



FOR IMMEDIATE RELEASE

August 19, 2013

Flambeau Mining Co. welcomed the recent decision by the U.S. District Court of Appeals for the Seventh Circuit which confirmed, in every way, Flambeau's long environmental record and compliance with all State and Federal laws and regulations. Dave Cline, spokesperson for the Flambeau Mining Company, today released the following statement regarding the August 15, 2013, decision by the Seventh Circuit in the case, Wisconsin Resources Protection Council, Center for Biological Diversity, and Laura Gauger, Plaintiffs, vs. Flambeau Mining Company, Defendant. Flambeau sought the review by the Seventh Circuit related to the Clean Water Act violations found in a decision by Judge Barbara Crabb. The Seventh Circuit ruled in favor of Flambeau, holding that Flambeau fully complied with the Clean Water Act and reversing the original decision by Judge Crabb.

“We are pleased with the court’s decision that the Flambeau Mining Company is in compliance with the Clean Water Act. It was important for us to ensure this matter was properly reviewed by the appellate court to clarify authority and process going forward, as well as restore our strong record of compliance and environmental protection.

“We have always believed the proper permit was issued by the Wisconsin Department of Natural Resources. More importantly, any party operating under and complying with such a permit needs to be able to rely on the conditions of that permit when the permit is issued by the authority for enforcing the Clean Water Act in Wisconsin.

“The Flambeau Mining Company operated in compliance with the WDNR issued permit throughout its operation and reclamation – for more than 20 years. It never should have been sued under those circumstances. We have a demonstrated commitment to and positive environmental record at the Flambeau Mine site. We are pleased with this decision because it affirms our strong environmental record and confirms that Flambeau complied with its permit and did not violate the Clean Water Act.”

Editor’s Notes:

-In the August decision, the Seventh Circuit stated: “Plaintiffs have not alleged or demonstrated that Flambeau failed to comply with its mining permit. Because the permit shield applies, Flambeau is deemed to be in compliance with the CWA, and summary judgment should have been granted for Flambeau.”

-The July 2012 trial court decision by Judge Barbara Crabb included the following findings:

- Flambeau’s activities were at all times in compliance with a permit issued by the Wisconsin Department of Natural Resources (WDNR);
- The permit Flambeau was issued by WDNR was more stringent than the permit Plaintiff’s requested;
- Plaintiffs cannot make a plausible argument that the quality of water in the Flambeau River was affected by the discharges complained of in the lawsuit and that the Flambeau River’s water quality was not threatened during the period at issue in the suit;
- Flambeau’s exemplary efforts to protect the environment during mining operations and reclamation deserve commendation, not penalties;
- Flambeau only became subject to this lawsuit because it was a good neighbor to the City of Ladysmith, an economically distressed city that asked Flambeau to retain buildings on its site and immediate surroundings for economic development;
- The copper allegedly discharged from the biofilter was so modest that [the Court] would declare the discharges *de minimis* if the Clean Water Act did not impose strict liability; and
- Plaintiffs failed to show that any alleged violation was serious in nature and there was no adverse effect on biota or aquatic organisms caused by Flambeau’s activities.

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