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**Re: Letter Requests from DNR and WaterLegacy and Conservation Organizations, In the Matter of the NorthMet Project Permit to Mine Application, OAH 60-2004-37824**

Dear Counsel,

I am in receipt of a letter dated March 15, 2024 from the Minnesota Department of Natural Resources (“DNR”) and a letter dated March 18, 2024 from Petitioners WaterLegacy and the Conservation Organizations. I understand that counsel for the remaining parties also received copies. The DNR’s letter requests I modify the schedule set forth in my March 13, 2024 letter setting a deadline of March 26, 2024 for all parties to respond to the Fond du Lac Band of Lake Superior Chippewa’s (“Band”) letter dated March 11, 2024. Specifically, DNR requests the schedule be modified such that PolyMet’s response is due on or before March 26, 2024, with the remaining parties’ responses due seven days thereafter.

WaterLegacy and the Conservation Organizations also jointly request to modify the schedule, but instead request that PolyMet’s response is due March 26, 2024, DNR’s response is due April 2, 2024, and the Petitioners’ response is due April 9, 2024. Additionally, WaterLegacy and the Conservation Organizations request that, along with their responses, PolyMet and DNR produce any communications between PolyMet and DNR pertaining to any potential changes to the tailings management facility (“TMF”).

As to the request that PolyMet and DNR be ordered to produce communications regarding changes to the TMF, WaterLegacy and the Conservation Organizations have cited no authority authorizing the Commissioner to order the production of such documents at this stage in the contested case proceeding. An agency decisionmaker must consider only factual information or evidence that is part of the record that has been certified to the agency. Minn. Stat. §§ 14.58, .60, subd. 2, .62. Therefore, the request by WaterLegacy and the Conservation Organizations regarding the additional production of communications between PolyMet and DNR is denied.

In response to the separate requests by DNR and WaterLegacy/Conservation Organizations to amend the current schedule for submitting written responses to the Band’s letter, the schedule is amended as follows:

1. PolyMet has until **March 26, 2024 at 4:30 p.m. CT** to submit written responses to the Band's letter and the requests described therein.
2. DNR has until **April 2, 2024 at 4:30 p.m. CT** to submit written response to the Band's letter and the requests described therein.
3. WaterLegacy and the Conservation Organizations have until **April 9, 2024 at 4:30 p.m. CT** to submit written responses to the Band's letter and the requests described therein.

I will issue a decision on the Band's requests shortly after the April 9th deadline. I will thereafter provide a new schedule for written exceptions, if appropriate. The parties can expect that any new schedule will follow a similar structure to my letter dated December 20, 2023.

Sincerely,

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