

Hawn State Park Threatened by Silica Mine

It would be all but impossible to find a worse place in Ste. Genevieve County to site a silica mining operation than on Highway 32 across from the entrance road to Hawn State Park, viewed in terms of the public interest. The local owners of the proposed mine, Nexgen Silica (incorporated in January 2022), told the crowd in a Ste. Genevieve gym at a DNR/Nexgen public meeting May 19 that it was their intent to “set the standard in the industry for mining silica sand,” not only in the US but globally.

The audience of concerned citizens weren’t buying it; they knew that any standard would have to begin with proper siting. Many also knew that meeting Missouri’s standards for water and air, as the owners promised to do, would be nowhere near adequate, and that Missouri has no standards at all for noise, light, traffic disruption, road deterioration, or silica.

The Lamotte sandstone, found almost exclusively in Ste. Genevieve County, provides the foundation for the incredible beauty, biotic diversity, and popularity of Hawn State Park, plus three nearby conservation areas and numerous state-designated natural areas. Geologists about a decade ago determined it to be a valuable source of frac sand used in producing oil and gas by hydraulic fracturing. Several silica mining operations had begun in the last decade in less known places in the county but had soon failed and ceased operation, after having torn up the areas they were working in, leaving them as wastelands. Mining is inherently boom and bust, and the US has finally begun trying as a matter of

public policy to wean itself off carbon fuels in an era of global warming, meaning less fracking. Then, with Covid-induced supply chain issues and the Russian invasion of Ukraine disrupting global oil markets, the price of silica sand began rising sharply.



Hay bale sign along Hwy 32

In early April, MPA was alerted by Friends of Hawn about the proposed mine and a DNR public comment period already open and ending April 28. Homeowners and other nearby landowners, most of them upset at not having been notified about the proposed mine, shared their concerns via social media and in a full-page article (a paid advertisement) in the Ste. Genevieve Herald authored by Jillian Ditch Anslow. Led by Anslow, they also hired highly-regarded St. Louis attorney Stephen Jeffery, started an LLC called Operation Sand to raise funds to oppose the mine, asked DNR for a public meeting, organized their own meeting of concerned neighbors prior to that, and notified the St. Louis Post-Dispatch, which soon ran several articles. Signs, some spray-painted on hay bales, began appearing on private land along Hwy 32.

The Ste. Genevieve County Commission, aware that the county had once had planning and zoning that citizens had voted down several decades ago, tried at first to back away from the issue. But with rising public concern and more information about Missouri statutes and the health dangers of silica, a known carcinogen and cause of silicosis, the commission and health department adopted a joint health ordinance May 16 with setbacks that would preclude a mine at that site.

DNR staff, who try hard to be neutral but responsive to all parties, extended the comment period to May 31 but have been at pains to say that they have no authority beyond what Missouri statutes give them. Missouri being a mining state with exceptionally weak mining and environmental protection statutes, it was no surprise when the Missouri Mining Commission, staffed by DNR, issued the requested land reclamation permit on June 30. That same day, Nexgen Silica sued the county commission and health department over their new ordinance, seeking declaratory judgement and injunctive relief. Nexgen still needs more permits from DNR. The next is a water permit, for which Nexgen applied June 16 with a public comment period ending July 18, then an air quality permit, but the results are likely to be the same: check the boxes and you get it. Opponents also have the possibility of appeal to Missouri’s Administrative Hearing Commission, which is independent of state agencies, but this is a legal proceeding, also with circumscribed authority.

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Rock Island Legislative Debacle

by Kendra Varns Wallis

In our March *Heritage*, we reported that Missouri DNR had finally accepted ownership of the 144-mile Rock Island corridor in December 2021 and that Governor Mike Parson recommended to legislators the allocation of \$69 million from the federal American Rescue Plan Act (ARPA)—for Covid-19 economic recovery—to the new state park for construction of the 78-mile eastern section from Beaufort to Eugene. That is the most expensive segment due to long bridges and tunnels. With bipartisan support in the legislature and from local communities and countless Missourians, this once-in-a-lifetime investment to jumpstart regional economic development through the creation of a world-class hiking and biking destination seemed like a win-win for the state. Legislative shenanigans, however, dealt a devastating blow to Missouri citizens, visitors from afar, and the nineteen rural communities along the trail eagerly anticipating the revitalization the trail would bring to this abandoned rail corridor.

The funding saga of the Rock Island Trail (RIT) started off positive in the House. In early April, Budget Chair Cody Smith (R-Carthage) included the governor's full \$69 million plus an additional \$2 million in HB3020, the state's \$2.9 billion ARPA bill, and the full \$71 million was approved by the committee. A supplemental FY2022 appropriations bill (HB3015) passed with \$500,000 from the Rock Island Endowment Fund (established by the legislature in 2019 to hold private donations for the trail) would allow initial work to secure the corridor. And an additional \$1 million from that fund in HB3006 (the DNR FY2023 operating budget for the coming year) was also approved.

When the \$2.9 billion ARPA bill hit the full House a week later, two proposed amendments introduced by Republican members to eliminate the RIT funding were debated on the floor. One would prohibit any RIT spending until all deferred maintenance in state parks was complete, a requirement impossible to meet since new items are always emerging. In fact, maintenance is under better control now in state parks than it has been in decades, through an annual process of 'scheduled' maintenance, and there is no backlog of "hundreds of millions in 'deferred' maintenance" as there once was. Regardless, throughout the budget process in both houses RIT opponents used 'deferred maintenance' as an excuse to cut RIT funding. But Republican champions of the RIT, including two—Reps. Bruce Sassmann (R-Bland) and Willard Haley (R-Eldon) with the RIT in their districts—debunked the false claims and highlighted the positive economic impact of the trail for the state.

Another amendment would prohibit any RIT funding until all lawsuits involving adjoining property owners were resolved, essentially a property rights argument that also kept recurring. Rep. Sassmann explained that these federal 'Tucker filings' are simply to settle landowner compensation and are irrelevant to trail development. Both amendments failed, the RIT funding stayed intact, and the bill moved on to the Senate.

The remarkable victory on the House floor would be short-lived, however, as things turned ominous in the Senate. As MPA and partner organizations promoted the many benefits of the trail, rumors of opposition lobbying began swirling around the capitol. They were not about the Missouri Farm Bureau, which was consistent in its opposition. It turned out, as confirmed after session by the *Columbia Missourian*, that Diamond Pet Foods of Meta was working hard behind the scenes to get all RIT funding slashed; the corridor runs near its factory, and also through a small portion of the owners' property.

Then during the Senate Appropriations hearings for HB3015 and HB3006, the committee zeroed out all Rock Island funding *including private donations* from the RIT Endowment Fund. Eventually a conference committee restored the \$1 million Endowment Fund item to HB3006, but nothing to HB3015. Two key senators, Vice Chair Lincoln Hough (R-Springfield), and Sandy Crawford (R-Buffer) whose district includes part of the RIT corridor, spoke against it and prevailed.

Throughout the Appropriations hearings Vice Chair Hough was vocal in his opposition to the trail, but requests to meet with him in person were denied. With lucky timing, board members from Missouri Rock Island Trail, Inc., ran into Sen. Hough during the annual Bicycle, Pedestrian, and Trails Day at the Capitol on April 25 and had a few minutes to tell him about the economic benefits of the trail. But, said MoRIT President Mac McNally, "when I asked him directly why he would want to deprive [trail] communities from that economic benefit, he was non-committal."

The constitutional budget deadline of Friday, May 6, loomed when the Appropriations Committee finally met on Monday, May 2, to discuss the big ARPA bill, HB3020, with the House's \$71 million for RIT. A Senate Committee Substitute (SCS) was passed out at the start to members. Observers scrambled unsuccessfully to find the SCS online, so they could only listen until, after *fewer than 30 minutes* of generalities about the bill and with *no* mention of the Rock Island, the committee approved the \$2.8 billion bill. Only later, when they saw the online version, did they learn the RIT had been zeroed out.

This happened, no doubt, because the SCS added 69 new local projects across the state totaling \$210 million that had neither been recommended by Gov. Parson nor discussed by the House and had had *no public hearings* whatever. The *Missouri Independent* reported Chair Dan Hegeman saying the bill had something for every senator who asked for help with a local project. It also quoted Vice Chair Hough saying, after the vote, "I am opposed [to the RIT] because of the hundreds of millions of dollars that we have in deferred maintenance around the state on all the other state parks." That was not correct, just the same old canard.

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MPA and other groups immediately sent alerts to their members to urge their senators to restore the RIT funding on the Senate floor or during the usual conference committee to reconcile differences between Senate and House versions. Assured that the RIT was still a priority of the governor and that his staff was working hard on it, trail supporters hoped at least part of the funding would be restored.

As if to avoid debate, senate leaders waited until almost 9pm Thursday night to bring HB3020 to the floor. In the meantime, as it

turned out, senate and house budget leaders Hegeman and Smith had crafted a Senate Substitute (SS) bill they designed to pass both chambers and avoid a conference committee. It was distributed to senators on the floor, so again,



observers did not know what was in it. And

again, after scarcely 20 minutes of routine discussion with no mention of the RIT, the entire measure appropriating almost \$2.9 billion in federal funds was approved by the Senate and sent to the House. After the fact, supporters confirmed that there was zero funding for the Rock Island. On Friday, after only five minutes of discussion during which RIT stalwart Rep. Sassmann noted the absence of RIT funding but said he would live to fight on, the bill passed and headed to the governor's desk.

On June 30, Gov. Parson signed the last of the budget bills, after line-item vetoing a dozen items totaling some \$125 million from HB3020. MPA leaders and trail supporters are hopeful that the governor will again propose RIT funds in his January 2023 budget request from the \$1 billion in ARPA funds remaining. Current Vice Chair Hough will likely become Appropriations chair. His cooperation will be necessary for park funding in future budgets, so the task ahead is for citizens in his district and beyond to rally more support for the RIT and state parks.

Questions linger about why all RIT funding was zeroed out. Senators' purported concern about park system maintenance is belied by the fact that no such funds were added to HB3020. It is easy to understand why legislators would have voted to approve the bill with so much pork added for their districts in an election year, even if the process evaded normal legislative procedure in many ways. The state's ARPA funds were intended for projects that would pay long-term dividends to the state;

other ARPA funds had already been allocated to cities and counties for local projects. The RIT is a perfect example of a needed infrastructure investment that would bring lasting dividends to the state through regional economic development while avoiding competition with the rest of the park system for Park Sales Tax funds needed for maintenance of our other parks.

Although the effort to pass the \$71 million proposal failed, the Rock Island Trail is closer to reality than a year ago when the corridor was not yet in the state's possession—or than any time in the last thirty years since

state officials and citizens began working on it. MPA is grateful for the support of Governor Parson and his staff, who see the long-term benefits of investing in the trail and the state park system as well as our members who reached out to elected officials. MPA will continue to work with other organizations and educate citizens and public officials about the benefits of

the Rock Island so one day we can cycle or hike its length as it brings economic revitalization to this beautiful swath through the heart of Missouri.

What you can do: Look for any opportunity—at county fairs, other local events or candidate forums—to talk with state legislative candidates from both parties in the primary and November elections about our wonderful state park system and especially about the economic benefits of the Rock Island Trail. Let us know what you learn about your local candidates and their views on RIT and other parks by emailing info@missouriparksassociation.org. For more RIT information, see <https://missouriparksassociation.org/issues-actions/rock-island-trail>.

Other Non-RIT Legislation

Except for the Rock Island debacle, Missouri State Parks fared quite well in the legislature this year. After arguing and filibustering for most of the session, legislators finally passed the Congressional redistricting bill slightly before the end of session, preserving the current ratio of six Republican to two Democratic seats by continued gerrymandering, but managed to pass only about sixty other bills. The infighting was helpful in stalling some bad bills opposed by MPA, including several with anti-democratic changes to requirements for initiative petitions sometimes needed to reauthorize the parks and soils sales tax.

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Budget items. Most non-RIT budget items were generally favorable to state parks sites. Appropriations totaling some \$25 million for capital improvement projects (HB3019) to be paid from various state park funds were approved for projects at Bennett Spring, Big Oak Tree, Bryant Creek, Nathan and Olive Boone Homestead, and Roaring River State Parks plus improvements to state-owned African-American history and culture sites. More than \$40 million in federal stimulus (ARPA) funding survived in HB 3020 for water and wastewater system improvements in state parks, though the Senate cut about \$10 million for broadband projects in parks. The revenue bond projects authorized in 2021 are in their second year and continuing apace in parks statewide (<https://mostateparks.com/revenue-bonds>), with funds in HB3017.

Eleven Point State Park – still waiting. It has been almost a year since the Southern District Appeals Court heard arguments from MoDNR asking to reverse the ruling of the circuit court judge that required DNR to divest itself of the easement lands bordering the river in Eleven Point SP. Court watchers are mystified by the length of time that has passed without a decision.

Meanwhile, bills introduced by Reps. Chris Dinkins (R-Annapolis) and Ron Copeland (R-Salem) in prior years to authorize the sale of Eleven Point SP were combined into one in the house committee this session. Both were still claiming to apply only to easement lands along the river while in fact providing the legal description for the entire park. The measure was then lumped into an omnibus land conveyance bill, which passed the House. MPA and other park supporters persuaded the Senate committee chair to remove the Eleven Point from the bill, and it was taken out.

Park Briefs

Bryant Creek SP in Douglas County will officially open later this summer with a public meeting and ceremony at the Pike Hollow/Pinewoods Trail

Head. In 2020, staff discovered through biological surveys that Bryant Creek replaces Johnson’s Shut-ins as the most botanically diverse park in the system with over 930 different species. The opening of this park is a big win for park supporters in light of controversies surrounding the four properties purchased at the end of the Nixon administration in 2016 (see *Heritage*, September 2017).

Ozark Mountain SP was officially renamed **Shepherd of the Hills SP** on May 4, 150 years from the birth of the book’s author, Harold Bell Wright. The name change, proposed by the Society of Ozarkian Hillcrofters, came after considering comments and suggestions submitted at four public meetings as part of the conceptual development planning process. No date has been set yet for opening to the public.

Katy Trail’s Salt Creek Bridge reopened May 6, connecting the popular destinations of Boonville and Rocheport. The 2019 Missouri River floods swept the bridge off its pilings, causing this section of trail to be closed and resulting in inconvenient detours for users. The new bridge, built by Mera Excavating of Bonnots Mill, came in under budget and ahead of schedule. “This project is just one of many that reflects our ongoing statewide efforts of maintenance and repair,” said MDNR Director Dru Buntin.

Donated land between Katy Trail and the Missouri River will allow students and the general public to connect with the river. The 160-acre property including the former Station House restaurant in Huntsdale was donated by Larry and Brenda Potterfield in April to The Nature Conservancy, which will restore riverine habitat and partner with Missouri River Relief, which will use the building as a base for its programs to engage the public with the river.

Big Lake and Lewis and Clark State Park campgrounds reopened May 16 after being closed since 2019 because of massive floods. Park staff worked hard to clear debris and make improvements. At Big Lake, damage

to the lagoon, which in turn prevented any overnight camping, was repaired by installing two new liners. At Lewis and Clark, the levee protecting the park has been fixed and a new mobile shower house is available for overnight guests while the damaged shower house is being repaired. Reservations may be made by contacting the Reservation Call Center at 877-422-6766 from 7am to 7pm or by visiting icampmo.com.



GPR Study at Boone SHS

Unmarked Graves at Nathan and Olive Boone Homestead SHS were discovered with ground-penetrating radar (GPR) by site staff and GPR specialists in DNR’s Environmental Emergency Response Team. Eight unmarked graves were discovered during a study in March near two faintly marked graves of enslaved persons who worked on the farm, and five more were found in the family cemetery where Nathan and Olive, Olive’s mother, and several Boone children were buried.

The 125th Anniversary of the 25th Infantry Bicycle Corps will be commemorated July 17-24 by MSP in partnership with Lincoln University and the Los Angeles chapter of the Horse Cavalry Association with events marking the final phase of a 1,900-mile bicycle ride from Fort Missoula in Montana to St. Louis. Four events at Big Lake SP, Pershing Home SHS, Monroe City, and Forest Park mark the route of the all-Black regiment of ‘Buffalo Soldiers’ in 1897 as part of a U.S. Army experiment to test the potential for using bicycles for troop movement. The answer: only the Buffalo Soldier Iron Riders could make it.

MPA 40th Anniversary Annual Gathering
Ste. Geneviève, October 15-16, 2022

Plan now to attend the 40th anniversary celebration of the Missouri Parks Association in historic Ste. Geneviève. On Saturday morning, the gathering will feature the annual state of the parks address and a panel discussion. Saturday afternoon will feature educational behind the scenes tours of the Felix Valle State Historic Site and the new National Historical Park, and the day will be capped off by MPA’s 40th Anniversary celebration dinner and program. The members and board meetings Sunday morning will be at Hawn State Park followed by an optional hike and discussion about the park and proposed mine.

A block of rooms is available for Saturday, October 15 at the Microtel Inn & Suites by Wyndham Sainte Genevieve. Call the front desk at (573) 880-5875 and ask for the Missouri Parks Association block of rooms. Please note that we only have a block of rooms reserved for Saturday night, October 15th, due to availability. Rooms must be reserved by **October 1**. If you need more than one night of lodging or would like to stay in the historic part of town, please visit the Ste. Genevieve tourism website for a list of lodging options, <https://visitstegen.com/lodging/>. A campground is available at Hawn State Park (20 miles from town). Reserve your space online at <https://icampmo.usdirect.com/MSPWeb/>. Rooms and campsites are limited, so reserve early.

Also note the **October 5 cut-off date for annual meeting registration with meals** (Saturday lunch and dinner).

Saturday, October 15 at Ste Genevieve County Community Center (21390 MO-32) and Historic District

8:30 – 9:30 am Registration and Networking (Community Center)

9:30 am Welcome to MPA 40th Annual Gathering

State of the State Parks Address by State Parks Director David Kelly

10:15 am Break

10:30 am Panel Discussion on MPA and state and national historic sites

12:00n Lunch

(Travel to Ste. Genevieve Historic District)

1:30 – 4:00 pm Behind-the-scenes tours of National Historical Park and Felix Vallé House State Historic Site

4:30 - 6:00 pm Happy Hour: Lalumondiere and Boyer Houses, hosted by John Karel

6:30 – 8:30 pm Dinner and 40th Anniversary Program, Ste. Genevieve Historic District (place to be announced)

Sunday, October 16 at Hawn State Park Shelter House

Breakfast on your own

8:30 am Annual meeting of members

9:30 am Meeting of MPA board of directors (all are welcome to attend)

11:00 am Optional Hike and Park Discussion

12:00n Adjourn

Flat Rate Registration with Event Counts for Planning

Name(s) _____

#Persons _____ @ \$75; Total: \$ _____ (includes all meals, tours)

Address _____

Phone _____

Email(s) _____

Special Dietary needs (indicate) _____

Event Counts: Activities and Confirm Meal Count

#Persons _____ Ste. Genevieve Historic Tour (Low Physical Activity) #Persons _____ Saturday Lunch

#Persons _____ Hawn State Park Hike (Moderate/High Physical Activity) #Persons _____ Saturday Dinner

Make check payable to Missouri Parks Association and mail with form **postmarked by October 5** to Missouri Parks Association, P.O. Box 8531, Kansas City, MO 64114. If you would like to register and pay online, please visit <https://forms.gle/ZKaKJ4LkBnqRympz5>

For questions email: kendra.wallis@missouriparks.org



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Park supporters, homeowners, and many in the general public are frustrated that their concerns—environmental protection, natural heritage, public health, quality of life—go seemingly unrepresented in the permitting processes for mining projects like that of Nexgen. Many are also upset that state park officials and DNR leaders have not spoken out in defense of Hawn. Nexgen has sought a 50-year permit for the initial 115 acres of its 249-acre site, all leased from six private owners, mostly local, who likely had no idea what they were getting into. With processing on site, it will be a major industrial operation, running day and night seven days a week and producing 200,000 tons/year or more. Surface water will drain into Establishment Creek, a tributary to the Mississippi River, causing grave concern to landowners downstream about water supply and quality, and there is also considerable concern about impacts to groundwater in the multi-county St. Francois aquifer, since everyone in the area relies on private wells. Despite their talk, Nexgen has done no baseline studies whatever to survey and monitor impacts on water, air, noise, traffic, or flora and fauna, nor has DNR, because statutes do not require them..

The impact on nearby public lands and their legions of devoted visitors each year—Hawn alone sees more than 120,000—will be just as devastating, considering that they include the most sensitive and ecologically diverse lands in the area and in the state. The Nature Conservancy recently identified and

mapped the most resilient, diverse, and connected landscapes in Missouri most essential to protect from development pressures and build resilience in a time of climate change. The mine site sits in the midst of the largest, most ecologically valuable block of such land in Ste. Genevieve County. The block is bounded by the MDC-managed 1,135-acre Hickory Canyons Natural Area to the northwest (only *0.25 miles* from the mine site), the Horton Farm Conservation Area to the southeast (only *1,100 feet* from the mine), and the nearly 5,000-acre Hawn State Park stretching across the south (some two miles from the mine), with MDC's 256-acre Pickle Springs Natural Area adjacent to the west. The block also includes various high-value private lands as well, including the mine site along Hwy 32. The Nexgen owners don't acknowledge that, nor have they had the 249 acres of the mine plan surveyed by ecologists to document what is there, because every living thing including the soils will be obliterated in their quest to mine the Lamotte sandstone.

Lamotte was an early French explorer of the area, and the Ste. Genevieve National Historic Landmark community with its state historic site and its new national historical park are also at risk from the mine. The processed sand will be sent to more distant markets to the west by train (involving public safety issues at unprotected crossings) and to the east by heavy trucks on the two-lane highly trafficked Hwy 32 directly into Ste. Genevieve and south about two miles. From there the trucks, likely dozens a day, would turn onto a gravel

road in plain sight of the NPS-owned Delassus-Kern house and head across the Big Common Field, a surpassingly significant cultural landscape, passing ancient Indian mounds and the Old Town Archaeological Site, then lumbering up the agricultural levee to offload to barges at the Port of New Bourbon.

As the DNR/Nexgen public meeting on May 19 neared its end, the pastor of the Ste. Genevieve Catholic Church came forward in his black cassock to speak about the question of moral culpability. He reviewed the history of his church (the first in Missouri, f. 1759), and of the area, saying we have a sacred trust to protect and preserve the cultural and natural heritage of this unique place. He implored Missouri citizens to fight the mine, saying "when progress is made for the profit and benefit of the few, it is an abuse of the whole." The entire crowd of 250 or more rose in protracted cheers and applause mirroring public sentiment in the county as a whole.

What you can do. To help support the legal effort to defend the Ste. Genevieve County health ordinance and appeal DNR permits, you may contribute to Operation Sand at www.operationsand.org/donate. Talk with agency officials, especially in DNR and MDC, asking them to defend and safeguard Hawn and other nearby natural areas by surveying and monitoring baseline conditions. Also, VOTE for candidates who will work to strengthen Missouri's mining and environmental laws and regulations.