



Feb. 15, 2012

Aaron Larson, Wisc. DNR
Water Eval Sec. WT/3
1015 Webster St
PO Box 7921
Madison, WI 53707

Dear Aaron Larson:


I am writing to support the Department's proposal to list "Stream C" at the abandoned Flambeau mine site in Ladysmith, WI as "impaired waters" due to copper and zinc toxicity, as per its proposed 2012 list in impaired lakes rivers and streams too polluted to meet Wisconsin State water quality standards.

Water quality samples collected by both the Flambeau Mining Company and the DNR since the early 2000s' show that Stream C has consistently had levels of copper, and sometimes zinc, which are over the allowable concentrations established by the DNR to protect surface waters from acute toxicity.

Stream C is known to receive runoff from areas where Flambeau Mining Co. mining wastes were stored in the past and where toxic discharges continue today.

In view of this contamination by the Flambeau Mining Company of Stream C which feeds the scenic Flambeau River, I urge the DNR to require that the Flambeau Mining Company pay for the clean up its former rail spur, the un-reclaimed portion of its mine site under which Stream C flows, and any and all other areas of its Flambeau mine site that may be contaminating Stream C.

Sincerely,


John LaForge
Co-director
Nukewatch
740A Round Lake Road
Luck, WI 54853

RECEIVED

FEB 17 2012

Bureau of Watershed Mgmt



POW'R

The purpose of POW'R is to protect and preserve our water resources through education and communication

RECEIVED

FEB 17 2012

Bureau of Watershed Mgmt

Aaron Larson
Wisconsin DNR
Water Evaluation Section – WT/3
101 S. Webster Street
PO Box 7921
Madison, WI 53707-7921

Dear Mr. Larson,

As Chairperson and representative of Protect Our Wolf River group of Shawano, Wisconsin, I strongly endorse the Department's decision to include Stream C at the Flambeau Mine Site on its 2012 Draft Impaired Water's list.

I manage to keep up to speed on this issue primarily through the Wisconsin Resource Protection Council's newsletter and other contributing sources. My take at this point is that the Stream C water quality data submitted by the Flambeau Mining Company to you (Wisconsin DNR) is far from qualifying for reclamation of the mine.

From the information I have gathered, I have great concern over how a large percentage of the water samples collected from Stream C and an onsite biofilter that discharges to Stream C have exceeded water quality standards firmly established in the Wisconsin Administrative Code for the protection of fish and other aquatic species, and how elevated metals levels can also be harmful to human health. Since Stream C discharges to the Flambeau River, I am also concerned that the contribution of copper, zinc and iron from Stream C to the Flambeau River is probably causing a degradation of the waters of the Flambeau River itself.

It was reported to me that the Wisconsin DNR staff conducted its own assessment of Stream C in addition to reviewing the FMC data assembled and submitted to the Department on behalf of WRPC. You and your staff need to be commended.

Thank you for taking my concerns seriously and recommending that Stream C be included on the 2012 Draft List of Impaired Waters. Indeed, Stream C deserves to be protected. Thank you for moving forward with doing so.

Sincerely,

Fred Ponschok

Chairperson, POW'R

Protect Our Wolf River Group

1136 S. Lincoln St. Shawano, WI 54166 715-526-3564

Feb 6, 2012

To the Wisconsin DNR,

I was going to write you a long letter telling you all of the scientific and economic reasons for listing Stream C of the watershed (running through the Flambeau Mine remains) as an impaired water way. I have read how it is polluted with heavy metals, mostly copper. I know too much copper in the water is not good for human health, from living in an area with copper in the water.

What concerns me also is how damaging to the wild life of the area this mine has been. My parents are from Chippewa Falls, not so far away from the mine area. The landscape is truly beautiful and it pains me to think of the fish, turtles (there were some huge ones 50 years ago), otters, muskrats and all of the animals that depend on the forest and clean water. I really love the northern woods and appreciate all of your efforts and good work to keep Wisconsin's environment clean and care for the wild life,

RECEIVED

FEB 9 2012

BUREAU OF WATERWAYS

Thank You,

Pamela Richard
2400 Bradford #404
Milwaukee, WI 53211

Jan. 29, 2012

(Transcript)

Greetings Mr. Larson,

I hope the photo of these waxwings brightens your day.

I am writing to you today to add my voice to the many. I am in total support of the Department's proposal to list "Stream C" as impaired for copper and zinc.

I am asking the DNR to "do the Right Thing" to require the Flambeau Mining Company to clean up its mess.

Thank you very much.

Respectfully,
Jack S. Sneve

Jan. 29, 2012

Greetings MR. Larson —

I hope the photo of these waxwings brightens your day.

I am writing to you today to add my voice to the many. I am in total support of the Department's proposal to list "Stream C" as impaired for copper and zinc.

I am asking the DNR to "do the Right Thing" to require the Flambeau Mining Company to clean up its mess.

Thank you very much.

Respectfully,

Jack S. Sneve
<JACK S. SNEVE>

;2017 Fremont St.
Stevens Point, Wisc. 54481
26 January 2012

RECEIVED

JAN 30 2012

Wisconsin Dept. of Natural Resources
Water Evaluation Section - WT/3
Attn: Aaron Larson

Bureau of Watershed Mgmt

Dear Mr. Larson,

As members of the Wisconsin Resources Protection Council we are opposed to the Assembly Republicans attempt to destroy Wisconsin mining regulations and we support your proposal to list Stream C at the Flambeau mine as "impaired."

Further, we ask that your Department require the Flambeau Mining Company to clean up its mess.

Sincerely,

William F. Watkins

William F. Watkins

Carol J. Watkins

Carol J. Watkins

Karen W. and John F. Wilson
P.O. Box 347
Egg Harbor, WI 54209

920-868-3366 e-mail jokawi@gmail.com

RECEIVED

JAN 19 2012

January 16, 2012

BUREAU OF WATERSHED MGMT

Aaron Larson
Wisconsin DNR
Water Evaluation Section WT/3
101 S Webster St
PO Box 7921
Madison, WI 53707-7921

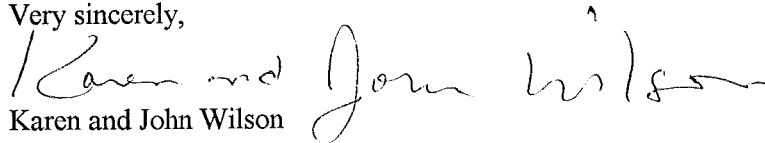
Re: Support for DNR Proposal to list Stream C as impaired for copper and zinc

Dear Mr. Larson and others,

Stream C is associated with the Flambeau Mine site, which has been of deep concern to us since mining activities took place. The fact that pollution of Wisconsin waters has been consistently documented there, even over the level of "acute toxicity", shows that DNR's work is not done; Stream C should be listed as "impaired" and the site reclamation must be expedited.

This is vitally important for its own sake, and to fulfill the expectations of Wisconsin citizens that our DNR is protecting our surface and ground waters. This takes on added significance during this period when there are intensive efforts to change (weaken) Wisconsin's mining laws. DNR must stand firm for the integrity of its work. Regardless of which political party holds sway in Madison now or any other time, Wisconsin DNR's responsibility is to protect the natural resources upon which we all rely for health, recreation, and a sustainable economy.

Very sincerely,


Karen and John Wilson

2/18/2012

Aaron Larson
Wisconsin DNR
101 S. Webster St.
Madison, WI 53707

RE: 2012 Draft Impaired Waters List

Dear Mr. Larson,

I would like to reiterate the importance of protecting the waters of the Flambeau River by enforcing water quality standards at Stream C in proximity to the Flambeau Mine.

Including Stream C on the WDNR Draft Impaired Waters List is clearly a step in the right direction of controlling heavy metal pollution at its source. Thank you.

Sincerely,
Bonnie Wachinski

RECEIVED

FEB 21 2012

Bureau of Watershed Mgmt

(Transcript)

Aaron Larson
Wisconsin DNR
101 S. Webster St.
Madison, WI 53707

2/18/2012

RE: 2012 Draft Impaired Water List

Dear Mr. Larson,

I would like to reiterate the importance of protecting the waters of the Flambeau River by enforcing water quality standards at Stream C in proximity to the Flambeau Mine.

Including Stream C on the WDNR Draft Impaired Waters List is clearly a step in the right direction of controlling heavy metal pollution at its source, Thank you.

Sincerely,
Bonnie Wochinski

Aaron Larson
Wisconsin DNR
Water Evaluation Section – WT/3
101 S. Webster St.
PO Box 7921
Madison, WI 53707-7921

Dear Mr. Larson,

It is hopeful for me to learn that Stream C, a tributary of the Flambeau River, is on the proposed list of impaired waters. This is most important, not only because it is polluting Wisconsin waters, but also that our WDNR is concerned about it and is taking action.

I participated in hearings when the mine was first proposed and attended the Certificate of Completion hearing as well. I was pleased that the part of the mine that Stream C flows through was not certified as reclaimed. It clearly was and is discharging toxic levels (acute) of copper and sometimes zinc into the Flambeau River over the past many years. When Flambeau Mining Company officials presented their plan to “fix” this problem, I was amazed at the extent of their plans. It clearly demonstrated the seriousness of the pollution and one had to wonder if what they proposed was a solution that would work.

Please do put Stream C on the 2012 “impaired waters” list. It will speak truth to a reality of which many Wisconsin citizens are aware. It will also show that our WDNR truly cares about what happens to our waters and will hold The Flambeau Mining Company responsible for fixing this pollution tragedy.

Thank you.

Sincerely,



Betty Wolcott
N47475 Woodland Lane
Osseo, WI 54758-6602 - 715. 597. 2711

January 9, 2012

RECEIVED

JAN 12 2012

BUREAU OF WATERSHED MGMT

Tom Wilson
Northern Thunder Mining Sub Committee Chair
707 Railroad Ave
Viroqua, WI 54665

Monday February 20, 2012

Aaron Larson
Wisconsin DNR
Water Evaluation Section – WT/3
101 S. Webster St.
PO Box 7921
Madison, WI 53707-7921
dnrimpairedwaters@wisconsin.gov
AaronM.Larson@wisconsin.gov

Dear Mr. Larson,

Please accept these notes as formal comment on the proposed listing of the water body known as “Stream C” associated with the Flambeau Mine reclamation area of the Industrial Outlot in Rusk County as an “impaired water body” under Federal 303D requirements due to copper and zinc toxicity.

The historical record of the ongoing pollution discharge via this navigable water body is well documented in Flambeau’s own water quality monitoring data for over a decade. This was never supposed to have occurred. We were told at the time of the permitting of this project that the high level overburden that had been stored in the area feeding to this stream was thoroughly isolated from the surrounding soil by means of an impervious membrane. Obviously, this technology has failed and rather than thoroughly excavating and disposing of this polluted soil, Flambeau has consistently tried to down-play the impacts of this discharge by either lying about the extent of the pollution, claiming the water body should not be classified as a navigable stream, colluding with the DNR to secretly declare the project not subject to Federal clean water act requirements, and most recently to negotiate with and gain approval from the DNR of major reclamation plan modifications without either proper notification or inclusion in direct violation of article 2 of the Stipulation agreement signed by all parties as part of the Partial COC approval of May 31, 2007:

“FMC will provide copies of the January list of anticipated reclamation activities, the mid-summer progress report, the annual fall reclamation report, and copies of all correspondence between FMC and WDNR regarding work at the Industrial Outlot, to the signatories to this agreement or their designated representatives.”

We have waited until the last minute to file these comments expecting to see comments from Flambeau regarding this impaired status which would clearly be considered “...correspondence between FMC and WDNR regarding work at the Industrial Outlot” as designated in the stipulation. Once again, despite numerous objections on our part that Flambeau is failing to meet those obligations of the stipulation, we have seen no such communications regarding this designation. We would like to remind the DNR that this stipulation was signed not only by Flambeau and the other designated representatives, but also by the attorney for the DNR. At what point does the DNR stand up and require Flambeau to act with full disclosure? It took a Federal Law suit from the Wisconsin Resources Protection Council and Center for

Biological Diversity to force the DNR to recognize the impaired status of this water body. Do we need to sue the DNR again to enforce the COC stipulation? What would be the outcome? A voiding of the Partial COC? If Flambeau fails to include the interested parties in their comments to the DNR over the impaired water status, should these comments be allowed for consideration by the DNR in their decision? Does a legal stipulation such as this have any legal standing at all or is it just a ruse to appease the parties in an administrative hearing which can then be ignored by either the mining company or the DNR at their discretion? No wonder the new proposed mining bill wants to get rid of all these opportunities for citizen involvement. The mining companies can then act with impunity and no one need know what secret agreements have been made.

The bottom line is, assuming the 2007 stipulation has any status in law at all, Flambeau mining has been acting in violation of that agreement and the DNR has repeatedly turned a blind eye every time we point out that Flambeau has failed to provide proper inclusion of the parties as the plans for the outlot site have been manipulated and compromised at will without proper oversight. The communications between the DNR and Flambeau regarding the modifications of the hydrology relating to Stream C leading up to the DNR's approval was done totally without disclosure to the signatories. Rather than requiring the mining company to clean up the source of the pollution causing this impaired water status, the DNR had secretly approved a plan allowing Flambeau to let this constant toxic discharge seep into the groundwater where it cannot be adequately monitored. Will this lead to a cleaner Stream C? Perhaps? Is this sound environmental policy consistent with Wisconsin mining law, the original mining permit, the modified reclamation plan of 1998 or the agreements under the partial COC of 2007? It is not and should not be allowed to go forward and certainly should not be used to avoid the impaired water designation of Stream C...something that should have been done many years ago.

Stream C is an impaired water body and it should be designated as such until the primary source of the pollution leading to those conditions have been mitigated and the surface water flows cleanly. A proposal to dump this waste stream into the groundwater is inconsistent with the purpose of the impaired water designation and has been instituted in an illegal manner for the sole purpose of avoiding the facts that the Flambeau Mine site continues to pollute our ground and surface waters.



NATIONAL
WILDLIFE
FEDERATION®
www.nwf.org®

NATIONAL WILDLIFE FEDERATION

GREAT LAKES NATURAL RESOURCE CENTER

People and Nature: Our Future Is in the Balance

February 15, 2012

Via electronic mail:

dnrimpairedwaters@wisconsin.gov

AaronM.Larson@wisconsin.gov

Dear Mr. Larson:

On behalf of the National Wildlife Federation (“NWF”) and our nearly 4 million members globally, I request that you list Stream C near Ladysmith as “impaired.” NWF’s Great Lakes Resource Center located in Ann Arbor, Michigan is situated in the Great Lakes basin; protecting the Great Lakes and their tributaries are keystones of our work. Water quality decisions, like the one facing you, are of particular importance given the necessity, and scarcity, of water globally. The listing of impaired waters is a crucial step toward awareness, remediation, and ultimately future resource protection.

Due to the consistently toxic levels of copper and zinc that have been documented in Stream C over the past decade, it is on the Wisconsin Department of Natural Resources’ proposed 2012 list of “impaired waters.” It should be listed. Toxic levels of copper were discovered in the stream shortly after the Flambeau Mine’s closure, and the pollution continues to this day. The part of the Flambeau Mine site where Stream C is located has *not* been released from state reclamation requirements.

Stream C flows over the southeast corner of the mine site, near the former rail spur and across a portion of the site that, to date, has failed to be certified by the DNR as being successfully reclaimed. From there the stream meanders through a wooded area and eventually discharges into the nearby Flambeau River. Stream C is known to receive runoff from areas where mining wastes were stored in the past and where toxic discharges continue to this day. A DNR-designated “reference stream” does not show toxic levels of copper or zinc. Nor do two additional small streams being monitored in the area.

Water quality data collected by both Flambeau Mining Company (the Rio Tinto subsidiary that operated the Flambeau Mine) and the WDNR since the early 2000s show that Stream C consistently contains levels of copper and zinc over the concentrations established by the DNR to protect surface waters from “acute toxicity.” For this reason, Stream C should be listed as “impaired” and receive all of the attendant protections.

Sincerely,

A handwritten signature in black ink that reads "F. Michelle Halley". The signature is written in a cursive, flowing style.

F. Michelle Halley
Attorney and Project Manager

January 14, 2012

Dear Mr. Larson,

Congratulations on adding "Stream C" associated with the Flambeau Mine to the proposed 2012 list of "impaired waters". I applaud you for "doing the right thing"; and, I will admire your courage and steadfastness for standing by your decision.

I often go through that neck of the woods enroute to the Mayo Clinic for my cancer treatment. You see, I grew up along an "impaired" waterway - the Tittabawasee River, near Saginaw, MI. It boasts the highest levels of dioxin of any river in the US. All thanks to Dow Chemical.

Now, Dow probably didn't think it was going to make a mess. But it did.

Likewise, Kenecott (Flambeau Mining Company) likes to tout that it hasn't made a mess.

But it has.

As you and your team know, "Stream C" has had consistently high levels of copper (and also zinc) for over a decade now. Enough is enough. Time for Kennecott to clean up its mess.

I am most grateful that you realize this and am taking action. Why should I, living in the U.P, care?

Kennecott has violated the Clean Water Act. They'd like to pretend that they haven't. They want the public to believe that they are blemish-free. It looks good. Squeaky clean.

They aren't. They have made messes around the globe. And now they are gearing up to make a mess over in my neck of the woods.

I applaud you. Do not cave. Do not accept their "slight of hand".

Stick to the data, not the spin.

The People of the Great Lakes depend on you. Do not let Flambeau Mining Company off the hook until they truly keep their "promises".

With Gratitude,

Margaret Comfort, PA-C

HC-1, Box 20

Michigamme, MI 49861



Wisconsin Resources Protection

Council
Box 263, Tomahawk, WI 54487

Aaron Larson
Wisconsin DNR
Water Evaluation Section – WT/3
101 S. Webster St.
PO Box 7921
Madison, WI 53707-7921

February 20, 2012

RE: Public Comment on WDNR 2012 Draft Impaired Waters List_Stream C at Flambeau Mine Site

Dear Mr. Larson,

As a member of the Wisconsin Resources Protection Council (WRPC), one of the organizations that submitted water quality monitoring data to the Wisconsin Department of Natural Resources (WDNR) to aid in the Department's assessment of the health of Wisconsin's public waters, **I heartily endorse the Department's decision to include Stream C at the Flambeau Mine site on its 2012 Draft Impaired Waters List.**

WRPC, with its scientific consultants, has been reviewing the Stream C water quality data submitted by Flambeau Mining Company (FMC) to WDNR for several years now. As you know, FMC submitted this data to the Department per the terms of a 2004 monitoring plan for Stream C, a 2007 Stipulation and Order negotiated at a contested case hearing over FMC's application for a Certificate of Completion for mine reclamation, a 2007 Biofilter Management Plan, and the company's 2008 Copper Park Work Plan. Various miscellaneous submissions of FMC data relating to Stream C were also reviewed.

I have great concern over how a large percentage of the water samples collected from Stream C and an onsite biofilter that discharges to Stream C have exceeded water quality standards firmly established in the Wisconsin Administrative Code for the protection of fish and other aquatic species, and how elevated metals levels can also be harmful to human health. Since Stream C discharges to the Flambeau River, I am also concerned that the contribution of copper, zinc and iron from Stream C to the Flambeau River is causing a degradation of the waters of the Flambeau River itself.

I thank WDNR for conducting its own assessment of Stream C (the fine work done by the Department's Craig Roesler) in addition to reviewing the FMC data that WRPC has assembled and submitted to the Department.

Most of all, thank you for taking our concerns seriously and recommending that Stream C be included on the 2012 Draft List of Impaired Waters. As the Department's Tom Aartila noted in a November 2, 2011 news article in the Milwaukee Journal Sentinel, Stream C and other waters on the site are like "capillaries in our blood system. They are the small channels that move nutrients. They're breeding and habitat areas and they are a source of nutrients." Indeed, Stream C deserves to be protected. Thank you for moving forward with doing so.

A handwritten signature in blue ink that reads "Laura Gauger". The signature is fluid and cursive, with a prominent loop at the end of the last name.

Laura Gauger, Legal Affairs Coordinator

From: Maureen Ash [mash76@sbwireless.net]
Sent: Sunday, January 08, 2012 7:48 PM
To: Larson, Aaron M - DNR
Subject: Flambeau Mine impaired waters

Dear Wisconsin Department of Natural Resources:

I am writing this on a computer, which is made of a lot of mined materials. The light beside me is lit by electricity carried by copper wires. I drive a car. I use mined materials every day. I understand that we need to have mines.

My concern is that in our zeal to take minerals from the earth we are not guarding against harm to the earth. Even if we have ordinances, rules, and laws that ostensibly protect our soils and water, enforcement of them may be lax. This has been the case in so many situations through the years that people have grown skeptical of assurances that this action or that will not harm the environment and that the corporation being allowed to dig for the minerals it will sell to us will be held accountable for any damage it does to our commonly held resources. Such has simply not been the case. Corporations manage their environmental policies with their legal departments. The aphorism that "it is better to ask forgiveness than permission" has become business as usual.

If mining corporations wish to continue mining in our state, we should establish strict, clear, performance-based guidelines for how the operations must be carried out and for how the accompanying pollution will be contained and mitigated.

It should be made abundantly clear that these guidelines are not negotiable and that any infractions will be punished with consequences that will outweigh any benefit the company might obtain by not having followed them.

In the case of the Flambeau mining operation, the above assurances were made and then ignored. Is it any wonder people resist mining? The state should set an example of allegiance to the people of Wisconsin and their right to have their resources managed responsibly. A good record of this type of behavior will go a long way toward making mining in Wisconsin an industry in

which we can take pride.

Please list Stream C as impaired for copper and zinc and require that Flambeau Mining

Company clean it up. They were told that they would have to, they said that they would. Now see that it is done.

Thank you,

Maureen Ash
N7659 950th Street
River Falls, WI 54022

From: Sarah [thebestsarah@gmail.com]
Sent: Tuesday, January 10, 2012 2:01 PM
To: DNR Impaired Waters; Larson, Aaron M - DNR
Subject: I support "Stream C" to be classified as "impaired"

To the Wisconsin Department of Natural Resources:

As an outdoorswoman and environmental advocate, I've been following the "reclamation" of the Flambeau Mine site. According to my research, it makes very good sense to classify "Stream C," which flows over the southeast corner of the Flambeau Mine site, as impaired. I understand that you're taking public input for this through February 20th. I support the DNR in including Stream C in the 2012 list of "impaired waters" of Wisconsin. I believe the site needs more attention, and that the Flambeau Mining Company/Rio Tinto needs to be held accountable for the environmental damage they caused. Classification of the stream is one way to draw attention to this issue and get the site properly restored and reclaimed.

Thank you,

~ Sarah Rogers

1137 East Mifflin Street
Madison, WI 53703
(608) 262-9036 (business phone)

From: debskubal [debskubal@centurytel.net]
Sent: Wednesday, January 11, 2012 9:38 AM
To: Larson, Aaron M - DNR
Subject: Impaired Streams

Dear Mr. Larson;

First let me say that I am glad to see that Steam "C" near the Flambeau River has been put onto the "impaired waters" list. However, I am asking that it be KEPT on the list, and that you not buckle to The Flambeau Mining Company and the money behind it. It's critical to all living creatures that we protect our precious resource....WATER! Future generations will never forgive us for being short-sited in our protection of our environment. Taking it off the list would just be putting "lipstick on a pig"!!!!

Sincerely,

Deborah Skubal
N13640 Otter Way
Wausaukee, Wi 54177

From: debskubal [debskubal@centurytel.net]
Sent: Wednesday, January 11, 2012 9:45 AM
To: DNR Impaired Waters
Subject: Impaired Waters

I'm thankful that Stream "C" near the Flambeau River has been put onto the "impaired waters" list....however, I fear that the constant drumming of The Flambeau Mining Company will put pressure to repeal it from the list. This is no time to be short sighted regarding how precious our environment is....future generations will say "what were they thinking" if we allow the large company and money behind it to prevail! Hold firm and keep it on the list WHERE IT BELONGS!!!

Sincerely,

Douglas Lichtfeld
N13640 Otter Way
Wausaukee, Wi 54177

From: Tom Boerner [tom.boerner@gmail.com]
Sent: Wednesday, January 11, 2012 7:16 PM
To: DNR Impaired Waters; Larson, Aaron M - DNR
Subject: Kennecott

Good Day. I live in Kohler, WI and own a company that has over 100 full time employees. I am a republican and support growing jobs in WI - but at what cost? I've followed the Kennecott mining issue as well as the mining issue in Crandon with Exxon and the subsequent companies wanting a mine there. I find it unfathomable that my company, a plastics processor, is regulated almost to death yet a mining operation causing water pollution which will last for 1000+ years is not held accountable. I am against sulfide mining as the DNR is incapable of administrating anything of this type as they have proved time and time again.

DO NOT remove any water body from the impaired watch list as that would be an insult to the honest and hard working persons who pay your salary.

Thank you,

Tom Boerner
920-912-3717

Legal notice: This message and any attachments are confidential and are to be read only by the persons to whom the email was sent. If you are not the intended recipient, please contact the sender, delete the message from your computer and destroy all copies. This e-mail is only my opinion and should be treated as such. If you disagree with the contents of this email because it includes information which you know or believe to be inaccurate or false you are responsible to contact me so I can make a correction, a retraction or amend my comments.

From: m riesterer [riesterm@gmail.com]
Sent: Friday, January 13, 2012 5:35 AM
To: Larson, Aaron M - DNR
Subject: Stream C @ Flambeau

I support the Department's proposal to list Stream C as impaired for copper and zinc and strongly encourage the DNR to require Flambeau Mining Company to clean up its mess.

Michael Riesterer

"The next time you worry about printing out an e-mail, consider that paper is made from easily renewable materials while the device you're using to read this is not. Paper is recycled and recyclable. Scrap paper is not toxic waste. However, the device you're using to read this e-mail will be toxic waste when you're finished with it."

From: pamstatz@gmail.com on behalf of pam statz [pam@actionpam.com]
Sent: Tuesday, January 17, 2012 10:45 AM
To: DNR Impaired Waters; Larson, Aaron M - DNR
Subject: Flambeau Mine site

Dear Mr. Larson,

Please approve a proposal by the Wisconsin Department of Natural Resources (DNR) to list an unnamed stream at the Flambeau Mine site (known as "Stream C") as "impaired" due to copper and zinc toxicity.

I support the DNR's proposal to list Stream C as impaired for copper and zinc and to ask that the DNR require Flambeau Mining Company to clean up its mess.

Sincerely
Pam Statz
10811 Vance Dr.
Chippewa Falls, WI

The Flambeau Mine, owned by London-based Rio Tinto, operated near Ladysmith, WI from 1993 to 1997. According to company reports, the mine produced 181,000 tons of copper, 3.3 million ounces of silver and 334,000 ounces of gold.

The DNR recently released its proposed 2012 list of "impaired waters" - a list of lakes, rivers, and streams that are too polluted to meet state water quality standards intended to protect public health and aquatic life. On the list is Stream C, which flows over the southeast corner of the Flambeau Mine site, close to where the ore crusher was located and other mining-related activities took place in the mid-1990s. Toxic levels of copper were discovered in the stream shortly after the mine's closure, and the pollution continues to this day. The part of the Flambeau Mine site where Stream C is located has not been released from state reclamation requirements.

Water quality data collected by both Flambeau Mining Company (FMC; the Rio Tinto subsidiary that operated the Flambeau Mine) and the DNR since the early 2000s show that Stream C consistently has had levels of copper (and sometimes zinc) over the concentrations established by the DNR to protect surface waters from "acute toxicity."

Stream C flows in the vicinity of the mine's former rail spur and across a portion of the mine site that, to date, has failed to be certified by the DNR as being successfully reclaimed by FMC. From there the stream meanders through a wooded area and eventually discharges into the nearby Flambeau River. Stream C is known to receive runoff from areas where mining wastes were stored in the past and where toxic discharges continue to this day. A DNR-designated "reference stream" does not show toxic levels of copper or zinc. Nor do two additional small streams being monitored in the area.

Earlier this year, the Wisconsin Resources Protection Council and Center for Biological Diversity filed a federal Clean Water Act lawsuit against Flambeau Mining Company for its toxic discharges of metals, including copper, iron, and zinc, into Stream C and the Flambeau River; the litigation is ongoing.

In addition, because of the consistently toxic levels of copper (and sometimes zinc) that have been documented in Stream C over the past decade, WRPC petitioned the DNR in late 2010 to consider classifying Stream C as "impaired." The inclusion of Stream C on the Department's proposed 2012 list of "impaired waters" shows that the DNR listened to us. But it is not a done deal.

--

Pamela Statz
pam@actionpam.com
actionpam.com
415.577.9149

.-... . .- ...- / .. -. / - / - .-.

From: Helen Findley [hfindley@gmail.com]
Sent: Saturday, February 04, 2012 6:44 PM
To: DNR Impaired Waters
Subject: Stream C and Flambeau Mining Company

I urge the DNR to accurately record Stream C as impaired for copper and zinc. I also urge that the DNR require the Flambeau Mining Company clean up the toxic mess it has left behind.

Thank you,

Helen F. Findley
6225 Mineral Point Road, C61
Madison, WI 53705

From: Heidi waddell [aslhw111@yahoo.com]
Sent: Monday, February 06, 2012 6:52 PM
To: DNR Impaired Waters
Cc: Larson, Aaron M - DNR
Subject: Keep Flambeau Mining Co. from skipping out on its responsibility to clean up the mess they made.

To Whom it May Concern;

I am writing this letter to let you know that I feel it is imperative for the DNR to register the stream cited below; as mine-damaged.

Legislators are debating a mining bill that would gut environmental regulations of mines people near Ladysmith, WI are dealing with the toxic aftermath of the Flambeau mine, which was shut down in 1997. Streams in the area of the mine have been polluted by mine runoff, including a small tributary of the Flambeau River labeled by the Department of Natural Resources as "Stream C", which flows over the southeast corner of the Flambeau Mine site. Stream C has consistently had levels of copper (and sometimes zinc) over the concentrations established by the DNR as representing "acute toxicity" causing the DNR to include Stream C in its proposed 2012 list of "impaired waters.

I understand that the Flambeau Mining Company will be actively lobbying the DNR to take this stream off the impaired waters list, in part because the designation could impact a lawsuit filed under the Federal Clean Water Act against the mining company for its toxic discharges of metals.

I strongly recommend that the DNR accurately record Stream C as impaired for copper and zinc and to ask them to require Flambeau Mining Company to clean up the toxic mess it has left behind.

Wisconsin cannot and should not be destroyed environmentally. The vast majority of WI residents expect the DNR to maintain its integrity and stand strong against the Flambeau Mining Company. I expect you to represent the best interests of our great state and its constituents.

A Sincerely Concerned Citizen,
Heidi Waddell

From: Barbara Barton [barbarabarton@me.com]
Sent: Tuesday, February 07, 2012 7:21 AM
To: Larson, Aaron M - DNR
Subject: water

Dear Mr. Larson, Government should, as it's role in our society, stand between corporate corruption, like polluting the water, and the people who give it power. If the Department of Natural Resources does not perform it's role, the people are hurt and left with no recourse. You are the last hope for the people to do this job. If mining companies destroy our water, by leaving it toxic, the people expect the problem to be addressed and action to be taken. The people can not live if the environment is toxic. The Flambeau Mining Company must be held to account for it's actions. Sincerely, Barbara Barton

From: Joe Rogozinski [jorogo@maqs.net]
Sent: Tuesday, February 07, 2012 9:07 AM
To: DNR Impaired Waters
Cc: Joe
Subject: Stream C impaired

I urge the DNR to accurately record Stream C, tributary of the Flambeau river, as impaired for copper and zinc being over the concentrations established by the DNR as representing acute toxicity, and ask that the DNR require Flambeau Mining Company to clean up the toxic mess it has left behind.

Joseph Rogozinski
N4659 3rd Avenue
Oxford, Wisconsin 53952

"This is our time to change the course of history"
--Scott Walker (message for David Koch)

From: Amber Rincon [rincon.amber@gmail.com]
Sent: Tuesday, February 07, 2012 11:02 AM
To: DNR Impaired Waters
Subject: Stream C

Dear Mr. Larson,

I am writing you a quick note to voice my support for the DNR's proposal to list Stream C (at the Flambeau Mine site) as "impaired." I am also asking that the DNR require the Flambeau Mining Company to clean up it's mess. Toxic levels of copper have been found in Stream C, and pollution continues to this day. Thank you!

Sincerely,

Amber Rincon

From: Terri Whealen [terri_lee_whealen@hotmail.com]
Sent: Tuesday, February 07, 2012 11:08 AM
To: Larson, Aaron M - DNR; DNR Impaired Waters
Subject: Stream C

I support of the Department's proposal to list Stream C as impaired for copper and zinc and ask that the DNR require Flambeau Mining Company to clean up its mess.

From: Laura Priebe [priebe3d@yahoo.com]
Sent: Tuesday, February 07, 2012 12:11 PM
To: DNR Impaired Waters
Subject: Flambeau contamination of STREAM C

Dear DNR security,

Wisconsin residents are in search for protection. You are the security that was originally set in place to police our environment violations. Even though I realize that with reduced staff and reduced budget you have one arm tied behind your back and perhaps more, please I

urge you, the DNR, to accurately record Stream C as impaired for copper and zinc and to ask that the DNR require Flambeau Mining Company to clean up the toxic mess it has left behind. Regardless of the minerals extracted from the earth, Water is the natural resource that we must prevent from destruction. PREVENTION is much more important than RECOVERY because recovery becomes a legal mess. Yet, now with the Flambeau Mine we are left with the consequences not recovering our water.

Please remember this with all the mining proposals in Wisconsin. PREVENTION is the key to the silent WATER WARS happening. Mining is the weapon.

Thank you.

Laura Priebe

www.priebe3d@yahoo.com

From: Casey Judd [cejudd@idcnet.com]
Sent: Tuesday, February 07, 2012 2:24 PM
To: DNR Impaired Waters
Subject: Stream C

I support the Department's proposal to list Stream C as impaired for copper and zinc and ask that the DNR require Flambeau Mining Company to clean up its mess.

**Thank You
Carroll Judd
Whitewater, WI**

From: Denomie, Simon [simon.denie@marquette.edu]
Sent: Tuesday, February 07, 2012 2:54 PM
To: DNR Impaired Waters
Subject: Stream C

Dear Aaron Larson or any other DNR official,

Thank you for your willingness to include Stream C on your list of impaired waters. I'm just writing to encourage you to continue to maintain the impaired water designation, regardless of appeals from Flambeau Mining Company. Their appeals are intended to avoid the economic circumstances of their pollution, rather than seek the truth about the content of our water. Thank you again.

Best wishes,
Simon Denomie

From: bernie schlafke [schlafkeb@yahoo.com]
Sent: Wednesday, February 08, 2012 10:31 AM
To: Larson, Aaron M - DNR
Subject: Stream C: Please list as impaired

Hello!

I'm writing to voice my support to list Stream C as "impaired" for toxicity, at the fault of Flambeau Mining Co.

All private companies/businesses--not taxpayers--in WI must be held 100% accountable for the messes they create! That means they must respect WI's (the peoples's, according to the role of DNR in WI Constitution) environment, clean up any and all messes (including NON-toxic), and pay their fair share in higher taxes for damage to the public infrastructure that their heavy machinery and trucks cause.

Thank you for soliciting input from citizens!

Sincerely,

Bernie Schlafke

Language and Music Educator

Madison, WI

From: asimina [asimina@alphacomm.net]
Sent: Friday, February 17, 2012 6:19 PM
To: Larson, Aaron M - DNR
Cc: DNR Impaired Waters; asimina@alphacomm.net
Subject: Public comment on proposed listing of Stream C as an "impaired water".

February 17, 2012

Aaron Larson
Wisconsin DNR
Water Evaluation Section - WT/3
101 S. Webster Street
PO Box 7921
Madison, WI 53707-7921

Public Comment on proposed listing of Stream C (WBIC #7215137), a tributary of the Flambeau River, as a state "impaired water".

I am writing to ask that the Wisconsin DNR officially list Stream C in Rusk County as a state "impaired water". Stream C receives runoff from the former Flambeau mine site, just south of Ladysmith. The stream flows through an area of the former mine where mining waste was stored, and west into the Flambeau River.

Concentrations of copper and zinc (and probably other metals) being carried by Stream C are much higher than background levels. According to the fact sheet posted at http://www.wrpc.net/wp-content/uploads/2011/07/Fact-Sheet_Flambeau-Mine-Lawsuit_2011.pdf, water testing results show that since 1998 (one year after the mine closed), copper concentrations in the discharge from Stream C have ranged from 5 to 91 µg/l. Even the lowest copper concentrations seen during this period substantially exceed Wisconsin's chronic toxicity water quality criterion for copper of 2.7 µg/l. Three other small, neighboring streams being monitored by the DNR (one a DNR-designated "reference stream") do not show toxic levels of copper or zinc.

Flambeau Mining Company's own data shows elevated levels of zinc and iron in Stream C. Independent analysis of FMC's 2008 data by the Center for Science in Public Participation (see http://www.wrpc.net/cour/Docs/5b%20Exhibit%201%20_%20Chambers%20Zamzow_Groundwater%20and%20Surface%20Water%205Jun09sm.pdf) found that copper levels in Stream C were "approximately 10 times the hardness-based acute water quality standard, and the zinc level is approximately twice the hardness-based acute water quality standard." (p. 4). This report goes on to state that, "Copper and zinc are synergistic metals, so their combined impact on aquatic organisms is greater than that of either by itself". Testing has also shown that copper levels in the Flambeau River below the inflow of Stream C are significantly higher than above Stream C. The report points out that highly toxic metals such as arsenic, cadmium, mercury and lead are not being sampled for, but could very well occur at high levels also (p. 6). Levels of copper and zinc flowing into the Flambeau River exceed Wisconsin water quality standards, and the ongoing discharge of these metals into the Flambeau (constituting a *de*

facto "mixing zone") constitutes a likely violation of the Federal Clean Water Act.

I paddled the Flambeau River south from Ladysmith last fall and was impressed with its beauty and wildlife (notably waterfowl). The ongoing release of excessive amounts of copper and other metals into the Flambeau is a hazard to the river's aquatic life. This includes a number of rare and endangered species. Elevated levels of copper are particularly harmful to mollusks, including mussels and snails. According to the Flambeau River State Forest Master Plan (http://dnr.wi.gov/master_planning/flambeau/), four species of rare mussels are known to inhabit the Flambeau River. These include the salamander mussel (*Simpsonaias ambigua*), which is listed as state "threatened" and a federal species of concern, and the purple wartyback (*Cyclonaias tuberculata*), listed as state "endangered". These mussels will be directly impacted by this runoff.

The Flambeau also supports a population of lake sturgeon. This species is actively monitored by the DNR, and is listed as "special concern" in the state. Wood turtles (listed as state "threatened") may also be impacted by negative effects on aquatic organisms that young turtles in particular depend on.

The decision to list Stream C as an impaired water should depend solely on whether or not the waters of this stream contain concentrations of copper, zinc and other metals that exceed state and federal standards. Promises by FMC that remedial action will be taken or completed at some future date (see <http://www.thewheelerreport.com/releases/December11/1220/1220flambeau.pdf> for example) should have no bearing on whether or not this stream is listed as an impaired water. Should FMC eventually take action that successfully stops the inflow of excessive levels of metals into the stream and the Flambeau River, Stream C can then be removed from the list.

Thank you for this opportunity to comment. Please let me know of any decisions made in this matter (email fine).

Steven C. Garske
PO Box 4
Marenisco, MI 49947-0004
asimina@alphacomm.net

From: Rich [sloat57@sbcglobal.net]
Sent: Sunday, February 19, 2012 12:07 PM
To: Larson, Aaron M - DNR
Cc: DNR Impaired Waters
Subject: Stream "C"

Greetings,

The DNR recently released its [proposed 2012 list of "impaired waters"](#) – a list of lakes, rivers, and streams that are too polluted to meet state water quality standards intended to protect public health and aquatic life. On the list is Stream C, which flows over the southeast corner of the Flambeau Mine site, close to where the ore crusher was located and other mining-related activities took place in the mid-1990s. Toxic levels of copper were discovered in the stream shortly after the mine's closure, and the pollution continues to this day. The part of the Flambeau Mine site where Stream C is located has not been released from state reclamation requirements.

Water quality data collected by both Flambeau Mining Company (FMC; the Rio Tinto subsidiary that operated the Flambeau Mine) and the DNR since the early 2000s show that Stream C consistently has had levels of copper (and sometimes zinc) over the concentrations established by the DNR to protect surface waters from "acute toxicity."

Please support of the Department's proposal to list Stream C as impaired for copper and zinc and to ask that the DNR require Flambeau Mining Company to clean up its mess.

Thank you.

Richard Sloat

From: culvers@msu.edu
Sent: Monday, February 20, 2012 2:08 PM
To: Larson, Aaron M - DNR
Subject: Stream C - Flambeau Mine

Dear Mr. Larson,

Your proposal to list "Stream C" as 'impaired' owing to its high concentrations of zinc and copper from the Flambeau Mine site is one I heartily endorse! You are doing the right thing; we are grateful that you stand ready to protect the public interest.

Of course, the company will exert great pressure to have this matter ignored; please, ignore *them* and listen to the voices of those who--with you--wish to preserve our right to clean water.

Thank you so much for your time and attention!

Respectfully,

Sara Culver

From: SCANMAST@aol.com
Sent: Tuesday, February 07, 2012 10:22 AM
To: DNR Impaired Waters
Subject: please list

I think mining is inevitable in northern Wisconsin. But it must be done responsibly! Our natural resources must be protected.

Even though the legislative aim is to take away your protective abilities, you are still the last line of defense to protect our beautiful state.

Please name all the problems created by the mining industry! The people have a right to know.

Thank you,

Renee Ketchum
Hayward, WI