



In re: The Barker Hughesville Mining District National Priorities List Site

Potentially Responsible Parties:

Doe Run Resources Corporation

Hecla Limited

Mount Emmons Mining Company (a subsidiary of Freeport McMoRan)

Pursuant to state and federal laws, the U.S. Department of the Interior, through the U.S. Fish and Wildlife Service, the U.S. Department of Agriculture, and the State of Montana (collectively, the Trustees) have trusteeship authority to perform a natural resource damage assessment (NRDA) for the Barker Hughesville Mining District National Priorities List (NPL) Site (Site). The Trustees intend to perform a NRDA at the Site. The Trustees have made a preliminary determination that your company or entity is potentially liable for natural resource damages at the Site.

Invite Participation in Development and Performance of the Assessment

Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Natural Resource Damage Assessment and Restoration (NRDAR) Regulations, by this notice, you are formally notified of your company or entity's opportunity to participate in the development of the type and scope of Assessment Plan(s) and subsequently in the performance of the assessment. The cooperative assessment approach provides several benefits to the potentially responsible party, the Trustees, and the public, such as increased efficiency, reduced transaction costs, and a focus on restoration. 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 CERCLA NRDAR Regulations. Should your company decide to participate in a cooperative assessment, the process would be governed by a funding and participation agreement negotiated between participating potentially responsible parties and the Trustees.

Site Description:

The Site is located within west-central Montana (Little Belt Mountains), approximately 45 miles south of Great Falls, 48 miles north of White Sulphur Springs, and due east of Monarch, MT (southeastern portion of Cascade and western portion of Judith Basin Counties). Activities at the Site include mining and ore-processing operations from the late 1800s to the early 1900s.

The Trustees finalized a Preassessment Screen for the Site in accordance with Subpart B – Preassessment Phase, §§ 11.20 – 11.25 of the CERCLA NRDAR Regulations, 43 C.F.R. Part 11, as amended. The CERCLA NRDAR Regulations provide a method for assessing damages for natural resources and resource service injuries resulting from releases of hazardous substances under CERCLA, as amended (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 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 each of the five criteria in 43 C.F.R. § 11.23(e) have been met. Based on this determination, the Trustees have further determined that a Type B NRDA is warranted at the Site in accordance with 43 C.F.R. Part 11 Subparts C and E. The NRDA will assess damages for injuries to natural resources caused by releases of hazardous substances at the Site. As detailed in the Preassessment Screen, hazardous substances released include, but may not be limited to antimony, arsenic, cadmium, chromium, copper, lead, manganese, mercury, thallium, and zinc. Concentrations of these chemicals exceeded DEQ water quality standards, and ecological screening values.

Potentially Injured Natural Resources 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 (including federally and state protected species) have been exposed to, and adversely affected by, elevated concentrations of the hazardous or deleterious substances listed in the Preassessment Screen. More detail regarding the natural resources and resource services that have been or likely have been adversely affected by releases of hazardous substances can be found in the Preassessment Screen.

Statement of Authority for Asserting Trusteeship (Co-Trusteeship) over Potentially Injured Natural Resources

The Trustees of natural resources for the Site include State, Federal, and Tribal Trustees. The Montana Natural Resource Damage Program (NRDP) acts as a representative of the Governor, who is the Trustee of natural resources for the State of Montana. The Federal Trustees for the Site are the U.S. Department of the Interior and the U.S. Department of Agriculture Forest Service. The legal authority for all listed natural resource trustees to assert trusteeship, or co-trusteeship, over those natural resources potentially injured by hazardous releases from the Site, above, is found in CERCLA at 42 U.S.C. § 9607(f). The federal natural resource management trustee designation is in the National Contingency Plan at 40 C.F.R. § 300.600. The State of Montana also has authority under the Comprehensive Environmental Cleanup and Responsibility Act (CECRA). §§ 75-10-701, *et seq.* NRDP acts on behalf of the Governor under both CERCLA and CECRA.

Additional information on the background of the Site and basis of the preliminary determination may be found in the attached Preassessment Screen.

Please provide a response to this notice within thirty (30) calendar days of your receipt of this notice indicating whether you intend to participate in the NRDA process at the Site. Your response should provide a primary contact person.

This Notice of Intent may be executed in any number of counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same. The date of execution shall be the date of the final trustee signature.

Signed:

Montana Natural Resource Damage Program

Date

Signed:

ANNA MUNOZ



Digitally signed by ANNA MUNOZ

Date: 2025.05.08 14:43:15 -06'00'

U.S. Department of the Interior

Date

Signed:

 Digitally signed by LEANNE
MARTEN
Date: 2025.03.14 09:46:10
-06'00'

U.S. Department of Agriculture

Date