



# MILLE LACS BAND OF OJIBWE DEPARTMENT OF NATURAL RESOURCES



January 10, 2024

***Electronic submittal via e-mail at [impaired.waters.mPCA@state.mn.us](mailto:impaired.waters.mPCA@state.mn.us)***

Katrina Kessler, Commissioner  
Minnesota Pollution Control Agency  
520 Lafayette Road  
Saint Paul, MN 55155

Re: Minnesota's 2024 Impaired Waters List

Dear Commissioner Kessler:

The Mille Lacs Band of Ojibwe (the “Band”), as one of the Federally recognized Tribal Nations sharing our borders with the State of Minnesota, we appreciate again having this opportunity to comment to the State on its policies and actions. Today, we would like to provide comments on the State’s draft 2024 Impaired Waters List (List), to which the Minnesota Pollution Control Agency (MPCA) will submit the draft List, along with comments and responses, to the U.S. Environmental Protection Agency (EPA) for final approval by April 1, 2024.

First, we have no recommendations or comments on what additional lakes and streams should be listed or delisted from the draft List, as we support the draft List. The Band has been primarily focused on gathering water quality data namely on Mille Lacs Lake, but we do have a list of waters other than Mille Lacs Lake that we are interested in, located in and around our off-Reservation communities in Aitkin and Pine Counties, various other water bodies within the 1837 Treaty of St. Peters (7 Stat. 536) ceded territory, and waters in Minnesota that discharge into the 1842 Treaty of La Pointe (7 Stat. 591) ceded territory. If funding opportunities arise in the future, perhaps the State and the Band may collaborate on gathering additional water quality data from these other off-Reservation waters, so that we have additional verification of water quality to protect the health of our Tribal citizens and the health of the natural resources they access. And if any of those waters show degradation or improvement, then we can recommend listing or delisting those waters.

#### **DISTRICT I**

43408 Oodena Drive • Onamia, MN 56359  
(320) 532-7439 • Fax (320) 532-7514

#### **DISTRICT III**

45749 Grace Lake Road • Sandstone, MN 55072  
(218) 768-3311 • Fax (320) 384-6190

#### **DISTRICT II**

36666 State Highway 65 • McGregor, MN 55760  
(320) 384-6240 • Fax (218) 768-3903

#### **URBAN OFFICE**

1404 E. Franklin Avenue • Minneapolis, MN 55404  
(612) 872-1424 • Fax (612) 872-1257

Second, the Band is pleased with the removal of 27 listings for improved water quality; however, considering that the State is adding 199 impairments in 54 water bodies brings the total number of listings from all years to 2,798 water bodies with 6,349 impairments, this appears to be a back-sliding of overall water quality. We would like to see more water removed from the listing than those being added, so that we see an overall decrease in the number of listed water bodies and the number of impairments they have.

Third, we are concerned that *Waawiyegamaa-zaaga'igan* (Round Lake, ID 01-0070-00) in Aitkin County and *Akiko-ziibi* (Kettle River) in Pine County, have been listed on the impaired water list since 1998. We see that there are even other waters in southern Minnesota that have been listed even longer. Having waters listed as impaired for over 20 years is inexcusable. Are these waters that have been listed since before 2000 even being monitored to provide a better picture on their water quality status? If the issue is lack of personnel to sample these waters, is there anything we as a Tribal government could assist the State in protecting our mutual interest in these waters?

Fourth, we are concerned about *Manoominikaani-ziibi* (Rice River, ID 07010104-505), *Chi-manoominikaan-zaaga'igan* (Lake Minnewawa, ID 10-033-00), *Mitaawangaagamaa-ziibi* (Sandy River, ID 10-060-00), *Wayaanashkobiiyaag* (Flowage Lake, ID 10-061-00), and *Gaa-mitaawangaagamaag zaaga'igan* (Big Sandy Lake, ID 10-062-00) listed on the draft List. These five waters together cover 15.5% of Aitkin County's *manoomin* (wild rice, *Zizania palustris*) beds, and contribute to the County being the largest producer of this sacred grain. We are concerned because our Tribal citizens regularly hunt *zhiishiibag* (waterfowl), catch *giigoonyag* (fish), and gather *manoomin* from these waters. If there are partnering opportunities where the Band can assist the State in improving the water quality of these waters to protect the health of our citizens and the natural resources they access, we would be interested in such opportunities.

Last, there is a software issue we would like to raise to the State. For assisting in reviewing the draft List, MPCA makes available to the public the use of the Impaired waters viewer (IWAV). However, we have noticed some map labeling issues with the software application, such as *Waawiyegamaa-zaaga'igan* (Round Lake, ID 01-0070-00) in Aitkin County, being labeled as Davis Lake (IDs 01-0071-00 and 01-0071-01), which is located nearby at 0.1 miles to the east. Another is *Aagimaakokaa-zaaga'igan* (Snowshoe Lake, ID 33-0026-00) in Kanabec County, mislabeled as *Mooshkine-giigoonh-zaaga'igan* (Lake Full of Fish, ID 33-0024-00), which is located 3.5 miles to its south. In both cases, it is just the labeling of the map that is incorrect. IWAV correctly identifies the lake if the lake ID is entered in its search.

As the original stewards of this land, we want to see our partners, including the State, be successful in protecting our shared environment. Identifying impaired waters is the first step, but we must go beyond that by collaboratively working together to ensure the impaired water list shrinks, and not grows. If you have questions or would like to continue this discussion, please

Minnesota 2024 Impaired Waters List  
Mille Lacs Band of Ojibwe

feel free to contact me to arrange for a government-to-government consultation. We thank the MPCA for this opportunity to provide the State with our comments regarding the draft 2024 Impaired Waters List.

Sincerely,

A handwritten signature in black ink that reads "Kelly Applegate". The signature is written in a cursive, flowing style.

Kelly Applegate  
Commissioner of Natural Resources

cc: Susan Klapel, Executive Director of Natural Resources, Mille Lacs Band DNR  
Perry Bunting, Director of Environmental Programs, Mille Lacs Band DNR