

# JUST CHANGE LAW OFFICES

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October 10, 2025

Grant Wilson, Commissioner's Designee  
Minnesota Department of Natural Resources  
500 Lafayette Road  
St. Paul, MN 55155

**SENT VIA EMAIL**

**RE: NorthMet Project Permit to Mine Application, OAH 60-2004-37824**

Dear Commissioner's Designee Wilson:

WaterLegacy appreciates the opportunity to respond to the Fifth Update letter submitted by PolyMet/NewRange ("PolyMet") on September 30, 2025 with respect to the NorthMet Project Permit to Mine Application. ("PolyMet Fifth Update"). PolyMet proposes another extension of the stay of contested case proceedings and denies that its expected "proposed project changes that would lead to an amended application" moots these contested case proceedings. *Id.* at 1. WaterLegacy disagrees with both PolyMet positions.

Based on new information regarding changes to the NorthMet proposed project—information of which we believe you can take official notice—the criteria set forth in Minnesota Department of Natural Resources' ("DNR") briefs and findings, your previous decisions, and applicable law, it has become appropriate and timely that these proceedings be dismissed as moot. Neither the DNR Commissioner nor his Designee have authority to render an advisory opinion on a project that may "possibly" be built.

Continuing this proceeding would result in prejudice to Petitioners. Any change in the project as a result of NewRange studies would create new evidentiary issues. In fact, the recent PolyMet Dam Safety Permit amendment at the proposed NorthMet tailings site has already changed water management, and related Dam Safety inspections contradict PolyMet's contested case evidence. Resuming contested case briefing on the existing record would be highly prejudicial to Petitioners. Dismissal of the contested case proceedings as moot and creating a clear slate for PolyMet to file a new permit application will obviate, rather than create a procedural "muddle."

## **I. U.S. Government Website Information Properly Subject to Official Notice Demonstrates that PolyMet Intends to Change Its NorthMet Application.**

The official United States Government website for the NorthMet "Fast-41" Transparency Project<sup>1</sup> publicly discloses that PolyMet intends to submit a new federal Section 404 application for the NorthMet project and that this new application includes changes that are sufficiently substantial to require a supplemental environmental impact statement ("EIS").

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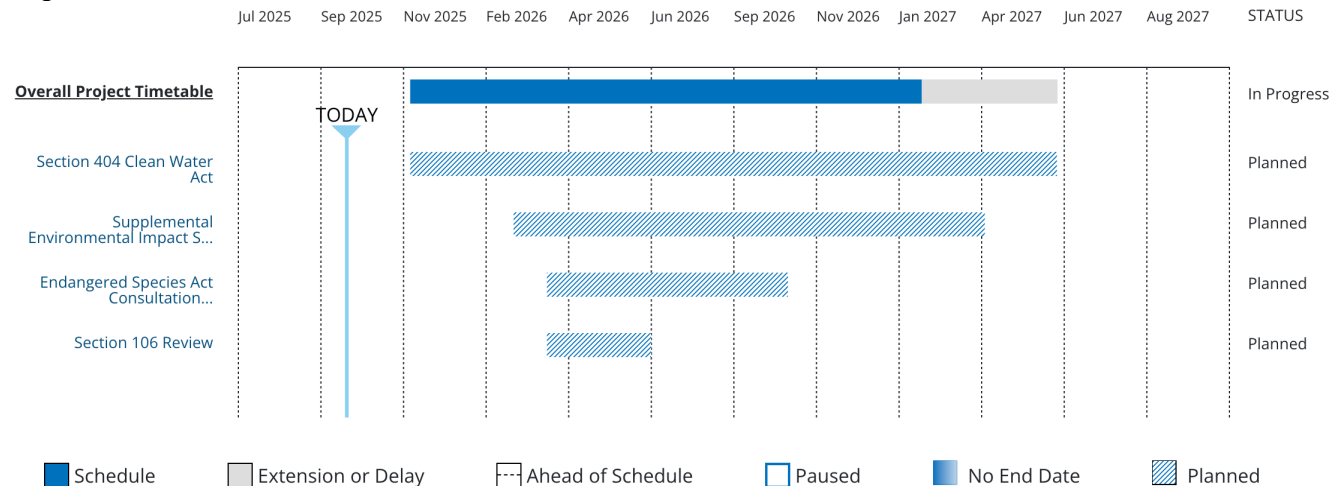
<sup>1</sup> See Fast 41 Transparency Project NorthMet Project Permitting Dashboard (Screenshots), last visited on Oct. 10, 2025, Attachment A.

WaterLegacy Response to PolyMet Fifth Update

October 10, 2025

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The Fast-41 website includes a schedule for the new NorthMet application. In fact, it demonstrates that PolyMet has already received an extension for its Application submittal milestone from September 30, 2025 to November 28, 2025. *Id.* at 1-2.



Under federal law, a supplemental EIS is required for a proposed U.S. Army Corps of Engineers (“Army Corps”) action only if there are “substantial changes in the proposed action” relevant to environmental concerns. 40 C.F.R. § 1502.9(c)(1)(i); *Ondrusek v. U.S. Army Corps of Eng’rs*, 123 F.4th 720, 729 (5th Cir. 2024). The Fast-41 website indicates that there will be substantial changes in the NorthMet project because the Army Corps will prepare a supplemental EIS for the new application. Attach. A at 3-4.

Milestone	Original Target Date	Current Target Date	Milestone Complete
Issuance of Notice of Intent (NOI) or Notice to prepare a Supplemental EIS (Agency Action)	10/30/2025	02/26/2026	---
Official Notice of Availability of a Draft Supplemental EIS published in the FR (Agency Action)	06/01/2026	09/28/2026	---
Official Notice of Availability of a Final Supplemental EIS published in the FR (Agency Action)	10/14/2026	02/10/2027	---
Supplemental EIS process concluded (Agency Action)	12/14/2026	04/12/2027	---

We submit that you should take official notice of this information. Your decision letter granting PolyMet a stay in these proceedings confirmed your authority to take official notice of PolyMet’s August 14, 2024 press release “for the purpose of demonstrating PolyMet’s intent to consider alternatives to the tailings basin storage design component of its pending permit application.” Commissioner’s Designee Wilson (“Designee”), letter granting stay, Nov. 24, 2024 (“Decision Letter”) at 5. This Decision Letter stated, “Minnesota courts have recognized an agency’s authority to take official notice of facts at this stage in the proceeding.” *Id.* at 4 (citing *In re Excess Surplus Status of Blue Cross & Blue Shield*, 624 N.W.2d 264, 281-82 (Minn. 2001) and *In re Application of Northern States Power Co.*, 440 N.W.2d 138, 140-41 (Minn. App. 1989)). Specifically, “courts have recognized the propriety of taking judicial notice of websites and press releases in certain

circumstances.” *Id.* at 5 (citing *In re Excess*, 624 N.W.2d 264; *Bloomington Hotel Inv., LLC v. Cnty. of Hennepin*, No. 27-CV-19-6973, 2022 WL 2347868, at \*4 n. 31 (Minn. Tax Ct. 2022) *aff’d in part, vacated in part, remanded*, 993 N.W.2d 875 (Minn. 2023))

## **II. PolyMet Has Mooted the Contested Case on its Previous NorthMet Application and is Not Entitled to an Advisory Opinion.**

Your Decision Letter granting DNR’s request for a stay of proceedings until August 14, 2025, advised that “no event has yet occurred” that “definitively resolves” whether a decision on the NorthMet tailings storage facility (“TSF”) bentonite plan would be “effective relief” or an advisory opinion. Decision Letter at 10. Your letter explained that the “mere possibility that PolyMet may revise its permit application in the future” does not moot the proceedings or make a decision on the contested case ineffective relief. *Id.* The facts have changed.

Disclosures on the U.S. Government Fast-41 website for the NorthMet Project constitute an event which definitively resolves that PolyMet intends to submit a new federal NorthMet permit application which will differ substantially from what PolyMet submitted more than a decade ago. In addition, PolyMet counsel no longer state that changes to the NorthMet project are a mere possibility. Their best effort to avoid mooted this proceeding is the assertion: “It is still *possible* that PolyMet will not propose any changes to its current application.” PolyMet Fifth Update at 1 (emphasis added). A mere “possibility” that the NorthMet application may remain unchanged is insufficient to vest the DNR Commissioner or its Designee with jurisdiction to decide the pending proceedings.

Subsequent events that demonstrate a case is no longer justiciable must be considered whenever they arise. *Grove v. Simon*, 2 N.W.3d 490, 499 (Minn. 2024) (“We decide present problems, not hypothetical ones”); *Izaak Walton League of America Endowment, Inc. v. State, Dep’t of Nat. Res.*, 252 N.W.2d 852, 854 (Minn. 1977) (“The existence of a justiciable controversy is prerequisite to adjudication” and “does not comprehend the giving of advisory opinions.”). If events occur while proceedings are pending make “a decision on the merits unnecessary or an award of effective relief impossible, the appeal will be dismissed as moot.” *In re Expulsion Appeal of W.M.*, A22-0546, 2023 WL 2125389 at \*2 (Minn. Ct. App. Feb. 21, 2023) (citing *In re Inspection of Minnesota Auto Specialties, Inc.*, 346 N.W.2d 657, 658 (Minn. 1984)). Although PolyMet still seeks the “relief” of a DNR decision on its bentonite plan, that decision would not give PolyMet permission to construct what it intends to include in a new NorthMet application. *See Isaacs v. American Iron & Steel Co.*, 690 N.W.2d 373, 376 (Minn. App. 2004). It would not provide “effective relief.”

Contested cases are explicitly subject to the mootness doctrine. Minn. R. 1400.5500(K); *In re J.V.*, 741 N.W.2d 612, 614 (Minn. App. 2007). The DNR can only proceed with a permit to mine contested case if “the commissioner has jurisdiction to make a determination on the disputed material issue of fact.” Minn. Stat. § 93.483, subd. 3(a)(2). PolyMet now seems to be seeking “an advisory opinion . . . on a purely legal matter, i.e. the meaning of the reactive mine waste rule, regardless of whether it proceeds with the factual plan at the heart of this proceeding—the bentonite amendment. No matter the potential value of such an advisory opinion, it is improper, as it conflicts with the very purpose of a contested case on a mining matter—to resolve a “material

*issue of fact* in dispute.” DNR Hearing Team letter, Sept. 30, 2024 at 2 (emphasis in original, citing Minn. Stat. § 93.483, subd. 3(a)(1)). PolyMet is not entitled to an advisory opinion.

### **III. Continuing with this Contested Case Decision Process Despite New Evidentiary Issues would Prejudice Petitioners.**

In November 2024, your Decision Letter summarized changes that PolyMet had proposed for its four key studies, including relocating tailings storage to nearby unused mining pits, changes in water treatment, and an increased rate of production from 32,000 tons to 40,000 tons per day. Decision Letter at 6. Your Letter cautioned that any of these changes “may impact both modeled projections and the efficacy of the tailings basin storage design.” *Id.* It underscored that “the only option in which the application is certainly *not* moot is if the current application remains the same.” *Id.* at 9 (emphasis in original).

In its recent update, PolyMet disclosed that it “is studying a possible centerline dam for its tailings basin.” PolyMet Fifth Update at 1. Changing NorthMet dams from an upstream to a centerline design would require more and different (often more pervious) construction materials, a larger footprint with more acreage, and likely would require new seepage control and internal drainage. Changing NorthMet proposed dams to a centerline method would impact modeled projections and the efficacy of the bentonite plan and require consideration of new evidence.

PolyMet’s recent amendment to the Dam Safety Permit for the LTV tailings basin—where NorthMet tailings would be deposited under the previous permit to mine—may have already affected seepage modeling for the bentonite plan. On July 1, 2025, DNR approved an amendment to “replace the existing water management structure at the tailings basin” and “construct a new spillway at the top of the existing inactive tailings basin, add coarse tailings fill to keep water away from the edge of the dam, and construct a rock-lined channel directing any water that leaves the spillway to an existing storage pond.”<sup>2</sup> These water management changes may have already altered modeling projections for the bentonite plan, but there is no evidence in the contested case record from which to make this assessment.

In addition, documents obtained under the Minnesota Government Data Practices Act in connection with the Dam Safety amendment call into question evidence upon which the Administrative Law Judge (“ALJ”) relied in his findings. The ALJ cited PolyMet testimony to conclude that “current vegetative patterns” at the LTV site demonstrated that root penetration deeper than 30 inches “would not be a significant problem,” that animal burrowing would be minimal and “remedied,” and that PolyMet could “mitigate the impacts of degradation through application of supplemental bentonite.”<sup>3</sup> However PolyMet’s 2023 Dam Safety Inspection contains photographs showing woody vegetation with roots deeper than 30 inches on existing LTV

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<sup>2</sup> DNR, PolyMet’s NorthMet Mining Project, Dam safety permit amendment on existing taconite tailing basin, <https://www.dnr.state.mn.us/polymet/permitting/index.html>, last visited Oct. 10, 2025.

<sup>3</sup> ALJ Report, *In re NorthMet Permit to Mine*, OAH 60-2004-37824, Nov. 28, 2023, at 19-20, ¶¶ 98, 100, 102, 104.

tailings dam slopes and at the pond.<sup>4</sup> These photographs also show animal burrows and erosion that could not be mitigated by applying supplemental bentonite. *Id.* at 2, 4-12, 14-18, 20, 23.

In a previous letter rejecting a stay, you concluded that “[t]here is no statutory mechanism for a party to introduce new ‘evidence’ once the hearing record has closed, the ALJ has issued its final report, and the exceptions process has begun.” Designee Letter, May 9, 2024, at 4. Your letter stated, “To the contrary, section 14.60, subdivision 2 requires that all evidence must be made part of the hearing record of the case and “no factual information or evidence shall be considered in the determination of the case unless it is part of the record.” *Id.*; *see also* Minn. R. 1400.8100, subp. 1 (“No factual information or evidence which is not part of the record shall be considered by the judge or the agency in the determination of a contested case.”)

NorthMet project changes flagged on the Fast-41 website and in PolyMet’s updates would require evidentiary analysis to determine how they affect the bentonite plan. PolyMet suggests as much in arguing it is “possible that changes will not *materially* implicate the primary issues in the contested case.” PolyMet Fifth Update at 1-2 (emphasis added). But these concerns are already presented. PolyMet’s LTV Dam Safety amendment and inspections make water management changes and undermine contested case findings. New evidence cannot be considered, and a final agency decision based on an incomplete or misleading record would be highly prejudicial to Petitioners.

#### **IV. The Correct Process for the NorthMet Project is a New Permit to Mine Application.**

PolyMet counsel asserts, “If PolyMet does make changes, they should happen through an application amendment, as DNR’s rules allow. *See* Minn. R. 6132.4200.” PolyMet Fifth Update at 2. Further, PolyMet argues, “Dismissing this appeal as moot before an amendment is filed would . . . create a procedural muddle.” *Id.* Both statements are false.

Minn. R. 6132.4200 does *not* support an amendment to an application; this rule allows a permittee to request “an amendment of a permit to mine.” *Id.*, subp.1. But the NorthMet permit to mine “remains on remand” and “cannot take effect” prior to a decision by DNR “whether to reissue the permit.” DNR Reply Brief Regarding ALJ Report, Aug. 30, 2024 at 4, 35. No Minnesota statute or rule authorizes a permittee to “amend” a permit to mine that has been reversed and not reissued. And no Minnesota statute or rule authorizes a permittee to amend a permit to mine *application*. However, PolyMet can file a new permit to mine application in compliance with Minn. Stat. § 93.481 and Minn. R. 6132.1000 – 6132.5300. That is the correct process in this case.

This contested case is moot and should be dismissed to avoid an advisory opinion, a prejudicial outcome, and an evidentiary morass. Then PolyMet and the would-be owners and operators of the new NorthMet project would be free to file a new application for a permit to mine with the DNR along with their new federal Section 404 permit application. Development of a new record and supplemental EIS can then take place in a fair and orderly fashion.

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<sup>4</sup> Barr Engineering, Tailings Basin Annual Report and Dam Safety Inspection for 2023, DNR Dam Safety Permits 1981-2100 and 2016-1380, Prepared for NewRange Jan. 2024, Attachment B (excerpt) at 2-3, 6, 11-14, 19-23.

Respectfully submitted,



Paula G. Maccabee

*Counsel for WaterLegacy*

Enclosures

cc. Robert Cary

*DNR General Counsel*

Jonathan W. Katchen and Bryson C. Smith

*Counsel for DNR Hearing Team*

Monte A. Mills, Aaron P. Knoll, Farah N. Famouri, and Jay C. Johnson

*Counsel for PolyMet*

Sean Copeland, Ian R. Young, Vanessa L. Ray-Hodge and Frank S. Holleman

*Counsel for Fond du Lac Band of Lake Superior Chippewa*

Joy Anderson

*Counsel for Conservation Organization*

WaterLegacy Letter to Commissioner's Designee Grant Wilson in  
Response to PolyMet/NewRange Fifth Update  
October 10, 2025

## **ATTACHMENT A**

Fast-41 Transparency Project NorthMet Project Permitting Dashboard  
(Screenshots) Oct. 10, 2025.

permits.performance.gov/permitting-project/fast-41-transparency-projects/northmet-project

Home

# NorthMet Project

All dates below are specific to the schedule of the Environmental Review and Permitting processes for this project.



ENVIRONMENTAL REVIEW AND PERMITTING STATUS  
IN PROGRESS



ESTIMATED COMPLETION DATE OF ENVIRONMENTAL  
REVIEW AND PERMITTING  
06/14/2027



Project Primary Address  
Primary Location

Project Address  
6500 Kensington Drive  
Hoyt Lakes, MN 55750  
United States



ENVIRONMENTAL REVIEW  
AND PERMITTING  
PROCESSES  
COMPLETED



SECTOR  
Mining



CATEGORY  
Project Category FAST-41  
Transparency Projects



LEAD AGENCY  
Department of the Army,  
US Army Corps of  
Engineers - Regulatory

### Lead Agency Information:

**POC Name:** Samantha Kitchen  
**POC Title:** Senior Project Manager  
**POC Email:**  
[Sam.P.Kitchen@usace.army.mil](mailto:Sam.P.Kitchen@usace.army.mil)  
**Agency/Department:** US Army  
Corps of Engineers - Regulatory

### Other Agencies with Actions or Authorizations:



Department of the  
Interior, Fish and Wildlife  
Service



Minnesota

### Sponsor Contact Information:

**Project Sponsor:**  
NewRange Copper Nickel LLC  
**POC Name:** Christie Kearney  
**POC Title:**  
Sustainability, Environmental and  
Regulatory Affairs Director  
**POC Email:**  
[Christie.Kearney@NewRangeCopperN](mailto:Christie.Kearney@NewRangeCopperN)

### Description:

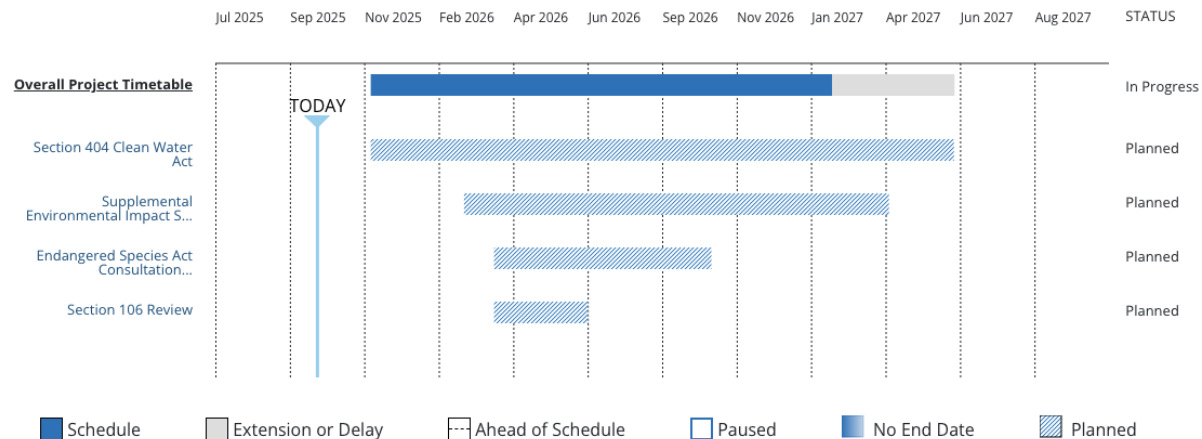
Open pit mining operation to produce copper and nickel-copper concentrates.

This project is posted in the interest of transparency and response to Executive Order 14241.

### Permitting Timetable

The permitting timetable below displays data as reported by agencies. Dates for Environmental Review and Permitting processes (Actions) that are in 'Paused' or 'Planned' status are subject to change and are not indicative of a project's final schedule.

- For information about extensions, select an Action from the timetable below and select 'View Action Details' at the bottom of the page.



### Action Information

For additional information, please select an Action from the Permitting Timetable above.



Department of the Interior, Fish and Wildlife Service



Minnesota

### Sponsor Contact Information:

**Project Sponsor:** NewRange Copper Nickel LLC  
**POC Name:** Christie Kearney  
**POC Title:** Sustainability, Environmental and Regulatory Affairs Director  
**POC Email:** Christie.Kearney@NewRangeCopperNick.com

### Description:

Open pit mining operation to produce copper and nickel-copper concentrates.  
 This project is posted in the interest of transparency and response to Executive Order 14241.

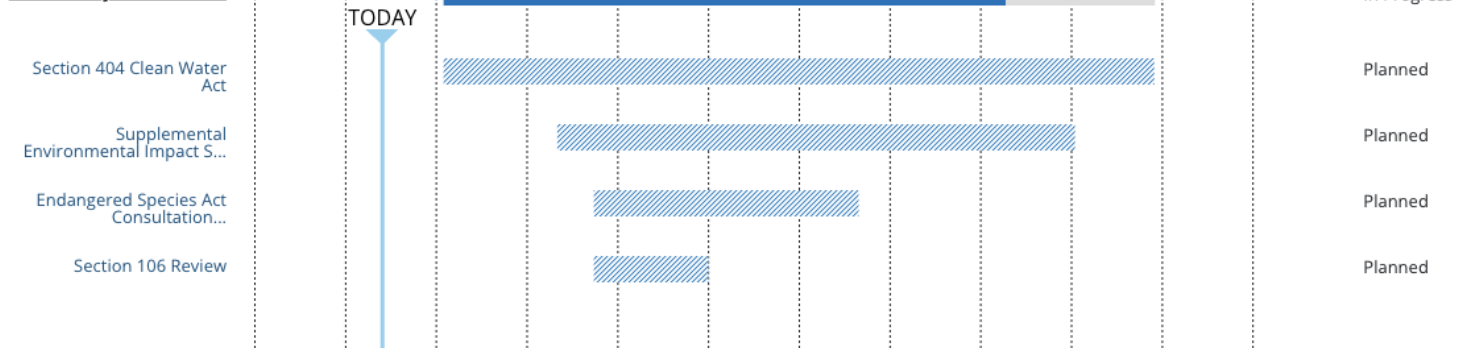
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- For information about extensions, select an Action from the timetable below and select 'View Action Details' at the bottom of the page.

Jul 2025 Sep 2025 Nov 2025 Feb 2026 Apr 2026 Jun 2026 Sep 2026 Nov 2026 Jan 2027 Apr 2027 Jun 2027 Aug 2027 STATUS

#### Overall Project Timetable



■ Schedule   
 ■ Extension or Delay   
  Ahead of Schedule   
  Paused   
 ■ No End Date   
 ■ Planned

### Action Information

For additional information, please select an Action from the Permitting Timetable above.

Action: **Section 404 Clean Water Act** Responsible Agency: **Department of the Army** Bureau: **US Army Corps of Engineers - Regulatory**  
 Action Status: **Planned** Action Identifier: **MVP-1999-05528**

Milestone	Original Target Date	Current Target Date	Milestone Complete
Pre-construction Notification (PCN)/Form ENG 4345/Joint Application Form Received (Applicant Action)	09/30/2025	11/28/2025	---
Complete Pre-Construction Notification (PCN)/Application Received (Applicant Action)	10/15/2025	11/28/2025	---
Publication of Public Notice (Agency Action)	10/30/2025	12/12/2025	---
Provisional Notification (Agency Action)	02/15/2027	06/11/2027	---
Final Verification/Permit Decision Rendered (Agency Action)	02/16/2027	06/14/2027	---

[View Action Details](#)



ENVIRONMENTAL REVIEW AND PERMITTING PROCESSES COMPLETED



SECTOR  
Mining



CATEGORY  
Project Category FAST-41  
Transparency Projects



LEAD AGENCY  
Department of the Army,  
US Army Corps of  
Engineers - Regulatory

**Lead Agency Information:**

**POC Name:** Samantha Kitchen  
**POC Title:** Senior Project Manager  
**POC Email:** Sam.P.Kitchen@usace.army.mil  
**Agency/Department:** US Army Corps of Engineers - Regulatory

**Sponsor Contact Information:**

**Project Sponsor:** NewRange Copper Nickel LLC  
**POC Name:** Christie Kearney  
**POC Title:** Sustainability, Environmental and Regulatory Affairs Director  
**POC Email:** Christie.Kearney@NewRangeCopperNic

**Other Agencies with Actions or Authorizations:**



Department of the Interior, Fish and Wildlife Service



Minnesota

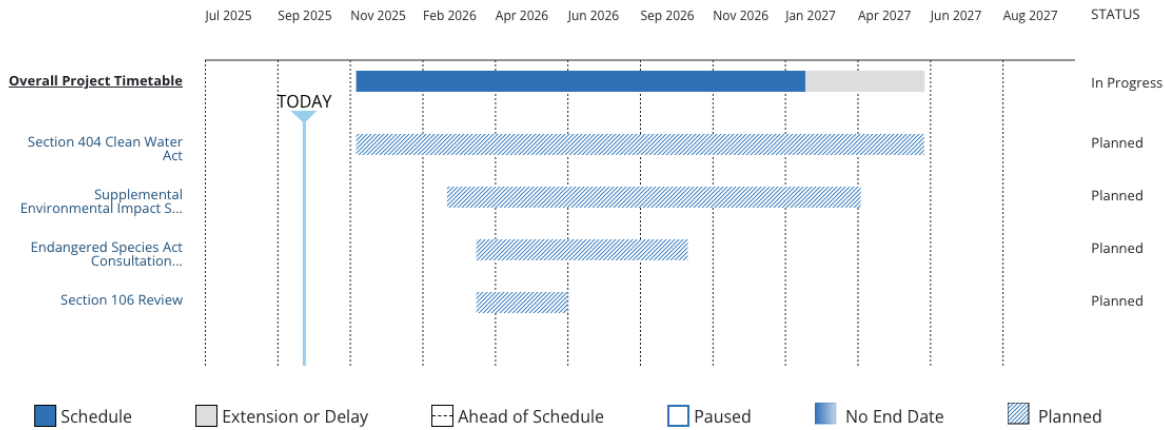
**Description:**

Open pit mining operation to produce copper and nickel-copper concentrates.  
This project is posted in the interest of transparency and response to Executive Order 14241.

**Permitting Timetable**

The permitting timetable below displays data as reported by agencies. Dates for Environmental Review and Permitting processes (Actions) that are in 'Paused' or 'Planned' status are subject to change and are not indicative of a project's final schedule.

- For information about extensions, select an Action from the timetable below and select 'View Action Details' at the bottom of the page.



**Action Information**


For additional information, please select an Action from the Permitting Timetable above.

Action: **Supplemental Environmental Impact Statement (EIS)** Responsible Agency: **Department of the Army**  
Bureau: **US Army Corps of Engineers - Regulatory** Action Status: **Planned**

Milestone	Original Target Date	Current Target Date	Milestone Complete
Issuance of Notice of Intent (NOI) or Notice to prepare a Supplemental EIS (Agency Action)	10/30/2025	02/26/2026	---
Official Notice of Availability of a Draft Supplemental EIS published in the FR (Agency Action)	06/01/2026	09/28/2026	---
Official Notice of Availability of a Final Supplemental EIS published in the FR (Agency Action)	10/14/2026	02/10/2027	---
Supplemental EIS process concluded (Agency Action)	12/14/2026	04/12/2027	---

Home

## Supplemental Environmental Impact Statement (EIS)

<b>Project Name:</b> NorthMet Project	<b>Status:</b> Planned
<b>Responsible Agency:</b> US Army Corps of Engineers - Regulatory	<b>POC Name:</b> Samantha Kitchen
	<b>POC Title:</b> Senior Project Manager
	<b>POC Email:</b> Sam.P.Kitchen@usace.army.mil 

Milestones:	
Issuance of Notice of Intent (NOI) or Notice to prepare a Supplemental EIS (Agency Action)	<b>Current Target Date:</b> 02/26/2026
Official Notice of Availability of a Draft Supplemental EIS published in the FR (Agency Action)	<b>Current Target Date:</b> 09/28/2026
Official Notice of Availability of a Final Supplemental EIS published in the FR (Agency Action)	<b>Current Target Date:</b> 02/10/2027
Supplemental EIS process concluded (Agency Action)	<b>Current Target Date:</b> 04/12/2027

WaterLegacy Letter to Commissioner's Designee Grant Wilson in  
Response to PolyMet/NewRange Fifth Update  
October 10, 2025

## **ATTACHMENT B**

Barr Engineering, Tailings Basin Annual Report and Dam Safety Inspection 2023,  
Dam Safety Permits 1981-2100 and 2016-1380,  
Prepared for NewRange Jan. 2024 (excerpt).

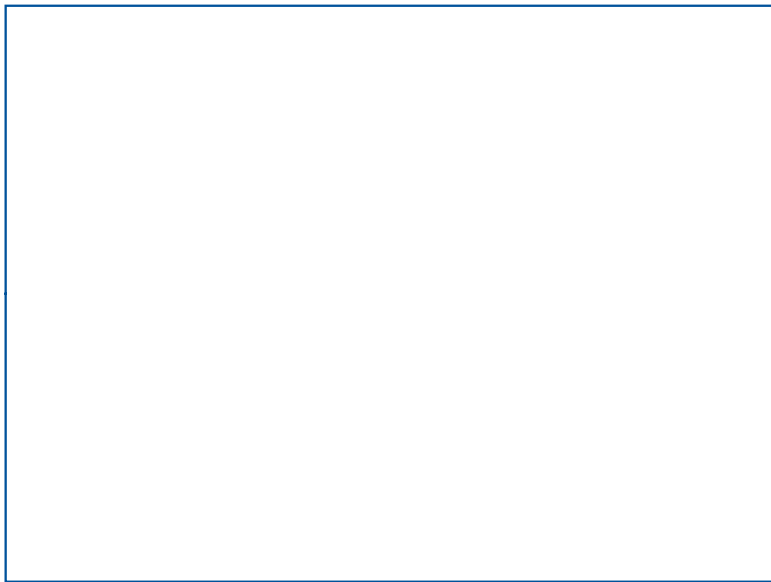


# **Tailings Basin Annual Report and Dam Safety Inspection and Instrumentation Monitoring Findings for Year 2023**

***DNR Dam Safety Permits 1981-2100 and 2016-1380***

Prepared for  
NewRange Copper Nickel LLC

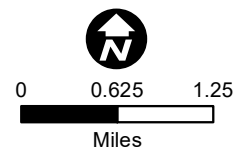
January 2024



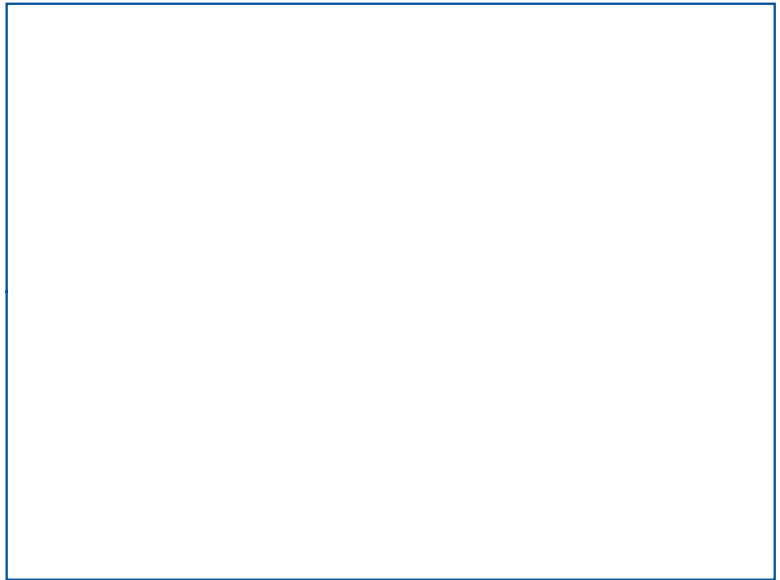
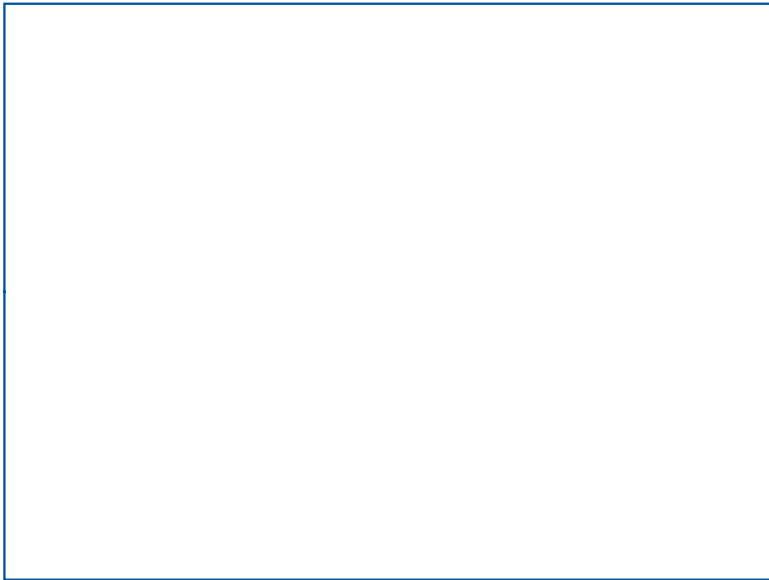
**Date:** 5/15/2019

**Inspection Location:** 15

**Field Notes:** Several pipes along downstream slope of Cell 1E-2E splitter dam.



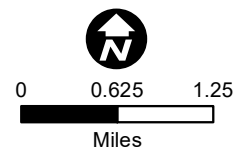
OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota  
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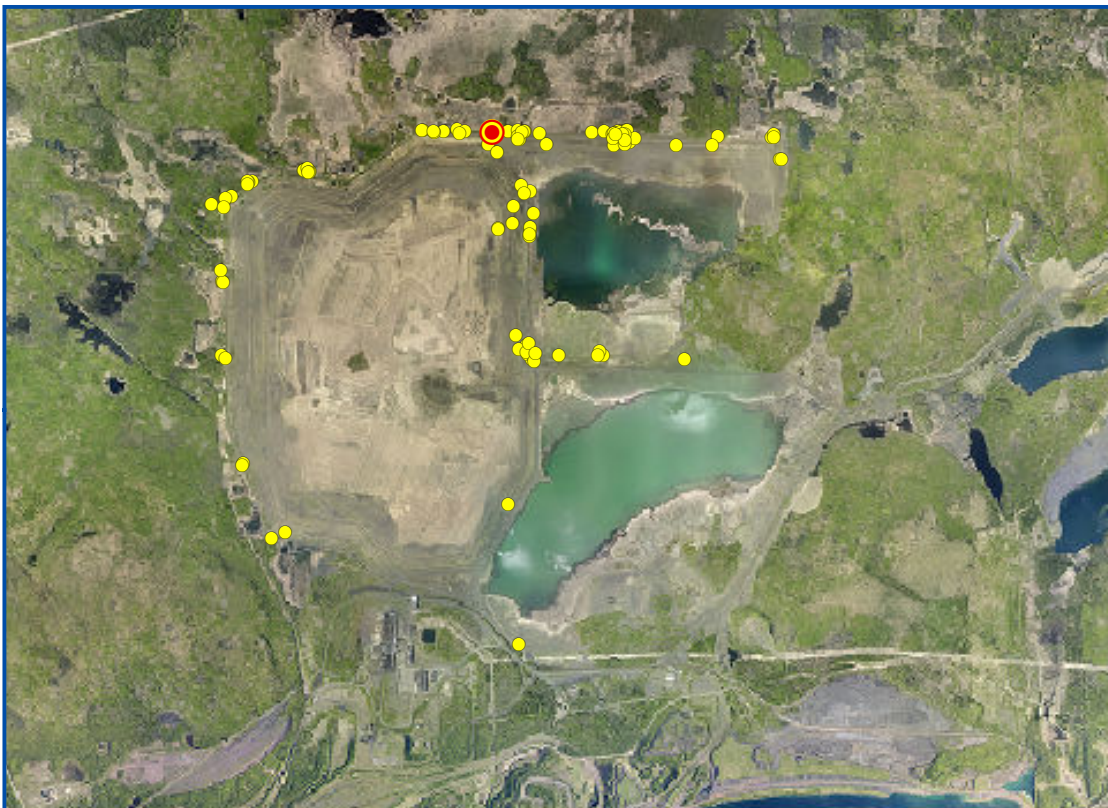
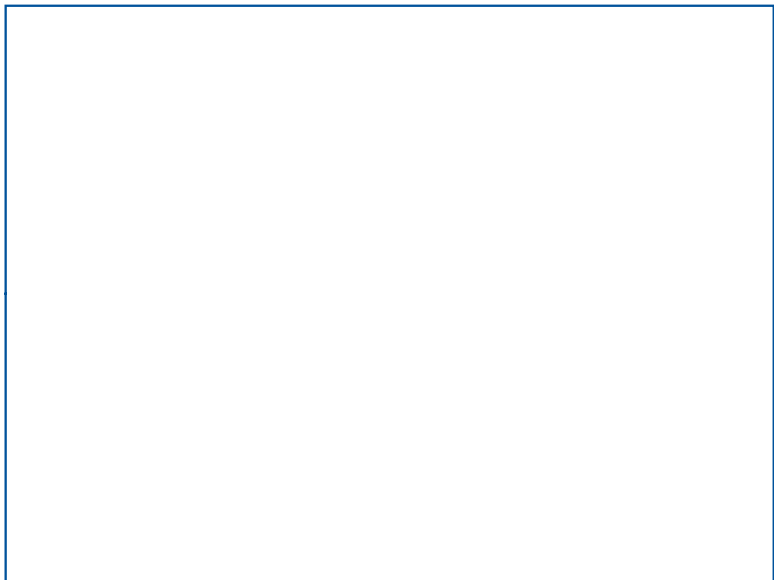
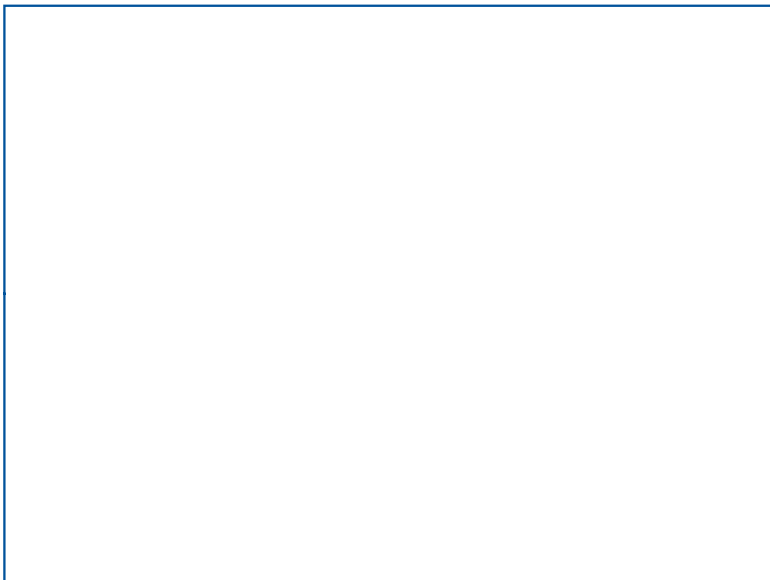
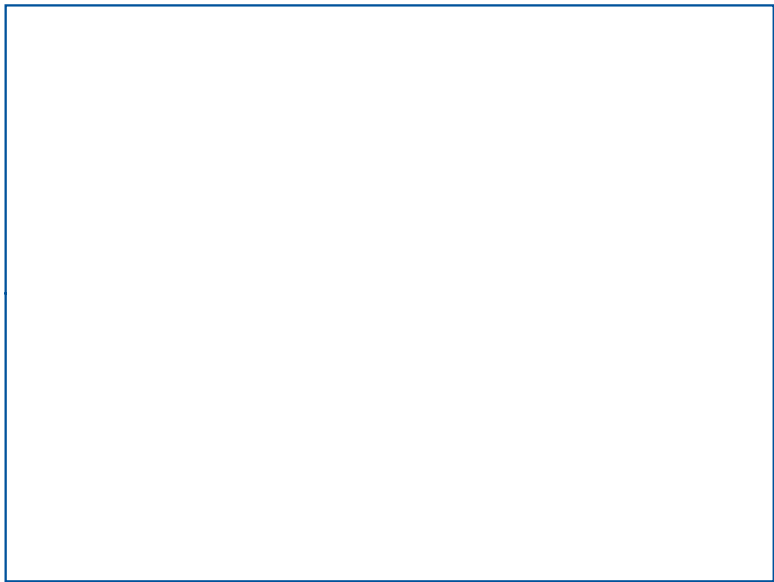
**Date:** 5/14/2019

**Inspection Location:** 17

**Field Notes:** Pipe along downstream slope of dam.



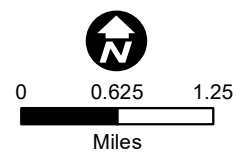
OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota  
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**Date:** 8/14/2019

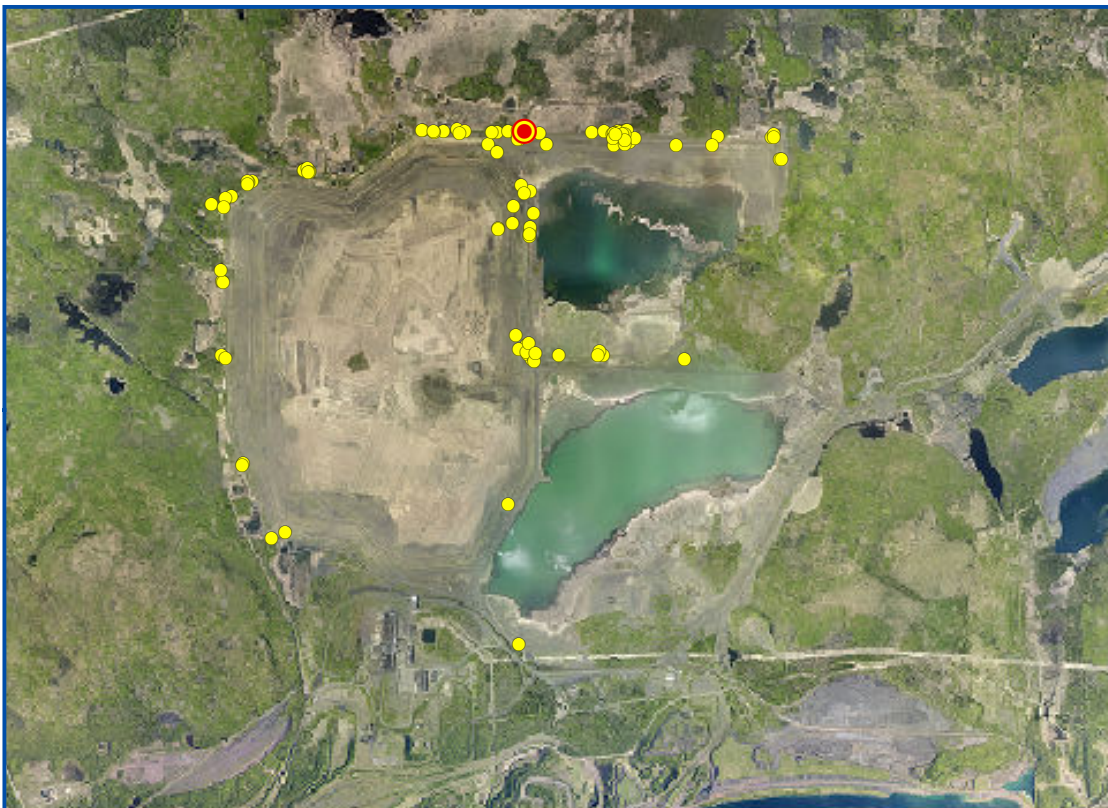
**Inspection Location:** 30

**Field Notes:** Pipe in north dam of Cell 2E above the toe road near edge of Cell 2W; will need to be removed/decommissioned prior to operations.



OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota

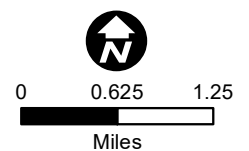
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**Date:** 10/24/2019

**Inspection Location:** 44

**Field Notes:** Steel pipe extending from downstream slope, animal burrow below.



OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota

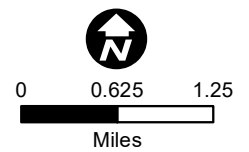
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**Date:** 10/25/2019

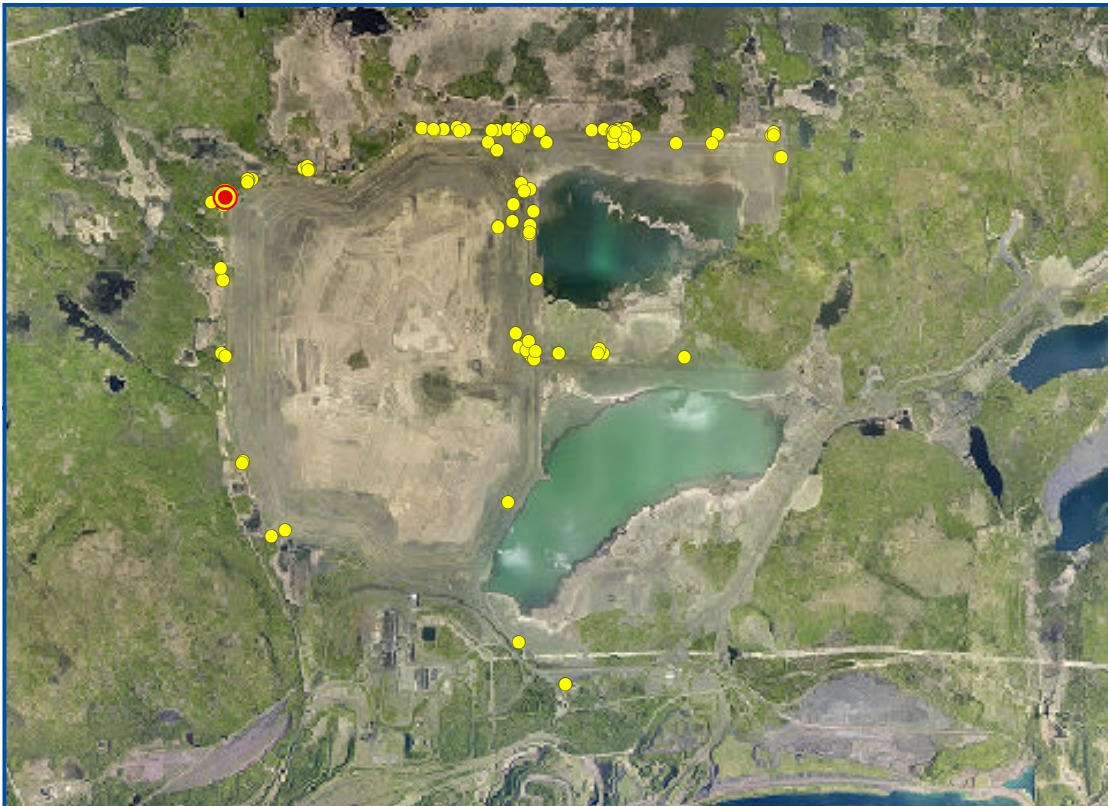
**Inspection Location:** 50

**Field Notes:** Several surface erosion rills along steel pipes extending from downstream slope of Cell 2W/2E splitter dam.



OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota

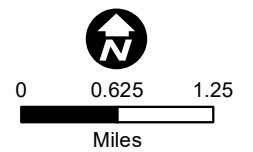
Page 50 of 105



**Date:** 5/13/2020

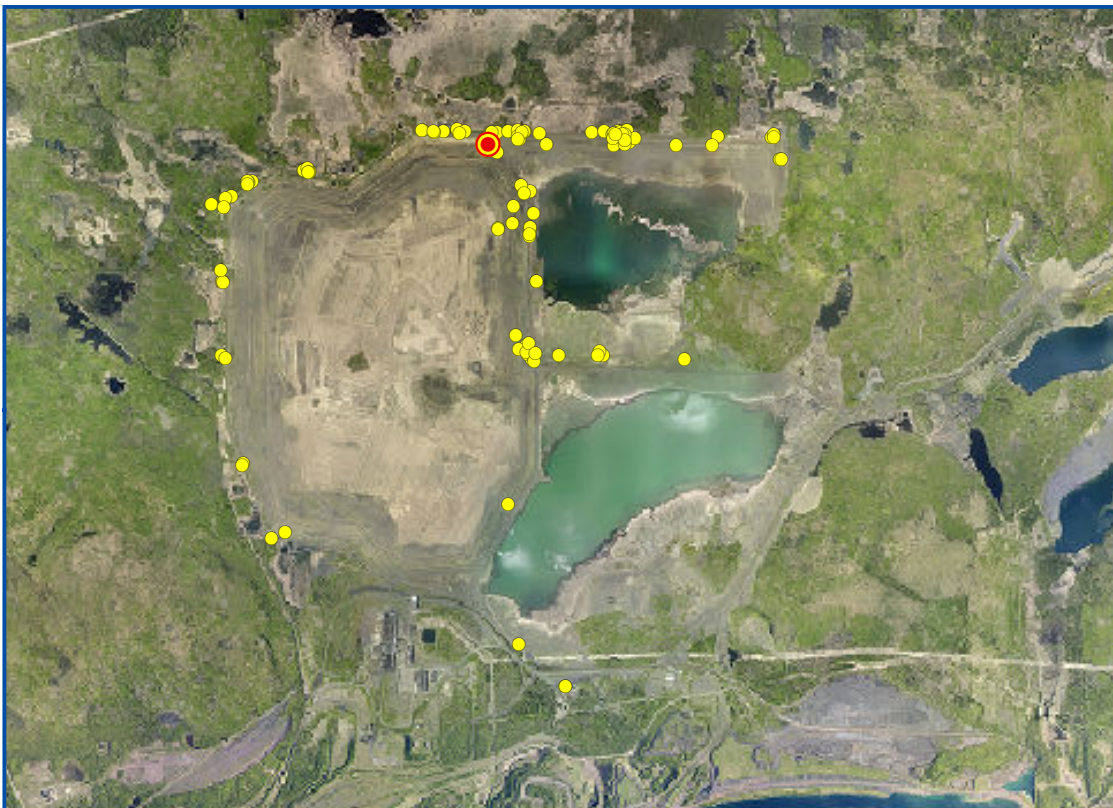
**Inspection Location:** 60

**Field Notes:** Steel pipe along downstream slope.



OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota

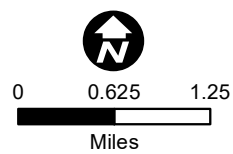
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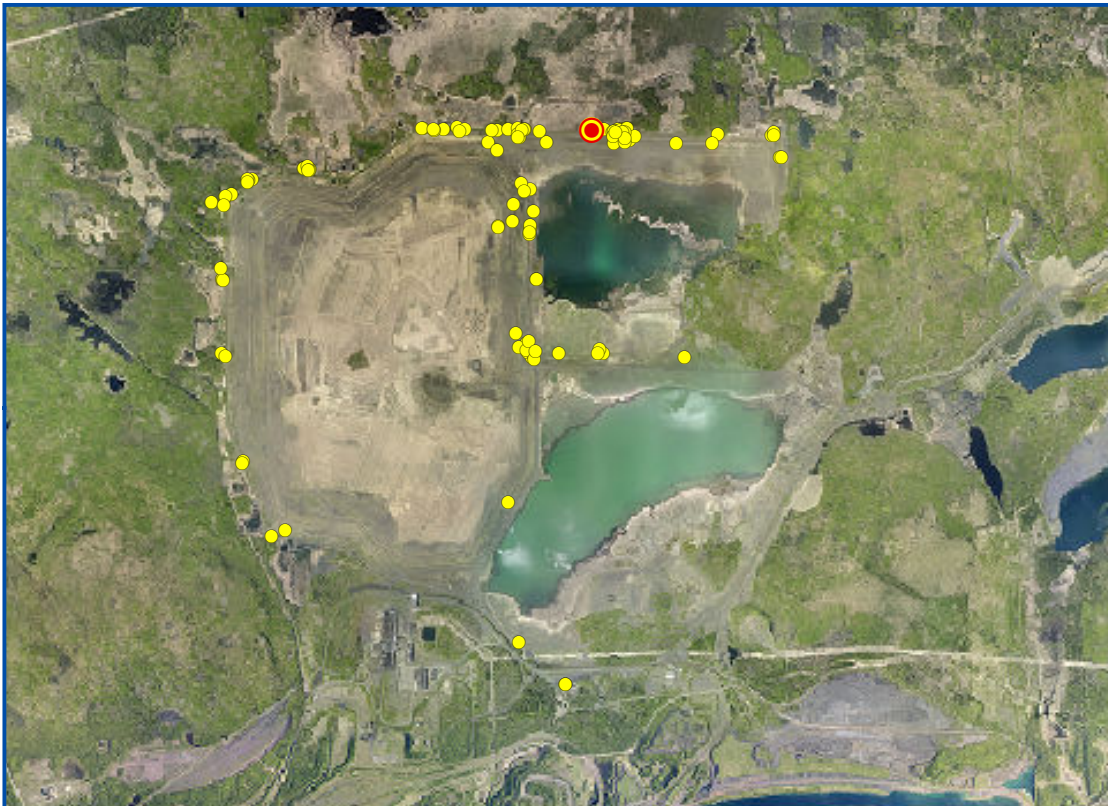
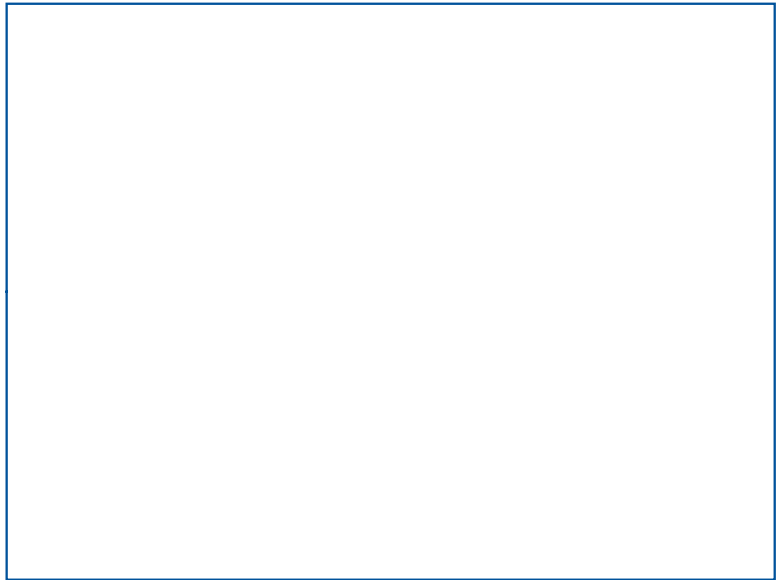
**Date:** 5/14/2020

**Inspection Location:** 73

**Field Notes:** Steel pipe along downstream slope.



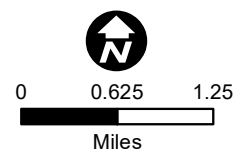
OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota  
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**Date:** 5/14/2020

**Inspection Location:** 80

**Field Notes:** Animal burrow and steel pipe.



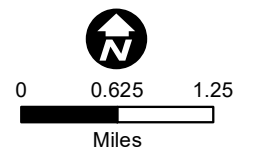
OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota  
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**Date:** 5/14/2020

**Inspection Location:** 96

**Field Notes:** Multiple steel pipes and other debris.



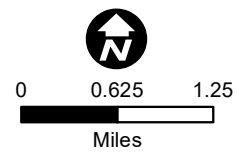
OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota  
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**Date:** 5/14/2020

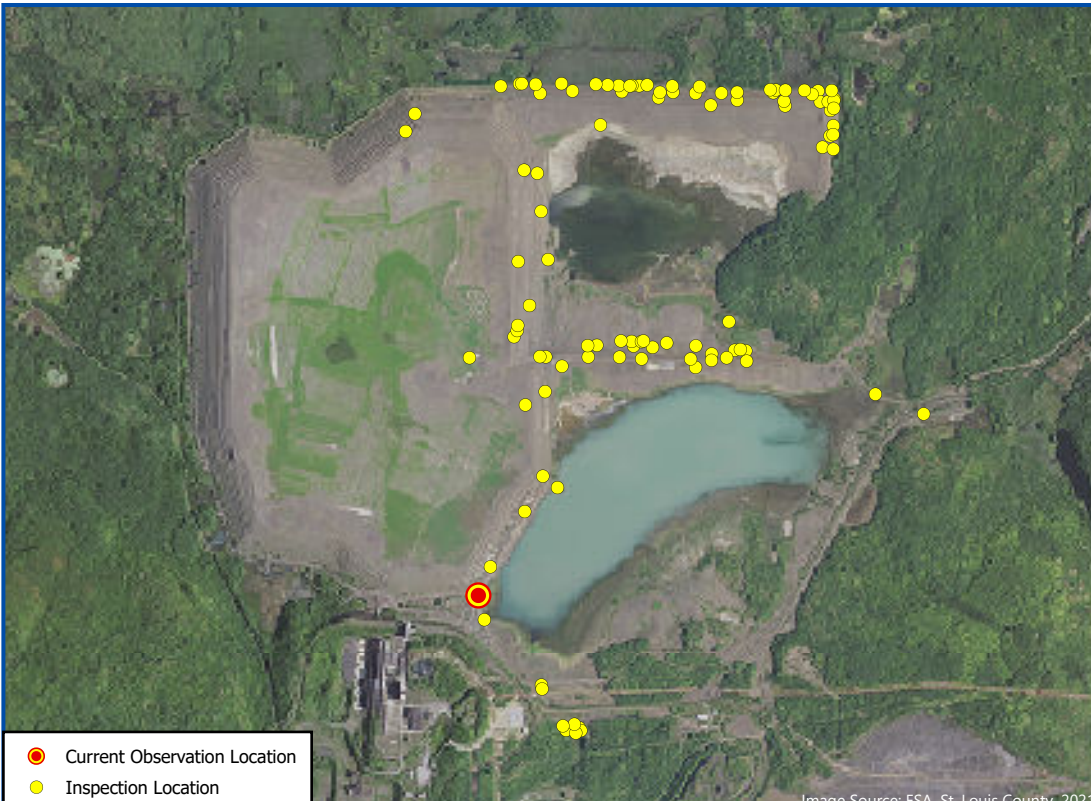
**Inspection Location:** 97

**Field Notes:** Multiple steel pipes.



OUT-OF-SERVICE PIPES  
NorthMet Project  
Poly Met Mining, Inc.  
Hoyt Lakes, Minnesota

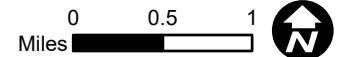
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**Date:** 5/24/2023

**Inspection Location:** 11

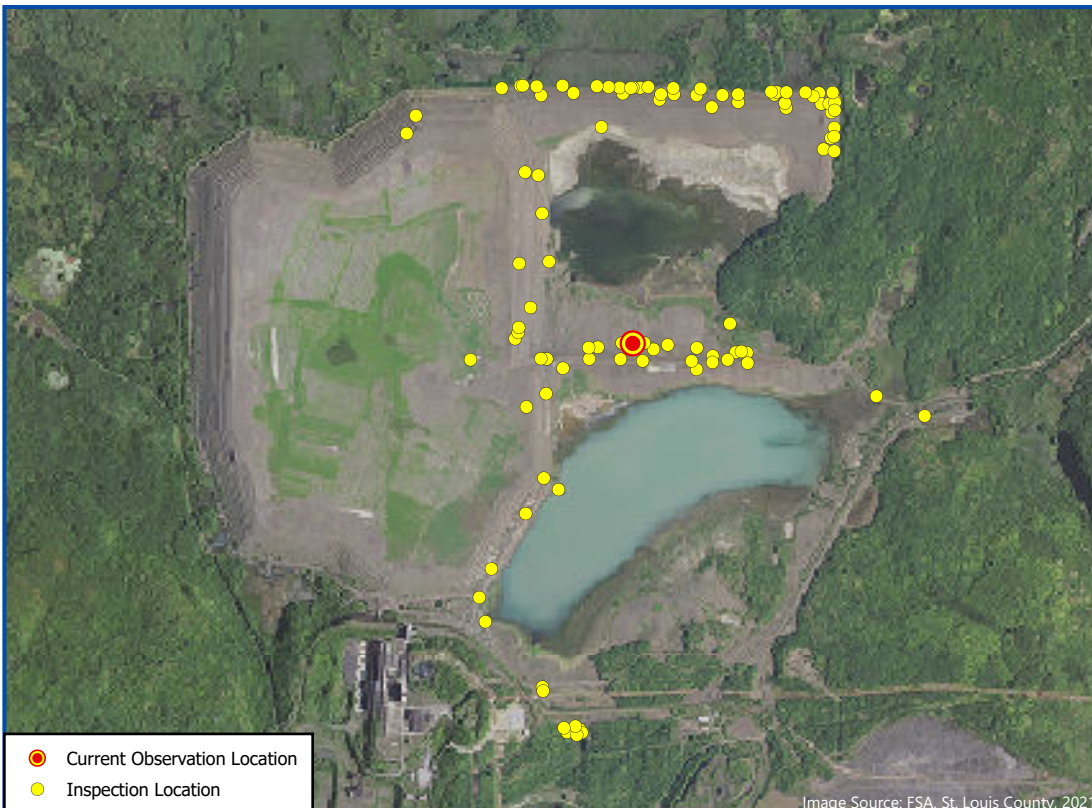
**Field Notes:** SD006 seepage collection discharge into Cell 1E, some surface erosion at outlet but is not affecting dam.



2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

Photo ID - 11 of 104

Image Source: FSA, St. Louis County, 2021.

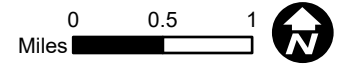


- Current Observation Location
- Inspection Location

**Date:** 5/24/2023

**Inspection Location:** 27

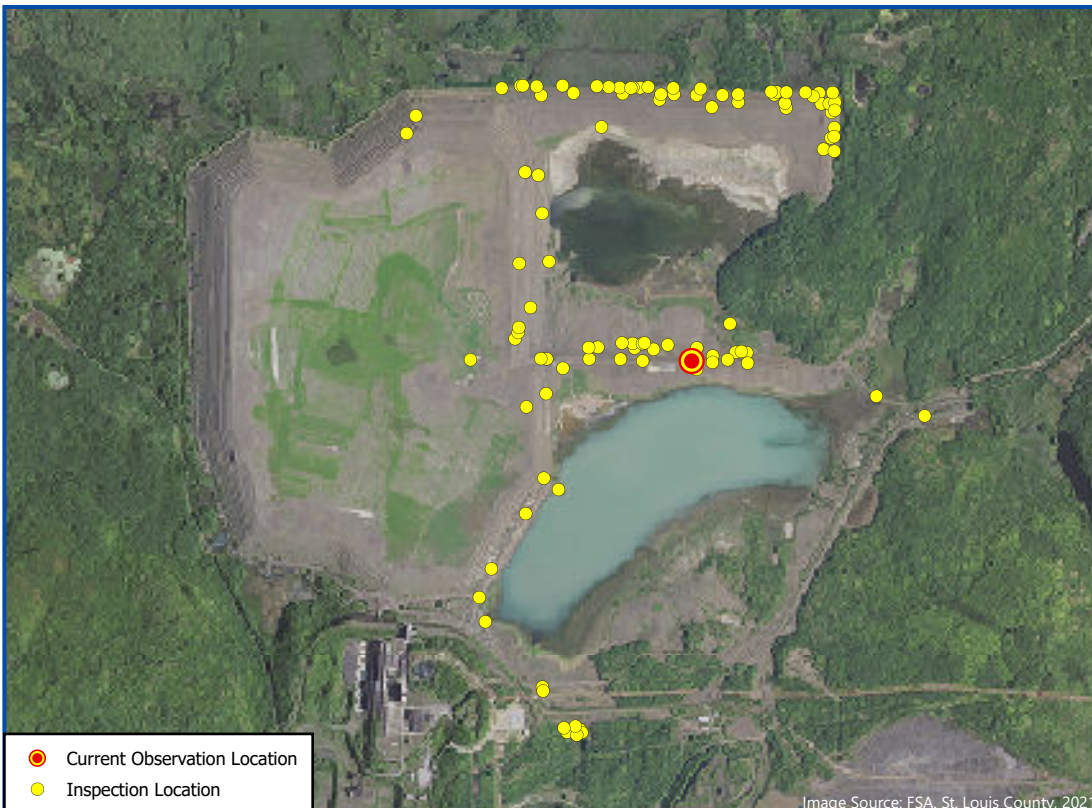
**Field Notes:** Surface erosion along downstream slope of dam, does not appear to have occurred recently.



2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

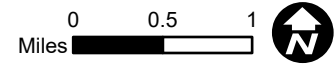
Photo ID - 27 of 104

Image Source: FSA, St. Louis County, 2021.



● Current Observation Location  
● Inspection Location

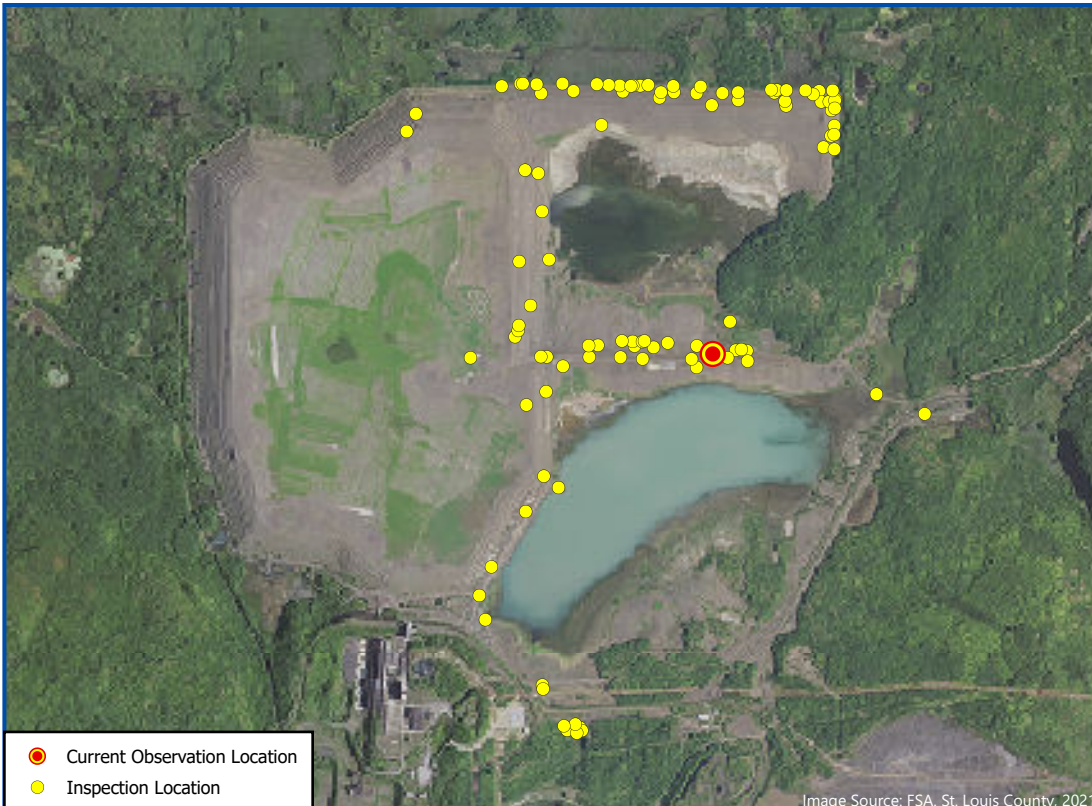
**Date:** 5/24/2023  
**Inspection Location:** 34  
**Field Notes:** Seep 1E-2E\_W1 - dry conditions.



2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

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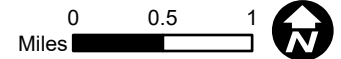
Image Source: FSA, St. Louis County, 2021.



**Date:** 5/24/2023

**Inspection Location:** 38

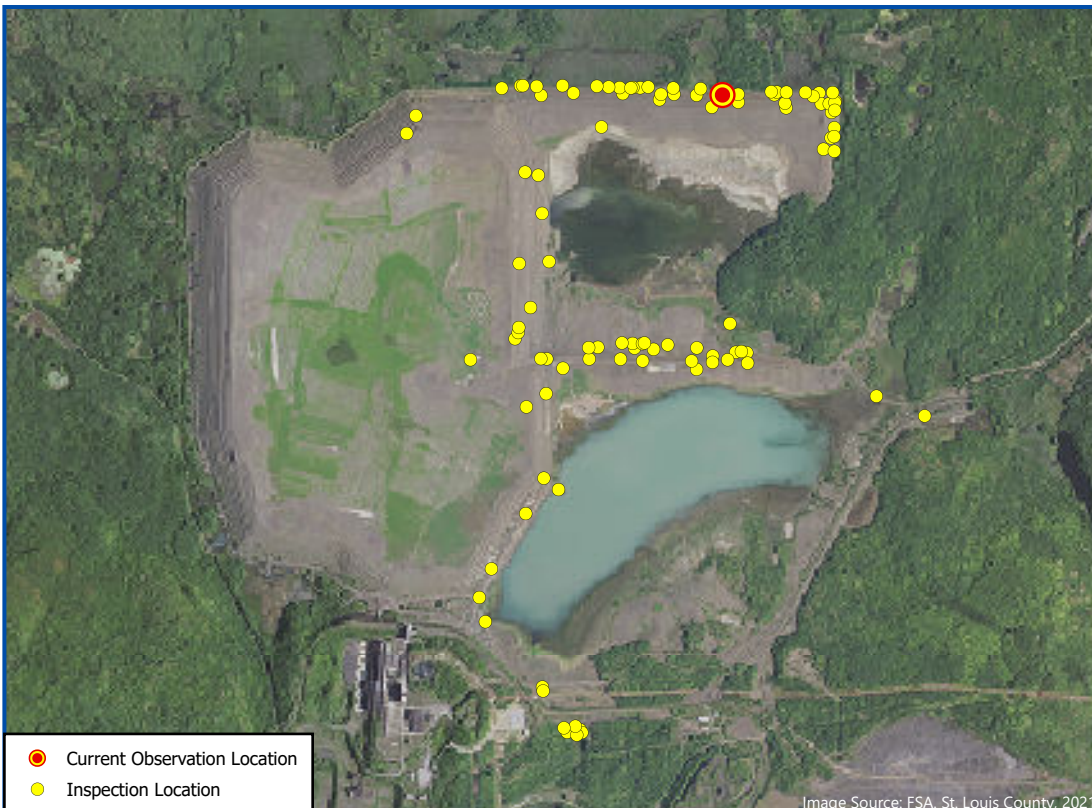
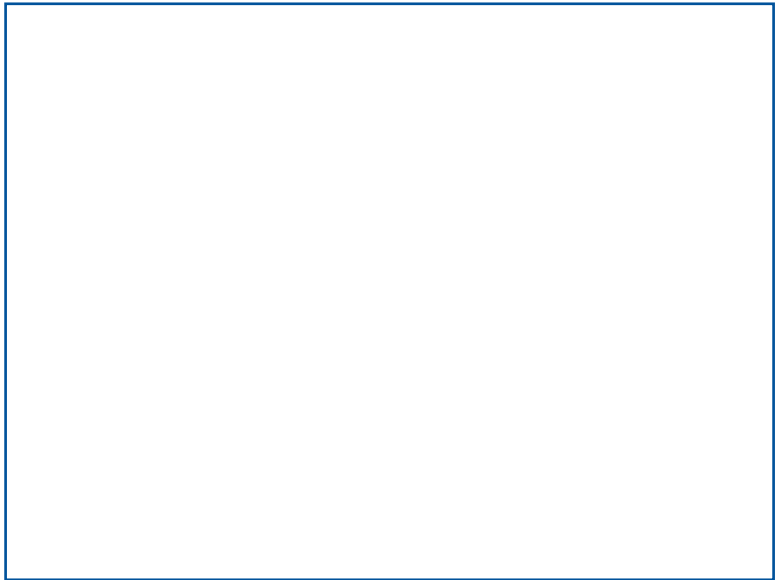
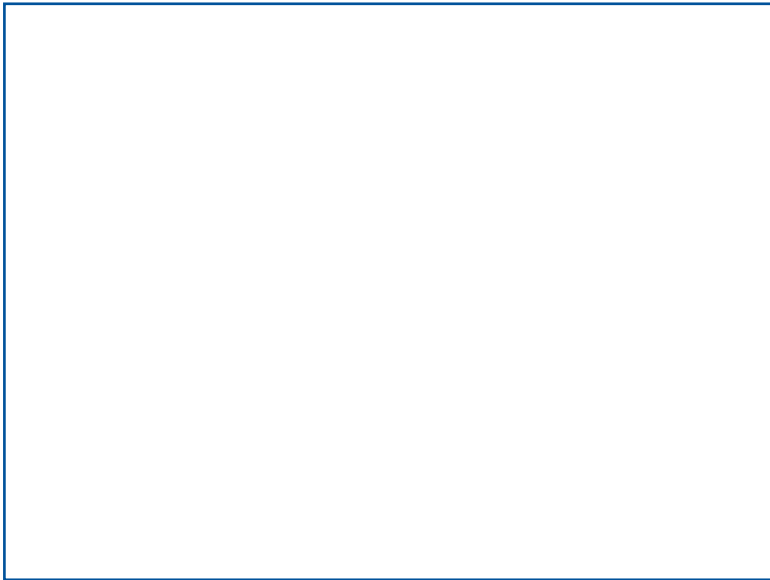
**Field Notes:** Some surface erosion along downstream slope.



2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

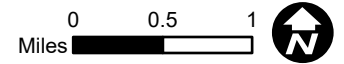
Photo ID - 38 of 104

Image Source: FSA, St. Louis County, 2021.



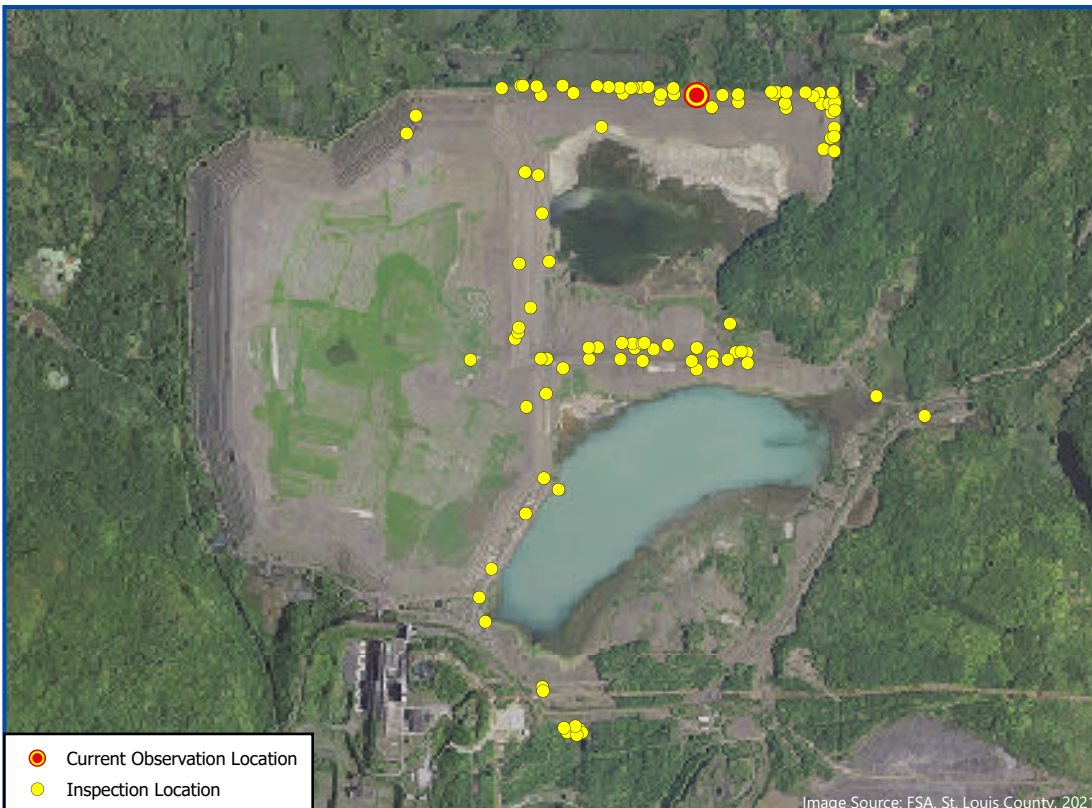
● Current Observation Location  
● Inspection Location

**Date:** 5/24/2023  
**Inspection Location:** 80  
**Field Notes:** Some surface erosion and small animal burrows (less than 1 foot diameter) along downstream slope. Features do not appear to have developed recently.



2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

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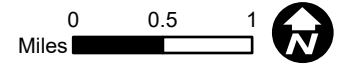


● Current Observation Location  
● Inspection Location

**Date:** 5/24/2023

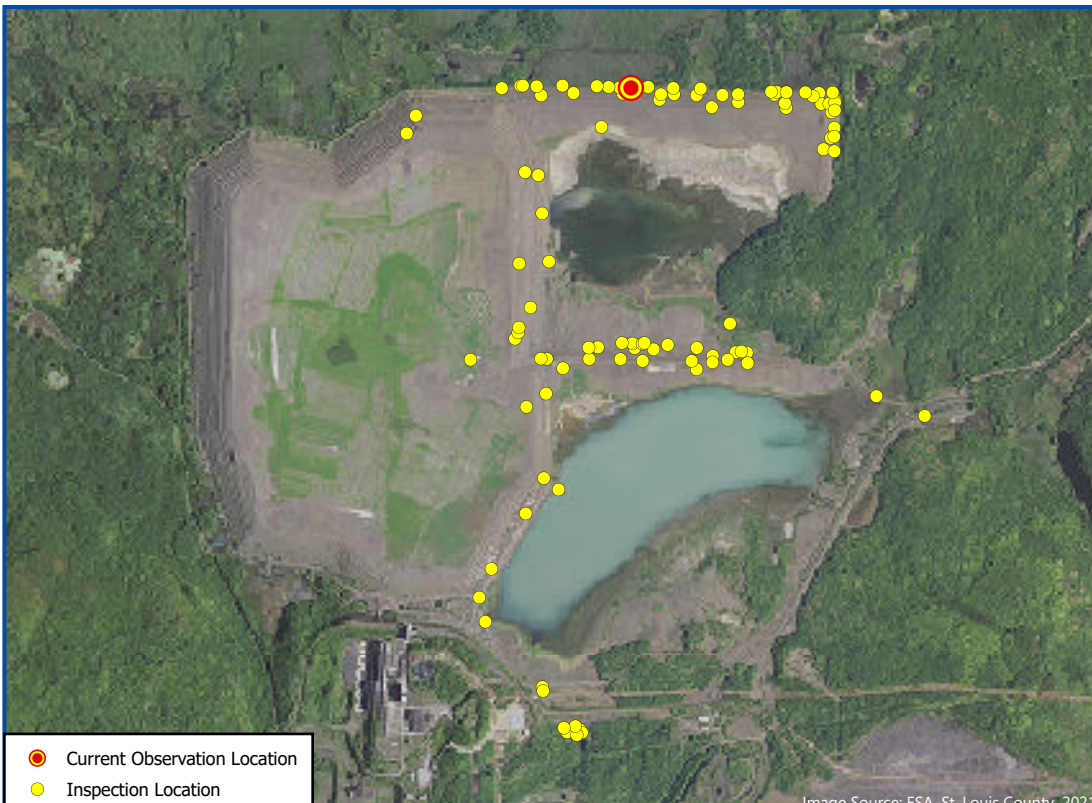
**Inspection Location:** 83

**Field Notes:** Some surface erosion and small animal burrows (less than 1 foot diameter) along downstream slope. Features do not appear to have developed recently.



2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

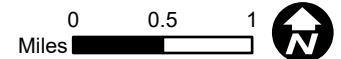
Photo ID - 83 of 104



**Date:** 5/24/2023

**Inspection Location:** 91

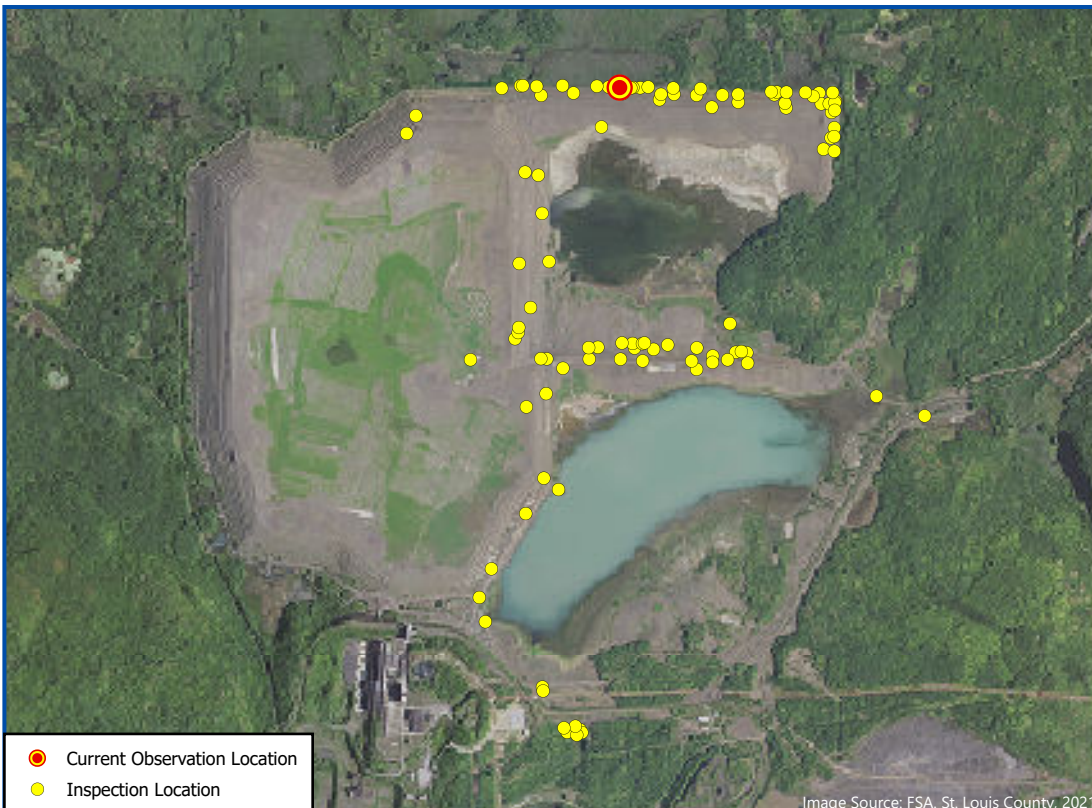
**Field Notes:** Small animal burrow (less than 1 foot diameter) along downstream slope.





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 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

Photo ID - 91 of 104

Image Source: FSA, St. Louis County, 2021.

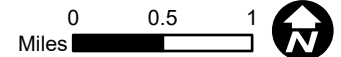


 Current Observation Location  
 Inspection Location

**Date:** 5/24/2023

**Inspection Location:** 93

**Field Notes:** Some surface erosion along downstream slope.





2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

Photo ID - 93 of 104

Image Source: FSA, St. Louis County, 2021.

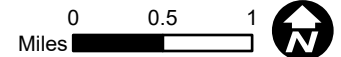


 Current Observation Location  
 Inspection Location

**Date:** 5/24/2023

**Inspection Location:** S-1

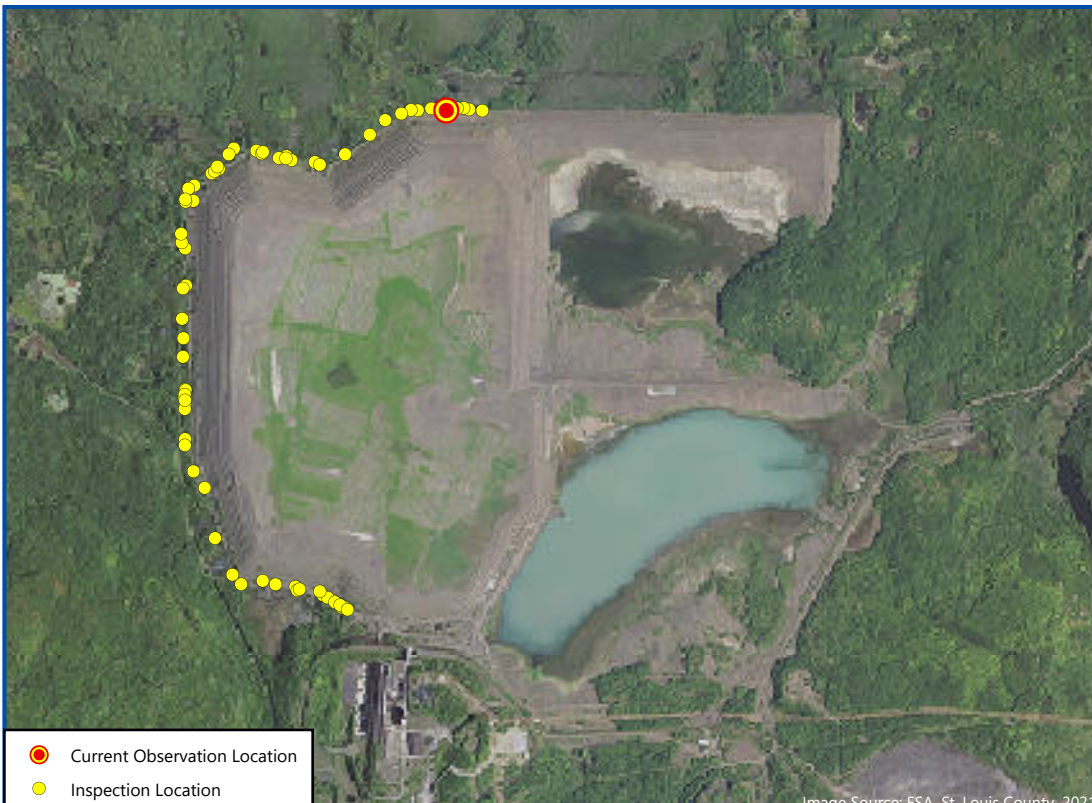
**Field Notes:** Trees along downstream slope.



Cell 2W Seep Review  
 2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

Photo ID - 1 of 71

Image Source: FSA, St. Louis County, 2021.

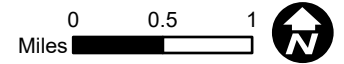


- Current Observation Location
- Inspection Location

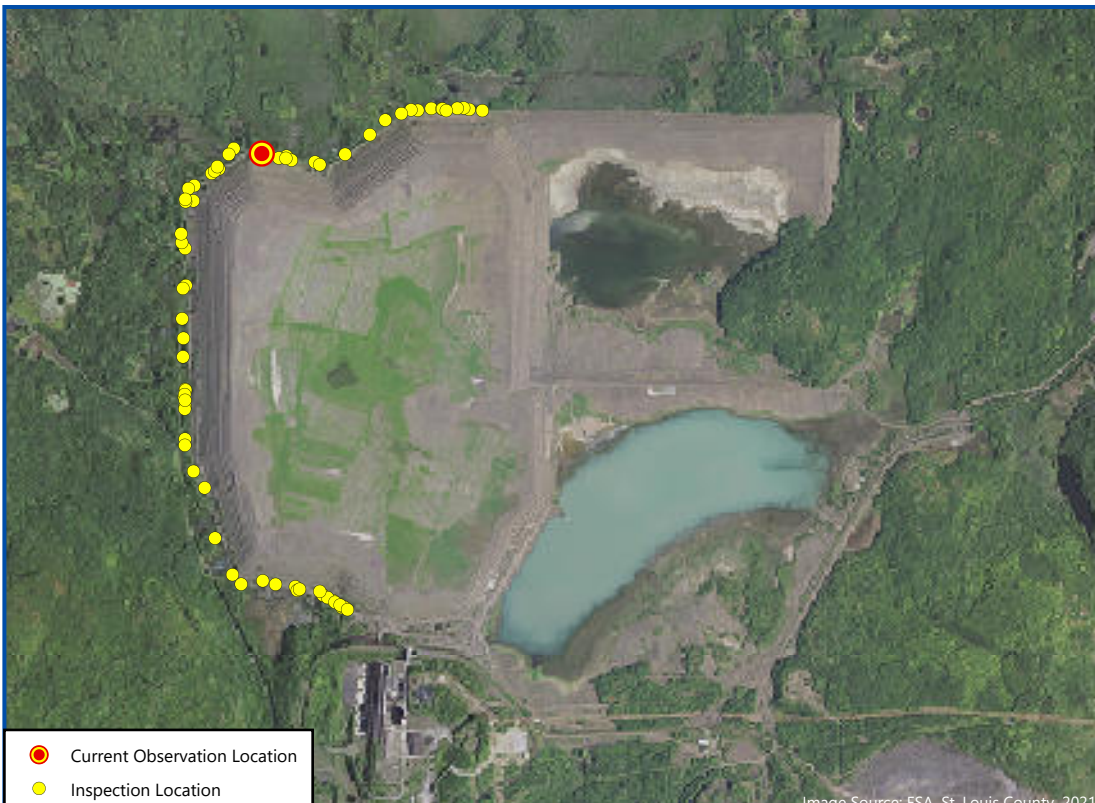
**Date:** 5/24/2023

**Inspection Location:** S-5

**Field Notes:** Surface erosion along downstream slope, does not appear to have developed recently.



Cell 2W Seep Review  
 2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota  
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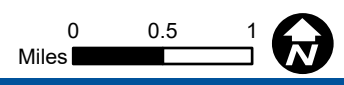


- Current Observation Location
- Inspection Location

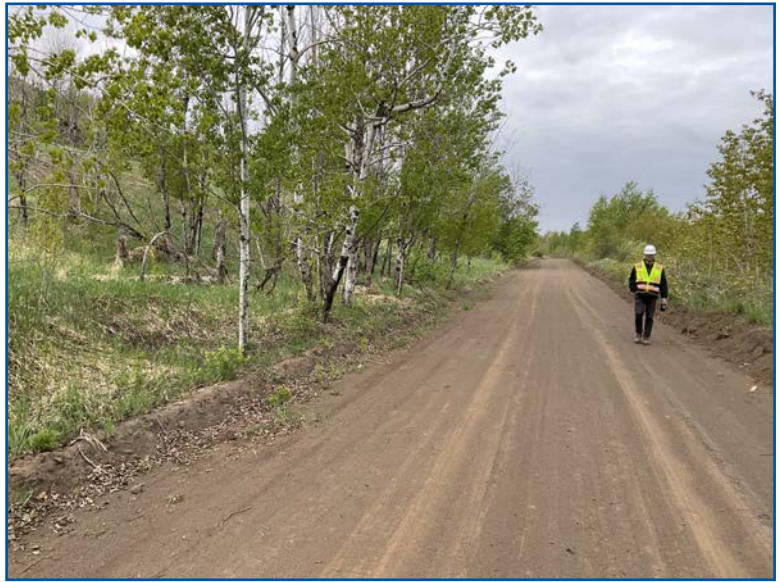
**Date:** 5/24/2023

**Inspection Location:** S-22

**Field Notes:** Small animal burrow (less than 1 foot diameter) along downstream slope.



Cell 2W Seep Review  
 2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota  
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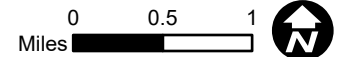


- Current Observation Location
- Inspection Location

**Date:** 5/24/2023

**Inspection Location:** S-29

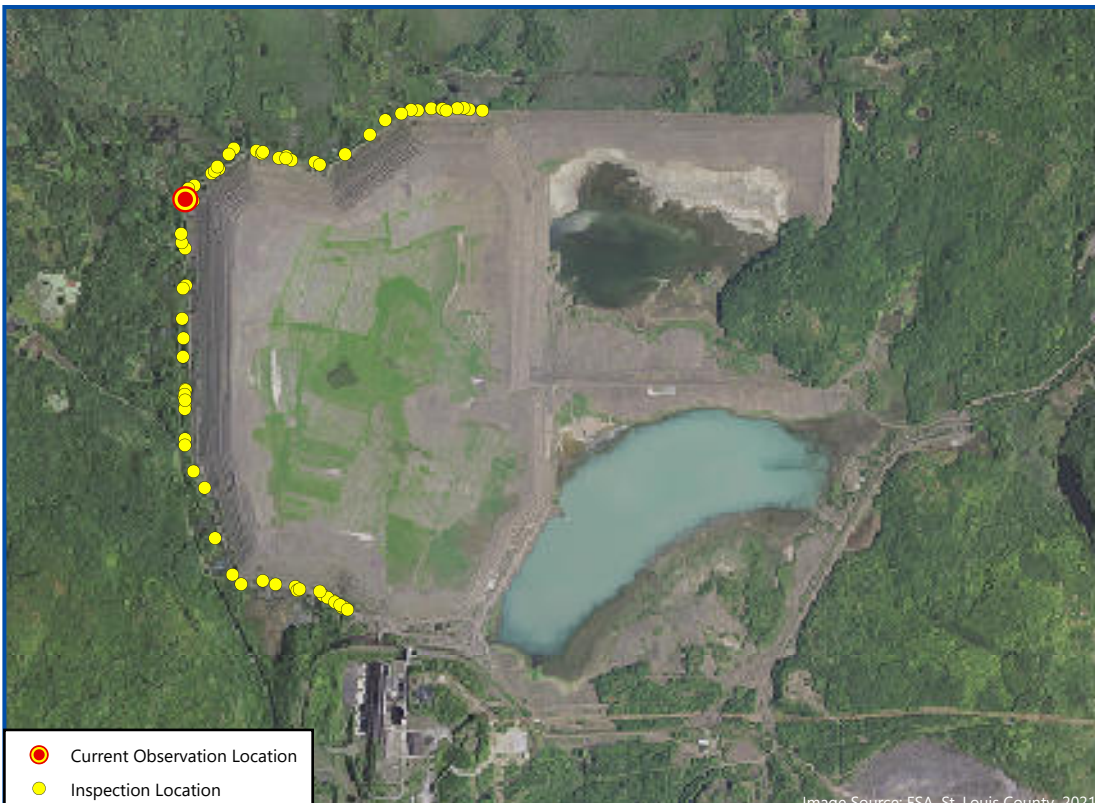
**Field Notes:** Small depression (less than 6-foot diameter) along downstream slope. Does not appear to have developed recently. No signs of seepage.



Cell 2W Seep Review  
 2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota

Photo ID - 29 of 71

Image Source: FSA, St. Louis County, 2021.

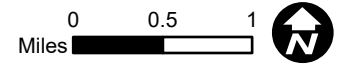


- Current Observation Location
- Inspection Location

**Date:** 5/24/2023

**Inspection Location:** S-32

**Field Notes:** Some surface erosion along downstream slope, adjacent to pipe. Conditions appear similar to those observed in 2022.



Cell 2W Seep Review  
 2023 Annual Dam Safety Inspection  
 NorthMet Project  
 NewRange Copper Nickel LLC  
 Hoyt Lakes, Minnesota  
 Photo ID - 32 of 71