



File Code: 1950; 2810

Date: March 27, 2015

Dear Interested Party,

The Kootenai National Forest (KNF) has issued its *Final Environmental Impact Statement (EIS)* and *Errata*, and *Draft Record of Decision (ROD)* for the Montanore Project. The Montanore Project is a proposed copper and silver underground mine located on the KNF Libby Ranger District, about 18 miles south of Libby near the Cabinet Mountains of northwestern Montana.

The responsible official for this decision is Forest Supervisor Christopher Savage. The project documents can be found at the Kootenai National Forest website at <http://www.fs.usda.gov/projects/kootenai/landmanagement/projects>, and copies will be maintained at public libraries in Libby, Thompson Falls, Heron, Clark Fork, Sandpoint, and Missoula. The Montana Department of Environmental Quality (DEQ), the co-lead agency for the project, has not issued its *Final EIS* at this time.

The Montanore Project was scoped and analyzed under the management direction of the 1987 Kootenai Forest Plan. Several of the issues identified during scoping reflect that management direction. The Montanore Draft Environmental Impact Statement (2009) and Supplemental Draft Environmental Impact Statement (2011) were all developed while the Kootenai National Forest followed 1987 Forest Plan management direction.

In January 2015, the Final Record of Decision approving the 2015 Revision of the Kootenai Forest Plan was signed. Following notice of approval published in the Federal Register, the effective date of the 2015 Kootenai Forest Plan was February 17, 2015. After the effective date of the Plan, any decision, such as the draft decision prepared for the Montanore Project, must demonstrate consistency with applicable 2015 Forest Plan management direction.

The errata included with this Final EIS explain how 1987 Forest Plan discussions in the March 2015 Montanore Final EIS relate to the 2015 Forest Plan discussions. Although 1987 Forest Plan compliance information may not be currently relevant, the analysis in most cases is still relevant for comparing effects of the alternatives in response to public comments. In some cases, these errata include new analyses related to management direction new to the 2015 Forest Plan. Project consistency requirements are described on page 3 and 4 of the 2015 Forest Plan. A full assessment of the Montanore Project as it relates to consistency with applicable 2015 Forest Plan direction can be found in the project record document: Kootenai National Forest 2015 Forest Plan Documentation for Montanore Project.

The KNF and DEQ issued a joint *Draft EIS* for the Montanore Project in February, 2009, and *Supplemental Draft EIS* in September, 2011 for public comment. In response to public comment, the agencies revised the agencies' mine alternatives (Alternatives 3 and 4) and transmission line alignments (Alternatives C-R, D-R, and E-R). The agencies' proposed monitoring and mitigation plans (Appendix C) also were revised.



The KNF will use the analysis in the *Final EIS* to determine whether to issue approvals necessary for construction and operation of the Montanore Project. The KNF's preferred mine alternative is Alternative 3, Agency Mitigated Poorman Impoundment Alternative, and preferred transmission line alternative is Alternative D-R, Miller Creek Transmission Line Alternative. The rationale for selecting these alternatives and approving an amended Plan of Operations for the Montanore Project is included in the *Draft ROD*.

In 2013, the Forest Service revised its regulations regarding administrative review of decisions made pursuant to the National Environmental Policy Act. The proposed project is not authorized under the Healthy Forests Restoration Act; therefore it is subject to 36 CFR 218, Subparts A and B. The Montanore Project was originally scoped under the provisions of 36 CFR 215. Under current regulations, individuals or organizations who submitted specific, written comments in response to scoping conducted under 36 CFR 215, or provided comments to the *Draft EIS* or *Supplemental Draft EIS* will be considered to have standing to object under 36 CFR 218, Subparts A and B.

Legal notice of the "Opportunity to Object" will be published in the *Missoulian*, the newspaper of record. Eligible commenters have 45 days from the date of publication to submit written objections to the KNF. Issues raised in objections must be based on previously submitted, timely, specific written comments regarding the proposed project unless the issue is based on new information arising after the designated comment opportunities.

The following address should be used for objections sent by regular mail: Objection Reviewing Officer, USDA Forest Service, Northern Region, P.O. Box 7669, Missoula, MT 59807. Objections sent by private carrier or hand delivery must go to: Objection Reviewing Officer, USDA Forest Service, Northern Region, 200 East Broadway, Missoula, MT 59807. Office hours are Monday through Friday, 8:00am to 4:30pm, excluding Federal holidays. Objections can be faxed to the Objection Reviewing Officer at (406) 329-3411. The fax coversheet needs to include a subject line with "Montanore Project Objection" and should specify the number of pages being submitted.

Electronic objections must be submitted to the Objection Reviewing Officer via email to appeals-northern-regional-office@fs.fed.us, with "Montanore Project Objection" in the subject line. Electronic submissions must be submitted in a format that is readable with optical character recognition software (e.g. Word, PDF, Rich Text) and be searchable. An automated response should confirm your electronic objection has been received.

The objection must meet the content requirements of 36 CFR 218.8(d), and include the following information: 1) the objector's name and address, with a telephone number or email address, if available; 2) a signature or other verification of authorship upon request (a scanned signature for email may be filed with the objection); 3) when multiple names are listed on an objection, identification of the lead objector as defined in 36 CFR 218.2 (verification of the identity of the lead objector shall be provided upon request); 4) the name of the project being objected to, the name and title of the responsible official, and the name of the national forest and ranger district on which the project will be implemented; 5) a description of those aspects of the project addressed by the objection, including specific issues related to the project and, if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; and supporting reasons for the reviewing



officer to consider; and 6) a statement that demonstrates the connection between prior specific written comments on the particular project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity for formal comment. With certain exceptions (36 CFR 218.8(b)), all documents referenced in the objection must be included with the objection.

An objection, including attachments, must be filed with the appropriate reviewing officer within 45 calendar days following publication of the legal notice of the objection filing period in *The Missoulian*, the newspaper of record. The publication date in the newspaper of record is the exclusive means for calculating the time to file an objection. Objectors should not rely upon dates or timeframe information provided by any other source. It is the objector's responsibility to ensure timely filing of a written objection with the reviewing officer pursuant to 36 CFR 218.9. All objections are available for public inspection during and after the objection process. Responses that do not adhere to these requirements make review of an objection difficult, and are conditions under which the reviewing officer may set aside an objection pursuant to 36 CFR 218.10.

The KNF and DEQ will issue a joint *Final EIS* following the Forest Service's pre-decisional objection process. The DEQ will use the analysis in that document to determine whether to amend the existing state operating permit for the mine and to authorize construction of the transmission line. After the joint *Final EIS* is issued, the KNF will issue a *Final ROD*, and DEQ will issue a *ROD*.

In addition to the co-lead agencies, several other agencies will use the joint *Final EIS* to make decisions that will be documented in separate decision documents. The U.S. Army Corps of Engineers (Corps) will use the information to determine whether to issue approvals necessary for construction of the Montanore Project. The Bonneville Power Administration will use the information to decide whether to build a new substation and loop line, and to provide power to its customer, Flathead Electric Cooperative (Flathead Electric Cooperative would be the retail supplier of power to the mine).

Thank you for taking time to be involved in the Montanore Project. For questions or to request more information, please contact Lynn Hagarty, Project Coordinator at the Kootenai National Forest Supervisor's Office, 31374 US Highway 2, Libby, MT 59923, phone (406) 293-6211, or e-mail at r1_montanore@fs.fed.us with "Montanore Project" in the subject line.

Sincerely,



CHRISTOPHER SAVAGE

Forest Supervisor

Enclosures: Final EIS and Errata, Draft ROD

