



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 8**  
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**<http://www.epa.gov/region08>**

Ref: 8SEMD-EMR

**ACTION MEMORANDUM**

**SUBJECT:** Request for Approval of a Time-Critical Removal Action (TCRA) for the Sih-mem Creek Channel and a Former Foreman Residential Yard located within Operable Unit 3 (OU3) of the Carpenter-Snow Creek Mining District National Priority List (NPL) Site, near the Town of Neihart in Cascade County, Montana.

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**THRU:** Joe Vranka, Chief  
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**TO:** Betsy Smidinger, Director  
Superfund and Emergency Response Management Division

Site ID#: 089X – OU3

**I. PURPOSE**

The purpose of this Action Memorandum is to request and document approval of the time-critical removal action (TCRA) described herein for the Sih-mem Creek Channel and a Former Foreman Residential Yard (Site). This Site is located within Operable Unit 3 (OU3) of the Carpenter-Snow

Creek Mining District National Priorities List Site (CSCMD), near the Town of Neihart in Cascade County, Montana. The proposed removal action is intended to be protective of human health and the environment until the final remedy for the OU3 is finalized.

Conditions at the Site present a threat to public health and the environment and meet the criteria for initiating a removal action under 40 CFR section 300.415(b)(2) of the National Contingency Plan (NCP). Because this removal action is not in the vicinity of the Silver Dyke adit, the Site is a sub-category “1H” site where “planned activities at the site will not create a fluid release hazard” as described in Attachment 1 of the April 4, 2017, Woodford-Cheatham Memorandum (Appendix A - Site Category Determination for Fiscal Year 2020). The Sih-mem Creek Channel and a Former Foreman Residential Yard are located approximately 850 stream yards and, in a drainage, several hundred feet from the Silver Dyke adit, respectively.

The proposed removal actions are to redirect the Sih-mem Creek back to its historic channel to eliminate migration and infiltration of mine adit water to a nearby resident and address the lead-contaminated soil and mine waste piles from a former foreman residential yard. This time-critical removal action will not establish any precedent for how future response actions will be taken and will not commit the Environmental Protection Agency (EPA) to a course of action that could have a significant impact on future responses or resources.

## **II. SITE CONDITIONS AND BACKGROUND**

Site Name:	Sih-mem Creek Channel and a Former Foreman Residential Yard, part of OU3 located within the Carpenter-Snow Creek Mining District NPL Site
Superfund Site ID (SSID):	089X
Operable Unit	OU3
CERCLIS Number:	MT0001096353
Site Location:	Cascade County, Montana
Lat/Long:	46.944283° North, 110.747016° West
Potentially Responsible Party:	
NPL Status:	Final on 9/13/2001
Planned Removal Start Date:	09/2020

### **A. Site Description**

The Carpenter-Snow Creek Mining District (CSCMD) is located north of the Town of Neihart, Montana in the Little Belt Mountains. The mining activity in the Little Belt Mountains accounts for some of the earliest mining activity in Montana. The Carpenter-Snow Creek area began mining activity in 1880. The discovery of silver and gold in the Little Belts led to a rush into the area in 1879. Although silver was the primary mineral mined, deposits of copper, zinc, lead, and gold were also recovered.





Figure 2: Both the Former Foreman Residential Yard and the Sih-mem Creek Channel are situated in the Carpenter Creek watershed.

**Sih-mem Creek Channel:**

The Silver Dyke mine operated from 1921 to 1929 and included both a mine and a mill. In 1925, a tailings impoundment collapsed, releasing a large volume of tailings into Carpenter Creek. The upper and lower tailings piles (UTP and LTP) were built along Carpenter Creek in 1926 to allow operations to continue. In 1929, operations stopped, and the tailings impoundments were left to degrade. A significant volume of tailings has since eroded from the UTP and LTP and continues to erode during spring runoff and episodic rain events.

The periodic flush of mine tailings affects streamside soil past the confluence of Carpenter Creek with Belt Creek to the Town of Monarch, approximately 12 miles downstream. The Silver Dyke adit discharges poor quality water to Sih-mem Creek which discharges into Carpenter Creek, where it degrades water quality so severely that fish are not present in the affected stream reach of Carpenter Creek in OU3 and macroinvertebrates are affected as well.

During the 2011 spring runoff, Sih-mem Creek formed a new channel between the creek that goes under Pioneer Lane road and its entrance to Carpenter Creek. This new channel increased the infiltration of contaminated surface water. The lack of a defined channel caused the stream to spread out into a meadow and saturate the soil. This area occasionally floods an adjacent property owner's house near the intersection of Sih-mem Creek and Carpenter Creek. Tests of the wells in the confluence area show elevated concentrations of metals including copper, lead and zinc.

### Former Foreman Residential Yard:

The former Silver Dyke Mining Company foreman's house is in a drainage several hundred feet below the Silver Dyke Adit. This residence is currently used for recreational activities. There are several mine waste piles scattered on this yard.

## 1. Removal Site Evaluation

### Sih-mem Creek Channel:

During the 2011 spring runoff, Sih-mem Creek formed a new channel between the creek under Pioneer Lane road and its entrance to Carpenter Creek. This new channel increased the infiltration of contaminated surface water where the lack of a defined channel caused the stream to spread out into a meadow and saturate the soil. A property owner near the intersection of Sih-mem Creek and Carpenter Creek, found that his well contained high concentrations of copper, lead, and zinc after the new channel was formed. Investigation results (Table 1) show evidence of tailings eroding and contaminating the Sih-mem Creek during run-off events (Sih-mem Creek Reroute and Treatment, Dan Armstrong Report, December 11, 2019).

Table 1: EPA Survey of surface water metal concentrations of Sih-mem Creek. Surface water concentrations are in micrograms per liter. (From Tetra Tech SAR Reports 2017-2018)

Site ID	Date	Analysis	Aluminum	Cadmium	Copper	Iron	Lead	Magnesium	Manganese	Zinc
CSC-117	June 2017	Dissolved metals	161	120	1230	1560	71.7	26800	20300	24000
CSC-117	June 2017	Recoverable metals	3110	120	1880	10600	752	26500	20400	28200
CSC-117	Sept 2017	Dissolved metals	1430	305	3230	<500	323	70700	51800	56400
CSC-117	Sept 2017	Recoverable metals	1410	289	3150	153	321	68100	43700	53500
CSC-117	July 2018	Recoverable metals	669	223	2700	1510	315	51000	42800	48600
EPA		MDL	100	0.72	5.00	1000	3.2	500	10.0	120



Figure 3: (Left) Sih-mem Creek adit water infiltration area above a residential yard, (Right) a partially collapsed culvert under Carpenter Road.

When a site visit was conducted in October 2019, the current culvert under the Carpenter Road had been partially crushed and the creek was flowing around the culvert entrance.

#### **Former Foreman Residential Yard:**

The former Silver Dyke Mining Company foreman's house is in a drainage several hundred feet below the Silver Dyke adit. According to the property owner, recent logging in the area, in conjunction with the water runoff from the winter and spring, has caused the waste rock piles to erode onto the yard. The house was recently purchased by a new owner with children and is expected to be used heavily in summer for recreational activity.

In 2011, this yard was evaluated as part of the remedial investigation and analytical results of soil samples collected are highlighted below:

- Aluminum concentrations (9,490 mg/kg to 14,300 mg/kg)
- Arsenic concentrations (35.4 mg/kg to 82.4 mg/kg)
- Cadmium concentrations (5.9 mg/kg to 12.7 mg/kg)
- Copper concentrations (1,130 mg/kg to 2,450 mg/kg)
- Iron concentrations (23,100 mg/kg to 30,800 mg/kg)
- Lead concentrations (2,960 mg/kg to 6,280 mg/kg)
- Manganese concentrations (1,260 mg/kg to 2,520 mg/kg)
- Thallium concentrations (2.5 mg/kg to 2.6 mg/kg)
- Zinc concentrations (1,220 mg/kg to 2,190 mg/kg)

On March 19, 2020, the Remedial Program requested the Emergency Response Program's support to repair the deteriorating erosion control measures at the Silver Dyke Impoundment. Erosion control measures had been put in place as part of the 2014 TCRA to remove mine tailing contamination associated with the Sih-mem Creek Channel and the Former Foreman Residential Yard (Attachment 3).

## **2. Physical Location**

The NPL Site is in west-central Montana within the Little Belt Mountains in Township 14N, Range 8E, Section 15, 16, and 21. The Sih-mem Creek and the Former Foreman Residential Yard Site (46.98083° North and 110.700833° West) is located within OU3, approximately 2 ½ miles northeast of the Town of Neihart in the Carpenter Creek watershed. The Site's elevation is approximately 6280 feet. As of the 2020 census, Neihart's population was 81 individuals. There are numerous seasonal and regular residents within a one-mile radius of the Site.

## **3. Site Characteristics**

The Sih-mem watershed has minimal vegetative cover. Private claims within the watershed were logged in 2017. This Site lies within the Carpenter Creek floodplain and is continually releasing mine waste and tailings into the Creek during storm events and spring run-off. Overland flow and runoff from the Site erode the waste rock and/or associated hazardous substances into the Sih-mem Creek.

A 2011 survey by Tetra Tech EM Inc, in cooperation with the USFS, EPA, and MDEQ found that mining contamination had migrated down the Carpenter Creek drainage to Belt Creek. Contaminated ground and surface water, that is produced when precipitation infiltrates the mine tailings, also contains elevated concentrations of many heavy metals.

## **4. Release or Threatened Release into the Environment of Hazardous Substances, Pollutants or Contaminants**

Sampling and analysis of surface water in Sih-mem Creek and in the soil at the Former Foreman Yard indicate the presence of high concentrations of heavy metals, including arsenic, lead, zinc, cadmium, manganese and copper. In addition, these same hazardous substances are found in surface waters and sediment many miles downstream of the Site. These heavy metals are "hazardous substances" as defined by Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (CERCLA), 42 U.S.C. § 9601(14). The release of these hazardous substances into the environment may pose an imminent and substantial threat to public health and the environment.

## **Arsenic**

Large doses of arsenic may be acutely fatal to humans. Symptoms include fever, loss of appetite, an enlarged liver, and heart rhythm abnormalities. Sensory loss in the peripheral nervous system may also occur. Chronic exposure to arsenic generally results in skin lesions, liver damage, and peripheral vascular disease.

Peripheral vascular disease may progress to endarteritis obliterans and gangrene of the lower extremities (Blackfoot disease). Arsenic is a human carcinogen based on data of increased lung cancer mortality due to inhalation exposure. Skin cancer also increases in individuals exposed to arsenic via drinking water.

Arsenic poisoning can represent a toxic syndrome among domestic animals. Arsenic causes hyperemia and edema of the gastrointestinal tract, hemorrhage of the cardiac serosal surfaces and peritoneum, and pulmonary congestion and edema. It may cause liver necrosis.

## **Lead**

Lead is classified as a B2 carcinogen by the EPA. Lead can enter the body via ingestion and inhalation. Children are the segment of the population at greatest risk from lead toxicity.

The most serious effects associated with markedly elevated blood lead levels include neurotoxic effects such as irreversible brain damage. Children have exhibited nerve damage, permanent mental retardation, colic, anemia, brain damage, and death due to lead exposure.

Lead is ubiquitous in the environment and bioaccumulation is known to occur, being found in the tissue of many wild animals, including birds, mammals, fishes, and invertebrates. The most publicized effects of lead have been on the impact of the ingestion of lead by waterfowl. Acute and chronic lead toxicity has been demonstrated as a definite threat to bird populations. There is also evidence that lead at high concentrations can eliminate populations of bacteria and fungi on leaf surfaces and in soil.

## **Zinc**

Zinc is ubiquitous in the environment, found mainly as zinc oxide or sphalerite (ZnS). Zinc

is released into the environment as the result of mining, smelting of zinc, lead and cadmium ores, steel production, etc. Ingestion is the primary means of exposure to the general population.

Gastrointestinal symptoms reported in humans with zinc exposure include vomiting, abdominal cramps, and diarrhea with possible bleeding. In addition, zinc produces acute toxicity in freshwater organisms over a range of concentrations less than those found on the Site. Acute toxicity is similar for freshwater fish and invertebrates. In many types of aquatic

plants and animals, growth, survival and reproduction can be adversely affected by elevated zinc levels.

## **Cadmium**

Laboratory experiments suggest that cadmium may have adverse effects fish reproduction at levels present in lightly to moderately polluted waters. Cadmium is highly toxic to wildlife. It is cancer-causing and teratogenic and potentially mutagenic, with severe sublethal and lethal effects at low environmental concentrations. Cadmium bio-accumulates at all trophic levels, accumulating in the livers and kidneys of fish. Crustaceans appear to be more sensitive to cadmium than fish and mollusks. Cadmium can be toxic to plants at lower soil concentrations than other heavy metals and is more readily taken up than other metals.

### **5. NPL Status**

The CSCMD was listed on the NPL on September 13, 2001.

## **B. Other Actions to Date**

### **1. Previous Actions**

#### **Sih-mem Creek Channel:**

Remediation projects within OU3 have been led by the EPA in collaboration with the USFS, MDEQ, and other local and federal agencies. USFS's work to date has included clean water diversions around the UTP and LTP and the placement of safety grates over collapsed stopes and shafts for increased safety. The removal of contaminated waste, with the highest risk to human health, has occurred since 2013. Other smaller operations are currently in progress to prevent contamination of Carpenter Creek.

In 2016, a hydrated lime system began treating water from the Silver Dyke Mine. The effectiveness of this system will help develop future projects while another pilot test in 2020 is evaluating the feasibility of using ambient air and a caustic solution to precipitate iron and zinc from the Compromise Shaft. Currently, the OU2 and OU3 are in the Remedial Investigation/Feasibility Study (RI/FS) portion of the cleanup while OU1 is awaiting remedial action funding. The RI/FS is expected to be completed during the summer/fall of 2021, after which a Record of Decision and Remedial Design will be completed by late 2022.

#### **Former Foreman Residential Yard:**

The former Silver Dyke Mining Company foreman's house is in a drainage several hundred feet below the Silver Dyke Adit. There are several unsecured exploratory waste rock piles with no known fluid hazard releases on the steep hillsides surrounding the yard. Recent logging in the area in conjunction with the water runoff during the winter and spring allow

these waste rock piles to erode onto the yard while a nearby jig tailings pile was likely used in the past as the driveway road base. In August 2020, Tetra Tech conducted further sampling to delineate the extent of contamination. The highest lead concentration was found from samples collected in a waste pile located approximately 100 feet from the main residence (24,670 mg/Kg).



Figure 4: Surface soil sample locations and results (a visible waste pile located in NW corner of photo).

## 2. Current Actions

There are no current on-site activities at this Site. A nearby TCRA at the Silver Dyke Tailings Impoundment Site will also be conducted concurrently with this Site. The TCRA work will address the surface contamination and repair the significant erosion damage at the reclaimed areas of the Silver Dyke Tailings Impoundment following its TCRA completion in 2014.

## C. Federal, State and Local Authorities' Roles

### 1. Federal, State and Local Actions to Date

MDEQ and USFS are directly assisting the EPA with various portions of the Site and have been extensively involved in planning and coordinating this removal action.

## 2. Potential for Continued State/Local Response

Neither the state nor the local authorities have the resources to conduct the proposed removal action at the Site.

### III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

Conditions existing at the Site meet the criteria for initiating a removal action under 40 CFR 300.415 (b) (2) of the NCP. The levels of contamination found in surface water at the Sih-mem Creek and in the soil at the Former Foreman's Residential Yard house, including the waste rock and tailings waste piles, in conjunction with the unconfined nature of the on-going releases during storm events and spring runoff support the decision to perform a TCRA.

EPA has considered all the factors described in 40 CFR section 300.415(b)(2) of the NCP and determined that the following factors apply at the ESM Site:

- (i) *Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;*

High levels of hazardous substances, pollutants or contaminants found at the Site, largely at or near the surface, may migrate. The former foreman house is currently heavily used by the public during the summer for recreational activities and children have been observed playing in the yard. Human exposure and the potential for continued exposure exists.

Aquatic life surveys, conducted in Carpenter Creek below the confluence with Sih-mem Creek, indicate populations of benthic invertebrates are severely impaired. In addition, fish populations are absent. Investigations conducted by Montana Fish, Wildlife & Parks and the EPA in 2010 and 2011 (FWP, 2011, 2012) clearly indicate that metals contamination associated with ongoing contaminant releases severely inhibit aquatic life in Carpenter Creek below Sih-mem Creek. The investigations suggest that the contamination is contributing to the impairment of aquatic life in Belt Creek below the confluence.

- (ii) *Actual or potential contamination of drinking water supplies or sensitive ecosystems;*

All Montana waters are classified for multiple uses. Carpenter Creek is classified as a B- 1 stream, which designates that all the following uses must be supported: drinking, culinary, and food processing purposes after conventional treatment; bathing, swimming, and recreation; growth and propagation of salmonid fishes and associated aquatic life, waterfowl, and furbearers; and agricultural and industrial water supply. Currently, Carpenter Creek cannot be used for any of its designated uses. Carpenter Creek is listed as impaired on the State of Montana's 303(d) list due to concentrations of cadmium, copper, iron, lead, mercury, silver and zinc.

(iii) *High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;*

Hazardous substances including lead, copper and zinc are present at the surface and subsurface of waste rock, tailings piles and in soil. They are at concentrations that may pose a threat to human health and aquatic life. Investigation results show evidence of heavy metals from tailings eroding from the Site during runoff events.

(iv) *Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;*

A significant volume of tailings has eroded from the UTP and LTP and continues to erode during spring runoff and episodic rain events. The periodic flush of mine tailings affects streamside soil past the confluence of Carpenter Creek with Belt Creek to the Town of Monarch, approximately 12 miles downstream. The Silver Dyke adit also discharges poor quality water to Sih-mem Creek. Sih-mem Creek discharges into Carpenter Creek, where it degrades water quality so severely that fish are no longer present in the affected stream reach of Carpenter Creek in OU3. These events also contribute to deposition of tailings near downstream residences.

(vii) *The availability of other appropriate federal or state response mechanisms to respond to the release;*

Local and state governments do not have the capability to conduct this removal action in a timely manner.

#### **IV. ENDANGERMENT DETERMINATION**

Actual or threatened release of hazardous substances from the Site, if not addressed by implementing the response actions described in this Action Memorandum, may present an imminent and substantial threat to public health, welfare or the environment.

#### **V. PROPOSED ACTIONS AND ESTIMATED COSTS**

##### **A. Proposed Actions**

##### **1. Proposed Action Description**

###### **Sih-mem Creek Channel:**

- Redirect Sih-mem Creek back into its historic channel to eliminate future channel migration to the west and infiltration of contaminated water near the residential structure. The new channel will be built upgradient of the current channel;
- Replace a partially crushed culvert under the Pioneer Lane road with a new 24-inch culvert;

- Construct an open rock-lined channel from Pioneer Lane road to Carpenter Creek; and then reconnect the Sih-mem Creek water flowing into this newly constructed channel;
- Install two limestone structures within Sih-Mem Creek above the proposed reconstruction to provide some buffering and metals precipitation.

### **Former Foreman Residential Yard:**

Approximately 2,000 cubic yards of mine waste contaminated soils and mine waste piles will be excavated to a depth of 18 inches below ground surface. The excavated soil will be disposed of at the MacKay Gulch Repository, which is located within OU3. Common fill is available at the MacKay repository to allow for 12 inches of replacement soil. Six inches of clean topsoil (growth media) will be placed on top of the replacement soil to restore the excavated areas to ground level.

A gravel-based driveway will also be excavated and restored with road base. The mine waste piles on the steep hillside will be graded and seeded to eliminate erosion from the surrounding hillsides onto the yard. Berms will be built along the property boundary to ensure eroded waste does not re-contaminate the property until hillside vegetation gets established.

- Discussions will be held with the property owner as to the appropriate type of seeding to use for revegetating the disturbed areas of their property. Two air monitoring stations for dust control will be temporarily placed in the perimeter of the excavation area to monitor 24-hour, Time-Weighted Average particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>).

## **2. Contribution to Remedial Performance**

This TCRA is consistent with the overall objectives for the NPL Site. The objectives are to prevent or mitigate the risks to human health and the environment due to direct contact with releases of these hazardous substances. In addition, this effort will contribute to any future remedial effort at the CSCMD.

## **3. Engineering Evaluation/Cost Analysis**

An engineering evaluation/cost analysis (EE/CA) is not required for a time critical removal action.

## **4. Applicable or Relevant and Appropriate Requirements (ARARs)**

Removal actions conducted under CERCLA are required, to the extent practicable considering the exigencies of the situation, to attain ARARs. In determining whether compliance with an ARAR is practicable, the lead agency may consider appropriate

factors, including the urgency of the situation and the scope of the removal action to be conducted. Attachment 2 contains the ARARs for this proposed removal action.

**5. Project Schedule**

This removal action is planned to commence in September of 2020 and require four weeks to complete.

**B. Estimated Costs\***

Extramural Costs:

<b>Contractor Costs</b>	<b>Totals</b>
ERRS Construction	\$320,000
START Sampling and Removal Support	\$30,000
SUBTOTAL	\$350,000
Contingency 20%	\$70,000
<b>Sih-mem Creek Channel /Residential Yard Removal Project's Total Ceiling</b>	<b>\$420,000</b>
2013 &2014 TCRA Costs	\$1,473,000
Concurrent TCRA at Silver Dyke Tailings Impoundment	\$100,000
<b>Total Removal Project Ceiling/All Actions to Date</b>	<b>\$1,993,000</b>

\*EPA direct and indirect costs, although cost recoverable, do not count toward the removal ceiling for this removal action. Liable parties may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

**VI. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN**

A delay in action or no action at the Site would increase the actual or potential threats to public health and the environment.

**VII. OUTSTANDING POLICY ISSUES**

None.

**VIII. ENFORCEMENT**

A separate enforcement addendum has been prepared providing a confidential summary of current and potential future enforcement activities.

**IX. RECOMMENDATION**

This decision document represents the selected removal action for the Site which is part of OU3 of the CSCMD near the Town of Neihart in Cascade County, Montana, developed in accordance with

CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the Site meet the NCP 40 section 300.415(b)(2) criteria for a removal action, and I recommend your approval of the proposed removal action. The total cost ceiling for the Site, if approved, is \$420,000; this amount will be funded from the Blue Tee Settlement special account. The cumulative cost ceiling for removal actions at OU3 of the CSCMD will be \$1,993,000.

APPROVE

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Betsy Smidinger, Director  
Superfund and Emergency Management Division

Date

DISAPPROVE

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Betsy Smidinger, Director  
Superfund and Emergency Management Division

Date

**Attachments:**

- Attachment 1: Mine Site Category Determination for Fiscal Year 2020 Planned Sih-mem Creek Channel Diversion and Cleanup of the Former Foreman Residential Yard Site
- Attachment 2: ARARs
- Attachment 3: Request Memo for Removal Support 2020

## **SUPPLEMENTAL DOCUMENTS**

Support/reference documents which may be helpful to the reader and/or have been cited in the report may be found in the administrative record file located at:

U.S. EPA, Region 8 Montana Office  
Federal Building  
10 West 15th Street, Suite 3200  
Helena, MT 59626  
406-457-5000  
866-457-2690 (toll free)

Great Falls Public Library  
301 2nd Ave North  
Great Falls, MT 59401  
406-453-0181  
Hours: Tues-Thu 10 a.m. to 8 p.m.  
Fri-Sat 10 a.m. to 6 p.m.

Belt Creek Ranger Station  
c/o Neihart, Montana 59465  
406-236-5309