DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF

MAR 9 2009

CECW-LRD

MEMORANDUM FOR COMMANDER, GREAT LAKES AND OHIO RIVER DIVISION (CELRD-PDS-P)

SUBJECT: Implementation Guidance for Section 3167 of the Water Resources Development Act of 2007 (WRDA 2007) – Bluestone Lake, Ohio River Basin, WV

1. Section 3167 directs the Secretary to implement Plan C/G as defined in the Bluestone Drift and Debris Management Study Evaluation Report, dated December 1996. Plan C/G includes implementation of measures to reduce the volume of man-made solid debris downstream of Bluestone Lake, West Virginia. In addition, Section 3167 provides that a cooperative agreement may be used to allow the West Virginia Department of Environmental Protection (WVDEP) to carry out the cleanup. Up to $150,000 of funds previously appropriated for this purpose may be provided to the WVDEP to cover the Federal share of the costs of the initial cleanup under the Plan. A copy of the subject provisions is enclosed.

2. Huntington District should develop a Cooperative Agreement with WVDEP for WVDEP to carry out the clean-up of debris downstream of the Bluestone Lake project. Contingent upon review and approval of the agreement by the MSC, the District may execute the agreement with the WVDEP. Upon execution of the agreement, the Huntington District should transfer up to $150,000 of funds previously appropriated for this purpose to WVDEP to fund the Federal share of this initial downstream cleanup work.

FOR THE COMMANDER:

Encl

STEVEN L. STOCKTON, P.E.
Director of Civil Works

SECTION: SEC. 3167. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.

CITATION: Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810, 110 Stat. 3726, 113 Stat. 312) is amended to read as follows:
''(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—
''(1) IN GENERAL.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of 1938 (52 Stat. 1217) is modified to direct the Secretary to implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996, to prohibit the release of drift and debris into waters downstream of the project (other than organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project), including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.
''(2) COOPERATIVE AGREEMENT.—In carrying out the downstream cleanup under the plan referred to in paragraph (1), the Secretary may enter into a cooperative agreement with the West Virginia department of environmental protection for the department to carry out the cleanup, including contracting and procurement services, contract administration and management, transportation and disposal of collected materials, and disposal fees.
''(3) INITIAL CLEANUP.—The Secretary may provide the West Virginia department of environmental protection up to $150,000 from funds previously appropriated for this purpose for the Federal share of the costs of the initial cleanup under the plan.''