

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT

Case Type: Civil Other/Misc.

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In the Matter of the Denial of Contested Case  
Hearing Requests and Issuance of National  
Pollutant Discharge Elimination System/State  
Disposal System Permit No. MN0071013 for  
the Proposed NorthMet Project, St. Louis  
County, Hoyt Lakes and Babbitt, Minnesota

Court File No. 62-CV-19-4626  
Judge John H. Guthmann

**DECLARATION OF  
EVAN A. NELSON**

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State of Minnesota    )  
                                  ) ss.  
County of Hennepin    )

I, Evan A. Nelson, hereby declare as follows:

1. I am an attorney licensed in Minnesota and am employed by Maslon LLP as an attorney.
2. In the above-captioned matters, I represent Relators Minnesota Center for Environmental Advocacy, Friends of the Boundary Waters Wilderness, and the Center for Biological Diversity (collectively, "Relators") on a pro bono basis. As part of that representation, I have conferred with counsel for co-relators WaterLegacy and the Fond du Lac Band of Lake Superior Chippewa regarding the above-captioned matters. As a result of that representation, I am familiar with the matters contained in this declaration.
3. Kevin Pierard is a key witness in this case. I expect him to testify as to his direct knowledge of calls and meetings between the Minnesota Pollution Control Agency ("MPCA") and U.S. Environmental Protection Agency ("EPA") throughout the PolyMet permitting process. I also expect him to testify that he told MPCA in March 2018 that EPA intended to submit written comments on the draft PolyMet NPDES permit; heard at least one discussion where MPCA asked

EPA not to send EPA's written comments on the draft permit; read EPA's written comments aloud to MPCA staff on April 5, 2018; participated in meetings with MPCA and PolyMet in September 2018; and worked with his staff to summarize permit issues that were resolved or remained unresolved at the time the final PolyMet NPDES permit was issued.

4. Relators will be severely prejudiced if Mr. Pierard is unable to testify in these proceedings. Mr. Pierard is the only witness with actual knowledge of the PolyMet permit process who has retired from EPA.

I declare under penalty of perjury that everything that I have stated in this document is true and correct.

Dated: December 4, 2019

*s/Evan A. Nelson*\_\_\_\_\_

EVAN A. NELSON