



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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Bloomington, Minnesota 55437-1458



IN REPLY REFER TO:

FWS/ES/HC

JUN 7 2016

Ms. Sara Parker Pauley
Director
Missouri Department of Natural Resources
PO Box 176
1101 Riverside Drive
Jefferson City, Missouri 65102-0176

Dear Ms. Parker Pauley: *SARA*

Thank you for your letter of April 6, 2016, sharing three proposals for potential primary restoration of natural resources injured by releases of hazardous substances from former mining operations in Southeast Missouri. The Fish and Wildlife Service (Service) supports efforts to integrate restoration into response actions, where practicable and feasible, to efficiently and effectively restore natural resources and their services on behalf of the public.

As we discussed, I understand these proposals are preliminary, essentially a proof of concept, before Missouri Department of Natural Resources expends resources to develop full, detailed proposals. The Service will evaluate the full proposals as possible restoration projects in its role as natural resource trustee under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). We will also conduct environmental compliance analyses on proposed projects under the National Environmental Policy Act (NEPA), among other applicable statutes.

Proposal Process and Public Participation

Before discussing the merits of the three pre-proposals, I want to clarify that this correspondence is our *preliminary* response to the proposed restoration projects. As described in Section 7 of the Southeast Missouri Ozarks Regional Restoration Plan, a more detailed proposal on any project must be developed and submitted for our review and evaluation. We will use the criteria outlined in Appendix A of the plan. After the evaluation, if the Trustee Council selects any of the project(s), we will make the draft project proposals available for public review and comment for at least 30 days as provided in the plan. We will conduct any necessary environmental compliance analyses under, for example, NEPA and the Endangered Species Act. Once we have reviewed the public comments and environmental analyses, we will decide whether to fund and implement the project and, in coordination with you, develop a final project proposal, including a response to comments. No legal rights are created by this letter in the Department of the Interior; the Service; the State of Missouri (or any department or instrumentality of it); or any third party.

Discussion

The Service reviewed these proposals with the understanding that more detailed information would be forthcoming for the projects, if merited. Additional information would include, but is not limited to: the size of each of the projects; a description of natural resources and their services which would benefit from the projects (i.e., fish, migratory birds, mussels); a description of the “conservation practices for stream banks stabilization and riparian corridor vegetation;” identification of the types of vegetation that would be planted and the location and density of plantings; monitoring information and anticipated maintenance; and a detailed budget for each project.

Madison County: Little St. Francis River Tributary (Logtown Branch and Slime Creek), Stream Bank, Floodplain and Riparian Corridor Primary Restoration

- Stream Bank and Intermittent Channel Project Restoration: The Service understands that the U.S. Environmental Protection Agency (EPA) is considering remedial action at OU5 of the Madison County Mines Site, which includes Logtown Branch Creek and associated drainages. Because of the potential benefits to aquatic resources, we support restoration efforts along the Logtown Branch and Slime Branch where remedial action takes place. We encourage MoDNR to develop a full proposal for consideration, which, if selected, would be made available for public review when remedial designs are complete.
- Riparian Corridor and Floodplain Restoration: Similarly, we generally support riparian corridor and/or floodplain restoration to benefit aquatic species after remedial action. We encourage MoDNR to develop a full proposal for consideration which, if selected, would be made available for public review, for Logtown and Slime Branch when remedial designs are complete.

St. Francois County: “Bonehole” Primary Terrestrial and Riparian Restoration

- Upland Restoration at Bonehole: We understand that the MoDNR is developing a remedial design to excavate Owl Creek sediment, stabilize mine waste, and remove transition soils. We encourage you to develop a full proposal for restoration of upland portions of Bonehole Park after finalizing the remedial design, provided there is enough information on which to base a detailed proposal. Information/data on soil metals concentrations across the entire Bonehole Park will be necessary before we consider the proposed project, so that we can evaluate whether there is a risk of potential re-contamination of restored areas.
- Response Injury: Restoration for response injury, if any, should wait until it is known whether such injury will occur. It is difficult to anticipate injury from a response action that has neither been decided nor implemented.
- Owl Creek Aquatic Restoration and Riparian Corridor and Floodplain Restoration: We have reservations about pursuing either of these restoration opportunities at this time due to a risk of re-contamination from the Big River. The EPA anticipates issuing a Record of Decision on the Big River Superfund Site- OU2- in 2017. We believe these two projects should be revisited after EPA issues the ROD for Big River-OU2.

However, if there is readily available information that could inform on the possibility of recontamination, please share that with us.

St. Francois County: Flat River Creek Stream Bank and Riparian Corridor Primary Restoration

- Haney Park Riparian Restoration: The remedial action has been completed on the Flat River Creek riparian corridor within Haney Park. Although there may be a small risk that the park may be re-contaminated from flooding in Flat River Creek, we generally support further development of a full restoration proposal for consideration which, if selected, would be made available for public review.
- Flat River Creek Bank Stabilization (excluding Haney Park): The Record of Decision regarding Flat River Creek is anticipated in 2017 as part of the Big River Superfund Site-OU2 Record of Decision. It is too early to plan for restoration in an area that is subject to possible remediation without knowing what the remediation might be. Thus, at this time, development of a restoration proposal should be postponed until at least a draft Record of Decision has been developed and made available for public review.
- Riparian Corridor Restoration along Flat River Creek (excluding Haney Park): The Record of Decision regarding Flat River Creek is anticipated in 2017 as part of the Big River Superfund Site-OU2 Record of Decision. It is too early to plan for restoration in an area that is subject to possible remediation without knowing what the remediation might be. Thus, at this time, development of a restoration proposal should be postponed until at least a draft Record of Decision has been developed and made available for public review.

Conclusion

Integration of restoration with remediation, where feasible and practicable, is important to us, and, with the right opportunity, is a cost-effective means of restoring natural resources and their services. Overall, we generally support the State's preliminary primary restoration project concepts. However, several of the projects need to wait until further information on the remediation, and/or the remediation is performed, before considering a restoration project. This timing is important to protect against potential recontamination and to ensure that there is a need for the restoration under consideration.

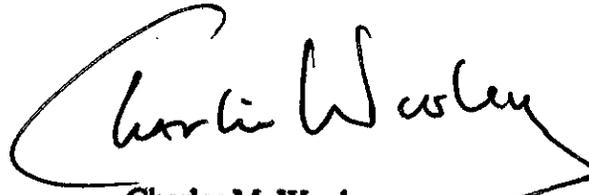
For each of the three pre-proposal projects, the MoDNR suggested a process that included several phases for each project. We do not support the phased approach as it complicates environmental review of the effects of proposed projects. Instead, we support submission of detailed project proposals for trustee consideration, and, if selected, public review, consistent with the Southeast Missouri Ozarks Regional Restoration Plan, once sufficient information exists on which to develop and evaluate the project proposal(s).

In summary, we believe restoration along Logtown and Slime Branches in Madison County, as well as the Haney Park riparian corridor project in St. Francois County, appear ripe for immediate consideration. Additionally, after the completion of remedial design plans for the Bonehole/ Owl Creek mine waste dam and adjacent areas, a restoration proposal for the upland areas of the Bonehole would seem to be appropriate, provided there is enough information to

understand the scope and extent of soil contamination site-wide and response injury in the uplands.

We appreciate the efforts of the State of Missouri to identify potential restoration opportunities, and we look forward to continuing to work together to implement meaningful restoration in Southeast Missouri.

Sincerely,



Charles M. Wooley
Deputy Regional Director

cc:

John Weber, CMFO
Amy Horner Hanley, SOL
Eric Gramlich, MoDNR
Danny Lyskowski, MoDNR