



September 23, 2011

Jana Murphy, Manager
Flambeau Mining Company
N4 100 Hwy. 27
Ladysmith, WI 54848

Flambeau Mine
FID #855034730

SUBJECT: Copper Park Business and Recreation Area Work Plan

Dear Ms. Murphy,

On May 17, 2011, Foth Infrastructure & Environment, LLC (Foth) submitted the Copper Park Business and Recreation Area Work Plan (Work Plan) to the Department on behalf of the Flambeau Mining Company (Flambeau) for our review. The Work Plan described a series of activities proposed by Flambeau for the Copper Park Business and Recreation Area (Industrial Outlot section of the Flambeau Mine site) including: removal of the rail berm and culverts west of Hwy. 27, removal and disposal of sediment from the Biofilter, conversion of the Biofilter into an infiltration basin, creation of two additional infiltration basins to improve surface water management, and wetland restoration near Stream C.

Since parts of the proposal would require extensive earthwork within 300 feet of a waterway that had previously been determined to be navigable (Stream C), the Department determined that a permit pursuant to Chapter 30 WI Stats. would be required. A public hearing regarding the issuance of a Chapter 30 permit for this project was held on August 31, 2011 at the Department's Ladysmith Service Center. Issuance of the permit is pending.

The surface water management aspects of the proposed Work Plan were reviewed and evaluated by Bruce Moore, DNR Northern Region Water Resources Engineer, to ensure that the plan met best management practices (BMPs) for surface water management. After an inspection of the site on June 27, 2011, Mr. Moore suggested some revisions to the Work Plan. Foth responded with a letter dated September 7, 2011, documenting Mr. Moore's revisions and incorporating them into the Work Plan. Based on this, the Department has determined that the Work Plan meets the applicable BMPs for surface water management at the site and is consistent with the stormwater management standards in ch. NR 151, Wis. Adm. Code.

Based on our review, the Department approves the May 17, 2011 Work Plan as modified by the September 7, 2011 submittal contingent upon issuance of applicable Water Resources permits. Activities that do not require additional permits include construction of the West Copper Park Infiltration Basin and associated vegetative buffers, reconstruction of the Business Park drainage swale, and removal of contaminated sediment from the 0.9-acre Biofilter. Portions of the project requiring additional Water Resources permits may not be implemented until the applicable permits have been issued.

If you have any questions regarding this letter, please contact me at (608) 267-3538 or via e-mail at philip.fauble@wisconsin.gov.

Sincerely,



Philip Fauble, P.G.
Mining Coordinator, Waste & Materials Management Program
Wisconsin Department of Natural Resources

Cc: Ed Lynch – WA/5
Ann Coakley – WA/5
Cheryl Heilman – LS/8
Connie Antonuk – NOR, Rhinelander S.C.
Jon Kleist – NOR, Ladysmith S.C.
Bruce Moore – NOR, Ashland S.C.
Tom Dawson – DOJ