

October 30, 2025

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**Re: PolyMet’s Request to Extend Stay, In the Matter of the NorthMet Project Permit to Mine Application, OAH 60-2004-37824**

Dear Counsel,

On November 25, 2024, I issued a decision letter granting the Minnesota Department of Natural Resources’ (“DNR”) request to stay this matter (“2024 Stay Decision”), pursuant to which this matter was stayed until August 14, 2025. On August 14, 2025, PolyMet submitted a status update requesting the stay be extended to September 30, 2025, to allow it additional time to complete its internal studies and determine whether it would propose changes to its tailings basin design as currently proposed in its permit to mine application. On August 21, 2025, I issued a decision letter granting PolyMet’s request, instructing PolyMet to provide a status update no later than September 30, 2025 and providing the other parties an opportunity to respond to PolyMet’s status update.

On September 30, 2025 PolyMet submitted a status update advising me that while its studies are not yet complete, it expects “to have all studies complete and an amended application submitted by November 28, 2025.” As such, PolyMet requested the stay be extended through that date.

On October 10, 2025, the Conservation Organizations, WaterLegacy, and the Fond du Lac Band of Lake Superior Chippewa (the “Band”) each filed a response letter asserting, among other things, the matter should be dismissed as moot either immediately or upon the filing of an amended or new application by PolyMet.<sup>1</sup> To the extent the matter is not immediately dismissed, the Band requested that I require PolyMet to submit a detailed explanation of any changes it proposes to make to its mine permit application along with all supporting documentation and permit all parties to respond thereto.

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<sup>1</sup> On October 16, 2025, DNR submitted a letter stating that DNR’s hearing team did not file a response to PolyMet’s request that the stay be extended because it does not oppose the extension.

After careful consideration, and based upon PolyMet's status updates and for the reasons set forth in my 2024 Stay Decision, the present circumstances warrant an extension of the stay. As such, PolyMet's request for extension of the stay is **GRANTED**.

## **Subsequent Briefing**

### *Briefing Schedule*

1. PolyMet shall provide a status update **on or before November 28, 2025**, which includes a summary of the results of its internal studies and copies of any materials, including any permit application or amendment materials, that it has submitted to DNR. Additionally, PolyMet's status update shall include briefing on the specific questions identified below.<sup>2</sup>
2. DNR's hearing team shall submit a written response brief as set forth below **on or before December 19, 2025**.
3. WaterLegacy, the Band, and Conservation Organizations (including Minnesota Center for Environmental Advocacy, Friends of the Boundary Waters Wilderness, Duluth for Clean Water, Center for Biological Diversity, Friends of the Cloquet Valley State Forest, Save Lake Superior Association, and Save our Sky Blue Waters) shall submit written response briefs as set forth below **on or before January 9, 2026**.

### *Briefing Requirements*

Each of the parties' submissions shall be no longer than 30 pages in double-spaced format and shall address the following specific questions:

- I. Whether I may take judicial notice under Minn. Stat. § 14.60, subd. 4 of the materials or exhibits submitted by PolyMet with its November 28, 2025 status update or any other relevant documents.
- II. Whether I may take judicial notice under Minn. Stat. § 14.60, subd. 4 of the materials or exhibits submitted by any other parties, including materials submitted by Conservation Organizations, WaterLegacy, and the Band on October 10, 2025.
- III. What impact the result of PolyMet's studies and any submitted applications or amendments thereto have on this proceeding, including whether such applications or amendments are authorized under Minnesota law and whether this proceeding has been rendered moot or should otherwise be dismissed.

After considering the parties' submissions, I will issue an order on the status of these proceedings and any necessary next steps.

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<sup>2</sup> Copies of any materials provided to DNR and submitted by PolyMet as part of its status update shall not count against the page limits for the briefing described below.



Sincerely,

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