

United States  
Department of  
Agriculture  
Forest  
Service

Kootenai National Forest  
Forest Supervisor's Office

Date: December 10, 2007  
Bill Orchow  
President, CEO, Revett Minerals  
11115 East Montgomery, Suite G  
Spokane, Washington 99206

Dear Mr. Orchow:

On June 27, 2003 Bob Castaneda, then Forest Supervisor of the Kootenai National Forest (KNF), signed the Record of Decision (ROD) for the Rock Creek Project. Implementation of the ROD was delayed because of litigation. On March 25, 2005, the United States District Court for the District of Montana issued an order which set aside and remanded the U.S. Fish and Wildlife Service (FWS) Biological Opinion (BO) for the Rock Creek Project. We informed you in our April 11, 2005 letter that once the FWS issued a new BO with terms and conditions we would notify you of any need to modify your Plan of Operations to address the new BO.

The FWS issued a new BO on October 11, 2006. However, in a case involving a challenge to road density standards (Cabinet Resources Group v. U.S. Fish and Wildlife Service, CV 04-236-M-DWM) the United States District Court for the District of Montana in a December 13, 2006, order set aside the Final Environmental Impact Statement for the Kootenai Forest Plan amendment for access. Because this amendment was considered in the environmental baseline for the Rock Creek project, I requested re-initiation of consultation on the Rock Creek Project with the FWS and supplied the pertinent information for its re-consideration. On September 27, 2007, the FWS issued a supplement to its October 11, 2006 BO which fully considered this new information and determined that re-initiation of consultation was not triggered.

In accordance with the Council of Environmental Quality regulations and National Forest Service directives, we conducted a thorough

review of the October 11, 2006 BO and September 27, 2007 Supplement to determine whether a correction, supplement, or revision to the Rock Creek EIS is necessary.

KNF's wildlife and fisheries biologists reviewed the changes in the October 11, 2006 BO and September 27, 2007 Supplement to determine whether there are substantial changes in the proposed action that are relevant to environmental concerns or whether the new BO and Supplement constitute significant new circumstances or information relevant to environmental concerns. The KNF review is documented in the attached Supplemental Information Reports (SIRs). These reports document that the revised mitigation plan set forth in the new BO and Supplement does not affect the project location, footprint, or timing, nor does it present substantial changes or significant new information that will affect the environment in a manner that has not already been considered in the FEIS. Therefore, I have concluded it is not necessary to prepare a supplemental EIS for the Rock Creek Project, nor is it necessary to issue a new ROD. The Plan of Operations will be updated, however, to incorporate the few additional mitigation measures required in the 2007 Supplement to the 2006 BO.

In addition to the BO and Supplement, the Forest Service has also considered other new information regarding the Rock Creek Project which has come to light since issuance of the ROD. Specifically, new information regarding a "joint operations" alternative was raised by Montanore Minerals Corporation after issuance of the ROD and two instances of subsidence at the Troy Mine as new information and we have reviewed this information for potential implications with respect to the Rock Creek FEIS and ROD. As with the BO and Supplement, I directed Forest Service specialists to review this information and assess its potential significance in relation to environmental concerns and its bearing on the Rock Creek Mine project or its impacts. The specialist's review of this information is incorporated into the attached SIR's on these issues. Based on this review, and as documented in these SIR's, I have concluded that these issues do not constitute significant new information that requires preparation of a supplemental EIS for the Rock Creek Project.

In accordance with the United States District Court Order dated November 14, 2006, we also are notifying you that you may not conduct any surface disturbing activities authorized by your Plan of Operations for 60 days from the date of this letter and only after all the applicable conditions have been met as outlined in KNF's ROD with

respect to the Evaluation Adit. Please contact us if you have any questions about this matter.

Sincerely,

PAUL BRADFORD  
Forest Supervisor