



**Notice of Intent to Perform a Natural Resource Damage Assessment  
Pursuant to 43 C.F.R. Section 11.32**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

**In re:** Smurfit-Stone Mill Frenchtown Site

**Potentially Responsible Parties:**

M2Green Redevelopment, LLC  
International Paper Company  
WestRock CP, LLC  
BNSF Railway Company  
Montana Rail Link

Pursuant to State or Federal laws, the U.S. Department of the Interior, U.S. Department of Agriculture, the State of Montana, the Confederated Salish and Kootenai Tribes, and the Kalispel Tribe (collectively, the Trustees) have authority for natural resources potentially injured by the release of hazardous substances at the Smurfit-Stone Mill Frenchtown Site (Site). “The legal authority for all listed natural resource trustees to assert trusteeship, or co-trusteeship, over natural resources is found in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) (42 USC § 9607(f)). The federal natural resource management trustee designation is in the National Contingency Plan at 40 CFR § 300.600. The State of Montana also has authority under the Comprehensive Environmental Cleanup and Responsibility Act (CECRA) (§§ 75-10-701, MCA, et seq.). The Governor of the State of Montana has appointed the Montana Natural Resource Damage Program (NRDP) to represent the Governor under CERCLA and CECRA.

Please be advised that the Trustees intend to perform a natural resource damage assessment (NRDA) at the Site. The Trustees have made a preliminary determination that your company or entity is potentially liable for any natural resources damages resulting from the release of hazardous substances at the Site.

**Invitation to Participate in the Development and Performance of the Assessment:**

By this notice, you are formally notified of your company's or entity's opportunity to participate in the development of the type and scope of the assessment plan and subsequently in the performance of the assessment. The Trustees welcome participation from the potentially responsible parties (PRPs). The PRPs will be responsible for reasonable assessment costs, and the Trustees would like to work with the PRPs to reduce the amount of time and costs required for the assessment.

**Preassessment Screen:**

The Trustees have taken the initial step of conducting a Preassessment Screen for the Site in accordance with Subpart B – Preassessment Phase, Sections 11.20 – 11.25 of the U.S. Department of the Interior NRDA regulations, 43 C.F.R. Part 11, as amended. The NRDA regulations provide a method for assessing damages for natural resources injuries resulting from releases of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) (42 U.S.C. § 9601 *et. seq.*).

A copy of the Preassessment Screen is attached for your convenience. The contents of a Preassessment Screen include five criteria that are used to evaluate whether to proceed with an assessment [43 C.F.R. § 11.23(e)]:

1. A discharge of oil or a release of a hazardous substance has occurred.
2. Natural resources for which the Federal or State agency or Indian Tribe may assert trusteeship under the CERCLA have been or are likely to have been adversely affected by the discharge or release.
3. The quantity and concentration of the discharged oil or released hazardous substance is sufficient to potentially cause injury to those natural resources.
4. Data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost.
5. Response actions, if any, carried out or planned, do not or will not sufficiently remedy the injury to natural resources without further action.

Based on an evaluation of these five criteria, the Trustees have determined that a NRDA is warranted at the Site in accordance with 43 C.F.R. Part 11 Subparts C and E. In the NRDA, the Trustees will assess damages for injuries to natural resources caused by releases of hazardous substances at the Site. The hazardous substances are listed in Table 2, of the Preassessment Screen, and include dioxins/furans, metals and metalloids, and polychlorinated biphenyls. Additional information on the Site, including site description, historical use, and the basis for our preliminary determination are found in the Preassessment Screen.

The public will be encouraged to provide input into the assessment process, including reviewing and commenting on the development of the Assessment Plan(s), as well as any restoration proposals developed pursuant to the NRDA regulations.

**Resources Potentially at Risk:**

Based on a review of readily available data and information, the Trustees have concluded that natural resources for which the Trustees may assert trusteeship have been adversely affected by the release of hazardous substances from the Site. Soils, groundwater resources, surface water resources (including sediments), and biological resources have been exposed to, and adversely affected by, elevated concentrations of metals and metalloids, dioxins/furans, and other hazardous substances. More detail regarding the natural resources that have been or likely have been adversely affected by releases of hazardous substances can be found in the Preassessment Screen.

Please provide a response to Katherine Hausrath at (406) 444-0290 or [khausrath@mt.gov](mailto:khausrath@mt.gov) within thirty (30) calendar days of your receipt of this notice indicating whether you intend to participate in the NRDA process at the Site.

Signed:



Tim Fox  
Attorney General  
State of Montana



Date

Ronald Trahan, Chairman  
Tribal Council  
Confederated Salish and Kootenai Tribes

Date

Noreen Walsh  
Regional Director  
U.S. Fish and Wildlife Service, Region 6

Date

**Resources Potentially at Risk:**

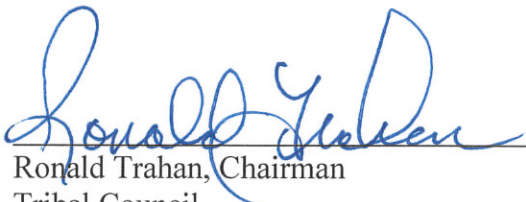
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\_\_\_\_\_  
Tim Fox  
Attorney General  
State of Montana

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Ronald Trahan, Chairman  
Tribal Council  
Confederated Salish and Kootenai Tribes

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Noreen Walsh  
Regional Director  
U.S. Fish and Wildlife Service  
Mountain-Prairie Region

\_\_\_\_\_  
Date

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Signed:

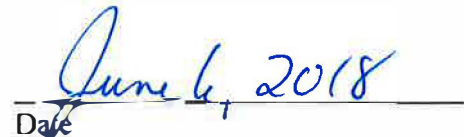
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Tim Fox  
Attorney General  
State of Montana

\_\_\_\_\_  
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Ronald Trahan, Chairman  
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Date

  
\_\_\_\_\_  
Noreen Walsh  
Regional Director  
U.S. Fish and Wildlife Service  
Mountain-Prairie Region

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Leanne Marten  
Regional Forester  
Forest Service  
Northern Regional Office, Engineering

May 25, 2018  
Date

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Deane Osterman  
Executive Director  
Kalispel Natural Resources Department  
Kalispel Tribe of Indians

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Date

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Leanne Marten  
Regional Forester  
Forest Service  
Northern Regional Office, Engineering



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Date

May 23, 2018

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Deane Osterman  
Executive Director  
Kalispel Natural Resources Department  
Kalispel Tribe of Indians

Date