

March 18, 2024

Grant Wilson
Commissioner's Designee
Central Region Director
Minnesota Department of Natural Resources
500 Lafayette Road
St. Paul, MN 55155
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VIA E-MAIL

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

Dear Director Wilson:

Petitioners WaterLegacy and the Conservation Organizations represented by Minnesota Center for Environmental Advocacy (together "WL and COs") write in response to your March 13, 2024 scheduling letter and the March 15, 2024 letter from the Department of Natural Resources hearing team ("DNR"). WL and COs support DNR's request to modify the schedule so that DNR and other parties will have a chance to respond to PolyMet. Because PolyMet has information that no other party possesses, we agree with DNR's statement that our submissions will be more fully informed if we are able to review PolyMet's filing.

However, WL and COs request that the schedule also be modified so that our responses are due one week after DNR's response. Because PolyMet's February 14, 2024 email to Petitioner Fond du Lac Band of Lake Superior Chippewa (the "Band") stated that PolyMet would share "the same update" with DNR that week, it appears that DNR also has information that Petitioners do not. Our responses will not be fully informed until we review DNR's position. Petitioners' responses will be more complete and more useful to the decisionmaker with this revised schedule.

Additionally, WL and COs respectfully request that you instruct PolyMet and DNR to produce, along with their responses, any communications between PolyMet and DNR pertaining to the update and "potential changes" to the "tailings management facility" ("TMF") referenced in PolyMet's February 14, 2024 email to the Band. Petitioners have not had access to any such communications, and we will be at an unfair disadvantage compared to PolyMet and DNR without the benefit of this review.

Accordingly, WL and COs respectfully request that the following schedule be set:

March 26, 2024: PolyMet response due, including communications to and from DNR regarding updates and potential changes to the TMF.

April 2, 2024: DNR hearing team response due, including communications to and from PolyMet regarding updates and potential changes to the TMF.

April 9, 2024: Responses due from Petitioners.

We believe that these proposed modifications will be fair to all parties and create a clear record for your decision regarding next steps.

Respectfully submitted,

/s/ Melissa Lorentz

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