

ADDENDUM A

To the MEMORANDUM OF UNDERSTANDING
BETWEEN THE MISSOURI DEPARTMENT OF NATURAL RESOURCES
and THE UNITED STATES DEPARTMENT OF THE INTERIOR to add
the UNITED STATES DEPARTMENT OF AGRICULTURE as a Party

I. INTRODUCTION

This Addendum adds the United States Department of Agriculture, specifically the U.S. Forest Service (USDA), as a Party to the Memorandum of Understanding entered into by and between the Missouri Department of Natural Resources (MDNR) and U.S. Department of the Interior (DOI) forming a Natural Resource Damage Assessment and Restoration Trustee Council for the State of Missouri (“Missouri NRDAR MOU”). The United States Department of Agriculture, by and through the U.S. Forest Service, owns, manages and administers lands within the Mark Twain National Forest in the State of Missouri. For purposes of this Addendum, the Forest Service is trustee for natural resources located on, over, or under the Mark Twain National Forest. 40 C.F.R. §300.600(b)(3). The MDNR, DOI, and the Forest Service (hereinafter collectively referred to as “Trustees”) enter into this Addendum to the Missouri NRDAR MOU in recognition of their common interests in, and responsibilities for, natural resources under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 et seq.; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.; the Oil Pollution Act of 1990, 33 U.S.C. § 2701 et seq. (hereinafter collectively referred to as the “Acts”).

II. Parties

This Addendum adds the Regional Forester for the Eastern Region of the Forest Service, as a Party to the Memorandum of Understanding between the Director of the Missouri Department of Natural Resources and the Program Manager for the Natural Resource Damage Assessment & Restoration Program, U.S. Department of the Interior.

III. Authority

The Forest Service enters into the Addendum to the Missouri NRDAR MOU in accordance with the natural resource trustee authorities provided for each Trustee by the Acts as well as the National Contingency Plan, 40 C.F.R. Part 300; Natural Resource Damage Assessment Regulations, 43 C.F.R. Part 11 and 15 C.F.R. Part 990; and other applicable State and Federal laws, regulations and directives.

IV. Purpose

The Trustees recognize the importance of integrating and coordinating Trustee activities. The Missouri NRDAR MOU and this Addendum is entered into to ensure cooperation and coordination among the Trustees in the preparation of the assessments of, as well as the pursuit of claims for, damages to natural resources under the Acts. Additionally, the Trustees enter into this Addendum to ensure that natural resource damages jointly recovered from responsible parties, including any interest which may accrue thereon, are used towards the restoration, replacement, rehabilitation, or acquisition of the equivalent of the natural resources or resource services which were injured, destroyed or lost.

By signing this Addendum to the Missouri NRDAR MOU, the U.S. Forest Service agrees to the terms and conditions of the original Missouri NRDAR MOU, as amended in the following way:

Section VI concerning the Natural Resource Trustee Council shall be amended to include the Forest Service as a member of the Trustee Council established in response to an “event” (as defined in the MOU) that may impact the Mark Twain National Forest, or other natural resource under the trusteeship of USDA. The Trustee Council shall be comprised of Designated Representatives for the State and Federal Trustees, including both DOI and USDA.

The Forest Service shall designate a primary and alternate representative who shall serve as the Trustee’s representative to the Council for all matters related to an event. See Attachment 1 to this Addendum.

The State of Missouri is designated the Lead Administrative Trustee, as defined by CERCLA (43 C.F.R. §11.14), as described under Section VI.E.10 of the Missouri NRDAR MOU.

V. Modification of Addendum

Modification of this Addendum shall be in writing and upon approval of all Trustees currently parties to the Addendum. It is acknowledged that additional agreements may be executed by the Trustees with regard to natural resource damage claims that arise and for planning the restoration, replacement, rehabilitation, and/or acquisition of equivalent natural resources or resource services that may be injured, destroyed or lost. Site and/or event-specific MOUs shall not be considered modifications to this Addendum.

VI. Execution: Effective Date

This Addendum may be executed in counterparts. A copy with all original executed signature pages affixed shall constitute the original Addendum. The date of execution shall be the date of the final Trustee's signature.

VII. Representatives of the Forest Service
Designated Representative:

Kent Connaughton
Regional Forester - Eastern Region
U.S. Forest Service
United States Department of Agriculture
626 East Wisconsin Avenue
Milwaukee, WI 53202
Phone: 414-297-3765
Fax: 414-944-3973

Alternative Representative:

Janet Fraley
Lands Program Manager and Environmental Compliance Coordinator
Mark Twain National Forest
401 Fairgrounds Road
Rolla, MO 65401
Phone: 573-364-4621
Fax: 573-364-6844
fraley@fs.fed.us

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for Kent Connaughton,
Regional Forester - Eastern Region
U.S. Forest Service
United States Department of Agriculture

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I, Frank DeLuise, Program Manager for the Natural Resource Damage Assessment and Restoration Program, consent to the addition of the U.S. Department of Agriculture, acting in its capacity as a trustee for natural resources, as a Party to the Memorandum of Understanding Between the Missouri Department of Natural Resources and the United States Department of the Interior.



11/04/2009

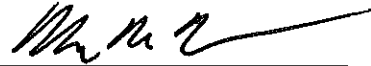
Frank DeLuise
Program Manager
Natural Resource Damage Assessment & Restoration Program
U.S. Department of the Interior

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Missouri Department of Natural Resources

I, Mark N. Templeton, Director of the Missouri Department of Natural Resources, consent to the addition of the U.S. Department of Agriculture, acting in its capacity as a trustee for natural resources, as a Party to the Memorandum of Understanding Between the Missouri Department of Natural Resources and the United States Department of the Interior.



Mark N. Templeton Director
Missouri Department of Natural Resources