

# Exhibit 6

December 2003 correspondence  
between Laura Furtman and DNR Mining Team Leader Lawrence Lynch

Sent 12/10/03

27426 County Road H  
Webster, WI 54893  
December 9, 2003

Lawrence Lynch  
Bureau of Waste Management  
Wisconsin Department of Natural Resources  
101 S. Webster St.  
Madison, WI 53707

Dear Mr. Lynch:

This is an open records request, pursuant to Wis. Stat. 19.35(4). Please send me the following information regarding the Flambeau Mine in Rusk County, Wisconsin:

1. A map of the 1200-foot compliance boundary and 150-foot mandatory intervention boundary for the mine;
2. Any information and photos that the Department has on file regarding problems with the liners used at the mine site during the mining years (e.g., rips, punctures or liner failures);
3. Any split sample data from the **state** laboratory for surface water samples collected by **FMC/DNR** from the Flambeau River (before and after the mine was in operation, to date) – along with any data from river samples collected **independently** by the DNR to monitor the health of the river upstream and downstream from the mine site;
4. Any information from studies done by the DNR or reported by FMC regarding the concentrations of metals in: (a) river sediment; (b) fish; and (c) crayfish (before and after the mining years, to date) – and the conclusions drawn from those studies;
5. Any data on file from FMC or collected by the DNR regarding the water quality and ecological health of: (a) the **man-made wetlands** created by the mining company as part of the reclamation plan; and (b) any **lowland areas** at the reclaimed site that have taken on wetland characteristics. For example, I have been told that cattails at the site were visibly dying this past fall, perhaps due to contamination of the water in lowland areas. Is that true? Have any water samples been collected from the wetland/lowland areas for analysis? If so, what have they shown?
6. Information regarding any changes in the **monitoring frequency** of groundwater, surface water, river sediment, fish and crayfish required of the mining company by the DNR. For example, I am aware that FMC has reported data from its monitoring wells to the DNR on a quarterly basis over the past several years. Is that schedule still in effect? Do you anticipate any changes in the near future? How often does the Department require the company to sample river water, sediment, fish and crayfish? Have any changes been made to those schedules? Has FMC sought to decrease the frequency of any of its monitoring activities?
7. Information regarding disposal of contaminated ballast material from the railroad bed where track has been removed from FMC's property. I have been told that the ballast had to be disposed of in a secure facility, due to contamination with acid and heavy metals. Is that true? Also, is it true that the steel track taken up at the site was "flaking," presumably due to the effects of acid?

Thank you for your attention to this matter.

Sincerely,



Laura Furtman



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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December 18, 2003

Ms. Laura Furtman  
27426 County Road H  
Webster, WI 54893

Dear Ms. Furtman:

This is in response to your recent request for information pertaining to various aspects of the environmental monitoring program at the Flambeau Mining Company mining site near Ladysmith. I will address your questions in the order that they appear in your letter.

1. I have enclosed a figure that depicts the compliance boundary for the site. The Flambeau operation was permitted prior to implementation in 1998 of the rule provisions that created the concept of the mandatory intervention boundary. Thus, a mandatory intervention boundary has not been established for the Flambeau Mining site.
2. Over the operating life of the mining project, there were a number of instances where damage to the liners was detected as part of operations or during routine inspections. When damage was detected, the Company called in their liner contractor to repair the damage. These occurrences were documented in the Company's annual reports to the Department. I have enclosed copies of the pertinent sections of the various annual reports pertaining to liner repairs.
3. I have enclosed results of surface water sampling conducted by the Department at 4 sites (2 upstream, 1 at the mining site and 1 downstream) in the Flambeau River from 1992 through 1994. I am not aware of any other independent or split sampling efforts regarding surface water quality.
4. Enclosed are various items related to metals analyses of sediment, crayfish and fish in the vicinity of the mining site. The Company's consultants collected all of the data on metals content in crayfish, sediment and fish. The department did not collect any independent samples nor did we split any samples with the company.
5. I have enclosed water quality results for the wetland areas on the reclaimed mining site. As will be discussed below, the only results that concerned us were those reported for the 0.9 acre biofilter. The results indicated that runoff or interflow from the adjacent rail spur area was contributing elevated levels of copper to the biofilter.

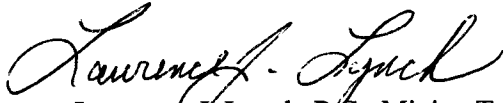
I have also enclosed a copy of the *2003 Annual Reclamation Report*. Information in this report addresses your question regarding the "ecological health" of the wetlands and the rest of the mining site. You will find information concerning vegetative cover and diversity in the wetland communities in the first section of the report as well as in sections 3.1.3, 3.6 and 3.7 of Attachment 3. Also, some of the photographs (#3, 5 and 7) in Attachment 1 show vegetation in

or near some of the wetlands. Finally, based on site visits by Department staff, we did not note any unusual die-off of vegetation, including cattails, in the constructed wetlands this fall.

6. Groundwater monitoring will continue on a quarterly frequency. Monitoring of surface water quality, sediment, crayfish and fish was discontinued in accordance with approved plans and conditions of the permits issued to Flambeau Mining Company. The company has continued to monitor surface water quality on a voluntary basis.
7. The rail spur west of Highway 27 was identified as a possible problem area as a result of water quality sampling in the adjacent biofilter and inspections of the area, which noted copper "blooms" on the surface and evidence of corrosion of the rail tracks. The Department raised this issue with the Company, which in turn conducted a sampling program to delineate the nature and extent of the problem. Enclosed is a letter from Foth & Van Dyke that addresses the issue in detail. The letter includes results of sampling and outlines the proposed excavation plan. As described in section 8 of the abovementioned Reclamation Report, the excavation work was completed during the first week of November and the excavated material was disposed of at the Timberline Landfill near Bruce. Finally, yes there were portions of the tracks showing evidence of corrosion resulting in occasional spalling of material from the rails.

I hope that I have adequately responded to your concerns. Please feel free to contact me again if you have other questions or need additional assistance.

Sincerely,



Lawrence J. Lynch, P.G., Mining Team Leader  
Bureau of Waste Management

Enclosures

cc: K. Markart – NOR (Rhineland)

