

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

December 7, 2012

Mr. Bruce Nesslage  
U.S. Department of the Interior  
Natural Resource Damage Assessment and Restoration Program  
1849 C Street NW  
Mailstop 3548-MIB  
Washington, D.C. 20240

RE: Resolution No. TSMD-2012-002

Dear Mr. Nesslage:

Pursuant to the attached Resolution No. TSMD-2012-002, the Missouri Natural Resource Trustee Council is transmitting the cash flow principles applicable to the TSMD ASARCO restoration dollars. This resolution applies to:

Name of Site	NRDAR Account Number
Jasper County, MO	0586
Newton County Mine Tailings, MO	0603

If you have questions or need further information, please contact me at (573) 526-3353, or Mr. John Weber, of the U.S. Fish & Wildlife Service, at (573) 234-2132 ext. 177.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY

  
Tim Rielly  
Restoration and Assessment Manager

TR/jap

Enclosure

c: Mr. Dave Mosby, USFWS  
Mr. John Weber, USFSW  
Ms. Angie McMichael, MDNR  
Mr. David Lamb, MDNR  
Ms. Raechell Henley, MDNR  
Ms. Lori Gordon, MDNR

MISSOURI NATURAL RESOURCES TRUSTEE COUNCIL  
ORONOGO-DUENWEG MINING BELT (JASPER COUNTY)  
AND NEWTON COUNTY MINE TAILINGS SITES

RESOLUTION NO. TSMD-2012-002

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The cooperating natural resource trustees for the Oronogo-Duenweg Mining Belt (aka Jasper County) and the Newton County Mine Tailings Natural Resource Damage (NRD) Assessments (the State of Missouri and the U.S. Department of the Interior (DOI) (“Parties”)) have consulted and determined that the following principles should guide the Missouri Trustee Council decisions concerning the management of the \$13,051,186 ASARCO restoration dollars currently in the Jasper County NRD Restoration account and the \$6,952,564 ASARCO restoration dollars currently in the Newton County Mine Tailings NRD Restoration account in the U.S. Department of the Interior Natural Resource Damage Assessment and Restoration Fund (“Cash Flow Principles”).

There are two separate, site-specific sub-accounts for the ASARCO restoration dollars to which this Resolution applies:

Table 1

<b>Name of Site</b>	<b>NRDAR Account Number</b>
Jasper County, MO	0586
Newton County Mine Tailings	0603

The following Cash Flow Principles are based on certain assumptions on the anticipated pace of restoration projects at the Jasper County and Newton County Mine Tailings NRD Assessment sites. These assumptions include, but are not limited to:

- The Trustee Council finalized the Springfield Plateau Regional Restoration plan in the first quarter of calendar year 2012. Money will need to be available to accomplish restoration planning and to continue efforts for restoration projects identified in the Restoration Plan and selected by the Trustee Council
- The Record of Decision for Jasper County Operable Unit 4 (Groundwater) was completed in 1998.
- Completion of the remedial action for Jasper County Operable Unit 1 (Mine/Mill Waste) may not occur for up to five years or longer, although various phases have already been completed.

- Completion of the remedial action for the Newton County Mine Tailings site is expected to occur by approximately the end of 2013.
- The Jasper County Operable Unit 5 (Spring River Watershed) Record of Decision may not be completed for three years.
- The Jasper County Operable Unit 5 (Spring River Watershed) Remedial Action may not be completed for up to ten years.
- It may be feasible and/or beneficial to complete various restoration projects during or immediately following construction of certain phases of remedial actions.

The Missouri Trustee Council agrees, based on when restoration projects may be implemented, that it is in the best interest of the public to seek a higher rate of return, risk-free, on recovered restoration dollars than may otherwise be available in the ordinary course of the interest-bearing NRDAR Fund account. Any and all interest earned shall be used by the State and DOI Trustees, as members of the Council, to support restoration projects to compensate for injuries to natural resources at the Jasper County and Newton County Mine Tailings sites.

Cash Flow Principles, as described below, shall be applied to each of the Jasper County and Newton County Mine Tailings ASARCO sub-accounts enumerated in Table 1:

- Approximately two percent (2%) to six percent (6%) of the ASARCO settlement funds, plus accrued interest thereon, shall be invested in 30 day treasury bills and/or invested in U.S. Treasury bills of a length not to exceed 6 months;
- Approximately ninety-four percent (94%) to ninety-eight percent (98%) of the ASARCO settlement funds, plus accrued interest thereon, shall be invested in U.S. Treasury bills of a length not to exceed 2 years.

This Jasper County and Newton County Mine Tailings Natural Resources Trustee Council Resolution No. TSMD-2012-002 shall expire two years following the date of execution. Extensions or modifications of this Resolution may be made as needed, upon unanimous consent and resolution of the Trustee Council. Upon effectiveness, the representatives to the Trustee Council may take such actions as are necessary and consistent with these Cash Flow Principles to maximize restoration activities for the Jasper County and Newton County Mine Tailings NRD Assessment Area.

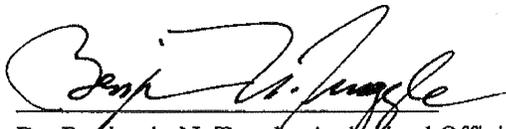
This Resolution may be executed in counterparts. This Resolution No. TSMD-2012-002 shall be effective upon execution of all Parties. The date of execution shall be the date of the last Party's signature. A copy of the Resolution, with all original executed signature pages affixed shall constitute the original Resolution. Copies of the Resolution shall be sent to all Parties, as

well as the Fund Manager of the DOI Natural Resource Damage Assessment and Restoration Fund.

MISSOURI NATURAL RESOURCE TRUSTEE COUNCIL  
ORONOGO-DUENWEG MINING BELT (JASPER COUNTY)  
AND NEWTON COUNTY MINE TAILINGS SITES

RESOLUTION NO TSMD-2012-002

U.S. DEPARTMENT OF THE INTERIOR



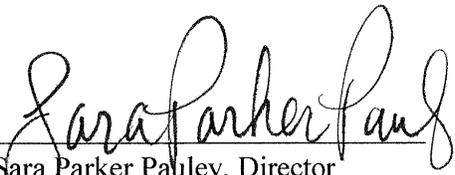
Dr. Benjamin N. Tuggle, Authorized Official  
Regional Director, Region 2, U.S. Fish & Wildlife Service

12/3/2012  
Date

MISSOURI NATURAL RESOURCE TRUSTEE COUNCIL  
ORONOGO-DUENWEG MINING BELT (JASPER COUNTY)  
AND NEWTON COUNTY MINE TAILINGS SITES

RESOLUTION NO. TSMD-2012-002

STATE OF MISSOURI

  
Sara Parker Pauley, Director  
Missouri Department of Natural Resources

4/2/2012  
Date