DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059

http://www.lrl.usace.army.mil/

CELRL-PM-ME

NOV 15 2010

MEMORANDUM FOR RECORD

SUBJECT: Defense Environmental Restoration Program – Formerly Used Defense Sites (DERP-FUDS) Clarification of Findings and Determination of Eligibility (FDE) for West Virginia Maneuver Area/Dolly Sods, Tucker, Grant, Preston, and Randolph Counties, West Virginia, Property Nos. G03WV0013 and G03WV0065

1. Reference ER-200-3-1, Environmental Quality, Formerly Used Defense Sites (FUDS) Program Policy, Department of the Army, U.S. Army Corps of Engineers, Washington, D.C., 20314, 10 May 2004.

2. This memorandum transmits clarification for the FDE and FUDSMIS property numbers at the subject DERP-FUDS property.

3. The FDE for the West Virginia Maneuver Area was completed for property number G03WV0065 in January 1992. Property G03WV0013, titled WV Maneuver Area/Dolly Sods and encompasses the same property, had already been entered into FUDSMIS. No FDE currently exists for Property No. G03WV0013; however, subsequent project funding for investigations and removal actions have historically been programmed under DERP-FUDS Property No. G03WV0013, Dolly Sods Wilderness Area Project 04. A Remedial Investigation and Feasibility Study were proposed for G03WV0065; however, according to FUDSMIS, only $100.00 was spent under the RI/FS phase in 1992 under Property No. G03WV0065, Project 00. The same project was subsequently recorded No Defense Action Indicated (NDAI) on 30 September 1992. According to FUDSMIS, on 7 April 2005, regulatory concurrence was obtained to NDAI the Property G03WV0065 and focus future work at the Dolly Sods Wilderness Area to Property number G03WV0013.

4. All current and future projects for WV Maneuver Area/Dolly Sods have and will be programmed under DERP-FUDS Property No. G03WV0013. Since the existing FDE for the property was written for G03WV0065, it is hereby attached to this Memorandum for Record and is to serve henceforth to document the eligibility for the WV Maneuver Area/Dolly Sods area G03WV0013. Property G03WV0065 reflects NDAI in FUDSMIS.

5. If you have any questions, please contact Dr. Kari Meier at 502-315-6316.

1 Enclosures

Russell Boyd
Chief, Military Project Management Branch
Planning, Programs and Project Management Division

DEFENSE ENVIRONMENTAL RESTORATION PROGRAM
FOR
FORMERLY USED DEFENSE SITES
FINDINGS AND DETERMINATION OF ELIGIBILITY

West Virginia Maneuver Area

North Central West Virginia

Site No. G03WV006500

FINDINGS OF FACT

1. The West Virginia Maneuver Area was an extremely large area in North Central West Virginia used by the Department of the Army for mountain training and maneuvering. The remaining records are skimpy, at best. It is not at all certain that good documentation ever existed for the land acquisitions that took place during the heat of the national emergency, World War II. There is work recommended for this project, and hazardous conditions are present. We shall endeavor to do the best we can with what we have, but it must be understood from the outset that little documentation for this project remains. The maneuver area consisted of a total of 2,180,367 acres of land. Of this 350,531 acres were public lands of which more will be said later; 48,067 acres were leased, and 1,781,769 acres were so-called lesser interests. According to warning order notice dated 26 March 1945, these lesser interests were covered by "trespass agreements." Apparently, the owners and Army agreed, given the contemporaneous emergency, that Army would shoot first and pay later. There are no records surviving that describe the trespass agreements or the area they covered. From the writer's extensive knowledge of World War II land acquisition procedures, it can be safely surmised that there is no information of record in any of the local courthouses as to this project.

Fortunately, better documentation remains for the public lands and leased lands. The public lands were all permitted to the Secretary of War by Department of Agriculture, all being a part (and virtually all of) the Monongahela National Forest. By letter dated 4 August 1943, 341,266 acres of Monongahela National Forest in Preston, Grant, Randolph, Tucker, and Pendleton counties, West Virginia is so permitted. By letter dated November 10, 1943, an additional 9,265 acres is said to be permitted, but from that should be subtracted 114.63 acres which was excepted by attached map (which did not survive the audit pruning of the files), leaving a true acreage of 9,150.37, or a total of 350,416.37 acres of land under permit from the Department of Agriculture. Additionally 65 tracts totalling 48,557 acres and one license from Western Maryland Railroad Company for a steam line were acquired by purchase and condemnation during World War II. Most of the lands where work is recommended are those covered by the permits from Department of Agriculture. The

remainder is an area called Blackbird Knob. Blackbird Knob is included in the leased lands then designated as Tracts Nos. A-76A: 17,515.54 acres; A-76B: 2107.74 acres; and A-76C: 3512 acres, all of which were leased 6 August 1943 from The West Virginia Central and Pittsburg [sic] Railroad Company and The Davis Coal & Coke Company. The Lease No. was W33-017, ENG 1403. Blackbird Knob, a target area, was included in these lands, and work is recommended for that area.

2. Just as the acquisition of these lands was rapid, and no actual legal description of the lands acquired survives (perhaps because there never was one due to unavailability of manpower or time), so was the disposal process unusual. Apparently, a warning order issued for the entire facility, dated 26 March 1945, stating that on 19 March 1945 the entire 2,180,367 acre facility was declared surplus (350,531 acres public lands, 1,781,769 acres "lesser interests," and 48,067 acres leased. However, a subsequent warning order dated 10 August 1945 withdrew the entire facility from surplus. As a Second Endorsement from the Louisville District Engineer to OCE through ORD dated 18 July 1950 notes, a 21 April 1945 letter from office for Emergency Management, Office of Scientific Research and Development, Washington DC (hereinafter OEM-SRD) requested OCE issue a permit for OEM-SRD or its agencies or contractors to test fire rockets and projectiles. The Louisville endorsement indicates no further information was available as to whether such a permit was issued. Thereupon, in the normal process, on 10 August 1950, OCE relinquished the land by letter back to Department of Agriculture. What OCE, and apparently Louisville District, were not aware of was that such a permit had been issued and a copy is hereto attached. Apparently the permit expired by its own items either prior to or simultaneously with Army's relinquishment of the land back to Department of Agriculture. Also, of interest, and perhaps importance, attached is a copy of a 27 June 1945 letter from OCE to ORD advising that these lands must be decontaminated before disposal and that must done even if decontamination costs exceed costs of acquiring the land in fee. Most of the work to be done is located on the lands permitted to Secretary of War by the Department of Agriculture and remain under the ownership of the Department of Agriculture. The leases from the railroad, Tracts Nos. A-76A, A-76B, and A-76C were terminated on 28 February 1946. The Blackbird Knob area is now owned by The Nature Conservancy, which acquired it, less certain mineral interests not here pertinent, as a 3701.1 acre tract on 25 July 1991 for $3,000,000. Western Pocahontas Properties Limited Partnership, successor to West Central and Pittsburg [sic] Railroad Company, still owns some of the surrounding lands, but The Nature Conservancy is in the process of acquiring those interests, for eventual consolidation into the Monongahela National Forest. An exact plat of The Nature Conservancy's current holdings is found on Plat Cabinet 1, Slide 189, Tucker County, West Virginia, Clerk of the County Commission's records.

DETERMINATION

Based on the foregoing findings of fact, the site has been determined to be formerly used by DOD. It is, therefore, eligible for the Defense Environmental Restoration Program - Formerly Used Defense Sites established under 10 USC 2701 et seq.

8 January 1992
Date

ALBERT J. GENETTI, Jr.
Brigadier General, U.S. Army
Commanding