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ASARCO Settlement Provides \$194 Million for Federal, State and Tribal Wildlife and Habitat Resource Restoration

WASHINGTON, D.C. – Secretary of the Interior Ken Salazar announced today that an environmental damage settlement with ASARCO LLC, a North American mining conglomerate, would provide about \$194 million for the recovery of wildlife, habitat and other natural resources managed by Interior, state, and tribal governments at more than a dozen sites around the nation.

“Through this historic settlement, the American public is compensated for the damage and loss of natural resources resulting from ASARCO’s past mining, smelting and refining operations,” Secretary Salazar said. “Were it not for this agreement, these injured resources would either remain impaired for future generations or require taxpayer expenditures to achieve environmental restoration.”

“This is a milestone not only for the Federal Government but also for Interior and its Natural Resource Damage Assessment and Restoration Program,” Salazar said. “It exemplifies government working effectively for the American taxpayer to recover damages from polluters and restore and protect significant national landscapes and wildlife resources that have been injured.”

Assistant Secretary for Fish Wildlife and Parks Tom Strickland called the settlement the type of environmental enforcement action that ensures that those responsible for polluting the nation’s landscapes and waterways are made to pay for their actions. “I want to commend the extraordinary level and amount of federal, state and tribal cooperation and coordination that accomplished this settlement,” Strickland said.

He also thanked representatives on the case teams that developed the claims, including Interior personnel from the U.S. Fish and Wildlife Service, Bureau of Land Management

and the Bureau of Indian Affairs, other federal agencies and state and tribal governments for their professionalism and dedication. “The settlement demonstrates the ability of Interior’s bureaus and offices to work cooperatively and productively on behalf of the public – and especially the taxpayers – to achieve major benefits for the environment.”

The case teams were supported by scientists from the U.S. Geological Survey at the Columbia Environmental Research Center and Patuxent Wildlife Research Center, the NRDAR Program Office and the Office of the Solicitor.

The \$194 million payment is part of the largest environmental damage bankruptcy case in U.S. history, with parent corporation Grupo México providing a total of \$1.79 billion to resolve the ASARCO’s environmental liabilities from operations that contaminated land, water and wildlife resources on federal, state, tribal and private land.

Along with federal, state and tribal co-trustees, Interior brought claims at more than a dozen sites which were settled during the ASARCO bankruptcy. On behalf of co-trustees, Interior will receive the \$194 million and deposit these funds into the Department’s Natural Resource Damage Assessment and Restoration Fund. By law, and in consultation and collaboration with co-trustees, the money will be used to restore, replace, and/or acquire the equivalent of the injured natural resources managed by Interior and jointly managed with state and tribal governments.

The major regional sites in which Interior is involved and the total settled claim for damages to each are listed below. Each site covered by the settlement is at a different point in the restoration planning process, which will determine when restoration work will take place on the ground.

The California Gulch Site in the Upper Arkansas River Basin in central Colorado near Leadville encompasses more than 15 square miles. Natural resources injured include: surface water, groundwater, fish, migratory birds and supporting ecosystems, including wetlands in floodplain areas. Interior received \$5.9 million. The State of Colorado, the co-trustee, also received \$5.9 million. For additional information, contact FWS Region 6 - Diane Katzenberger – 303.236.4578.

Bunker Hill Superfund Facility in the Coeur d’Alene Basin of Northern Idaho includes extensive public land, water and wildlife and migratory bird habitat resources administered by Interior’s FWS and BLM, the Department of Agriculture’s U.S. Forest Service and the Coeur d’Alene Tribe. Natural resources that have been injured by the mining activities include: surface water, groundwater, fish, wildlife, and migratory birds (in particular tundra swans) and their supporting ecosystems. Interior and the USDA-Forest Service jointly received \$79.5 million. In addition, \$28.9 million will be held by the Successor Coeur d’Alene Custodial and Work Trust to be used to perform work selected by EPA as part of its comprehensive remedy at the Coeur d’Alene Site and prioritized by Interior and USDA/FS as co-Natural Resource Trustees. For additional information, contact FWS Region 1 – Joan Jewett – 503.231.6211.

The Ray Mine/Hayden Smelter Site is located in east-central Arizona near the towns of Kelvin and Hayden. Affected areas include Mineral Creek within the Ray Mine to its confluence with the Gila River and approximately 40 miles of the Gila River from the Hayden Smelter downstream to the Ashurst-Hayden dam. Natural resources that have been injured by mining activities include: surface water, groundwater, fish, and migratory birds as well as supporting ecosystem functions necessary for threatened and endangered species. Interior and the State of Arizona have jointly received \$3.8 million. Interior received about \$266,000 to reimburse past assessment costs. In addition, the settlement provides that ASARCO will convey by quit claim deed to the Arizona Game and Fish Commission three tracts of land totaling 995 acres and any associated water rights. For additional information, contact FWS Region 2 – Tom Buckley – 602.248.6455.

Southeast Missouri Lead Mining District spans multiple counties from 40 to 90 miles south southwest of St. Louis, Missouri and is located in the Big River/Meramec River, Black River, and St Francois River watersheds. It is one of the largest lead producing regions of the world. Natural resources affected by mining-related contamination include: surface water, groundwater, fish, migratory birds, endangered freshwater mussel species and their supporting ecosystems, including sediment and floodplain areas. Interior and the State of Missouri jointly received \$41.2 million for natural resource damages at five sites in the District. Interior received approximately \$274,000 to reimburse past assessment costs. For additional information, contact FWS Region 3 - Georgia Parham at 812.334.4261.

Tri-State Mining District spans 2,500 square miles, including parts of southeast Kansas, southwest Missouri and northeast Oklahoma. The District is located in the Spring River and Neosho River watersheds, both of which flow generally south, terminating in the headwaters of Grand Lake O' the Cherokee. Natural resources affected by mining-related contamination include: surface water, fish, migratory birds, freshwater mussels and threatened and endangered species and their supporting habitat, such as sediments and floodplain areas. Interior, the states of Missouri, Kansas and Oklahoma and six American Indian tribes jointly received \$62.4 million for natural resource damages in the District. Interior received \$2.3 million to reimburse past assessment costs. For information on the Tri-State Mining District or Tar Creek, Oklahoma, contact FWS Region 2 - Tom Buckley at 602.248.6455. For information on Cherokee County, contact FWS Region 6 - Diane Katzenberger at 303.236.4578. For information on Jasper County, Missouri, contact FWS Region 3 - Georgia Parham at 812.334.4261.

Montana Custodial Trust: East Helena Site, Black Pine Site, and Iron Mountain Sites, Montana. Interior filed and settled claims for natural resource damages at these properties owned by ASARCO, which has agreed to transfer them to the Montana Custodial Trust that will be funded so that the environmental claimants may implement appropriate response, reclamation, and natural resource damage restoration actions. Interior, the State of Montana, the US EPA and USDA-Forest Service are the beneficiaries of the trust.

East Helena Smelter Site is located in Lewis and Clark County just south of the town of East Helena. Emissions from the smelting activities caused wide spread contamination of the Helena Valley, and also resulted in groundwater and surface water contamination (Prickly Pear Creek, Upper Lake/Marsh, and Lower Lake). The injured natural resource is migratory birds and their supporting habitat, including fish, surface water and terrestrial habitat. Interior has an independent claim of \$706,000 to fund natural resource restoration and future oversight costs.

The Black Pine/Combination Mining District is located ten miles northwest of Phillipsburg in the John Long mountains, Montana in Granite County. Heavy-metal contaminated mine waste (tailings) are prevalent from the mill site and throughout the floodplains of Mill and the South Fork of Lower Willow. These tailings are a continuous source of metals to the surface water and sediment of Mill and South Fork of Lower Willow Creek. Injured natural resources are migratory birds, the threatened bull trout and Canada lynx and their supporting habitat including fish, surface water, sediment and terrestrial habitat. Interior has an independent claim of \$61,000 for natural resource restoration and future oversight costs.

The Iron Mountain Mining District is located north of Superior, Montana in Mineral County. Tailings from the Iron Mountain Mill and tailings within the flood plain of Flat Creek are continuing source of metals to both surface water and sediments in Flat Creek. The threatened bull trout have been documented in Flat Creek, and the confluence of Flat Creek and the Clark Fork River is listed as critical habitat for bull trout. Injured natural resources are migratory birds, the threatened bull trout and Canada lynx and their supporting habitat including fish, surface water, sediment and terrestrial habitat. Interior has an independent claim of \$36,000 for natural resource restoration and future oversight costs. For additional information, contact FWS Region 6 – Diane Katzenberger at 303.236.4578.

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