

**First Amendment to the Trustees' Adoption of the Proposals for Acquisition and Restoration: Parcels Adjacent to Taum Sauk Mountain, Johnson's Shut-Ins and Onondaga Cave State Parks**

In February 2018, the Missouri Department of Natural Resources (MoDNR) authorized the return of \$399,329.55 in ASARCO restoration funds to the Natural Resources Damage Assessment and Restoration (NRDAR) Fund. Future restoration projects using these funds will be put out for public review and comment.

In their roles as natural resource trustees, the State of Missouri, represented by MoDNR, and the U.S. Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service (FWS), collectively, the "Trustees", hereby submit this Amendment to the Final Natural Resource Restoration in the Southeast Missouri Lead Mining District: Property Acquisitions and Supplemental Environmental Assessment, dated December 2015 (Final 2015 Supplemental EA)<sup>1</sup> and related site-specific restoration project proposals to acquire and restore properties adjacent to Taum Sauk Mountain, Johnson's Shut-Ins, and Onondaga Cave State Parks. As set forth in the Final 2015 Supplemental EA, the acquisition and restoration of properties was intended to be accomplished using funds the Trustees jointly recovered from the American Smelting and Refining Company (ASARCO) to resolve liabilities for natural resource damages pursuant to the Comprehensive Environmental Response, Compensation and Liability Act at certain facilities in the New and Old Lead Belts in Southeast Missouri (ASARCO restoration funds).

**Background**

In September 2015, the Trustees put out for public comment and review the draft Southeast Missouri Lead Mining District: Property Acquisitions and Supplemental Environmental Assessment (Supplemental EA). Among other activities proposed, the Trustees allocated up to \$18,600,000 for acquisition and restoration of properties which meet defined ecological characteristics. After consideration of public comments, the Trustees finalized the Final 2015 Supplemental EA. In 2016, MDNR proposed three projects that included the purchase of land and restoration of habitat in and around three state parks: 1) Taum Sauk Mountain; 2) Johnson's Shut-Ins; and 3) Onondaga Cave. The projects were developed as a means to acquire and restore the equivalent of natural resources and their services lost as a result of releases of hazardous materials including lead and zinc at facilities formerly owned and operated by ASARCO, namely the Glover Smelter Site and the West Fork Mine and Mill (Taum Sauk and Johnson's Shut-Ins, and Onondaga State Park). The Trustees approved the three proposed state park projects, and MDNR completed the acquisitions in November, 2016.

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<sup>1</sup> The Supplemental EA, dated December 2015, resulted in a Finding of No Significant Impact dated January, 2016. See 2016 FONSI-SEMO-Property Acquisitions and Supplemental EA.

The MoDNR proposed restoration activities on the acquired parcels to meet defined ecological characteristics tailored to address and compensate for injuries to natural resources and their services as a result of the releases of lead and zinc in the Southeast Missouri Lead Mining District. Specifically, the restoration activities included the re-introduction of prescribed fire to the landscape, restoration of riparian and aquatic areas, control of feral hogs and invasive plants, road removal/restoration, selective thinning of trees to improve migratory bird and other wildlife habitat, and streambank and floodplain forest restoration, among others. *See* Final 2015 Restoration Plan and Supplemental EA at pp. 3-6. For more information on the selected restoration projects see:

2016 Taum Sauk Mountain & Johnson's Shut-Ins State Parks

2016 Onondaga Cave State Park-Horvat Tract

2015 Supplemental EA Property Acquisitions

2014 Southeast Missouri Ozarks Regional Restoration Plan (SEMORRP)

Amendment

In February 2018, the Trustee for the State of Missouri decided that the remaining restoration funds awarded—\$399,329.55—should be returned and be used in the future for restoration of natural resources at or in connection with ASARCO’s former operations. The following identifies the restoration amounts returned for the corresponding ASARCO sites, tracts/parcels, and associated State Parks:

<b>Name of ASARCO Site</b>	<b>Tracts/Parcels</b>	<b>State Park</b>	<b>Restoration Amount</b>
West Fork Mine/Mill Complex	Hinds; Shaul; Flowers; Stephenson; Brawly; Horvat Tract	Taum Sauk, and Johnson’s Shut-Ins and Onondaga	\$70,925.86
Glover Smelter	Hinds; Shaul; Flowers; Stephenson; Brawly;	Taum Sauk and Johnson’s Shut-Ins	\$328,403.69

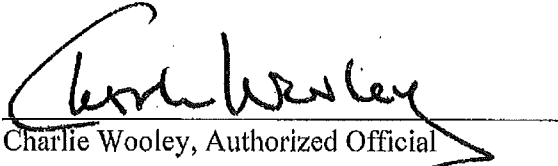
The restoration activities proposed in the 2016 project proposals will be completed by MoDNR as part of its existing resource management program for state parks. These jointly held funds are now available for the Trustees to identify and select additional projects to restore natural resources and/or their services injured as a result of releases of lead and zinc at the Glover Smelter Site and the West Fork Mine and Mill Site. In accordance with the terms of the applicable ASARCO Consent Decree, and in accordance with applicable federal law, the

ASARCO restoration funds were returned to the site-specific sub-accounts within the Department of the Interior NRDAR fund. As a result of the State's decision, the Trustees' Final 2015 Supplemental EA, and project-specific plans for the Taum Sauk and Johnson's Shut-Ins and Onondaga Cave restoration projects are hereby amended to reflect that the identified restoration activities will not be carried out at this time using ASARCO restoration funds. When the Trustees identify and propose additional restoration activities, the proposed projects will be put out for public review and comment, pursuant to all applicable legal requirements, including the CERCLA NRDAR regulations and the process described in the SEMORRP.

SIGNATURES

U.S. DEPARTMENT OF THE INTERIOR

ACTING

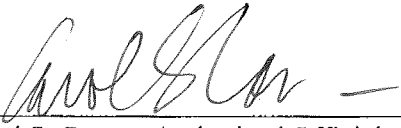
A handwritten signature in cursive script, appearing to read "Charlie Wooley", is written over a horizontal line.

Charlie Wooley, Authorized Official  
Regional Director, Region 3, U.S. Fish & Wildlife Service

4/22/19

Date

STATE OF MISSOURI



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Carol S. Comer, Authorized Official  
Missouri Department of Natural Resources

5-1-2019

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Date

**Second Amendment to the Trustees' Adoption of Proposals for Acquisition and Restoration: Parcels Adjacent to Taum Sauk Mountain State Park and Parcels Comprising Eleven Point River State Park**

In January 2019, the Missouri Department of Natural Resources (MoDNR) returned \$574,371.36 in ASARCO restoration funds to the Natural Resources Damage Assessment and Restoration (NRDAR) Fund. The public will have the opportunity to review and comment on future restoration projects using these funds.

In their roles as natural resource trustees, the State of Missouri, represented by MoDNR, and the U.S. Department of the Interior (DOI), represented by the U.S. Fish and Wildlife Service (FWS) (collectively the "Trustees") hereby submit this Amendment to the Final Natural Resource Restoration in the Southeast Missouri Lead Mining District: Property Acquisitions and Supplemental Environmental Assessment, dated December 2015 (Final 2015 Supplemental EA)<sup>1</sup> and related site-specific restoration project proposals to acquire and restore properties adjacent to Taum Sauk Mountain State Park and those properties comprising Eleven Point River State Park.

As set forth in the Final 2015 Supplemental EA and project proposals, the acquisition and restoration of properties was intended to be accomplished using funds the Trustees jointly recovered from the American Smelting and Refining Company (ASARCO) to resolve liabilities for natural resource damages pursuant to the Comprehensive Environmental Response, Compensation and Liability Act at certain facilities in the New and Old Lead Belts in Southeast Missouri (ASARCO restoration funds).

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<sup>1</sup>In September 2015, the Trustees put out for public comment and review the draft Southeast Missouri Lead Mining District: Property Acquisitions and Supplemental Environmental Assessment (Supplemental EA). The Supplemental EA was intended to supplement the Southeast Missouri Ozarks Regional Restoration Plan/Environmental Assessment (SEMORRP) (2014). Among other activities proposed, the Trustees allocated up to \$18,600,000 for future acquisition and restoration of properties that meet defined ecological characteristics. After consideration of public comments, the Trustees finalized the Final 2015 Supplemental EA. The Final Supplemental EA, dated December 2015, resulted in a Finding of No Significant Impact dated January, 2016. See 2016 FONSI-SEMO-Property Acquisitions and Supplemental EA.

## Background

### Hennessey Tract

In December 2014, the Trustees put out for public comment and review the proposal for MoDNR to acquire and restore the Hennessey tract located adjacent to Taum Sauk Mountain State Park. The project was developed as a means to acquire and restore the equivalent of natural resources and their services lost as a result of releases of lead and zinc at facilities formerly owned and operated by ASARCO, namely the Glover Smelter Site and the Sweetwater Mine and Mill. Following that period, the Trustees approved the acquisition.

For more information on the selected project see:

### Hennessey Tract Proposal

### Hennessey Tract Environmental Action Statement

### Prier, Frederick Creek Ranch, and Buildings for Babies Foundation Tracts

In 2016, MoDNR proposed three projects that included the acquisition and restoration of the Prier, Frederick Creek Ranch, and Buildings for Babies Foundation tracts. The projects were developed as a means to acquire and restore the equivalent of natural resources and their services lost as a result of releases of lead and zinc at facilities formerly owned and operated by ASARCO, namely the Glover Smelter Site and the West Fork Mine and Mill (Taum Sauk Mountain State Park) and the Big River Mine Tailings Site (Eleven Point River State Park). The Trustees approved the proposed state park projects, and MoDNR completed the acquisitions in late 2016.

The MoDNR proposed restoration activities on the acquired parcels to meet defined ecological characteristics tailored to address injuries to natural resources and their services as a result of the releases of lead and zinc in the Southeast Missouri Lead Mining District. Specifically, the restoration activities included the re-introduction of prescribed fire to the landscape, restoration of riparian and aquatic areas, control of feral hogs and invasive plants, road removal/restoration, selective thinning of trees to improve migratory bird and other wildlife habitat, and streambank and floodplain forest restoration, among others. See Final 2015 Supplemental EA at pp. 3-6. For more information on the selected restoration projects see:

### Prier Tract Proposal

### Frederick Creek Ranch Tract Proposal

Buildings for Babies Foundation Tract Proposal

**Amendment**

The Trustee for the State of Missouri determined that the restoration funds awarded—~~\$574,371.36~~—should be returned and be used in the future for restoration of natural resources at or in connection with ASARCO's former operations (sites). The following identifies the restoration amounts returned for each of the corresponding ASARCO sites, tracts/parcels, and associated State Parks:

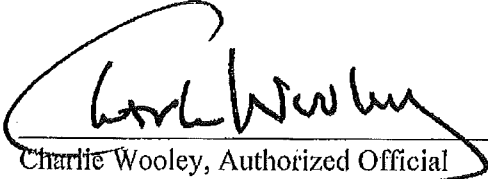
<b>Name of ASARCO Site</b>	<b>Tracts/Parcels</b>	<b>State Park</b>	<b>Restoration Amount</b>
Big River Mine Tailings	Buildings for Babies/Frederick Creek Ranch	Eleven Point River	\$380,567.02
West Fork Mine/Mill Complex	Prier	Taum Sauk	\$69,285.37
Sweetwater Mine/Mill Complex	Hennessey	Taum Sauk	\$37,182.64
Glover Smelter	Hennessey/Prier	Taum Sauk	\$87,336.33

The restoration activities previously proposed will be completed by MoDNR as part of its existing resource management program for state parks. The returned funds will be available for the Trustees to identify and select additional projects to restore natural resources and/or their services injured because of releases of lead and zinc at the Glover Smelter Site, the West Fork Mine and Mill Site, the Sweetwater Mine and Mill Site, and the Big River Mine Tailings Site. In accordance with the terms of the applicable ASARCO Consent Decree, and in accordance with applicable federal law, the ASARCO restoration funds will be returned to the site-specific sub-accounts within the Department of the Interior NRDAR fund. Because of the State's decision, the Trustees' Final 2015 Supplemental EA, and project-specific restoration proposals are hereby amended to reflect that the identified restoration activities will not be carried out at this time using ASARCO restoration funds. When the Trustees identify and propose additional restoration activities, the proposed projects will be made available for public review and comment, pursuant to all applicable legal requirements, including the CERCLA NRDAR regulations and the process described in the SEMORRP.



SIGNATURES

U.S. DEPARTMENT OF THE INTERIOR



Charlie Wooley, Authorized Official

ACTING Regional Director, Region 3, U.S. Fish & Wildlife Service

4/22/19  
Date

STATE OF MISSOURI



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Carol S. Comer, Authorized Official  
Missouri Department of Natural Resources

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