Public Notice

U S Army Corps of Engineers
Great Lakes & Ohio River Division

In reply refer to Public Notice No.	Issuance Date:
	June 18, 2010
Stream:	Closing Date:
N/A	**N/A**

SUSPENSION OF NATIONWIDE PERMIT 21 IN THE APPALACHIAN REGION OF KENTUCKY, OHIO, PENNSYLVANIA, TENNESSEE, VIRGINIA, AND WEST VIRGINIA

The U.S. Army Corps of Engineers (Corps) has suspended the use of Nationwide Permit 21 (NWP 21) in the Appalachian region of Kentucky, Ohio, Pennsylvania, Tennessee, Virginia and West Virginia, and announced this decision in the June 18, 2010, edition of the Federal Register. NWP 21 has been used to authorize discharges of dredged or fill material into waters of the United States for surface coal mining activities. The suspension of NWP 21 is effective immediately.

On July 15, 2009, the Corps published a Federal Register notice (74 FR 34311) to solicit public comment on the proposal to suspend NWP 21. The decision to suspend NWP 21 was made following the Corps consideration of comments received during the public comment period and oral testimony collected during public hearings in each of the six affected states. After a thorough review and consideration of the comments, the Corps determined that continuing use of NWP 21 in this region may result in more than minimal impacts to aquatic resources. Activities that result in more than minimal impacts to the aquatic environment must be evaluated in accordance with Individual Permit procedures. The Individual Permit process will result in increased public involvement in the permit evaluation process, including an opportunity for public comment on individual projects.

This suspension does not affect the availability of NWP 21 in other geographic regions. NWP 21 verifications provided in writing by the Corps to mining companies prior to June 18, 2010 will continue to be valid until the NWP expires on March 18, 2012. District engineers may not modify previously issued NWP 21 verifications to authorize additional discharges of dredge or fill material into waters of the United States.

While the suspension is in effect, individuals who seek authorization for discharges of dredged or fill material into waters of the United States for surface coal mining projects in the affected region of these six states will have to apply for Department of the Army authorization under Section 404 of the Clean Water Act through the Individual Permit process.

For more information on this decision please refer to the copy of the June 18, 2010, Federal Register notice on the Corps Headquarters website at http://www.usace.army.mil/CECW/Pages/nnpi.aspx.

- ORIGINAL SIGNED -

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