

Natural Resource Damage Assessment and Restoration Design for the Big River part of the Southeast Missouri Lead Mining District

***Meramec River Ecosystem Restoration Project Design* Submitted by the Missouri Department of Natural Resources – April 24, 2023**

Introduction and Background

The Missouri Department of Natural Resources (MoDNR) is planning to fund the design of stream restoration projects on the Big River in Southeast Missouri. Completed designs are intended to be proposed for full implementation under future Restoration Plans for the Big River pending public review. This Design Funding Notice is part of Natural Resource Damage Assessment and Restoration (NRDAR) activities authorized under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

CERCLA authorizes the recovery of natural resource damages at sites where injuries to natural resources and resource services have occurred as a result of the release of hazardous substances. CERCLA authorizes federal and state Trustees to act on behalf of the public to assess natural resource and service injuries, recover damages for injuries to those natural resources and resource services, and use those recovered funds to implement restoration.

The Southeast Missouri Lead Mining District (SEMOLMD) has a long and extensive history of mining of lead, zinc, and other metals. One of the legacies of heavy-metal mining in the SEMOLMD is large-scale ecological injury to thousands of acres of terrestrial habitat and hundreds of miles of streams. In 2009, the Missouri Department of Natural Resources (MoDNR), acting as the state natural resource Trustee, and the U.S. Fish and Wildlife Service (FWS), acting as the lead federal natural resource Trustee on behalf of the U.S. Department of the Interior, successfully resolved a claim for natural resource damages (NRD) against the American Smelting and Refining Company (ASARCO). This settlement resulted in the recovery of over \$40 million to restore, rehabilitate, replace, and/or acquire the equivalent of the natural resources and resource services that have been injured in the SEMOLMD.

Pursuant to CERCLA and its implementing regulations, the natural resource Trustees in southeast Missouri¹ developed the Southeast Missouri Ozarks Regional Restoration Plan (SEMORRP)², which guides the restoration process in the SEMOLMD.

USACE Meramec River Ecosystem Restoration Project Background and Overview

The U.S. Army Corps of Engineers (USACE) Meramec River Ecosystem Restoration Feasibility Study (Feasibility Study) is an extension of the USACE St. Louis Riverfront Study. In a June 21, 2000 Resolution, the Committee on Transportation and Infrastructure of the United States House of Representatives authorized the USACE Chief of Engineers to conduct an ecosystem

¹ The United States Department of Agriculture is also a Trustee, but was not party to the ASARCO settlement.

²<https://dnr.mo.gov/document-search/southeast-missouri-ozarks-regional-restoration-plan-environmental-assessment-june-2014>.

restoration Feasibility Study along the Mississippi River and its tributaries in St. Louis City, St. Louis County, and Jefferson County, Missouri, and Madison County, St. Clair County, and Monroe County, Illinois. This study allowed the USACE to facilitate, advise, and work collaboratively with other Federal and state programs in developing solutions that integrated programs, policies, and projects across various agencies. The initial St. Louis Riverfront Project was completed in August 2004. As part of the findings of that study, it was determined that there was potential for ecosystem restoration in the Meramec River Basin, including the Big River watershed, but that further study would be needed.

In August 2015, USACE and MoDNR signed a cost-share agreement to begin an Ecosystem Restoration Feasibility Study in the Meramec basin. Other governmental agencies involved besides the MoDNR include the U.S. Geological Survey, U.S. Environmental Protection Agency, U.S. Department of Agriculture - Natural Resources Conservation Service, Missouri Department of Conservation, and the Missouri Department of Health and Senior Services. Additionally, the FWS has been identified as a cooperating agency due to the Service's role under the Endangered Species Act and Fish and Wildlife Coordination Act. The Trustees previously contributed \$322,250 for the Feasibility Study along with a MoDNR based funding contribution of \$607,750. Completion of the Feasibility Study occurred in 2019 with approval by the USACE Chief's Report.

Following completion of the Meramec River Ecosystem Restoration Feasibility Study³, the USACE, MDNR, and cooperating partners continued work to identify and develop restoration opportunities in the Meramec River watershed, with a focus on Big River. Congressional appropriation is authorized in Federal FY23 for the USACE to conduct Preconstruction Engineering and Design (PED) activities represents positive progress toward the implementation of ecosystem restoration projects for Big River and will result in the leveraging of Trustees' restoration funds with up to 65% Federal contribution for design and potential future Project construction.

Restoration Design Funding Overview

The MoDNR proposes to utilize \$753,846 in Big River ASARCO restoration funds as 35% in-kind match for planned PED work related. FWS is also involved as a cooperating Trustee agency. The Feasibility Study identified aquatic and riparian resource concerns and identifies approximately \$93 million in potential future work for bank stabilization, riparian reforestation, and sediment management features along the Big River. Congressional authorization for Project construction was provided in the Water Resources Development Act of 2020, which provides the USACE approval to move forward with the design of specific projects. In 2022, the Federal FY23 Appropriations Act provided the USACE \$1,400,000 in funding to complete the PED phase for restoration projects in Big River. As the non-federal sponsor, MoDNR will execute a Design Agreement with USACE to initiate these design activities. The cost-share agreement between USACE and MDNR requires the non-Federal Sponsor to provide 35% of the total funding for the congressionally appropriated Federal dollars, which equal 65% of the total, to allow the USACE to execute design for the Project. Therefore, MoDNR will utilize the requested \$753,846 in Big River funds to match the \$1,400,000 in USACE PED funds for a total of

³[Meramec – Big River Ecosystem Restoration Project](#)

\$2,153,846 to complete the PED. The requested Trustee FY23 matching funds are required for the completion of the PED and for the resultant USACE prepared engineering plans and specifications to be “shovel-ready”. Future Project construction is dependent upon congressional appropriation of construction funds for project implementation, and an approved Restoration Plan by the Trustees. Funding the PED is the initial step for the future execution of nearly \$93M in projects to benefit Big River. The Trustees’ collaboration with the USACE on the Meramec FS and future restoration projects will serve to leverage NRD restoration funds to implement projects which address injuries to natural resources in the Big River.

Additional Information, Questions or Comments

The public is invited to submit comments on this Restoration Design Notice. The Trustees will accept comments for a thirty-day time period, from April 26, 2023, through May 25, 2023. Please submit comments (preferably electronically) to:

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For additional information concerning this restoration plan proposal, please contact Eric Gramlich MoDNR at eric.gramlich@dnr.mo.gov (573) 522-1347.