

Westlake, Kenneth

From: Westlake, Kenneth
Sent: Tuesday, August 19, 2014 4:26 PM
To: Walts, Alan
Cc: Sedlacek, Michael
Subject: FW: PolyMet Call Follow Up

From: Naramore, Barb (DNR) [mailto:Barb.Naramore@[REDACTED]]
Sent: Tuesday, August 19, 2014 11:58 AM
To: Jim.Swiderski@mail.house.gov
Cc: Bruner, Douglas W MVP (Douglas.W.Bruner@[REDACTED]); Richard Periman (rperiman@[REDACTED]); mjimenez@[REDACTED]; Westlake, Kenneth; walt.alan@[REDACTED]; Colvin, Steve E (DNR); Richards, Jess (DNR); Meier, Bob (DNR); Brad Moore
Subject: RE: PolyMet Call Follow Up

Jim:

Thank you for the opportunity to participate in last week's call. DNR's responses to Congressman Nolan's questions are below in black text. Please let me know if you have questions or need additional information.

Best regards,

Barb

Barb Naramore
Assistant Commissioner
Minnesota Department of Natural Resources
[REDACTED] (o), [REDACTED] (m)

From: Swiderski, Jim [mailto:Jim.Swiderski@[REDACTED]]
Sent: Thursday, August 14, 2014 10:51 AM
To: 'Douglas.W.Bruner@[REDACTED]'; Colvin, Steve E (DNR); Richards, Jess (DNR); Meier, Bob (DNR); 'rperiman@[REDACTED]'; [REDACTED]; 'westlake.kenneth@[REDACTED]'; 'walts.alan@[REDACTED]'
Cc: 'bmoore@polymet@[REDACTED]'
Subject: RE: PolyMet Call Follow Up

Hello again,

I want to echo what Congressman Nolan has said. It is a pleasure to work with each of you.

Congressman Nolan asked me to prepare a brief report on this meeting. Would you be so kind as to take a few minutes and send me a few paragraphs summarizing the comments you made during the meeting? The questions Congressman Nolan asked during the meeting were:

1. Please summarize where you are at overall in the review process. What is completed and what is yet to be completed? DNR and its federal co-leads have read, compiled, and classified all comments by theme. We have developed proposed dispositions for virtually all comments, and we are now working on the remaining

comments, most of which relate to water. Dispositions fall into one of four broad categories—i.e., general comment response, detailed comment response, EIS text modification, and mitigative or analytical change. We anticipate having dispositions identified for all remaining comments by mid-September. Following determination of the dispositions, the immediate next step involves implementing those dispositions. Where possible (i.e., the work is not contingent on other outstanding dispositions), work is already proceeding on comments for which we have determined the disposition.

2. What does the schedule look like going forward? What is your expected completion date? Do you foresee any problems at this point? Will subsequent permits be able to be processed on a timely basis, based on what you know at this time? Next steps are to respond to comments, complete new analyses, revise and complete the FEIS, distribute the FEIS for public review and then complete the EIS process [adequacy determination for the state and record of decision (ROD) for the federal agencies]. State permitting cannot be completed until we determine the EIS to be adequate. We won't have a schedule for the remaining steps through the adequacy decision until after the comment dispositions are completed. We anticipate that water-related analyses will be our critical path, but until we have identified all of the specific additional analyses that will be required, we cannot predict how long they'll take.
3. Is anyone waiting on anyone else at this point? How often do you communicate as a group? While there are always things in process, DNR is not aware that anyone is waiting unduly on anyone else at this time. We communicate frequently at various technical, management, and executive levels, both on regular schedules and on an as-needed basis. Co-lead project managers have weekly coordination meetings. Water issue technical teams are now meeting twice weekly to develop comment dispositions. Managing sponsors are meeting twice monthly to make decisions on sensitive issues, and executive sponsors are meeting monthly to decide on very sensitive issues. We have check-in meetings with the project proposer every other week and with cooperating agencies twice monthly.
4. Are there any technical issues that have surfaced that are causing concern? Would these items cause problems with environmental standards compliance? Is there a way to address these issues? We were aware of most of the commenters' technical concerns before the SDEIS was released. The few new issues that did arise in the public comments appear to be things that we can reasonably address. The Mount Polley tailings dam failure in British Columbia is creating something of a buzz among project opponents, who are suggesting parallels to the PolyMet tailings dam (see Mining Truth and MCEA web sites). The co-leads will, of course, seek to understand both similarities and differences and consider all relevant information from the Mount Polley situation as it becomes available.
5. Is there anything Congressman Nolan can do to assist you in completing this SDEIS? Do you have access to adequate financial resources and staff? State law requires project proposers to pay for EIS preparation costs, so the state is in a good financial position to complete its work on the environmental review. Congressman Nolan's continued interest and support is always helpful, but DNR has no specific requests for assistance at this time.

Please also include anything in addition to the questions mentioned above that seem relevant and should be mentioned at this point. Thanks so much.

Jim

Jim Swiderski
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US Representative Rick Nolan
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Washington, DC 20515

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[REDACTED]