



LEECH LAKE BAND OF OJIBWE

DIVISION OF RESOURCE MANAGEMENT

Via Email: Leya.Charles@state.mn.us
Minnesota Pollution Control Agency
c/o Leya Charles
520 Lafayette Road
Saint Paul, MN 55155

February 7, 2025

RE: 2025 MPCA Triennial Standards Review, Draft Water Quality Standards Work Plan for 2025-2027

The Leech Lake Band of Ojibwe (Leech Lake) is a Sovereign Tribal Nation with Treatment as a State (TAS) authorities under Section 106, Section 401, & 303(c), and Section 319 of the Clean Water Act. Leech Lake holds usufructuary rights to hunt, gather and fish within the Leech Lake Reservation and 1855 Ceded Territories. Protection of water quality in this region is of utmost importance to protection of the treaty protected resources that Leech Lake Band members rely on for spiritual and physical wellbeing. The Leech Lake Band of Ojibwe received EPA approval of our Reservation Specific Water Quality Standards on December 20th, 2024. Many of Leech Lake's Standards are similar to or mirror those of the State of Minnesota, although some are more stringent to protect cultural practices, including fish consumption. Leech Lake looks forward to continuing to work with the State of Minnesota on the protection of shared water resources and treaty resources.

Leech Lake extensively reviewed the Minnesota Pollution Control Agency's (MPCA) development of eutrophication standards for northern lakes in Minnesota. Leech Lake chose to adopt these standards for our own lake eutrophication criteria. We believe these standards remain protective of aquatic life while meeting the demonstrated need for different standards between mixed lakes and stratified lakes in the north region and the Leech Lake Reservation.

Leech Lake is supportive of the MPCA's development of specific coldwater standards for Lake Whitefish and Tullibee. Both of these species are of utmost cultural importance to the Leech Lake Band. We believe these new standards provide stringent protection and also help recognize the importance of these species. Leech Lake adopted the MPCA's criteria for Lake Whitefish as our standards for coldwater protection.

Leech Lake is looking forward to following the technical development of a new statewide PFOS standard in fish tissue to protect human health. Tribal members are disproportionately affected by PFAS contamination due to the subsistence lifeways of Tribal members. Leech Lake has begun our own sampling of PFAS in fish tissue and is looking forward to working alongside MPCA to address PFAS contamination in our waters. We are also interested in following the revision to the dissolved oxygen (DO) standard to account for streams that have naturally low

DO concentrations. Many of the streams on the Leech Lake Reservation are low gradient with heavy wetland influence. Leech Lake would be interested in working with MPCA as these standards move into active development as Leech Lake may be interested in updating this standard in a future review of the Tribe's standards.

MPCA has identified select standards in their draft workplan under "Group 3" to be evaluated for the feasibility of development based on current scientific understanding and capacity. The standard for Mercury in fish tissue to protect human health has been identified in this group. Mercury impairments are widespread in this region, and Tribal members are disproportionately affected by mercury contamination due to subsistence practices. Under Leech Lake's new standards, the mercury standard is extremely low on Reservation waterbodies in order to protect subsistence lifeways. Leech Lake requests that the MPCA strongly consider Treaty Reserved Rights when developing new mercury standards for shared waters and waters in Ceded Territories. As the MPCA works to implement the Treaty Reserved Rights rule published by the US Environmental Protection Agency in 2024, Leech Lake is available and interested in working with the State of Minnesota to develop a process for considering and protecting Treaty Reserved Rights.

Thank you for the opportunity to comment on the 2025 MPCA Triennial Standards Review. We look forward to continuing to improve collaboration and strengthening partnership between our agencies in order to protect water quality on shared waters and in the ceded territories.

Sincerely,



Craig Tangren
Environmental Deputy Director
Leech Lake Band of Ojibwe

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