



Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 1999-18

Date: December 19, 2007

Notice No. 07-60

Closing Date: January 19, 2008

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: United States Department of Justice
Federal Bureau of Prisons
Site Selection and Environmental Review Branch
320 First Street, N.W.
Washington, D.C. 20534

AGENT: The Louis Berger Group, Inc.
412 Mount Kemble Avenue
Morristown, New Jersey 07960

3. LOCATION: in an unnamed tributary to Cherry Run and wetlands, near Hazelton, Preston County, West Virginia.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant is proposing to construct an additional facility to house inmates at the Hazelton Federal Correctional Complex. The project will also include the construction of ancillary facilities such as a central utility plant, a radio tower, a staff training center, warehouses and parking areas. A 300 foot clear zone will be provided beyond the outer perimeter security fence. The project will impact approximately 2,572 feet of stream (Stream L) and 1.41 acres of palustrine forested wetlands. Wetlands K, (1.0 acre), L (1,972 linear feet), N (0.12 acre), and P (0.23 acre) will be impacted for the facilities and Wetlands L (600 feet), and M (0.06 acre) for the 300-foot Clear Zone. Additionally, 0.032 acre of Wetland H will be temporarily impacted. Proposed stream mitigation will be on-site and will consist of the creation of 2,572 linear feet to replace the loss of Stream L and its functions. Proposed wetland mitigation will be the creation of 4.23 acres of forested wetlands. Drawings of the proposed project are attached to this notice.

5. WEST VIRGINIA CERTIFICATION: This permit decision will not be made until the State of West Virginia, Department of Environmental Protection (WVDEP), issues, denies, or waives State Water Quality Certification. This public notice does not serve as application to the WVDEP for certification required by Section 401 of the Clean Water Act. The applicant must apply directly to the WVDEP for individual water quality certification. The WVDEP will also consider whether or not the proposed activity will comply with Sections 301, 302, 303, 306, 307 of the Clean Water Act or any other appropriate State laws. Any person wishing to comment, provide information, and/or request a public hearing concerning certification for this project should write to the:

West Virginia Department of Environmental Protection
Division of Water & Waste Management
401 Certification Program
601 57th Street SE
Charleston, West Virginia 25304
Telephone: 304-926-0499 ext. 1613

Re: Public Notice CELRP-OP-F No. 07-60

6. IMPACT ON NATURAL RESOURCES: Mist net surveys were conducted and no federally listed bats were captured. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

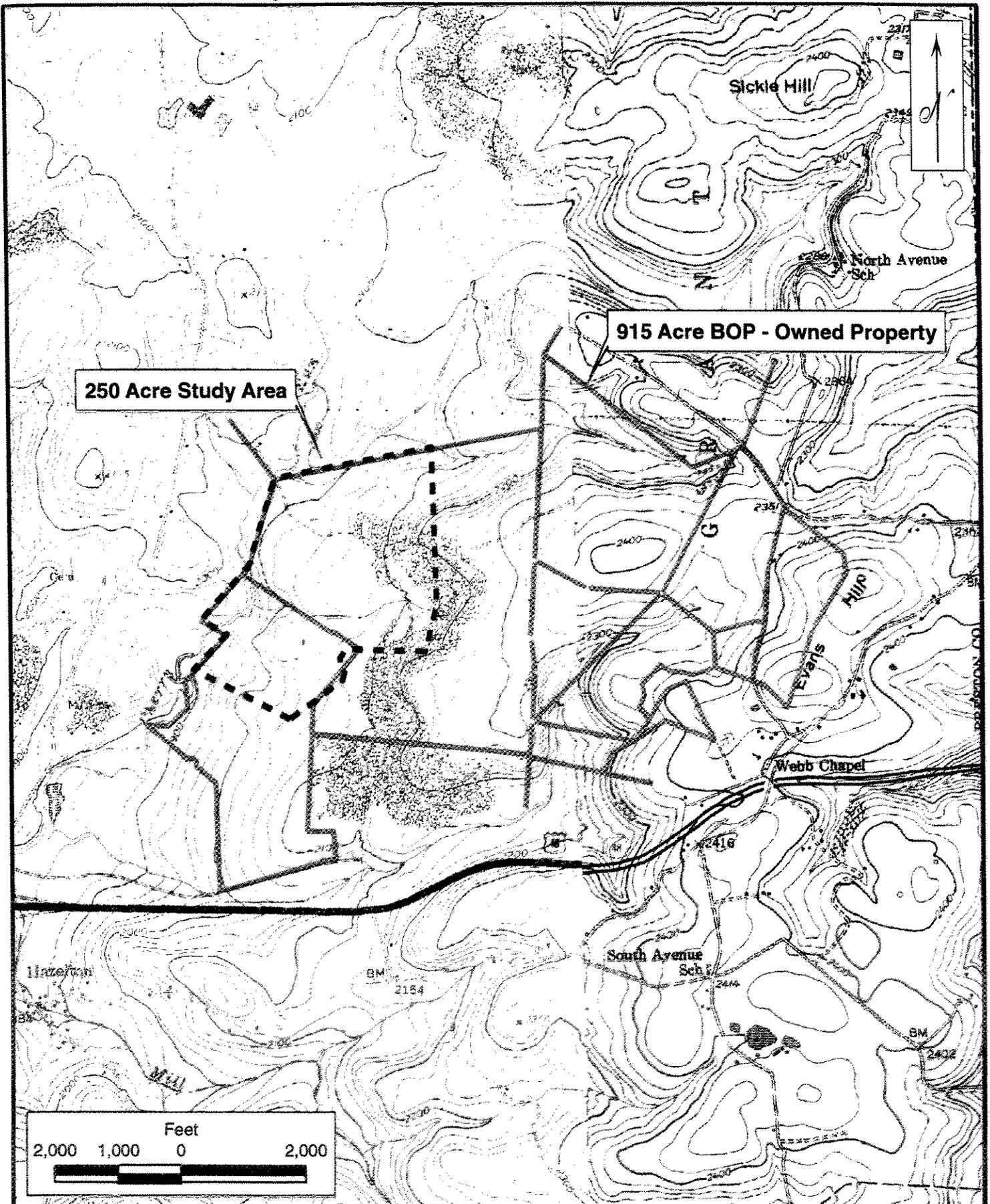
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important

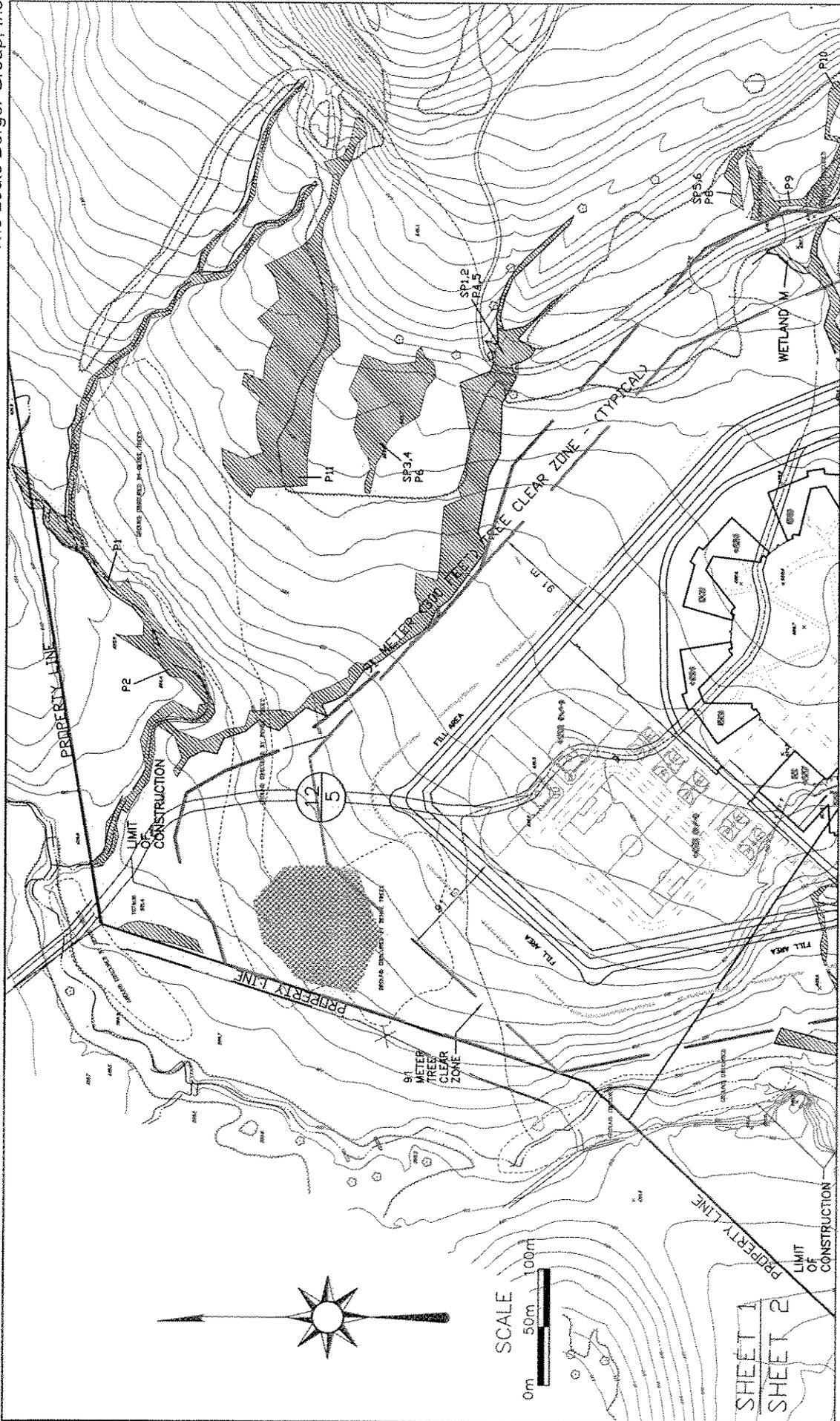
resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain 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. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on 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 overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any 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 DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Nancy Mullen, at the above address, by telephoning (412) 395-7170, or by e-mail at Nancy.J.Mullen@lrp02.usace.army.mil. Please refer to CELRP-OP-F 1999-18 in all responses.

FOR THE DISTRICT ENGINEER:

//SIGNED//
Scott A. Hans
Acting Chief, Regulatory Branch





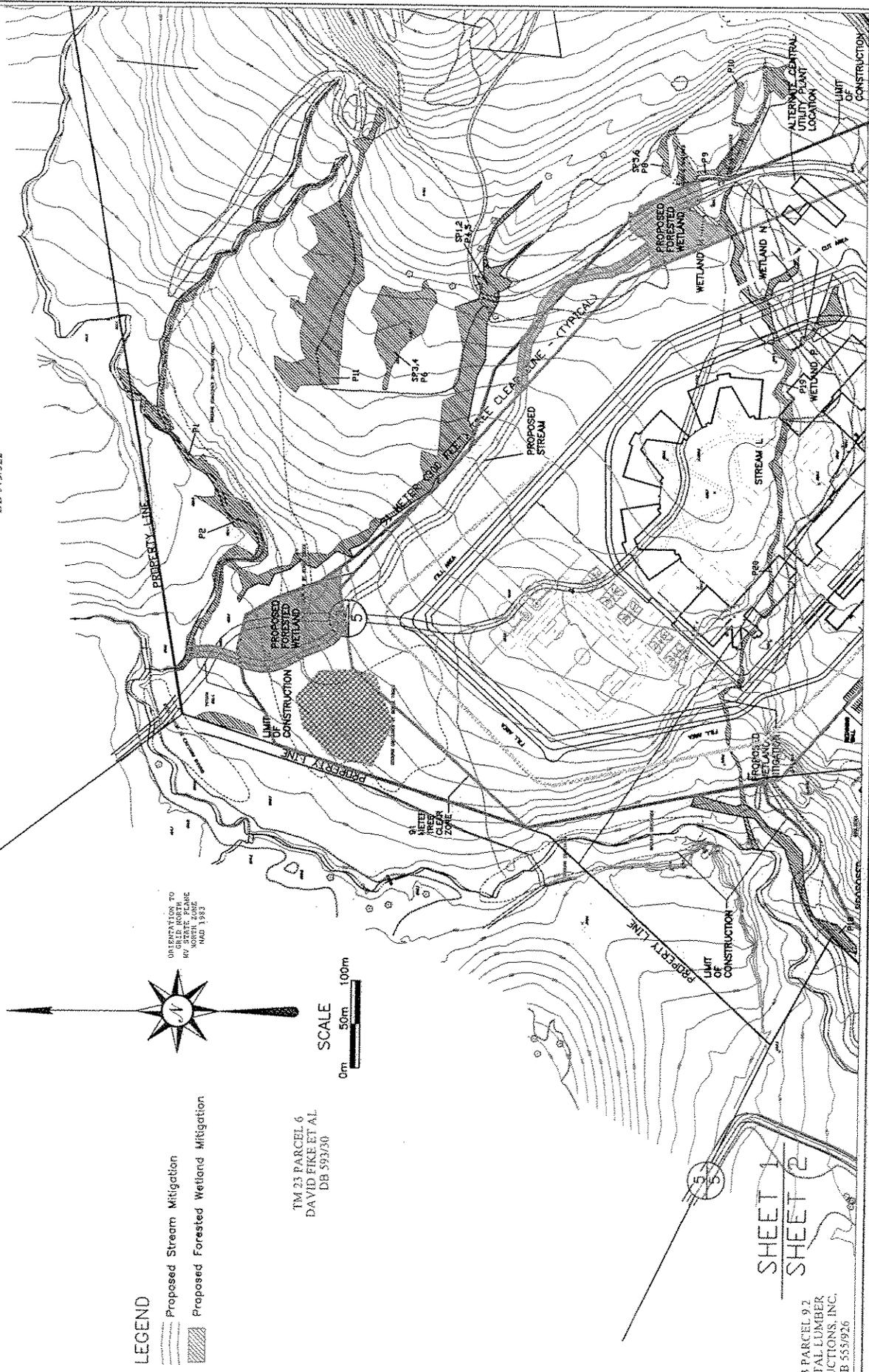
1999-18



Proposed FCI Hazelton - Option C

1999-18

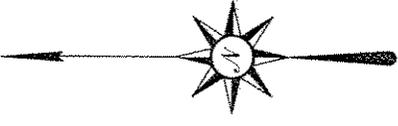
TM 15 PARCEL 16
SAMUEL CUPPETT et ux
DB 573/322



LEGEND

-  Proposed Stream Mitigation
-  Proposed Forested Wetland Mitigation

ORIENTATION TO
GRID NORTH
NO MAGNETIC VARIATION
MAY 1983

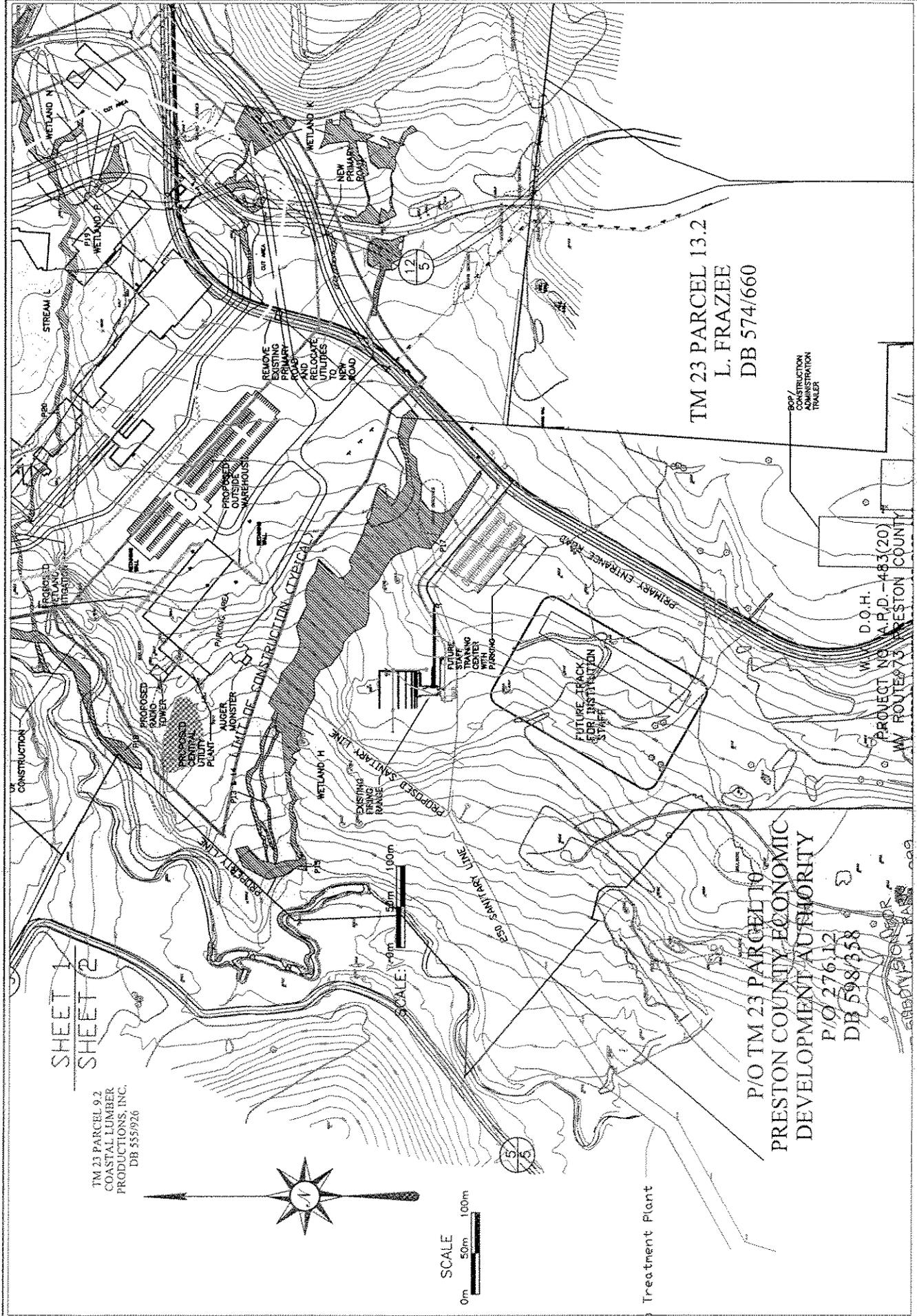


TM 23 PARCEL 6
DAVID FIKE ET AL
DB 593/50

SHEET 1
SHEET 2

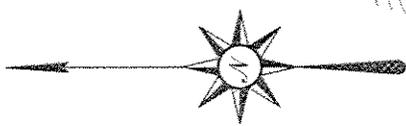
TM 23 PARCEL 9.2
COASTAL LUMBER
PRODUCTIONS, INC.
DB 553/926

1999-18



SHEET 1
SHEET 2

TM 23 PARCEL 9.2
COASTAL LUMBER
PRODUCTIONS, INC.
DB 555/926



SCALE: 0m 50m 100m

TM 23 PARCEL 13.2
L. FRAZEE
DB 574/660

P/O TM 23 PARCEL 10.2
PRESTON COUNTY ECONOMIC
DEVELOPMENT AUTHORITY
P/O 276.12
DB 598/358

1999-18