



INDIAN AFFAIRS COUNCIL RESOLUTION 07082026_03

A RESOLUTION CALLING FOR A TEMPORARY MORATORIUM ON ISSUANCE OF ALL PERMITS FOR HYPERSCALE DATA CENTERS

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, Tribal nations possess inherent sovereign authority over their lands, waters, and natural resources, and hold treaty-reserved rights to fish, hunt, and gather that are the supreme law of the land — rights that endure regardless of the form or origin of development that threatens them, and

WHEREAS, the immediate implementation of the July 23, 2025 Executive Order, "Accelerating Federal Permitting of Data Center Infrastructure," explicitly directs federal agencies to fast-track hyperscale data centers by establishing new NEPA categorical exclusions, modifying Clean Water Act and Clean Air Act regulations, and streamlining FAST-41 approvals—thereby bypassing mandatory government-to-government Tribal consultation and creating an imminent threat to Tribal sovereignty, water resources, and treaty rights; and

WHEREAS, hyperscale data centers — facilities which typically range from 10,000 square feet to more than two million square feet and typically consume at least 100 megawatts of power — are proliferating rapidly in and around Indian Country, driven by cloud computing, artificial intelligence, surveillance technologies, and digital infrastructure demand, and represent both potential economic opportunities and significant resource obligations for the communities and nations in which they are sited, and

WHEREAS, individual hyperscale data center campuses can consume electricity equivalent to the demand of a medium-sized city, concentrate pressure on regional electrical grids, and drive costly infrastructure upgrades that are frequently passed to existing ratepayers in and around Indian Country, while also requiring rare earth metals and other materials whose extraction carries additional environmental and social costs, and

WHEREAS, data centers can potentially consume millions of gallons of fresh water daily for cooling, drawing from surface water, aquifers, and geothermal and spring-fed systems in ways that may alter stream flows, impact subsurface thermal conditions, drain underground aquifers, and degrade the cold, clean water habitat that protects treaty-reserved fish species, wild rice, and other plants which many Tribal nations rely upon to sustain their cultures and subsistence, and

WHEREAS, thermal effluent, chemical discharges, evaporative water consumption, waste heat, noise, light pollution, and potential air quality impacts associated with hyperscale data center operations can harm riparian and terrestrial ecosystems, degrade treaty-reserved plant gathering areas, disrupt wildlife habitat relied upon by treaty-reserved game species, and diminish the quality of life and environment of adjacent Tribal communities, and

WHEREAS, hyperscale data center development has proceeded in many jurisdictions without adequate analysis of localized and cumulative impacts on communities, without assessment of effects on endangered, protected, and special-concern species, without evaluation of impacts on Tribal treaty rights and cultural practices, and without conflict-free independent review of the true economic costs and benefits to local and regional communities, and

WHEREAS, responsible data center development — when properly sited, conditioned, and governed — can contribute to Tribal and regional economic vitality, and

WHEREAS, the principles of Tribal sovereignty require that each data center developer and permitting government respect the authority of each affected Tribal nation to determine whether it supports or opposes any proposed development of a particular data center, and no permit should be issued until the affected Tribal nation has an opportunity to ensure that the full range of impacts on energy, water, land, treaty resources, metals use, and community infrastructure are independently assessed, publicly disclosed, and demonstrably mitigated, and

WHEREAS, federal permitting authorities have a trust responsibility to Tribal nations and both state and federal authorities have an obligation to conduct genuine government-to-government consultation before making decisions that affect treaty rights, sacred sites, and natural resources — an obligation that requires early, substantive, and ongoing engagement, not mere notification after decisions have been made;

NOW, THEREFORE, BE IT RESOLVED, that to address the immediate, nationwide threat posed by the July 23, 2025 Executive Order, "Accelerating Federal Permitting of Data Center Infrastructure," the Minnesota Indian Affairs Council urgently demands the federal administration suspend the Order's implementation, and calls upon all permitting state and federal authorities to impose a moratorium on the issuance of all permits — including conditional use permits — for hyperscale data centers until a comprehensive, independent, and publicly available assessment of the full range of data center impacts has been completed,

submitted to the appropriate legislative and regulatory authorities, and made available for full public and Tribal review; and that no permit be issued until that process is complete, and

BE IT FURTHER RESOLVED, that the required assessment be conducted by an independent third-party contractor free of conflicts of interest — meaning the contractor must not work for, have worked for, or receive or have received funding from any data center developer or operator, and must certify this independence in writing before commencing work — and that the assessment process include no fewer than two formal public comment periods, with outreach specifically designed to reach Tribal, rural, and low-income communities most likely to bear localized impacts, and

BE IT FURTHER RESOLVED, that the independent assessment address, at a minimum: data center energy consumption and grid impacts; water use, including surface water, groundwater, and geothermal and spring-fed systems; air quality impacts from the proposed center and any proposed back-up generation systems; use of rare earth metals and other materials; localized impacts including noise, light, heat, and land use; effects on federally-, state-, and Tribally-listed species and species of special concern; impacts on Tribal nations' treaty rights, reserved resources, and cultural practices; and an analysis of how and for what purposes data centers operating in the region are being used and by whom, and

BE IT FURTHER RESOLVED, that the assessment include a rigorous and transparent economic analysis at both the local and state level — encompassing employment, property tax, and economic activity at the local level, and income and property tax revenues, tax expenditures and incentives, and net fiscal effects at the state level — and that this analysis account fully for the costs of infrastructure upgrades, environmental mitigation, and public services required to support data center operations, so that Tribal governments, ratepayers, and policymakers can evaluate the genuine balance of public costs and benefits, and

BE IT FURTHER RESOLVED, that the assessment identify suitable locations for data center development that minimize disruption to residential areas; protect Tribal lands, treaty territories, and sacred sites; limit impacts on Tribal and community utility infrastructure; prevent the concentration of facilities in any single region; prioritize sites where existing infrastructure can accommodate development without requiring new construction; and evaluate the cumulative impacts on water use, noise, light, and community character in all candidate areas, and

BE IT FURTHER RESOLVED, that surface water, groundwater, and geothermal resources be accorded affirmative protection in the assessment and in all subsequent permitting decisions; that operators be required to demonstrate, before any permit is issued, that water withdrawals and thermal or chemical discharges will not reduce stream flows, lower aquifer levels, alter the temperature or chemistry of geothermal spring systems, or harm the cold-water fish habitat and plant communities upon which treaty-reserved resources and Tribal lifeways depend; and that

water neutrality — full operational offset of freshwater consumption — be established as a baseline permitting requirement, and

BE IT FURTHER RESOLVED, that the Tribal nations that are members of the Minnesota Indian Affairs Council be engaged as government-to-government partners — not as public commenters — in the preparation of the required assessment and throughout all subsequent permitting proceedings; that consultation be initiated at the outset, conducted substantively, and continued through final decision; that Tribal nations be provided adequate time, technical resources, and access to complete project information to participate meaningfully; and that the findings and concerns raised through Tribal consultation be documented in full, addressed on the record, and accorded full weight in all agency decisions, and

BE IT FURTHER RESOLVED, that any hyperscale data center approved following completion of the required assessment be subject to binding conditions requiring: regular public disclosure of energy consumption, water use and discharge, geothermal and air emissions impacts, metals use, and land disturbance data in a standardized format accessible to Tribal governments and the public; equitable sharing of economic benefits with host Tribal nations and communities through negotiated agreements covering employment, tax and other revenue sharing, and infrastructure investment; and that all grid and infrastructure upgrade costs attributable to data center demand be borne by the operator and not passed to existing ratepayers in Tribal communities, and

BE IT FINALLY RESOLVED, that this Resolution be transmitted to the Governor of the State of Minnesota, the relevant state legislative committees with jurisdiction over energy, environment, and Tribal affairs, the Secretary of the U.S. Department of the Interior, the Administrator of the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, the U.S. Department of Energy, the U.S. Department of Commerce, the U.S. Department of Defense, and the Federal Energy Regulatory Commission, as a formal declaration that the Minnesota Chippewa Tribe supports responsible, equitable, and fully informed data center development, and will engage fully in all regulatory and governmental processes to ensure that the air, water, land, treaty resources, and living ecosystems held in trust for future generations are protected throughout that process.

CERTIFICATION: We do hereby certify that the foregoing resolution was duly presented and acted upon by a vote of 6 Approve, 4 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