

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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 Type: Civil Other/Misc.  
Court File No. 62-CV-19-4626  
Judge John H. Guthmann

**DECLARATION OF  
EVAN A. NELSON**

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 a result of that representation, I am familiar with the matters contained in this declaration.

3. Pursuant to the Court's direction at the September 16, 2019 Discovery Telephone Conference, Relators searched for documents in their possession that might be probative or exculpatory of Relators' alleged procedural irregularities.

4. Relators collected documents received under the Minnesota Data Practices Act, documents filed with the courts, complaints to the U.S. Environmental Protection Agency Office of the Inspector General, Minnesota Pollution Control Agency's ("MPCA") own public statements, press reports, and other documents responsive to MPCA Requests for Production and Written Deposition Questions.

5. Relators, WaterLegacy, and the Fond du Lac Band of Lake Superior Chippewa (“the Band”) uploaded and provided Bates numbers for each document.

6. Relators, WaterLegacy, and the Band segregated the documents that were responsive to each Written Deposition Question MPCA asked in Rule 30.02 style deposition of Relators, WaterLegacy, and the Band’s designee.

7. On October 16, 2019, Relators, WaterLegacy, and the Band’s designee sat for the Rule 30.02 style deposition. Relators designee provided a separate exhibit for each Written Deposition Question, listing by Bates numbers the documents responsive to that question. Relators provided Respondents’ counsel with each exhibit and testified that, based on the information Relators currently possess and understanding that discovery and investigation were ongoing, the document lists were responsive to the corresponding question.

8. Relators, WaterLegacy, and the Band also prepared a combined privilege log, which listed documents that were within the scope of discovery.

9. Relators did not include documents on the privilege log that were outside the scope of discovery as determined by the Court.

10. Relators, WaterLegacy, and the Band’s privilege log listed twenty-one documents, none of which were withheld on the basis of sovereign immunity, all of which included information regarding a confidential source, and two of which included attorney work produce and attorney client privilege.

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

Dated: November 8, 2019

/s/ Evan A. Nelson  
EVAN A. NELSON