

Protect Eleven Point State Park NO on HB 1046



Beautiful Eleven Point State Park is a great asset for the people of Missouri. Please protect this park by opposing House Bill 1046.



- The Department of Natural Resources (DNR) purchased the property along the Eleven Point River to preserve, restore, and interpret one of the state's most outstanding natural landscapes—identified in park plans since 1992—and to provide appropriate recreational opportunities for public use and enjoyment.
- The funds used to purchase the property came from a bankruptcy settlement that provided approximately \$35 million to compensate the public for loss of natural resource value resulting from former lead mining activities in southeast Missouri by the American Smelting and Refining Company (ASARCO). These funds, awarded under the Department of the Interior's Natural Resource Damage Assessment and Restoration (NRDAR) Program, *can only be used to restore or replace damaged natural resources or to acquire equivalent resources*, which is what DNR did by purchasing the properties that became Eleven Point State Park. A separate settlement of \$37.5 million was awarded to the US Environmental Protection Agency, through their Superfund Program, to clean-up the damaged sites to public health standards, a process still ongoing.
- The park property was not a significant source of property tax revenue before DNR purchased it. According to the Oregon County Collector, taxes on the parcels comprising the more than 4,000-acre park were about \$4,542. During the first five years after purchase of new parkland DNR makes "payments in lieu of taxes" to the county. Actual payments for the years available (2015-2019) were \$4803/year. The state park along the Eleven Point River will provide a revenue boost to the local economy that will certainly far outweigh the loss of property tax revenue after the park opens to the public.
- The economic value of state park property has been demonstrated. A 2012 study of the economic impact of our Missouri state parks revealed that the system, which operates on a budget of about \$60 million annually with a staff of fewer than 600, contributes more than \$1 billion in sales, \$300 million in payroll-related income, 14,535 jobs, and \$123 million in taxes to Missouri's economy. For every dollar invested in state parks, the study found, \$26 was returned to the state's economy. One new park generated an estimated \$118,746.55 in sales tax revenue to the state and county in 2020.
- Missourians value and strongly support funding state parks. Three-fourths of state park operating funds are provided by the one-tenth-of-one-percent **Parks, Soils and Water Sales Tax**, of which parks gets half. The tax was approved by a vote of the people in 1984 and has since been renewed four times by citizen vote, most recently in 2016 by an astounding 80 percent of Missouri voters, with a majority in every county.
- Missouri's state park system, though only middling in acreage and funding, attracts more than 20 million visitors a year and has repeatedly been recognized as one of the four best in the nation due to the quality of the natural and cultural resources it protects, excellence of management, and strong citizen support.

HB 1046 was filed by Rep. Chris Dinkins. It is on the House Perfection Calendar

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Clarification of issues involved in House Bill 1046

The sale of Eleven Point State Park will not put money in coffers for remediation as claimed by the bill sponsor during the Corrections and Public Institutions hearing on February 23, 2021. There were two separate awards of funds that came from the ASARCO bankruptcy settlement: ***remediation*** funds to be used to clean up the area of contamination to public health standards; and ***restoration*** funds to secure and restore natural resources equivalent to those damaged.

The EPA was awarded \$37,500,000 for the remediation of three sites in Southeast Missouri. This is administered by the EPA Superfund Program, responsible for cleanup of hazardous waste sites. The acts of remediation were specified in the ‘Settlement Agreement Regarding the Southeast Missouri (SEMO) Sites.’ Remediation includes actions such as removing contaminated soil from the lots of residents, etc., for the purpose of bringing contaminated areas into a condition deemed safe for human habitation.

The natural resource restoration funds should not be confused with the funds for remediation work administered by the EPA. The Natural Resource Damage Assessment (NRDA) legislation and implementing regulations define restoration as activities to restore, rehabilitate, replace, or acquire the equivalent of the injured natural resource.

The purchase of the land comprising Eleven Point State Park, determined by the trustees to be an equivalent of the injured natural resource, came from restoration funds. The ***restoration*** award totaled \$34,767,000 for compensation of past natural resource injury due to heavy metal contamination from lead mining. This restoration ***DOES NOT*** have to be at the site where the injury occurred, as those injured resources may not be able to be restored to their baseline condition. The trustees are the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the Missouri Department of Natural Resources.

Would sale of the property be legal? Would taxpayers be on the hook for losses on the sale of the property? Conditions of the settlement will probably require that proceeds from the sale of Eleven Point State Park would need to be returned to the Department of the Interior Natural Resource Damage Assessment and Restoration (NRDAR) Program, administered by the trustees. Additionally, the terms of the deed state the property was “conveyed to the Missouri Department of Natural Resources only for the following purposes and none other: for public use as a state park and for natural resource restoration and preservation.” This deed condition may prove problematic for a sale.

How much land is HB 1046 authorizing for sale or transfer? The bill sponsor and the fiscal note continue to state that HB 1046 authorizes the sale of only the 625-acre federal scenic easement contained within Eleven Point State Park; however, it in fact describes the entire park. The legal description of parcels and tracts in the bill has been compared with the legal deeds of the property and is almost verbatim identical. In addition, a review by a layman of the legal description, using a topographical map, shows there are clearly sections west of the western edge of the easement described in the bill, as well as an extensive description of the western border of the state park extending along Highway Y, which is well outside of the easement.