

September 30, 2025

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

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

Dear Designee Wilson:

I am writing with an update on the status of NewRange's ongoing studies related to environmental safeguards and mining performance for its NorthMet Project.

As you know, NewRange announced the start of these ongoing studies in an August 2024 press release. In that context, NewRange projected that the studies would be performed "over the next year." Since then, NewRange has devoted considerable resources to the studies, but they are not finished yet. NewRange does not see this as a delay—its original press-release projection was just an estimate. The studies involve serious science and engineering effort. For example, NewRange is studying a possible centerline dam for its tailings basin. Understanding the costs and benefits of such a dam change takes time. The same is true with all the other changes that NewRange is exploring. In every case, NewRange wants to get the study right, not just get it done.

NewRange still expects that its studies will result in proposed project changes that would lead to an amended application. And NewRange is optimistic that the studies will be finished, and any application amendments submitted, in the coming weeks. At present, NewRange aims to have all studies complete and an amended application submitted by November 28, 2025, and so it is proposing that the current stay be extended through that date.

When you first entered this stay, opponents of the NorthMet Project argued that any potential project changes mooted this appeal and should lead to denial of NewRange's pending permit application. For all the reasons NewRange and DNR gave then, such drastic remedies remain improper. It is still possible that NewRange will not propose any changes to its current application. It is also possible that changes will not materially

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implicate the primary issues in the contested case. If NewRange does make changes, they should happen through an application amendment, as DNR's rules allow. *See* Minn. R. 6132.4200. Dismissing this appeal as moot before an amendment is filed would not only ignore the possibility that NewRange decides to proceed with the bentonite plans considered in the contested case hearing, it would also create a procedural muddle under the contested case rules that could not be resolved without further briefing from all parties.

Thank you for your time and attention to this matter. NewRange appreciates that all parties are waiting on it to finish its studies, and it is trying to do with appropriate speed and rigor.

As always, please let me know if you have any questions.

Sincerely,

/s Jay C. Johnson

Jay C. Johnson