



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056

IN REPLY REFER TO:

FWS/ES-NRDA

APR 21 2011

Memorandum

To: Restoration Program Manager, DOI

From: **ACTING** Regional Director, Region 3

Subject: Request for Release of Funds from the Natural Resource Damage Assessment and Restoration (NRDAR) Fund for the Ohio River Fish Kill, Ohio, Project 0237.

We request the release of \$259,620.00 from the subject NRDAR Fund. These funds will be used by the U.S. Fish and Wildlife Service, the Ohio Department of Natural Resources, and the West Virginia Division of Natural Resources to implement restoration activities on the Ohio River in calendar year 2011. The funds so transferred shall be utilized as described in the attached "Proposed Work Plan – 2011". In summary the funds will be used to:

- 1) Continue fish host studies for up to 8 priority mussel species targeted for propagation.
- 2) Implement captive propagation of common mussel species, including: collection and holding of broodstock mussels and host fish; transformation of juvenile mussels on fish; captive care and grow out of juvenile mussels, and stocking into the restoration area.
- 3) Captive care and propagation of rare snails.
- 4) Coordination, evaluation of results, reporting and planning for subsequent years.

The funds should be distributed as follows:

Ohio Department of Natural Resources	\$69,890.00
West Virginia Division of Natural Resources	\$73,400.00
U.S. Fish and Wildlife Service, White Sulphur Springs National Fish Hatchery	\$85,080.00
U.S. Fish and Wildlife Service, Ohio River Islands National Wildlife Refuge	\$18,250.00
U.S. Fish and Wildlife Service, Genoa National Fish Hatchery	\$13,000.00

These restoration actions are consistent with the “Restoration Plan and Environmental Assessment for the Ohio River Fish and Mussel and Snail Restoration”, and the Trustee MOU which have previously been forwarded to your office. Trustee Council Resolution No. 5 authorizing this action is attached.

These funds are derived solely from the Consent Decree dated April 20, 2006, captioned “UNITED STATES OF AMERICA, THE STATE OF WEST VIRGINIA, AND THE STATE OF OHIO plaintiffs, v. Elkem Metals Company L.P., Ferro invest III Inc., general partner, Ferro Invest II LLC, general partner, and Eramet Marietta Inc., Defendants”, Case No. 2:03-cv-00528-EAS-NMK, U.S. District Court for the Southern District of Ohio, Eastern Division. This Consent Decree has previously been forwarded to your office.

If you have any questions, please contact Dave De Vault, at (612) 670 5530, Columbus Ohio Field Office, Ecological Services.

Cc: Mary Knapp, FWS, ROFO
Dave De Vault, FWS, Ecological Services
Mark Huston, FWS-DEQ, DC
Kelly Herrmann, FWS, Ecological Services
Patricia Morrison, FWS R5, Ohio River Islands NWR
Dean Rhine, FWS R5, Ohio River Islands NWR

Proposed Work Plan – 2011
Ohio River Aquatic Restoration Implementation Plan
NRDAR Project 0237

The proposed work for 2011 supports the contributions and expertise of two state wildlife agencies, two federal fish hatcheries, one private mussel conservation facility, two ecological services field stations, and one national wildlife refuge.

The major work components for 2011 are:

- (1) continuation of fish host studies;
- (2) captive propagation of common mussel species by four facilities, including: collection and holding of broodstock mussels and host fish; transformation of juvenile mussels on fish (in labs and in cages); captive care and grow out of juveniles, and stocking juvenile mussels into the restoration area;
- (3) translocation of adult mussels from approved donor sites;
- (3) captive care and propagation of rare snails; and
- (4) coordination, evaluation of results, reporting and planning for subsequent years.

The next page outlines the specific tasks, cooperators, and costs for each. The summary of cooperators and overall budgets for 2011 are below:

WV Division of Natural Resources – WVDNR	\$ 73,400
Ohio Department of Natural Resources – ODNR and Columbus Zoo Mussel Conservation and Research Center – CZ/OSU	\$ 69,890
White Sulphur Springs National Fish Hatchery – WSSNFH	\$ 85,080
Ohio River Islands National Wildlife Refuge – ORINWR	\$ 18,250
Genoa National Fish Hatchery – Genoa NFH	\$ 13,000
TOTAL for 2011	\$ 259,620

**Proposed Work Plan Cost Summary – 2011
Ohio River Aquatic Restoration Implementation Plan
NRDAR Project 0237**

TASKS	COOPERATOR	COSTS
Conduct fish host work:		
round hickorynut, butterfly, Ohio pigtoe, sheepsnose, monkeyface, pimpleback, mapleleaf, and washboard	WSSNFH	\$ 13,500
monkeyface, pimpleback, mapleleaf, washboard, Ohio pigtoe, (butterfly, black sandshell, pink heelsplitter, and sheepsnose possibly)	CZ/OSU	\$ 22,340
Propagate, collect, and grow out juveniles:		
three-ridge, plain pocketbook, fatmucket, Ohio pigtoe, sheepsnose, washboard, monkeyface, pimpleback, pink heelsplitter*, butterfly*, and mapleleaf	WSSNFH	\$ 43,650
fatmucket, plain pocketbook, three-ridge, pink mucket, pink heelsplitter*, and butterfly*	CZ/OSU	\$ 34,550
pink heelsplitter, butterfly	Genoa NFH	\$ 13,000
washboard, Ohio pigtoe, pimpleback, monkeyface, three-ridge, pink heelsplitter*, butterfly*, and mapleleaf	WVDNR	\$ 26,200
Collect and transport adult mussels and snails for translocation and propagation work, and stock juveniles within the restoration area.	WVDNR WSSNFH ORINWR	\$ 29,700 \$ 2,250 \$ 12,100
Captive care of fish, broodstock mussels and/or snails	ORINWR WSSNFH CZ/OSU	\$ 2,700 \$ 10,800 \$ 11,000
Acquire, grow out and/or deliver fish	WSSNFH WVDNR	\$ 12,480 \$ 9,800
Monitoring restoration and reference sites	ORINWR WVDNR	\$ 1,200 \$ 2,700
Coordination, administration, data analysis, cumulative analysis, and development and writing of annual reports and work plans	WVDNR WSSNFH ORINWR CZ/OSU	\$ 5,000 \$ 2,400 \$ 2,250 \$ 2,000
TOTAL		\$ 259,620

Successful work with any of the above species, either host fish work or propagation, is dependent on the availability of host fish, gravid females and healthy larvae at the right time of year. As we have seen in previous years, when the mussels and/or the rivers do not cooperate, some of the proposed work may not get done that year. When that happens, the cooperators will carry money over to the next year.

* Grow out of juveniles produced by Genoa NFH.

Steven C. Buckley
Office of the Solicitor
April 12, 2011

Resolution No. 5
Ohio River Natural Resource Damage Settlement

Re: Transfer of funds from the United States Department of the Interior's Natural Resource Damage Assessment and Restoration Fund to the U.S. Fish and Wildlife Service, the Ohio Department of Natural Resources, and the West Virginia Division of Natural Resources for restoration of mussels and snails to the Belleville Pool of the Ohio River in calendar year 2011.

Whereas the Ohio River Trustee Council was established pursuant to the February 2, 2007 Memorandum of Understanding entered into by the U.S. Department of the Interior, the West Virginia Division of Natural Resources, and the Ohio Environmental Protection Agency;

Whereas, an Ohio River Restoration Account (#0237) has been established in the U. S. Department of the Interior's Natural Resource Damage Assessment and Restoration Fund (NADAR Fund);

Whereas, the Ohio River Trustee Council, by unanimous consent, agrees that Two Hundred Fifty Nine Thousand, Six Hundred Twenty Dollars (\$259,620.00) should be transferred from the Ohio River Restoration Account in the NADAR Fund to the U. S. Fish and Wildlife Service, the Ohio Department of Natural Resources, and the West Virginia Division of Natural Resources for the purpose of providing funds to implement restoration activities in calendar year 2011. The funds so transferred shall be utilized as described in the attached "Proposed Work Plan - 2011". In summary the funds will be used to:

- 1). Continue fish host studies for up to 8 priority mussel species targeted for propagation.
- 2). Implement captive propagation of common mussel species, including: collection and holding of broodstock mussels and host fish; transformation of juvenile mussels on fish; captive care and grow out of juvenile mussels, and stocking into the restoration area.
- 3). Captive care and propagation of rare snails.
- 4). Coordination, evaluation of results, reporting and planning for subsequent years.

Funds will be distributed as follows:

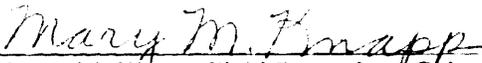
Ohio Department of Natural Resources	\$69,890.00
West Virginia Division of Natural Resources	\$73,400.00
U.S. Fish and Wildlife Service, White Sulphur Springs National Fish Hatchery	\$85,080.00
U.S. Fish and Wildlife Service, Ohio River Islands National Wildlife Refuge	\$18,250.00
U.S. Fish and Wildlife Service, Genoa National Fish Hatchery	\$13,000.00

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NOW THEREFORE BE IT RESOLVED that the Trustee Council agrees, by unanimous consent, that Two Hundred Fifty Nine Thousand, Six Hundred Twenty Dollars (\$259,620.00) be transferred from the United States Department of the Interior's NRDAR Fund to the U.S. Fish and Wildlife Service, the Ohio Department of Natural Resources, and the West Virginia Division of Natural Resources for the purposes described above.

Dated this 24th day of March, 2011.

U.S. Department of the Interior
U.S. Fish and Wildlife Service


By: Mary M. Knapp, Field Supervisor, Columbus Ohio Field Office

Ohio Environmental Protection Agency

By: Jeffery DeShon, Division of Surface Water

West Virginia Division of Natural Resources

By: Curtis Taylor, Wildlife Resources Section

West Virginia Department of Environmental Protection

By: Michael Zeto, Office of Environmental Enforcement

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