



October 16, 2020

Martha Williams, Director  
Montana Department of Fish, Wildlife & Parks  
1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620-0701

**RE: Burlington Northern (Somers Plant) Superfund Site (Site) Comfort/Status Letter**

Dear Martha,

Thank you for contacting the Montana Department of Environmental Quality (DEQ) about the plans of the Montana Fish Wildlife and Park (FWP) concerning property (Property) described as follows: County Tax Assessor Parcels 000006026 and 0000799150; Legal Description S25, T27 N, R21 W, 15283-2&4, PARCEL 000, TR 1A IN NW4NW4 & L3, L4 & L5 TR 4AA IN L4 & L5 and 10564-G, PARCEL N/A, TR 2E IN NW4NW4 & L5 (Property). The Property is adjacent to the Burlington Northern (Somers Plant) Superfund Site, in Flathead County, Montana. DEQ understands that FWP intends to purchase approximately 106 acres of land along the north shore of Flathead Lake, east of the community of Somers and adjacent to the Site. DEQ supports FWP's efforts in these matters.

Based on the information provided, DEQ understands that FWP intends to create a new state park at the Property for inclusion in the Montana State Park system. Development of the Property includes, but may not be limited to, the following:

- Potential rental cabins with reserved parking spaced 100 feet apart and from adjacent residences
- Potential hand launch for non-motorized boats (no parking)
- Comfort station with flush toilets
- Day use parking
- Hardened trail system
- A primitive camping loop that includes shared day use/tent camp, comfort station, tent sites, hardened path to all sites and dedicated parking
- Administrative ranger and contact station
- Administrative maintenance building
- Individual camping loop that includes a comfort station with flush toilets and showers, playground, RV sites, electrical hookup, two full-service host pads and maintenance storage

FWP has asked the State for assurances that FWP's ownership interest in the Property will not expose it to liability under State environmental laws, such as State Superfund. The State cannot provide a covenant not to sue under these regulations outside of a settlement agreement (including the required public comment period with such settlement), and nothing in this letter should be interpreted as, or is, a release from any of DEQ's statutory authority or common law authorities, nor is this a "no further action" assurance. The DEQ is, however, aware of the scope and purpose of your ownership at the Property, and does not anticipate that the activities you propose at the Property or your ownership of the Property would be the basis of any claims of DEQ against FWP as long as work and recreation is consistent with the conceptual design submitted to EPA on July 10, 2020 and are consistent with EPA Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup actions and Institutional Controls in place on the Property. As you plan to develop the Property further, please continue to discuss the

development with EPA and DEQ to ensure reasonable steps are taken related to hazardous substance contamination at the Property and to ensure that all necessary permits required for planned construction and activities. The State supports FWP's efforts to provide recreational opportunities with this land acquisition, and is satisfied that those efforts have been and will be conducted in a manner that is protective of human health and the environment, as well as protective and consistent with any CERCLA actions taken at the site.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. McGrath', is positioned above the typed name.

Shaun McGrath  
Director  
Montana Department of Environmental Quality  
1225 Cedar Street  
Helena, MT 59601

Cc: Roger Hoogerheide, EPA  
Andy Lensink, EPA