

## ATTACHMENT A

### **Missouri Department of Natural Resources Natural Resource Damage Assessment Authority**

The Missouri Department of Natural Resources is responsible for administering environmental regulatory programs for the State of Missouri. In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §9601 et seq.; Federal Water Pollution Act, 33 U.S.C. §1251 et. seq., as amended; Oil Pollution Act of 1990, 33 U.S.C. §2701 et. seq., as amended; National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300, and in accordance with these authorities, the Director of the Missouri Department of Natural Resources has been designated the natural resource trustee by the Governor of Missouri (April 12, 2005). The Missouri Department of Natural Resources acts on behalf of the public as trustee for natural resources, including their supporting ecosystems, within the boundaries of the State of Missouri, or belonging to, managed by, controlled by, or appertaining to the State of Missouri. The Missouri Department of Natural Resources has or shares trusteeship over the natural resources of the Big River Mine Tailings Superfund Site, Sweetwater Mine/Mill Complex, West Fork Mine/Mill Complex and Glover Smelter Sites.

### **U.S. Department of the Interior Natural Resources Damages Authority**

The Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §9601 et seq.; Federal Water Pollution Act, 33 U.S.C. §1251 et. seq., as amended; and Oil Pollution Act of 1990, 33 U.S.C. §2701 et. seq., as amended, authorize the President to recover, on behalf of the public, damages for injuries to natural resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States. The President has designated federal natural resource trustees in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR §300.600. The NCP provides for federal natural resources trusteeship to extend to resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled (hereinafter referred to as “managed or controlled”) by the United States, including supporting ecosystems.

Federal trusteeship may be derived from any federal authority, or combination of authorities such as treaties, statutes, regulations or executive orders, which give the federal government legal rights in, or responsibility or legal authority to manage, control or protect natural resources. The federal authority need not be exclusive, comprehensive or primary, but reflect a federal interest in or authority over the natural resources.

Federal trusteeship may overlap with that of other federal agencies, state or Native American tribes.

The Secretary of the Interior acts as trustee for the natural resources managed or controlled by the U.S. Department of the Interior (USDOI), including their supporting ecosystems. USDOI's authority for asserting trusteeship include: 40 CFR §300.600(b); Fish and Wildlife Coordination Act, 16 U.S.C. §§661 et. seq.; Fish and Wildlife Act 16 U.S.C. §§742a et seq., which provides that the United States, in part through the USDOI, manages and/or controls all natural resources regulated under the Clean Water Act.; and Migratory Bird Treaty Act 16 U.S.C. §§701 et. seq., which provides that the United States, through USDOI, manages and/or controls all migratory birds.