



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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March 8, 2002

Ms. Jana Murphy
Flambeau Mining Company
N4100 Highway 27
Ladysmith, WI 54848

Subject: Response to FMC Request for Notice of Completion (NOC) - Acceptance of:
Acceptance of the "Annual Reclamation Report" for 2001 Effective Date
Nov. 19, 2001

Dear Jana:

The purpose of this letter is twofold: 1) to provide additional response to your Notice of Completion (NOC) Letter of September 4, 2001 and 2) to accept the "Annual Reclamation Report".

1) Response to FMC request for Department concurrence with NOC

In your Notice of Completion letter of September 4, 2001 you request "WDNR approval of the NOC" Larry Lynch in a letter dated September 19, 2001 responded as follows:

"We agree that based on the data collected last year (2000 Annual Reclamation Report) the site met the quantitative success criteria specified in the mining permit for determining whether or not reclamation is indeed complete. However, before the Department can make its final determination we must receive and review the vegetation monitoring data collected in 2001. Assuming that the site continues to meet the quantitative criteria, the Department will indicate its concurrence that reclamation of the Flambeau Mine is complete."

Now that all data have been submitted via the "Annual Reclamation Report" for 2001 the Department may now determine its concurrence as to the completion of reclamation.

Findings and Conclusions:

- 1) FMC has requested Department concurrence via a NOC approval (letter of September 4, 2001).
- 2) All work elements, activities and events required to qualify for NOC have been completed
- 3) The conditions of the 1998 mining permit modification have been met including removal of the perimeter fence and electrical supply line (these were removed in 2001).
- 4) Routine Department inspections conducted during 2001 affirmed the on-going stability of the site and the generally good vegetative cover.

- 5) Data on vegetation success criteria including biomass (see below) has been obtained and submitted to the Department in the 2001 Annual Reclamation Report thus providing a complete data set.

Parameters of Evaluation of Reclamation Success

Cover - (70%)

Biomass - (initial measurement for comparison at time of COC evaluation)

Diversity - Minimum number of natives; similarity to standing crop - 80%

Survivorship of woody stock - 80% of planted species at time of NOC & COC

Wetland Vegetation - minimum species #; frequency of occurrence; density (stem counts); similarity to standing crop - 80%

- 6) Prescribed burning program has been initiated and portions of the site continue to be burned on an annual basis.
- 7) Wildlife habitat evaluation monitoring program has been carried out in accordance with the Surface Reclamation Ecological Monitoring Program (SREMP).

Based on a complete data set contained in FMC's Annual Reclamation Report" for 2001 the Department finds that all revegetation success criteria have been met and all other pertinent conditions have been satisfied. Therefore, the Department hereby accepts FMC's assertion contained in their (NOC) letter that site reclamation is complete in accord with the Mine Permit Application (MPA) Section 5.11.4.8, the July 30, 1998 MPA modification and in compliance with the SREMP. Thus, it is appropriate to begin the 4-year monitoring period, required by NR 132.13 (1) prior to Certificate of Completion. The effective date on which the 4-year monitoring period commences is November 19, 2001, the date we received all of the documentation needed to assess the NOC.

Acceptance of the "Annual Reclamation Report" for 2001

Finally, I am using this letter to convey general acceptance of the material presented in the Annual Reclamation Report for 2001. Although data from the report was considered in determining acceptance of the NOC this does not guarantee the WDNR concurs with everything contained in the report and we reserve the right to comment further as circumstances or further analysis warrant.

In summary, taken as a whole, the Annual Reclamation Report and Department concurrence with FMC's NOC request provide additional positive indications as to the success of site reclamation. Please feel free to contact me if you have questions regarding this letter at (608) 267-0877.

Sincerely,



Thomas L. Portle
Reclamation Specialist

CC Larry Lynch - WA/3
Ken Markart - NOR