

## DECISION MEMO

### Request for Proposals, Natural Resource Damage Compensatory Restoration Projects for Upland Habitat within the Springfield Plateau

This Decision Memo relates to the natural resource damage assessment and restoration process undertaken by the State of Missouri and the U.S. Department of the Interior (collectively “Trustees”) in the Missouri portion of the Tri-State Mining District pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. §§ 9601-9675) and implementing regulations (43 C.F.R. Part 11). The natural resource Trustees recovered monetary damages from the American Smelting and Refining Company (ASARCO, LLC) to settle certain legal claims concerning injuries to natural resources and their services.

Monies recovered from a Natural Resource Damage Assessment and Restoration (NRDAR) settlement were made available for public proposal via a request for proposal (RFP) by the Missouri Trustee Council in accordance with the Springfield Plateau Regional Restoration Plan (SPRRP). The Missouri Trustee Council is comprised of the Missouri Department of Natural Resources and U.S. Department of the Interior represented by the U.S. Fish & Wildlife Service. The SPRRP provides a process framework that governs the approach for restoration project identification, evaluation, selection and implementation presented within this Decision Memo.

The October 2, 2015 RFP “Natural Resource Damage Restoration Projects for Upland Habitat within the Springfield Plateau Region” sought proposals for projects to acquire land or conservation easements and perform restoration activities on upland habitat sites. The selected projects will compensate for natural resources injured by the releases of hazardous substances associated with the historical mining activities of the ASARCO, LLC.

#### A. Announcement of Selected Projects

The Trustees are pleased to announce the selection of three successful project recipients under the RFP and hereby officially award the following restoration funds:

<b>Project Proponent</b>	<b>Project Description</b>	<b>Award Amount</b>
Missouri State Parks	Acquisition and restoration of the Stumpff property adjacent to Roaring River State Park, in Barry County.	\$1,056,330
Missouri Prairie Foundation	Acquisition and restoration of native prairie remnants within the Springfield Plateau area.	\$843,670

Tri-State Mining District- Missouri Site  
Natural Resource Damage Restoration

The City of Webb City	Acquisition and restoration of property in the Webb City area.	\$100,000
-----------------------	--	-----------

Additional environmental compliance documents including Endangered Species Act, National and State Historic Preservation Act, and National Environmental Policy Act, among others, may also be posted to the Fish and Wildlife's website, as appropriate.

The Trustees' websites are located at:

<http://dnr.mo.gov/env/hwp/sfund/nrda-sw.htm>

and

<http://www.fws.gov/midwest/es/ec/NRDA/MoTriState/index.html>

Look for further updates and announcements on the Trustees' websites for future RFPs, completed restoration project information, and other information regarding NRDAR in Missouri portion of the Tri-State Mining District.

**B. Timeline of Trustee Actions Regarding the Request for Proposals**

*October 2, 2015:* Trustees notify the public (by issuance of press release and publication on agency websites) of the release of the RFP, beginning the 60 day submittal period for proposals.

*October 14, 2015:* Trustees conduct a public meeting in Joplin, MO to disperse information about the RFP and publicly answer questions.

*October 2—December 1, 2015:* Open period for submission of proposals under the RFP. Trustees accept public comments on the RFP.

*December 1, 2016:* Open period for proposal submission closes. Three complete proposals are received by the Trustees, along with one public comment.

*December 11, 2015-May, 2016:* Trustees review proposal submissions and confer with project proponents.

*June 2016:* Final restoration funding decisions are announced.

**C. Trustees' Response to a Comment Received on the Request for Proposals**

Tri-State Mining District- Missouri Site  
Natural Resource Damage Restoration

This responsiveness summary presents the comment that was received on the “Request for Proposals, Natural Resource Damage Restoration Projects for Upland Habitat within the Springfield Plateau Region” and provides a response on behalf of both the federal and state Trustees.

**Comment 1:** The commenter expressed the opinion that the proposed funds should only be used to implement projects in the immediate areas where the mining operations were conducted.

**Response:** The Trustees appreciate the comment but do not agree that the only permissible restoration projects are those in the immediate vicinity of the former mining operations. Such an approach is not prescribed by CERCLA and will not necessarily produce the most benefits to the injured resources.

CERCLA requires that restoration actions compensate the public for the loss of natural resources and/or their services. In other words, the link is the natural resource and/or their service, not necessarily the location. Pursuant to these requirements, the Trustees adopted a restoration approach in the Springfield Plateau Regional Restoration Plan that contemplates a mixture of restoration projects—both on site and off site—as the means to best compensate the public for the lost resources and their associated services. Additionally, the Trustees do consider the proximity of a proposed project to the area of injury when analyzing whether to award funding. (*See* Decision Matrix, Springfield Plateau Regional Restoration Plan and Environmental Assessment, Appendix A) Applying this approach, the Trustees scored the proposals received in response to the RFP and are partially funding all of the projects. This includes awarding almost half of the funding to Webb City for a project in Jasper County, and the Missouri Prairie Foundation for projects in Newton and immediately adjacent counties.

Tri-State Mining District- Missouri Site  
Natural Resource Damage Restoration

Mr. Scott Hamilton  
Environmental Contaminants Specialist  
U.S. Fish and Wildlife Service,  
101 Park DeVillle Dr. Suite A  
Columbia, MO 65203  
573-234-2132 x122  
Email: Scott\_Hamilton@fws.gov

Mr. Eric Gramlich  
Natural Resource Damage Assessment and Restoration Section Chief  
Missouri Department of Natural Resources,  
P.O. Box 176  
Jefferson City, MO 65102-0176  
573-522-1347  
Email: Eric.Gramlich@dnr.mo.gov