

Parties' Stipulation as to whether Exhibits are in Administrative Record
and whether Exhibits were produced in response to Relators' DPA Requests

Exhibit No.	Description	Administrative Record?	DPA Requests?
Court Ex B	Stipulation between Relators and MPCA	No	No
Court Ex D	Highlighted MPCA Designee Deposition (Ex. 702)	No	No
Court Ex E	Redacted Schmidt Declaration (Ex. 574)	No	No
32	10/26/17 Email from Richard Clark	Yes	Yes
34	1/17/18 Email	Yes	Yes
35	Draft PolyMet NPDES permit	No	Yes
36	Draft fact sheet for PolyMet NPDES permit	No	Yes
37	Email chain dated 1/17/18	Yes	Yes
43	3/19/18 Email from Michael Schmidt	No[1]	Yes
58	Email chain dated 3/12/18	No	No
60	3/13/18 Email chain	No	No
61	3/15/18 Email chain	No	No
62	3/15/18 Email chain	No	No
64	Email chain dated 3/16/18	No	No
64A	Email chain dated 3/16/18	Yes	Yes
65	1/31/19 Email from Kurt Thiede	No	No
71	MN Records Retention Schedule	No	No
76	Records Management page	No	No
77	Records and Data Management Manual	No	No
79	MPCA Guide for public requesting info	No	No
82	Guidance for NPDES Permit Writers	No	No
83	EPA Permit Review Process	No	No
107	Email chain dated 11/3/2016	Yes	Yes
128	1/26/17 Email chain	No	No
139	5/30/12 Email chain	No	No
150	2/1/19 Email	No	No
151	Attachment to Ex. 150	No	No
153	2/1/2019 MPCA Memo	No	No
154	1/18/19 Email from Shannon Lotthammer	No	No
155	1/18/19 Email from Dave Verhasselt	No	No
161	6/10/05 Email from Mari Nord	No	No
162	Undated Letter to Richard Clark	No	No
164	Letter dated 2/29/12 from EPA	No	No
174	Letter dated 9/2/11 from EPA	No	No
185	Letter dated 5/5/16 from EPA	No	No
217	Letter dated 8/12/13 from EPA	No	No
218	Letter dated 6/4/14 from EPA	No	No
228[9]	12/10-11/17 Email chain	No	No
230[10]	PolyMet Comments on Draft Permit	No	Yes
248	6/12/19 Email from Laura Bishop	No	No
250	1/31/19 Email chain	No	No
264	Letter dated 2/13/17 from EPA	No	No

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267	2/1/19 Email chain	No	No
268	2/1/19 Email from Greta Gauthier	No	No
269	1/30/19 Email chain	No	No
270	1/17/19 Email chain	No	No
271	1/17/19 Email chain	No	No
274	2/5/19 Email chain	No	No
275	1/17/18 Email from Jeff Udd	No	No
280	1/18/19 Email chain	No	No
288[2]	8/11/16 Email chain	No	No
289	8/24/16 MPCA/EPA Permitting Discussion Agenda	No	Yes
290	Email dated 8/5/16 from Mr. Ireland	No	No
303	11/4/16 Email chain	No	No
303A[3]	11/3/16 email from Pierard	Yes	Yes
304	10/23/17 email from Ms. Kearney	Yes	Yes
306	Letter dated 11/3/16 from EPA	Yes	Yes
307	Email dated 3/16/18 from Mr. Udd	No	Yes
307A	Email dated 3/16/18 from Mr. Udd	Yes	No[4]
324	Stephanie Handeland handwritten notes dated 1/31/18, 2/13/18, 3/5/18	Yes	Yes
324A	Stephanie Handeland handwritten notes dated 1/31/18, 2/13/18, 3/5/18	Yes	Yes
325	Stephanie Handeland handwritten Notes dated 11/1/17, 11/9/17	Yes	Yes
325A	Stephanie Handeland handwritten Notes dated 11/1/17, 11/9/17	Yes	Yes
326	1/30/18 Email from MPCA containing news release	Yes	Yes
328	Memorandum of Agreement	No	No
333	3/13/18 Email from Shannon Lotthammer	No	No
334	3/26/18 WaterLegacy DPA Request	Yes	Yes
335	3/28/18 Email chain	No	Yes
336	4/5/18 WaterLegacy DPA Request	No	Yes
337	Letter from EPA to Mr. Udd	No	No
340	2018-9-20 WaterLegacy DPA Request	No	Yes
341	2018-10-14 WaterLegacy DPA Request	No	Yes
346	2018-12-12 WaterLegacy DPA Request	No	Yes
348	NPDES/SDS Permit Program Fact Sheet	Yes	Yes
349	Final Permit	Yes	Yes
350	Findings of Fact, Conclusions of Law, and Order	Yes	Yes
352	2019-1-1 WaterLegacy DPA Request	No	Yes
354	2019-2-3 WaterLegacy DPA Request	No	Yes

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Exhibit No.	Description	Administrative Record?	DPA Requests?
356	2019-6-19 MCEA DPA Request	No	Yes
370	4/9/15 Email	No	Yes
372	11/20/17 Email	No	No[5]
374	4/24 – 4/30/18 Email chain	No	Yes
382	9/24/15 Letter to Lori Swanson	No	Yes
389	4/5/18 Email from Ms. Maccabee	No	Yes
391	4/16/18 Email chain	No	Yes
400	10/16/18 Email chain	No	Yes
403	10/19/18 Email chain	No	Yes
414	1/8/19 Email chain	No	Yes
419	2/5/19 Email chain	No	Yes
421	3/18/19 email from Mr. Richards	No	Yes
437	4/5/18 DPA request from WaterLegacy	No	Yes
527	10/14/11 Letter from MPCA	No	No
529	MPCA Mesabi Nugget Responses to Comments	No	No
530	12/19/14 Letter from EPA to Ms. Foss	No	No
531	7/22/16 Letter from EPA to Ms. Foss	No	No
532	12/21/16 Letter from EPA to Ms. Foss	No	No
533	Minntac Findings of Fact, Conclusions of Law, and Order	No	No
535	Article in the Timberjay (6/12/19 Link from Exhibit 248)	No	No
568	MPCA's Motion to File a supplemented itemized list of contents of the record	No	No
573	6/12/19 Declaration of Shannon Lotthammer	No	No
575	6/12/19 Declaration of Jeff Udd	No	No
590	7/24/19 email from Leonard Richards	No	Yes
591	3/12/18 calendar notification to Stepp, Stine and Thiede re: Polymet Mine Draft Permit	No	No
595	1/19/18 Email from Ms. Bauer	No	No
600	12/20/18 email from Ms. McKim	No	No[6]
616	3/12/18 email chain between Korleski and Bauer	No	No
641	3/5/18 email from Mr. Korleski	No	No
649	3/12/18 Email from Mr. Pierard	No	No
674	3/20/18 Email from Mr. Pierard	No	No
679	NPDES Permit Writers' Manual	No	No
685[7]	4/9/15 Email chain	No	No[8]
692	Exhibit 1 from Handeland Deposition	No	No
699	Exhibit 8 from Handeland Deposition	No	No
706	MPCA Designee Deposition Exhibit 4	No	No
707	MPCA Designee Deposition Exhibit 5	No	No
708	Clark Deposition Exhibit 6	No	No
765	12/17/19 email from Leonard Richards	No	Yes

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Exhibit No.	Description	Administrative Record?	DPA Requests?
766	2019-11-14 MCEA DPA request	No	Yes
774	Notes re: MPCA Call 4/30/18	No	No
775	Notes re: MPCA call 3/12/18	No	No
798	2/1/19 Email from Ms. Bishop	No	No
804	3/5/18 Email from Mr. Udd	No	No
805	5/1/2000 Letter from MPCA to Mr. Lyons	No	No
812	1/14/19 Email from Ms. Bishop	No	No
815	11/20/17 Email chain	No	No
837	Michael Schmidt Notes	No	No
838	Michael Schmidt Notes	No	No
839	XACT Digital Forensic Search Report	No	No
1003	MPCA Data Practices Dos and Don'ts	No	No
1055	Comments and Joint Petition for a Contested Case Hearing	Yes	Yes
1069	October 2017 Updated NPDES/SDS Permit Application, Volume I	Yes	Yes
1097	3/16/18 Fond du Lac Band's comment letter	Yes	Yes
1098	3/16/18 WaterLegacy's Comments and Petition for CCH	Yes	Yes
1118	Binder containing permit and attendant documents	Yes	Yes
1133	MPCA Response to Comments	Yes	Yes
2009	2018-5-16 email from Pierard to Udd, Opie (EPA), Bauer, Korleski, re: Minntac permit	No	No
2010	2018-6-26 email from Holst to Pierard, re: Polymet conversation with Jeff Udd	No	No
2014	2018-9-19 email from Wester to McKim, Ackerman, Bauer, re: EPA-MPCA agreement regarding review of the draft polymet permit	No	No
2020	2018-12-4 email from Pierard to Holst, Baltazar re: Polymet	No	No
2021	2018-12-6 email from Clark to Pierard, re: Proposed PolyMet Permit Package (Email 2 of 2)	No	Yes
2039	2018-03-19 Appointment for 2018-04-05 meeting	Yes	Yes

[\[1\] Exhibit 2039 is a related document.](#)

[\[2\] The first four pages of Exhibit 288 were received into evidence.](#)

[\[3\] A 11/3/16 email from Kevin Pierard was produced in response to DPA requests and is in the AR at WATER_0048795. The parties stipulate to the admission of WATER_0048795 as Exhibit 303A. The differences between 303 and 303A are apparent on the face of the exhibits.](#)

[\[4\] The same email with a different header was produced in response to DPA requests.](#)

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[5] A substantively identical email chain was produced in response to DPA requests.

[6] The forwarded press release was included in the DPA responses.

[7] The first three pages of Exhibit 685 were received into evidence.

[8] A substantively identical version of the admitted email chain was produced in response to DPA requests.

[9] MPCA intends to file a letter with the Court requesting the admission of a document at WATER_0040784-0040785 as "Exhibit 228A." Relators intend to oppose this request.

[10] MPCA intends to file a letter with the Court requesting the admission of a document at WATER_0040786-0040893 as "Exhibit 230A." Relators intend to oppose this request.