

**NOTICE OF INTENT TO PERFORM
A NATURAL RESOURCES DAMAGES ASSESSMENT**

**In re: VIBURNUM TREND LEAD MINING SITES
CRAWFORD, IRON, REYNOLDS, AND
WASHINGTON COUNTIES, MISSOURI**

POTENTIALLY RESPONSIBLE PARTIES:

- The Doe Run Resources Corporation d/b/a The Doe Run Company
 - DII Industries, Inc.
 - Homestake Lead Company of Missouri
 - Teck Cominco American Incorporated
 - Phelps Dodge Corporation (formerly Cyprus Amax Minerals Company)
-

Pursuant to state or federal laws, the Missouri Department of Natural Resources and the U.S. Department of the Interior (collectively, the Trustees) have authority to perform natural resource damage assessments for the Viburnum Trend Lead Mining Sites (hereinafter referred to as VTLMS or the Sites) within the Southeast Missouri Lead Mining District (SEMOLMD). These Sites include:

1. Viburnum Mine 27 (and associated mills and tailings impoundments)
2. Viburnum Mine 28 (and associated mills and tailings impoundments)
3. Viburnum Mine 29 (and associated mills and tailings impoundments)
4. Casteel Mine (a.k.a. Viburnum Mine 35)
5. Magmont Mine
6. Buick Mine and Mill Complex
7. Buick Smelter
8. Brushy Creek Mine and Concentrator
9. Fletcher Mine and Mill Complex

Each agency's specific authority to act in this capacity is specified in Attachment A. This is to notify your company or entity of, and invite its participation in, the development and performance of the assessment of damages for injuries to natural resources at the VTLMS.

The Missouri Department of Natural Resources (MDNR) and the U.S. Department of the Interior (DOI) have taken the initial step of conducting a Preassessment Screen for the Viburnum Trend Lead Mining Sites. The Trustees prepared the

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT COMMUNICATION
DRAFT**

PAS in accordance with Subpart B – Preassessment Phase, Sections 11.20 – 11.25 of the DOI Natural Resource Damage Assessment (NRDA) Regulations, 43 CFR 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 USC §9601 et. seq.). Adherence to the methods set forth in the NRDA regulations is not mandatory and does not preclude the Trustees from using alternative assessment methods, or arriving at a negotiated settlement with the potentially responsible parties.

A copy of the relevant Preassessment Screen is enclosed for your convenience (Attachment B). The Preassessment Screen contains, to the extent known, a description of the Sites; releases of hazardous substances of concern to the Trustees; and the natural resources potentially injured. The Preassessment Screen is a public document. 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.

Based on the Preassessment Screen, the Trustees have made a preliminary determination that the specified criteria in Section 11.23(e) of the NRDA regulations have been met:

- Releases of hazardous substances have occurred.
- Natural resources for which the Missouri Department of Natural Resources and the U.S. Department of the Interior may assert trusteeship under CERCLA have been, or likely have been, adversely affected by the releases.
- The quantity and concentration of the released hazardous substances are sufficient to potentially cause injury to those natural resources.
- Data sufficient to pursue an assessment are readily available, or likely to be obtained at a reasonable cost.
- Response actions, if any, carried out or planned do not or will not sufficiently remedy the injury to natural resources without further action.

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT COMMUNICATION
DRAFT**

Based upon an evaluation of these five criteria, the Trustees have determined that an NRDA is warranted at these Sites in accordance with 43 CFR Part 11 Subparts C and E. The NRDA will assess damages for injuries to natural resources caused by releases of cadmium, lead, zinc, and other hazardous substances potentially released from the Sites, including copper, nickel, cobalt, and barium. More detail concerning the impact of these hazardous substances may be found in the Preassessment Screen or accompanying documents.

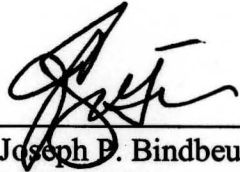
The Trustees are conducting a natural resource damage assessment at several other mine and mill sites located within the Viburnum Trend: Sweetwater Mine and Mill Complex, the West Fork Mine and Mill Complex, and the Glover Smelter. *See* Preliminary Assessment Screen, released June 30, 2008 and the Final Phase I Assessment Plan, released January, 2009 available at <http://www.dnr.mo.gov/env/hwp/sfund/nrda.htm> or at <http://www.fws.gov/midwest/semonrda>.

A preliminary determination has also been made that your company or entity, as well as the other companies or entities listed in Attachment C, are potentially liable for any natural resource damages at the Sites. Additional information on the background of the Sites and basis of the preliminary determination may be found in the Preassessment Screen.

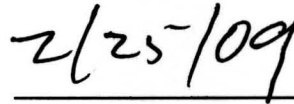
We recommend that you evaluate your potential responsibility and determine whether you will participate in the assessment process. Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the Trustee contacts in the attached letter indicating whether you intend to participate in the NRDA process at the Sites.

<SIGNATURE PAGES FOLLOW>

MISSOURI DEPARTMENT OF NATURAL RESOURCES



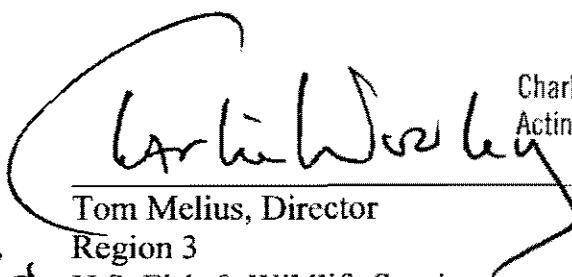
Joseph P. Bindbeutel, Acting Director
Missouri Department of Natural Resources



Date

PRIVILEGED AND CONFIDENTIAL
ATTORNEY CLIENT COMMUNICATION
DRAFT

U.S. DEPARTMENT OF THE INTERIOR

for


Charles M. Wooley
Acting Regional Director

Tom Melius, Director
Region 3
U.S. Fish & Wildlife Service
U.S. Department of the Interior

3/12/09
Date