

June 13, 2024

VIA EMAIL

Grant Wilson
Central Region Director
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155
grant.wilson@state.mn.us

Re: In the Matter of the NorthMet Project Permit to Mine Application, OAH 60-2004-37824

Dear Commissioner-Designee Wilson:

In your May 9, 2024, letter to the parties, you set forth the following schedule for the briefing of exceptions to the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation:

- May 31, 2024: Deadline for PolyMet's principal brief
- June 7, 2024: Deadline for DNR Hearing Team's principal brief
- July 12, 2024: Deadline for Petitioners' respective principal briefs
- August 2, 2024: Deadline for PolyMet's and DNR Hearing Team's respective reply briefs
- August 23, 2024: Deadline for Petitioners' respective reply briefs

The DNR Hearing Team has two outside attorneys—Jon Katchen and me (Bryson Smith). Mr. Katchen is currently on a sabbatical that will continue through the end of July. And I am scheduled to go on paternity leave sometime in mid-July (July 21 due date). As a result, the Hearing Team likely will be without outside counsel for a significant portion of the three-week period between the filing of Petitioners' principal briefs and the current deadline for the Hearing Team's reply brief. Moreover, critical DNR staff members will have limited availability in early to mid-August due to planned vacations and an August 16 deadline to submit pre-filed testimony in a separate litigation matter.

For all these reasons, the Hearing Team respectfully requests an extension of its deadline to file its reply brief, from August 2 to August 30, 2024. The Hearing Team has conferred with counsel for the other parties. All parties have agreed to this extension, on the condition that corresponding extensions be granted for PolyMet to submit its reply brief on the same day as the

Hearing Team and for Petitioners to submit their respective reply briefs on October 1, 2024. Thus, the Hearing Team requests, without opposition, that the remaining briefing deadlines be modified as follows:

- July 12, 2024: Deadline for Petitioners' respective principal briefs
- August 30, 2024: Deadline for PolyMet's and DNR Hearing Team's respective reply briefs
- October 1, 2024: Deadline for Petitioners' respective reply briefs

Sincerely,

/s/ Bryson C. Smith

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