

Amendment to the Trustee's Adoption of the Proposals for Acquisition and Restoration of a Parcel Adjacent to Roaring River State Park

In February 2018, the Missouri Department of Natural Resources (MoDNR) authorized the return of \$106,787.64 in 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 the 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 approval of the use of funds for the purchase and restoration of the Stumpff property located adjacent to Roaring River State Park, as presented in the Natural Resource Restoration Project Proposal for the Springfield Plateau Restoration Plan-Stumpff Property (August 2015) (the project proposal) and considered as part of the Springfield Plateau Regional Restoration Plan (May 2012) (SPRRP). The acquisition and restoration of the property 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 Southwest Missouri (ASARCO restoration funds).

Background

In response to requests for proposals, in August 2015, MoDNR submitted a proposal to purchase and restore the Stumpff property (527 acres) located adjacent to Roaring River State Park. In July 2016, the Trustees approved the use of ASARCO restoration funds to fund the project proposal. Restoration activities on the acquired Stumpff property were generally intended to protect valuable upland habitat and resources. More specifically, the project was developed as a means to acquire and restore the equivalent of natural resources and their services lost, namely migratory bird habitat, as a result of releases of hazardous substances at facilities formerly owned and operated by ASARCO. Identified restoration activities on the Stumpff property included controlling exotic plants and initiating prescribed woodland fires. The MoDNR completed the acquisition of the Stumpff property in August 2016.

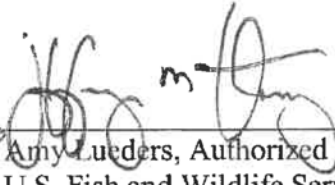
Amendment

In February 2018, the Trustee for the State of Missouri decided that the remaining restoration funds awarded--\$106,787.64—should be returned and be used in the future for restoration activities closer to the locations of ASARCO's former operations. The restoration activities proposed in the project proposal will be completed by MoDNR as part of its existing resource management program for state parks. 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. 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 hazardous substances in Southwestern Missouri. As a result of the State's decision, the Trustees'

approval of the use of ASARCO restoration funds for restoration of the Stumpff, as set forth in the project proposal and the SPRRP, is 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 released for public review and comment, pursuant to all applicable legal requirements, including the CERCLA NRDAR regulations and the process described in the SPRRP.

SIGNATURES

U.S. DEPARTMENT OF THE INTERIOR

ACTING 

Amy Cuuders, Authorized Official
U.S. Fish and Wildlife Service

3 May 2019

Date

STATE OF MISSOURI

Don Buntin for CC
Carol S. Comer, Authorized Official
Missouri Department of Natural Resources

5-7-19
Date