

Subject: RE: NorthMet Data Practices Request - Not Completed
Date: Tuesday, November 12, 2013 6:07:30 PM CT
From: Johnson, Bill H (DNR)
To: Paula Maccabee
CC: Doneen, Randall (DNR), Cohn, Charlotte W (DNR), Deyo, Sheila M (DNR)

Hi Paula. No, we do not possess any non-public data regarding this request.

Good clarification. Have a good evening. Bill J.

Bill Johnson, Mining Section Lead
Environmental Policy & Review Unit
MDNR Division of Ecological & Water Resources

From: Paula Maccabee [mailto:pmaccabee@visi.com]
Sent: Tuesday, November 12, 2013 4:51 PM
To: Johnson, Bill H (DNR)
Cc: Doneen, Randall (DNR); Cohn, Charlotte W (DNR); Deyo, Sheila M (DNR)
Subject: Re: NorthMet Data Practices Request - Not Completed

Hello, Bill:

Thank you for your response copied below. I am not sure from the email below whether there is nonpublic data that you believe is responsive to our Data Practices Act request.

If there is such nonpublic information in the possession of MDNR, please identify the materials to which you refer and summarize how that material is nonpublic information pursuant to Minnesota Statutes 13.37, subd. 1(b). Please feel free to call me if you have any questions.

We look forward to your response and clarification.

Sincerely yours,

Paula Maccabee, Esq.
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Counsel/Advocacy Director for WaterLegacy

From: "Johnson, Bill H (DNR)" <bill.johnson@state.mn.us>
Date: Tue, 12 Nov 2013 18:57:04 +0000

To: Paula Maccabee <pmaccabee@visi.com>
Cc: Randall Doneen <randall.doneen@state.mn.us>, "Cohn, Charlotte W (DNR)" <charlotte.cohn@state.mn.us>, "Deyo, Sheila M (DNR)" <sheila.deyo@state.mn.us>
Subject: RE: NorthMet Data Practices Request - Not Completed

Good afternoon Paula.

Thanks for your additional follow-up. MDNR has provided the public data we possess pertaining to the request. No other public data is within the agency's possession. As you note below we agree the request can be considered closed.

Thank you for your inquiry. As with the previous correspondence I have courtesy-copied other agency staff associated with our DPA requirements.

Have a good rest of the week. Bill J.

Bill Johnson, Mining Section Lead
Environmental Policy & Review Unit
MDNR Division of Ecological & Water Resources, Box 25
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St. Paul, MN 55155
651-259-5126
bill.johnson@state.mn.us

From: Paula Maccabee [<mailto:pmaccabee@visi.com>]
Sent: Thursday, November 07, 2013 9:06 AM
To: Johnson, Bill H (DNR)
Cc: Doneen, Randall (DNR); Cohn, Charlotte W (DNR); Deyo, Sheila M (DNR)
Subject: NorthMet Data Practices Request - Not Completed

Hello, Bill:

I have received the certification review version of the PolyMet NorthMet SDEIS. That request is completed.

However, our Data Practices Act request for documents reflecting field experience supporting the efficacy of pump-back at the tailings basin has not been addressed yet. My request for information on September 24, 2013 was specific to field experience, as follows:

"In addition, if the MDNR has any documents reflecting field experience with tailings basin pump-back rates in Minnesota or in other states, please provide them to us."

This DPA request was repeated as follows in an email on October 67, 2013:

"Similarly, if there is any other documented field experience at any other tailings basin upon which the Lead Agencies or their consultants have relied to determine that PolyMet's judgment about the efficacy of their potential pump-back system is reasonable, please provide us with the pertinent documentation."

We were initially directed to a Minntac 2007 seepage study, which provided no field experience since no pump-back system had been constructed at Minntac by 2007. If DNR is relying on subsequent field experience at Minntac to substantiate pump-back rates, we would again request documents reflecting the methodology and capture rate of the Minntac pump-back system.

Then, you sent us a CD with a number of PolyMet files purporting to demonstrate pump-back efficiency. We have now had a chance to review these documents. Although some of the documents repeat the predictions made in PolyMet's modeling regarding pump-back efficacy, we have identified no documents among them that discuss field experience demonstrating capture rates for such systems at any tailings basin or mine.

In the Lead Agencies' Dispositions in response to PolyMet northMet v2 Tribal Comments (page 34 of 168) the following statement is made in response to concerns about water capture at the tailings basin:

"Groundwater containment with slurry walls and permeable trenches has been routinely performed at mine and industrial sites over the last 50 years. There are hundreds of currently operating systems. When geologic conditions are favorable (particularly the presence of a low permeability basal unit that can be keyed into), it is typical to achieve greater than 90 percent groundwater capture."

We would repeat our Data Practices Act request pending since September 24, 2013. Please provide copies of all documents which substantiate the "typical" capture rate of greater than 90 percent based on field experience at tailings basins and mine sites.

I hope that this email provides sufficient clarity so that we can receive the information requested previously. Please do not hesitate to call if our request is unclear.

If the DNR has no documentation of field experience with tailings basin groundwater capture, please simply state that fact and we will consider this DPA request closed.

Best regards,

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Counsel/Advocacy Director for WaterLegacy

From: "Johnson, Bill H (DNR)" <bill.johnson@state.mn.us>
Date: Mon, 28 Oct 2013 22:05:46 +0000
To: Paula Maccabee <pmaccabee@visi.com>
Cc: Randall Doneen <randall.doneen@state.mn.us>, "Cohn, Charlotte W (DNR)" <charlotte.cohn@state.mn.us>, "Deyo, Sheila M (DNR)" <sheila.deyo@state.mn.us>
Subject: NorthMet Data Practices Request

Good afternoon Paula.

I am pleased to report that the Department has completed your Data Practices request that I logged on 10/21/13. As has been done previously, I have prepared a CD with the information you requested, which in this case is public data regarding the agency's certification review version of the draft SDEIS.

The CD was processed and mailed on Friday (10/25/13) to your attention at this address:

Ms. Paula Maccabee
Just Change Law Offices
1961 Selby Avenue
St. Paul, MN 55104

You should receive the disk as early as today, but more likely Tuesday or Wednesday of this week. Please contact me if you have not received it by Thursday, October 31, and we'll make arrangements for provision of a second CD. No fee is being assessed.

Thank you for your inquiry. I have courtesy-copied Randall Doneen (ER Unit Supervisor), Charlotte Cohn (EWR Data Practices Liaison), and Sheila Deyo (Department Data Practices Compliance Officer) for awareness. Bill J.

Bill Johnson, Mining Section Lead
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