

**FINAL
PARTIAL RESTORATION PLAN
AND ENVIRONMENTAL ASSESSMENT
ADDRESSING INJURIES TO MIGRATORY BIRDS AND
THREATENED AND ENDANGERED SPECIES AT THE
TAR CREEK SUPERFUND SITE
OTTAWA COUNTY, OKLAHOMA**



Prepared by:

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Fish and Wildlife Service**

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SUMMARY

The Tar Creek Superfund Site (Site), located in Ottawa County, Oklahoma, is one of three superfund sites located within the Tri-State Mining District of Kansas, Missouri, and Oklahoma. The district contained multiple lead and zinc mines after the early 1900s which operated until deposits were depleted in the 1970's. Acidic ground water surfacing through old air shafts and other openings contaminated the Tar Creek drainage and its associated wetlands and bottomland hardwoods. The bankruptcy of two major mining companies in the 1990's led the Department of Interior to collect partial damages for injuries to trust resources, specifically migratory birds and federally-listed endangered and threatened species(gray bat, Ozark cavefish, and bald eagle). Alternatives for expenditure of the funds collected through these bankruptcies center on allowing the Site to naturally restore itself through time (no action, Alternative A), or protection of habitat through acquisition in fee or easement, or management agreements with land owners. Specifically Alternative B provides for the acquisition and protection of an Ottawa County endangered gray bat maternity cave and potential Ozark cavefish habitat, Alternative C protects high quality bottomland forest along the Neosho River to benefit migratory birds and bald eagles, and Alternative D acquires and protects a large continuous stand of Ozark forest, including migratory bird habitat and endangered gray bat caves in Adair County, Oklahoma.

The no action alternative is not a preferred alternative because it accepts that there will be continued injuries at the Site over a long period of time, yet provides no alternative benefit to compensate the public for injured resources or lost use. Since other alternatives provide some mix of protection to trust resources, and implementation of none offers significant impacts to the environment, all are viable candidates for implementation. Because costs of implementation for each alternative will be achieved through negotiation with landowners, implementation of more than one alternative may be attainable as available funds are depleted. Although Alternatives B and C are closest to the Site, Alternative D provides the greatest return for the restoration money because it protects a larger area of higher quality forest and cave habitat suffering from a greater threat of development, with assurance of long term management. However, there is greater distance between the Alternative D location and the impact Site. Therefore, the FWS's proposed action is a mix of Alternatives B, C, and D in the following priority order.

- B Acquisition and protection of Ottawa County gray bat maternity cave;
- C Protect high quality bottomland forest and migratory bird habitat in Ottawa County along the Neosho River through acquisition, easement, or management agreements;
- D Acquisition and protection of a large continuous stand of Ozark forest with migratory bird habitat and a portion of a large gray bat and Ozark big-eared bat cave adjoining the Ozark Plateau National Wildlife Refuge in Adair County;

All three alternatives (B, C, and D) satisfy the regulatory requirement that the settlement monies be used for injured trust resources similar to those at the Site. These alternatives provide the greatest benefit to FWS trust resources (migratory birds and federally-listed endangered and threatened species) for future generations. Implementation of the proposed action will commence upon signature of the final Partial Restoration Plan, and associated Finding of No Significant Impact.

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