

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT
Case Type: Civil Other/Misc.
The Honorable John H. Guthmann

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

Case No. 62-CV-19-4626

**DECLARATION OF DAVIDA S.
MCGHEE IN SUPPORT OF POLY MET
MINING, INC.'S MOTIONS IN LIMINE**

I, Davida S. McGhee, declare as follows:

1. I am an attorney at the law firm of Greene Espel PLLP, counsel of record for Poly Met Mining, Inc. I make this declaration based upon my personal knowledge of the matters stated herein.

2. Attached hereto are true and correct copies of the following documents and unpublished cases:

Exhibit 1: Excerpt from the Deposition of MPCA Designee Jeff UDD by Written Questions (Oct. 15, 2019) (pp. 1-3, 14).

Exhibit 2: LinkedIn Profile of Cat Kuhlman, available at https://www.linkedin.com/in/cat-kuhlman-b96a9a26/?trk=public_profile_samename_profile_profile-result-card_result-card_full-click.

Exhibit 3: EPA Press Release *California Holds First Coastwide Water Quality Monitoring Event* (May 16, 2003), available at https://archive.epa.gov/epapages/newsroom_archive/newsreleases/dcdd28b16ffd0ef4852570d8005e153f.html.

Exhibit 4: California Regional Water Quality Control Board, North Coast Region, Press Release *State, U.S. EPA and Tribes warn against*

blue-green algae in the Klamath River from Copco Reservoir to the confluence with the Trinity River (Weltchpec). Contact with blue-green algae can cause eye irritation, skin rash. Caution urged when consuming fish., (Sept. 9, 2010), available at <https://19january2017snapshot.epa.gov/www3/region9/water/watershed/pdf/klamath-river-press-release.pdf>.

- Exhibit 5: *Governor Brown Announces Appointments*, Office of Governor Edmund G. Brown Jr. (Apr. 17, 2012), available at <https://www.ca.gov/archive/gov39/2012/04/17/news17496/index.html>.
- Exhibit 6: California Ocean Protection Council (OPC) Executive Director's Report (Aug. 27, 2014), available at http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20140827/140815_Item2 OPC_Aug2014_ED_report.pdf.
- Exhibit 7: Declaration of Jeffry Fowly filed in the Court of Appeals, Case Nos. A19-0112, A19-0118, A19-0124 (June 5, 2019).
- Exhibit 8: LinkedIn Profile of Brian Branfireun, available at <https://www.linkedin.com/in/brian-branfireun-ba58237/?originalSubdomain=ca>.
- Exhibit 9: Mining Impacts to the Lake Superior Basin, WaterLegacy (May 23, 2014), available at <https://www.glri.us/sites/default/files/20140523-letter-water-legacy-mining.pdf>.
- Exhibit 10: *Gaylor v. Georgia Dep't of Nat. Res.*, No. 2:11-CV-288-RWS, 2014 WL 4545810 (N.D. Ga. Sept. 12, 2014).
- Exhibit 11: *Juneau v. Kenner*, No. CV 08-08284, 2009 WL 10673374 (C.D. Cal. May 14, 2009).
- Exhibit 12: *Pleasant Gardens Realty Corp. v. H. Kohnstamm & Co.*, Civ. No. 08-5582 (JHR/JS), 2009 WL 2982632 (D.N.J. Sept. 10, 2009).

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

Signed in Hennepin County, Minnesota.

Dated: December 27, 2019

s/ Davida S. McGhee
Davida S. McGhee