

JUST CHANGE LAW OFFICES

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December 5, 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 Designee Wilson:

For the following reasons, Petitioners request a suspension of all briefing deadlines in response to PolyMet's November 28, 2025 submittal. The filing provided by PolyMet counsel failed to include "its studies [that] will result in proposed project changes that would lead to an amended application" as promised in PolyMet's September 30, 2025 status update and, thus, did not provide briefing on all the questions that the Designee directed the parties to address in their written briefs. While reserving all arguments that this proceeding should be dismissed as moot, Petitioners do not oppose an extension of the current stay on the terms described below.

The Designee's October 30, 2025 letter, which set a briefing schedule, required PolyMet to provide a status update "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." These materials would be the basis for the parties to answer the three legal questions posed by the Designee in briefs of no more than thirty (30) pages. The Designee extended the deadlines in this schedule on November 14, 2025, in a letter order in which the Designee directed that the parties should "address [the] three specific questions" included in the October 30, 2025 letter "related to how specific actions taken by PolyMet may impact the instant proceedings in light of the governing law" and explained that "[e]xcept as otherwise set forth herein, the directives in my October 30th letter remain unchanged."

It would be ineffective and inefficient to brief the three questions raised by the Designee without the materials promised by PolyMet. Moreover, PolyMet's November 28 submittal suggests that it may not provide such materials until January 28, 2026—the date by which it plans to submit an amended Clean Water Act permit application—which is *after* the DNR Hearing Team's and Petitioners' written responses are due. *See* PolyMet Nov. 28, 2025 Br. at 9 & n.3. And even if PolyMet submits materials before January 28, 2026, the DNR Hearing Team and Petitioners will have less time to review and respond to these materials than they did under the Designee's November 14 schedule. Following the current briefing schedule would therefore disadvantage the DNR Hearing Team and Petitioners and potentially require additional rounds of briefing to address all the issues raised by the Designee's questions.

Petitioners therefore respectfully request that the Designee suspend the deadline for briefing until PolyMet provides the materials it promised in its September 30, 2025 status update

and which the Designee directed PolyMet to provide and brief in the October 30, 2025 letter. When PolyMet submits such materials, Petitioners propose that the DNR Hearing Team have twenty-one (21) days after PolyMet's submission to file a written response brief and that Petitioners then have an additional twenty-one (21) days to file their written response briefs.

Respectfully submitted,

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Petitioners' Letter to Designee Wilson

December 5, 2025

Page 3

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