



File Code: 1300-1/2800-1/2820-5

Date: SEP 15 2008

Lisa Evans, Attorney  
Earthjustice  
21 Ocean Avenue  
Marblehead, MA 01945

Dear Ms. Evans:

The purpose of this letter is to respond to the Earthjustice's July 16, 2008, Request for Reconsideration of Denial of Petition for Correction of Information to the Forest Service under the US Department of Agriculture's (USDA) Information Quality (IQ) Guidelines. In the original Petition from April 3, 2008, Earthjustice requested that the Final Environmental Impact Statement (FEIS) for the proposed Smoky Canyon Mine Panels F and G expansion be withdrawn for correction, based on an assertion that a key model simulation presented in the FEIS was not consistent with the earlier recommendations of consultants working on the Draft Environmental Impact Statement (DEIS), and, therefore, the predicted water quality effects in the FEIS were incorrect. The Forest Service responded to the original Petition on June 3, 2008, explaining that the modeled predictions did not directly pertain to the Forest Service's decision to authorize off-lease access and utilities.

Earthjustice asserted in the Request for Reconsideration that the Forest Service and Bureau of Land Management (BLM) responses to their original Petition failed to provide the rationale for a fundamental shift in analysis between the DEIS and FEIS, thereby, violating the USDA IQ Guidelines. The BLM received a similar Request for Reconsideration from Earthjustice. The Forest Service designated a panel to review the Request. In consultation with BLM, the Forest Service panel has reviewed the Request for Reconsideration, the original Petition for Correction, and the agency's response to that Petition. The panel concluded that the initial Forest Service review of the Petition for Correction and its concurrence with BLM's original response was conducted with due diligence. Furthermore, the panel concurred with the original Forest Service response that the model's predictions of water quality effects from on-lease activities do not directly pertain to the Forest Service's decision to authorize off-lease access and utilities. Since the issues raised by Earthjustice in the Request for Reconsideration are more pertinent to BLM's decision to authorize on-lease mining activities, the BLM is compiling a separate response that addresses the issues in detail.

In conclusion, the information you provided was carefully considered. After full consideration and careful, thorough review, I conclude there is no correction of information necessary. This completes the correction of information options available under the USDA IQ Guidelines.



If you should have additional questions, please contact George Vargas, Forest Service Quality of Information Officer, at (202) 205-0444, or e-mail [gvargas@fs.fed.us](mailto:gvargas@fs.fed.us).

Sincerely,

A handwritten signature in cursive script, appearing to read "Hank Kashdan", followed by a long horizontal line extending to the right.

HANK KASHDAN  
Deputy Chief for Business Operations

cc: Larry Timchak, Jeff Jones, Barry Burkhardt, Tony L Ferguson, George Vargas, Thelma Strong, Christopher Carlson, Ken Paur, Joshua Stout, Joseph Kraayenbrink, Keel Loy Ross