



Grand Portage Band of Lake Superior Chippewa

TRUSTLANDS DEPARTMENT

27 Stevens Road, PO Box 428
Grand Portage, Minnesota 55605

Submitted via online portal (<https://mpca.commentinput.com/?id=ZPmRDdtNH>)
Minnesota Pollution Control Agency
Commissioner Katrina Kessler
520 Lafayette Road
Saint Paul, MN 55155

January 11th, 2024

RE: Minnesota Clean Water Act Section 303(d) Draft 2024 Impaired Waters List

Dear Commissioner Kessler,

Thank you for the opportunity to comment on the MPCA Clean Water Act Section 303(D) Impaired Waters List.

Grand Portage supports MPCAs proposal to add the twenty waters listed below to the final Minnesota 2024 Impaired Waters List,¹ and requests one additional waterbody, Dark Lake (69-0790-000) for inclusion.

Bear Lake (24-0028-00)	Little Rabbit Lake (18-0139-00)
Birch Lake (69-0003-00)	North Twin Lake (31-0190-00)
Buffalo River (09020106-594)	Orwell Lake (56-0945-00)
Cannon River (07040002-501)	Pearl Lake (73-0037-00)
Clearwater River (86-0252-02)	Poplar River (09020305-518)
Dunka River (09030001-987)	Rice Lake (Minnesota R.) (10-0078-00)
Elizabeth Lake (34-0022-02)	Rice Lake (Crow R.) (73-0196-00)
Embarrass River (04010201-B00)	Sturgeon River (09030005-527)
Green Lake (34-0079-00)	Tilde Lake (09030005-527)
Hill River (09020305-539)	Trout Lake (31-0216-00)

An ample record demonstrates a sulfate impairment of wild rice in Dark Lake from monitoring data provided by US Steel Minntac at SW003 and SW005.²

¹ MPCA Draft 2024 Impaired Waters List, available at <https://www.pca.state.mn.us/air-water-land-climate/minnesotas-impaired-waters-list>, excerpt of all Wild Rice Producing Waters Impaired for Sulfate (2024 Draft) provided in Exhibit 6.

² Discharge Monitoring Data for U.S. Steel Minntac Tailings Basin Dark River Sites (2013-2023), Exhibit 12, from Wastewater Data available at <https://public.tableau.com/app/profile/mpca.data.services/viz/WastewaterDataBrowser/FrontPage>



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Now that MPCA has provided a list of impaired wild rice waters, the Agency must develop “priority ranking for such waters, taking into account the severity of the pollution and the uses to be made of such waters.” 33 U.S.C. § 1313(d)(1)(A). Then, MPCA must establish Total Maximum Daily Loads (TMDL’s) “in accordance with the priority ranking.” *Id.* at § 1313(d)(1)(C). This “priority ranking including waters targeted for TMDL development within the next two years” must be submitted biennially to EPA. 40 C.F.R. § 130.7(d). 33 U.S.C. § 1313(d)(1)(C) (ii) provides “TMDLs shall be established for all pollutants preventing or expected to prevent attainment of water quality standards as identified pursuant to [paragraph \(b\)\(1\)](#) of this section. Calculations to establish TMDLs shall be subject to public review as defined in the State CPP.” We are unaware of any priority ranking list MPCA may have developed for impaired wild rice waters and believe that developing TMDLs for them is long overdue.

In conclusion, Grand Portage supports the addition of the twenty waters proposed by MPCA and requests one additional wild rice water (Dark Lake) for inclusion on the Minnesota 303(d) list for sulfate impairments. We also encourage the MPCA to develop a priority ranking list and develop TMDLs for the waters with the highest priority before the 2026 Impaired Waters List is drafted.

Sincerely,

Vallen Cook

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