Stone Gap Mountain Empire Community College (Goodloe Center)
3441 Mountain Empire Road
Big Stone Gap, VA 24219

ADDITIONAL VIRGINIA MEETING SITE INFORMATION:

<http://www.mapquest.com/mq/7-7qKNtvQOGMDWcjF>

or

<http://itouchmap.com/?d=2084302&s=VA&f=building>

All interested parties are invited to be present at the public hearing, including officials of any local governments or any association whose interest may be affected by the proposal. Anyone wishing to comment will be given an opportunity to express views concerning the proposed request. Depending on the number of people of who wish to speak at each public hearing, the hearing officer may impose a time limit for each speaker, so that everyone who wishes to speak will be given the opportunity to do so. Oral statements supporting or opposing the proposal will be heard. Written statements may be presented at the hearing or mailed to this office prior to the hearing date.

In an effort to conserve and eliminate duplication of viewpoints or facts presented, groups with common interests are encouraged to consolidate their comments for presentation by a representative spokesperson.

All statements, both oral and written, will be recorded and transcribed and will become part of the official record.

The public hearings are being conducted to ensure that every effort is made to identify and weigh all beneficial and adverse effects of the proposals to modify and suspend NWP 21.

COMMENT PERIOD: All persons in attendance including those that are not registered to speak are encouraged to provide written comments in person at the hearing or in writing to **U.S. Army Corps of Engineers, Attn: Ms. Desiree Hann, 441 G Street, NW., Washington, DC 20314-1000**. Written comments may be submitted until 26 October, 2009.

FOR FURTHER INFORMATION REGARDING THIS ACTION: Contact Ms. Desiree Hann @ 202-761-4560 or Mr. David Olson @202-761-4922

For information regarding the location, times, requirements or issues directly associated with the Virginia Public Hearing contact Ms. Annette Poore @ 276 623-5259 or via e-mail at Annette.J.Poore@usace.army.mil

FOR THE DISTRICT ENGINEER:

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Richard E. Henderson
Deputy Chief, Norfolk District
Regulatory Office