

Leanna Goose

I urge the Minnesota Pollution Control Agency (MPCA) to fully recognize and protect treaty-reserved rights throughout this process. Under Article VI of the United States Constitution, treaties are the supreme law of the land. These treaty-reserved rights remain in full force and cannot be meaningfully exercised without healthy ecosystems, clean water, abundant fish, wild rice, and the continued protection of the natural resources that sustain the cultural, spiritual, subsistence, and economic well-being of the Anishinaabeg.

Fish consumption advisories and water quality standards must reflect this legal and moral responsibility. All waters impaired by mercury contamination should have clear public advisories posted at public access points. People should not be expected to search online databases before fishing. Public notification is an essential public health measure.

Any fish consumption guidance developed within treaty territories must also recognize that Anishinaabeg often consume significantly more fish than the average Minnesotan because fish are a traditional and treaty-protected food source. Risk assessments based solely on average statewide consumption fail to account for the exercise of treaty-reserved rights and therefore do not adequately protect Tribal communities.

The MPCA has indicated that it is considering Minnesota Department of Health guidance regarding allowable levels of PFOS in fish. I urge the agency to reject the premise that PFOS contamination in fish should be considered acceptable. PFAS contamination is widespread throughout Minnesota and within reservations, PFAS persists indefinitely in the environment, bioaccumulates in fish, and poses serious risks to human health. The goal should be preventing contamination, not determining how much contamination people should be expected to tolerate in a traditional food source.

The MPCA must also fulfill its longstanding obligation to implement and enforce Minnesota's wild rice sulfate standard. This standard has existed since 1973 to protect waters capable of supporting wild rice and to reduce conditions that promote the conversion of mercury into methylmercury in aquatic ecosystems. Decades of delayed enforcement have placed both wild rice and fish at unnecessary risk. Strong enforcement of the sulfate standard is essential not only for protecting manoomin but also for reducing mercury contamination in fish and protecting public health. These protections are especially important given the risks posed by copper-nickel sulfide mining. Ensuring the sulfate standard is upheld now protects wild rice from the dangers of copper-nickel sulfide mining in the future! Extensive scientific research has documented that sulfate pollution threatens wild rice and contributes to conditions that increase methylmercury production. Sulfide mining also presents unique risks because sulfide-bearing ores can generate acid mine drainage and mobilize toxic metals for generations after mining has ended. Unlike temporary economic benefits, contamination of waters, wetlands, groundwater, fisheries, and wild rice can persist for centuries, permanently impairing treaty-protected resources and the exercise of treaty-reserved rights.

The waters within Minnesota's treaty territories are not sacrifice zones. They are the homelands of the Anishinaabeg and provide clean drinking water, healthy fisheries, wild rice, medicinal plants, wildlife, and countless ecological and economic benefits that sustain present and future generations. Climate change is already placing unprecedented stress on these resources, making it even more important that state agencies uphold existing environmental protections rather than weaken or delay them.

The MPCA has both a legal obligation and a public trust responsibility to protect Minnesota's waters. Company profits and short-term economic gains cannot outweigh treaty-reserved rights, which are protected under the Constitution as the supreme law of the land. Protecting clean water, enforcing the sulfate standard, reducing mercury contamination, preventing PFAS pollution, and

respecting Tribal sovereignty benefit all Minnesotans.

I respectfully urge the MPCA to ensure that its decisions fully protect treaty-reserved rights, strengthen protections for fish and water quality, enforce Minnesota's sulfate standard, and reject policies that normalize the contamination of traditional foods. Protecting Minnesota's waters protects the health of all Minnesotans while honoring the treaties and ensuring that future generations inherit healthy lakes, rivers, wild rice waters, and fisheries.