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

From Johnson, Jay C. <JCJohnson@Venable.com>

Date Fri 5/15/2026 8:25 AM

To Wilson, Grant (DNR) <grant.wilson@state.mn.us>

Cc Cary, Robert (DNR) <robert.cary@state.mn.us>; Fredrickson, Dawn (DNR) <Dawn.Fredrickson@state.mn.us>; mmills@greeneespel.com <mmills@greeneespel.com>; aknoll@greeneespel.com <aknoll@greeneespel.com>; ffamouri@greeneespel.com <ffamouri@greeneespel.com>; dwilliams@greeneespel.com <dwilliams@greeneespel.com>; jkammueLLer@greeneespel.com <jkammueLLer@greeneespel.com>; janderson@mncenter.org <janderson@mncenter.org>; akendzior@mncenter.org <akendzior@mncenter.org>; lassistants@mncenter.org <lassistants@mncenter.org>; pmaccabee@justchangelaw.com <pmaccabee@justchangelaw.com>; Coleman, Jean (She/Her/Hers) (DNR) <Jean.Coleman@state.mn.us>; vrayhodge@abqsonosky.com <vrayhodge@abqsonosky.com>; fholleman@sonosky.com <fholleman@sonosky.com>; seancopeland@fdlrez.com <seancopeland@fdlrez.com>; Oliver Larson <oliver.larson@ag.state.mn.us>

 1 attachment (132 KB)

2026.05.15 60-Day Update Letter to Commissioner's Designee.pdf;

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Dear Designee Wilson,

Please see the attached correspondence.

Regards,

Jay Johnson

Jay C. Johnson | Venable LLP

† 202.344.4698 | f 202.344.8300

600 Massachusetts Avenue, NW, Washington, DC 20001

JCJohnson@Venable.com | www.Venable.com

From: Johnson, Jay C.

Sent: Monday, March 16, 2026 2:14 PM

To: Wilson, Grant (DNR) <grant.wilson@state.mn.us>

Cc: Cary, Robert (DNR) <robert.cary@state.mn.us>; Fredrickson, Dawn (DNR) <Dawn.Fredrickson@state.mn.us>; mmills@greeneespel.com; aknoll@greeneespel.com; ffamouri@greeneespel.com; dwilliams@greeneespel.com; jkammueLLer@greeneespel.com; janderson@mncenter.org; akendzior@mncenter.org; lassistants@mncenter.org; pmaccabee@justchangelaw.com; Coleman, Jean (She/Her/Hers) (DNR) <Jean.Coleman@state.mn.us>; jwkatchen@hollandhart.com; bcsmith@hollandhart.com; vrayhodge@abqsonosky.com;

fholleman@sonosky.com; seancopeland@fdlrez.com

Subject: RE: In re NorthMet Project Permit to Mine Application, OAH 60-2004-37824

Dear Designee Wilson,

Please see the attached correspondence.

Regards,

Jay Johnson

From: Fredrickson, Dawn (DNR) <Dawn.Fredrickson@state.mn.us>

Sent: Wednesday, January 14, 2026 3:07 PM

To: mmills@greeneespel.com; aknoll@greeneespel.com; ffamouri@greeneespel.com; dwilliams@greeneespel.com; jkammuller@greeneespel.com; janderson@mncenter.org; akendzior@mncenter.org; lassistants@mncenter.org; Johnson, Jay C. <JCJohnson@Venable.com>; pmaccabee@justchangelaw.com; Coleman, Jean (She/Her/Hers) (DNR) <Jean.Coleman@state.mn.us>; jwkatchen@hollandhart.com; bcsmith@hollandhart.com; vrayhodge@abqsonosky.com; fholleman@sonosky.com; seancopeland@fdlrez.com

Cc: Wilson, Grant (DNR) <grant.wilson@state.mn.us>; Cary, Robert (DNR) <robert.cary@state.mn.us>

Subject: In re NorthMet Project Permit to Mine Application, OAH 60-2004-37824

Caution: External Email

Good afternoon,

Please see the attached letter sent on behalf of Grant Wilson, Central Region Director, with Minnesota Department of Natural Resources.

Thank you,

Dawn Fredrickson
Legal Administrative Assistant Senior | General Counsel
Minnesota Department of Natural Resources
500 Lafayette Rd
St. Paul, MN 55155
651-259-5031

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May 15, 2026

t 202.344.4698
JCJohnson@Venable.com

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:

In your January 14, 2026 letter, you stayed this matter “until PolyMet completes its internal studies and formally notifies DNR of its tailings storage plans or other circumstance warrants a lifting of the stay.” You also required PolyMet (now known as NewRange Copper Nickel LLC) to provide status updates every 60 days until the stay is lifted.

I sent an initial update letter on March 16. Sixty more days have passed since then, so I am writing with another update. It remains the case that NewRange has not formally notified DNR of its tailings storage plans, and that it is aware of no other circumstance that warrants a lifting of the stay.

Please let me know if you have any questions.

Sincerely,

/s Jay C. Johnson

Jay C. Johnson

cc: Parties of Record

March 16, 2026

t 202.344.4698
JCJohnson@Venable.com

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:

In your January 14, 2026 letter, you stayed this matter “until PolyMet completes its internal studies and formally notifies DNR of its tailings storage plans or other circumstance warrants a lifting of the stay” You also required PolyMet (now known as NewRange Copper Nickel LLC) to provide status updates every 60 days until the stay is lifted.

As 60 days have passed since your letter, I am writing to tell you that NewRange has not formally notified DNR of its tailings storage plans, and that it is aware of no other circumstance that warrants a lifting of the stay.

Please let me know if you have any questions.

Sincerely,

/s Jay C. Johnson

Jay C. Johnson

January 14, 2026

VIA EMAIL

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Representing: Minnesota Department of
Natural Resources

Representing: Fond du Lac Band of Lake
Superior Chippewa

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

Dear Counsel,

As you are aware, pursuant to my October 30, 2025 letter to the parties (“October 30, 2025 Letter”), I requested a status update and briefing from PolyMet, followed by response briefs from DNR and Petitioners. I subsequently extended DNR’s and Petitioners’ deadlines by letter on November 14, 2025 (“November 14, 2025 Letter”). On November 28, 2025, PolyMet submitted a status update informing me that its tailings storage studies are not yet complete and requested that I extend the stay until the studies are completed and PolyMet formally notifies DNR of its tailings storage plans. On December 5, 2025, Petitioners submitted a response letter similarly requesting that I suspend all briefing deadlines until PolyMet provides the tailings storage plans and briefings. Pursuant to my December 11, 2025 letter to the parties (“December 11, 2025 Letter”), I provided DNR until January 2, 2026 to submit its position on the proposed extension of the stay, should it desire to do so.

DNR did not submit its position on or before January 2, 2026. Based on the parties’ submissions, it appears there is no opposition to PolyMet’s request to extend the stay. Because no party has opposed this request or otherwise indicated that it will be prejudiced by the requested extension, PolyMet’s request for extension of the stay is **GRANTED**.

Parameters of the stay

The stay shall remain in place until PolyMet completes its internal studies and formally notifies DNR of its tailings storage plans or other circumstance warrants a lifting of the stay.¹

¹ If any party believes new circumstances warrant a lifting of the stay prior to PolyMet completing its studies and notifying DNR of its tailings storage plans, it may petition to have the stay lifted.

During the stay, **PolyMet shall provide status updates every 60 days** from the date of this letter until the stay is lifted.

Upon completion of its internal studies and notification to DNR of its tailings storage plans, PolyMet shall, **within 14 days of its notification to DNR**, provide a final status update that 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 following specific questions:

1. Whether I may take judicial notice under Minn. Stat. § 14.60, subd. 4 of the materials or exhibits submitted by PolyMet with its final status update or any other relevant documents.
2. 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 receipt of PolyMet's final status update, I will issue an order setting forth the next steps in this proceeding.

Sincerely,

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

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Minnesota Department of Natural Resources
500 Lafayette Road, St. Paul, MN 55155