



INDIAN AFFAIRS COUNCIL RESOLUTION 07082026_01

Protection, Restoration, and Long-Term Stewardship of Manoomin/Psiñ/Wild Rice *Implementation and Enforcement of Minnesota's Wild Rice Sulfate Standard*

WHEREAS, the Minnesota Indian Affairs Council Membership consists of representatives of 10 of the 11 federally-recognized Indian Tribes located within the State of Minnesota, members of the legislature, commissioners from the state department, and

WHEREAS, the Minnesota Indian Affairs Council is a liaison between the state and local units of government in the delivery of services to American Indians in the State of Minnesota, and

WHEREAS, the State of Minnesota acknowledges the unique legal relationship between the State and Tribal Nations, including Tribal Nations' inherent sovereignty, rights of self-government and self-determination, and rights reserved by treaty; and

WHEREAS, water is a sacred gift and the foundation of life, and the protection of water, aquatic ecosystems, traditional foods, medicines, and cultural practices for future generations is a paramount responsibility; and

WHEREAS, wild rice, which the Anishinaabe call *manoomin* and the Dakota call *psiñ*, is a sacred relative and traditional food central to the culture, health, subsistence, economy, spiritual life, and treaty-reserved practices of Tribal Nations in Minnesota; and

WHEREAS, in December 2018, the Minnesota Tribal Wild Rice Task Force, composed of representatives of Minnesota's eleven federally recognized Tribal Nations, issued the *2018 Tribal Wild Rice Task Force Report* to provide Tribal recommendations for preserving, protecting, and restoring manoomin/psiñ/wild rice; and

WHEREAS, the 2018 report called upon the State to preserve and protect wild rice for future generations; recognize and support Tribal sovereignty, culture, and treaty rights; remove impairments from wild-rice waters; recognize the economic and social value of wild rice and a healthy environment; establish long-term monitoring funding; invest in sulfate-reduction research and treatment; implement and enforce the wild-rice sulfate standard; and create a comprehensive monitoring, assessment, and mapping strategy; and

WHEREAS, more than seven years later, these recommendations remain substantially incomplete or unfulfilled, and Minnesota still lacks a durable, adequately funded, and

enforceable statewide program capable of ensuring that wild rice waters are protected and impaired waters are restored; and

WHEREAS, Minnesota adopted a water-quality standard in 1973 limiting sulfate to 10 milligrams per liter in waters used for the production of wild rice; the United States Environmental Protection Agency approved that standard under the Clean Water Act; and the standard remains legally effective in Minnesota Rules, part 7050.0224, subpart 2; and

WHEREAS, in 2016, the United States Environmental Protection Agency disapproved provisions enacted by the Minnesota Legislature in 2015 and 2016 that restricted implementation of the sulfate standard, confirming that Minnesota must implement its federally approved water-quality standards through Clean Water Act programs and permits; and

WHEREAS, MPCA has identified nearly 2,400 waters where the wild-rice sulfate standard applies and has identified dozens of wild-rice waters as impaired by sulfate, yet the continued existence of listed impairments demonstrates the need for enforceable source reduction, restoration activities, and measurable schedules for removing those impairments; and

WHEREAS, sulfate entering wetland and lake sediments can be converted to sulfide, which is toxic to wild rice, and under appropriate environmental conditions increased sulfate can also contribute to the production of methylmercury, which accumulates in fish and threatens human and ecological health; and

WHEREAS, naturally occurring manoomin/psij is not an irrigated agricultural crop but aquatic life that is part of a living lake, river, and wetland ecosystem, and therefore deserves the full protections afforded to aquatic life under Minnesota's water-quality standards in addition to the existing 10 milligrams per liter sulfate standard; and

WHEREAS, MPCA's February 2026 Water Quality Standards Work Plan acknowledges that the wild-rice designated use is more appropriately assigned to a Class 2 aquatic-life subclass than to Class 4A agricultural use and states that this administrative change should not alter the 10 milligrams per liter standard, the list of protected waters, or protection for natural and cultivated wild rice; and

WHEREAS, any reclassification of the wild-rice designated use must strengthen and clarify protection and must not be used to delay implementation, narrow the waters protected, weaken the numeric sulfate standard, or reopen issues already resolved under state and federal law; and

WHEREAS, federal law provides that NPDES permits may not be issued for terms longer than five years, 33 U.S.C. § 1342(b)(1)(B) and 40 C.F.R. § 122.46(a), and the routine administrative continuation of expired industrial permits prevents timely reconsideration of pollution limits, treatment requirements, new science, cumulative effects, and impacts to treaty-protected resources; and

WHEREAS, major industrial facilities, particularly mining operations, must be required through current water and air permits to comply with applicable state and federal standards, and permit

limits must be actively enforced rather than replaced by indefinite studies, recurring compliance schedules, unsupported variances, or repeated extensions; and

WHEREAS, the 2018 Tribal Wild Rice Task Force Report observed that virtually all Minnesota waters not affected by industrial discharges have sulfate concentrations below the 10 milligrams per liter wild-rice standard, demonstrating that effective control of major industrial sulfate sources can protect wild rice while reducing the regulatory and financial burdens placed on municipal and domestic wastewater systems; and

WHEREAS, when a community's drinking-water source is elevated in sulfate because of industrial activity, requiring local wastewater ratepayers to remove pollution that entered the community's source water can shift responsibility away from the industrial source, and the State should instead prioritize upstream source control and evaluate cost-effective source-water or drinking-water treatment funded by responsible industrial dischargers; and

WHEREAS, the Minnesota Department of Health advises that elevated sulfate can cause bitter or medicinal taste, corrosion of plumbing, and, at sufficiently high concentrations, diarrhea and dehydration, with infants being especially sensitive, so reducing sulfate in drinking water can provide community health and infrastructure benefits where those concerns are present; and

WHEREAS, Minnesota continues to need a comprehensive, long-term, and culturally appropriate wild-rice monitoring, assessment, and mapping program developed with Tribal Nations, supported by recurring funding, and capable of measuring abundance, water quality, hydrology, climate impacts, restoration success, and cumulative effects; and

WHEREAS, Minnesota Statutes, section 10.65, requires timely and meaningful government-to-government consultation on matters with Tribal implications and defines consultation as the proactive, direct, and interactive involvement of each affected Tribal government early enough for Tribal input to become an integral part of the agency's decision-making process; and

WHEREAS, notice, public-comment opportunities, stakeholder engagement, technical coordination, or communication with an intertribal organization cannot substitute for formal consultation with the governing body of each affected Tribal Nation, and consultation is not meaningful when it occurs after material decisions have already been made; and

WHEREAS, preserving and restoring healthy wild-rice waters benefits all Minnesotans by supporting clean water, fish and wildlife, biodiversity, climate resilience, outdoor recreation, local economies, cultural continuity, and the exercise of treaty-reserved rights.

THEREFORE, BE IT RESOLVED, that the Minnesota Indian Affairs Council reaffirms that preserving, protecting, and restoring manoomin/psiq/wild rice for future generations is an urgent statewide responsibility and a necessary component of honoring Tribal sovereignty, cultures, and treaty-reserved rights; and

BE IT FURTHER RESOLVED, that the Minnesota Indian Affairs Council calls upon MPCA, DNR, MDH, and other applicable State agencies to fully implement the outstanding

recommendations of the 2018 Tribal Wild Rice Task Force Report and, within 180 days, provide each Minnesota Tribal government and MIAC with a coordinated implementation plan containing responsible agencies, measurable actions, funding needs, deadlines, and annual public progress reporting; and

BE IT FURTHER RESOLVED, that MPCA must implement and enforce the existing 10 milligrams per liter wild-rice sulfate standard in water-quality assessments, impaired-waters listings, total maximum daily loads and other restoration plans, NPDES/SDS permits, section 401 certifications, enforcement actions, and all other applicable Clean Water Act programs without further administrative or political delay; and

BE IT FURTHER RESOLVED, that MPCA and DNR must develop and carry out specific restoration and source-reduction plans for sulfate-impaired wild-rice waters, with enforceable schedules, identified responsible sources, measurable interim milestones, long-term monitoring, and the objective of removing each impairment and restoring the water's capacity to support wild rice; and

BE IT FURTHER RESOLVED, that MPCA should promptly initiate administrative action, in full government-to-government consultation with Tribal Nations, to move the wild-rice designated use from Class 4A agricultural use to an appropriate Class 2 aquatic-life subclass, without altering the 10 milligrams per liter sulfate standard, narrowing the waters to which it applies, or diminish protection of natural or cultivated wild rice, or delay present enforcement obligations; and

BE IT FURTHER RESOLVED, that the State must continue to establish and permanently fund a comprehensive statewide wild-rice monitoring, assessment, and mapping program, developed and governed in partnership with Tribal Nations, that includes biological, chemical, hydrological, climate, and cumulative-impact information; recognizes Tribal expertise and Indigenous Knowledge under protocols determined by the contributing Tribal Nation; protects Tribal data sovereignty; and provides direct, and provide noncompetitive funding to Tribal natural-resource programs and treaty authorities; and

BE IT FURTHER RESOLVED, that the State must provide sustained funding for sulfate-source reduction, treatment research, pilot projects, and full-scale implementation, with priority given to technologies and operational changes that prevent industrial sulfate from entering waters of the State, and research or pilot studies must not be used as a substitute for current permit limits, enforceable compliance, or restoration of impaired waters; and

BE IT FURTHER RESOLVED, that MPCA must establish and publish a binding schedule for timely review and reissuance of industrial NPDES/SDS permits before expiration of their five-year terms, report annually on its expired-permit backlog, and cease treating administrative continuance as the ordinary means of regulating major industrial facilities; and

BE IT FURTHER RESOLVED, that water and air permits for major industrial facilities, particularly mining facilities, must contain all technology-based and water-quality-based limits, monitoring, pollution controls, and other enforceable conditions necessary to comply with

applicable state and federal environmental standards and to protect wild rice, fish, wildlife, water, air, public health, and treaty-reserved resources from direct, indirect, and cumulative effects; and

BE IT FURTHER RESOLVED, that MPCA must actively enforce industrial permit limits through timely notices of violation, administrative orders, penalties, corrective-action requirements, judicial referrals when necessary, and meaningful consequences for missed deadlines, and must not allow compliance schedules, variances, reclassifications, or extensions to operate as de facto exemptions from lawful environmental standards; and

BE IT FURTHER RESOLVED, that sulfate-control policy must prioritize reduction at major industrial sources and apply the principle that the polluter should bear the cost of preventing and remedying pollution; where municipal wastewater sulfate is materially increased by an industrially affected drinking-water source, MPCA and MDH should identify the responsible source and evaluate upstream source control and appropriate source-water or drinking-water treatment before imposing unnecessary downstream costs on local governments, Tribal governments, and utility ratepayers, with costs assigned to responsible industrial dischargers to the fullest extent permitted by law; and

BE IT FURTHER RESOLVED, that meaningful consultation under Minnesota Statutes, section 10.65, must include direct and interactive government-to-government engagement with the governing body of each affected Tribal Nation; begin early enough for Tribal input to materially affect the proposed action; provide complete technical and decisional information; include agency officials with authority to change the decision; and conclude with a written explanation of how Tribal input was incorporated or why it was not, and that notice, public participation, stakeholder meetings, technical coordination, or consultation with MIAC alone does not satisfy the State's duty to consult individual Tribal Nations; and

BE IT FURTHER RESOLVED, that MPCA, DNR, MDH, the Environmental Quality Board, and other applicable agencies must coordinate their regulatory, monitoring, public-health, research, restoration, and funding responsibilities so that wild-rice protection is not fragmented among agencies and so that Tribal Nations receive clear accountability for implementation; and

BE IT FURTHER RESOLVED, that the Minnesota Indian Affairs Council calls upon the Governor and Legislature to provide stable, recurring appropriations sufficient to carry out these obligations, including direct funding for Tribal monitoring, restoration, technical review, consultation, and participation in permit and water-quality proceedings; and

BE IT FINALLY RESOLVED, that this resolution will remain the policy of the Minnesota Indian Affairs Council until repealed or replaced by subsequent resolution.

CERTIFICATION: We do hereby certify that the foregoing resolution was duly presented and acted upon by a vote of 6 Approve, 0 Opposed, 4 Nonvote/Abstain at a regular meeting of the Minnesota Indian Affairs Council, a quorum present, held on July 10, 2026, at Tinta Wita, Prairie Island Indian Community.


Robert Deschampe, Chairman
Minnesota Indian Affairs Council


Carlos Hernandez, Vice Chairman
Minnesota Indian Affairs Council