

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
Park Falls Service Center
875 South 4th Avenue
Park Falls WI 54552

Scott Walker, Governor
Cathy Stepp, Secretary
John Gozdziwski, Regional Director
Telephone 715-762-1344
FAX 715-762-4348
TTY Access via relay - 711



July 18, 2011

Laura Gauger
1321 E. 1st #210
Duluth WI 55805

Subject: Corrected Public Notice – Application of Flambeau Mining Company

Dear Ms. Gauger:

I have enclosed a corrected copy of the Notice of Complete Application and Public Hearing for File IP-NO-2011-55-03344 and 03345. The review standards on the first page of the public notice were changed to reflect those of grading and stream realignment under 30.19 and 30.195 Wis. State Statutes. Please discard the cc copy I mailed to you on July 14, 2011. If you have any questions regarding this change please feel free to call me at 715-762-1344

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon J. Kleist'.

Jon J. Kleist
Water Management Specialist

Notice of Complete Application for and Public Informational Hearing for Proposed Grading and Stream Realignment

Flambeau Mining Company, N4100 Hwy 27, Ladysmith, WI 54848 has applied to the Department of Natural Resources for a permit to realign less than 500 hundred feet of and grade more than 10,000 square feet on the bank of an unnamed tributary to the Flambeau River, locally known as stream C.

The applicant proposes to:

Remove and convert a wet detention basin (referred to as a biofilter) to an infiltration basin
Construct two new infiltration basins
Remove approximately 300 feet of existing rail spur and convert the area to wetland
Alter existing drainage swales to direct water to the infiltration basins
Fill approximately 500 square feet of wetlands to realign stream C.

The project is located in Section 9, Township 34 North, Range 6 West, City of Ladysmith, Rusk County.

The public hearing is scheduled for: Wednesday August 3rd 2011, at the WDNR Service Center N4103 State Highway 27, Ladysmith Wisconsin 54848 at 5:00 PM.

The Department has determined that the application is complete and is currently evaluating the applicant's proposal. The Department will also be conducting a public informational hearing where individuals can learn more about the proposed activity and submit written or oral comments about the waterway and project in light of the standards below. The Department must consider factual information about the following legal standards in deciding whether to issue, modify, or deny the approval or permit to the applicant:

- Whether there is detriment to the public interest, including fish and wildlife or their habitat, natural scenic beauty or water quality
- The activity will not cause environmental pollution as defined in s. 299.01(4)
- Whether material injury will result to the riparian rights of any riparian owners of real property that abuts any water body that is affected by the activity
- Whether the applicant is the owner of any land upon which the change in course or straightening of the navigable stream will occur
- Whether the proposed change of course or straightening of the navigable stream will improve the economic and aesthetic value of the applicants land
- Whether the flood flow capacity of a stream is adversely affected
- Whether the proposed change of course or straightening of the navigable stream will be detrimental to the rights of other riparian owners located on the stream or all of the these riparian owners have consented to the issuance of the permit

The Department will follow the steps below to reach its final decision on the application:

1. Review the plans and information provided by the applicant.
2. Review the information from public comments.
3. Review the information presented at a public informational hearing if one is requested.
4. Review the information found in natural resource inventories and plans, maps, or data collected by the Department or others using commonly accepted methods.
5. Determine whether the proposed project or activity complies with s. 1.11, Stats [the Wisconsin Environmental Policy Act], and ch. NR 150, Wis. Adm. Code.

If you would like to know more about this project or would like to see the application and plans, contact Jon Kleist, 875 South 4th Avenue, Park Falls WI 54552, phone number (715) 762-1344.

The Department has made a tentative determination that it will issue a permit with conditions for the proposed project.

Reasonable accommodation, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request.

Any member of the public may submit written comments to the address above by U.S. mail. Comments shall include the docket number or applicant name, and shall relate to whether the project meets the legal standards listed above. Comments shall be postmarked no later than 10 days after the date that the public informational hearing is completed.

Pursuant to s. 30.208(3)(e), Stats, within 30 days after the public hearing is held, the department shall render a decision that approves, modifies or denies the permit that is the subject of the application by mailing its decision to the applicant.

The final decision may be appealed as indicated in the decision document.

Docket Number IP-NO-2011-55-03344, IP-NO-2011-55-03345

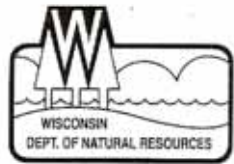
WISCONSIN DEPARTMENT OF NATURAL RESOURCES

For the Secretary



Jon J. Kleist
Water Management Specialist

07/14/2011
Date



07/14/2011

IP-NO-2011-55-03344
IP-NO-2011-55-03345

Flambeau Mining Company
C/o Jana Murphy
N4100 Hwy 27
Ladysmith, WI 54848

Dear Ms. Murphy :

The enclosed document is a "Notice of Complete Application and Public Hearing". We have included the public informational hearing information in the attached notice at your request. Wisconsin law requires that the public be allowed an opportunity to comment on projects like yours. The enclosed notice(s) help you meet this requirement.

Before I can proceed in processing your application, state law requires that you:

1. Publish the Hearing Notice as a Class I Notice, at your expense, in Ladysmith News, P O Box 189 Ladysmith WI 54848-0189 Fax:(715) 532-6644.
2. Obtain an affidavit from the newspaper to prove that the notice was published.
3. Mail a copy of the enclosed notice by U.S. Mail with Return Receipt Requested to interested and potentially interested members of the public. The Department has determined, pursuant to s. 30.208, Stats., that you must notify the parties listed below. You may notify others at your discretion. You also must mail a copy of the notice to any person or group who asks you to do so.

Clerk Town of Grant
Kurt Gorseger
W8459 Jansen Rd.
Ladysmith, WI 54848

Clerk City of Ladysmith
Shari Kavanagh
120 Miner Ave. W.
Ladysmith, WI 54848

Rusk County Clerk Denise (Nelson) Wetzel
Rusk County Courthouse
311 Miner Avenue East, Suite C150
Ladysmith, WI 54848

Rusk County Waters Alliance
President Ralph Heuschele
W14709 Plummer Rd.
Weyerhaeuser, WI 54895

Tom Wilson
707 Railroad Avenue
Viroqua, WI 54665

Attorney Dan Graff
WI Dept. of Natural Resources
101 S. Webster Street, LD/5
Madison, WI 53707

Lac Courte Oreilles Band of Lake Superior Chippewa Indians
c/o Dennis Grzezinski Midwest Environmental Advocates
551 W. Main Street, Suite 200
Madison, WI 53703

Sierra Club
c/o Mr. Glenn Stoddard
Stoddard Law Office
316 N. Barstow St. Suite B
Eau Claire, WI 54702

WI Resources Protection Council and Laura Gauger
C/o James N. Saul, Esq.
McGillivray Westerberg & Bender LLC
211 S. Paterson St., Ste. 320
Madison, WI 53703

Mr. John Coleman
GLIFWC
550 Babcock Dr., Rm B102
Madison, WI 53706

Randy Tatur, County Board Chairman
Rusk County Courthouse
311 E. Miner Avenue
Ladysmith, WI 54848

Tom Riegel
Town of Grant
N2937 Hwy 27
Ladysmith, WI 54848

Mr. Al Christianson
City of Ladysmith
PO Box 431
Ladysmith, WI 54848

Robert Ringstand
Rusk County Citizens Action Group
N6974 County Road A
Ladysmith, WI 54848

Please send me the original affidavit and Return Receipts as soon as possible, to prove publication and notification. If I do not receive the affidavit and Return Receipts by 08/03/2011, the Department may dismiss your application without prejudice. If your application is dismissed, you may resubmit an application for the contract or permit.

Please write or call me at (715) 762-1344 if you have any questions.

Sincerely,



Jon J. Kleist

Water Management Specialist

- cc: Bill Sande, Project Manager, (715) 934-2170, Hayward, WI U.S. Army Corps of Engineers
- cc: CeCe Tesky, Rusk County Zoning Administrator
- Phil Fauble, WDNR Madsion
- Bruce Moore, WDNR, Ashland
- Tom Aartila, WDNR, Park Falls
- Tom Jerow, WDNR, Rhinelander
- Connie Antonuk, WDNR Rhinelander
- Laura Gauger, 1321 E. 1st St, #201, Duluth, MN 55805
- Sharon Kozicki, Foth Infrastructure and Environment LLC