



INDIAN AFFAIRS COUNCIL RESOLUTION 09232026_03

A RESOLUTION OPPOSING THE PROPOSED 45-YEAR SULFATE COMPLIANCE SCHEDULE IN THE DRAFT U.S. STEEL MINNTAC TAILINGS BASIN NPDES/SDS PERMIT

WHEREAS, the Minnesota Indian Affairs Council consists of representatives of 10 of the 11 federally recognized Tribal Nations located within the State of Minnesota, members of the Legislature, and commissioners of State agencies, and serves as a liaison between Tribal Nations and the State of Minnesota; and

WHEREAS, manoomin is a culturally significant and treaty-protected resource central to the culture, subsistence, traditions, and lifeways of Tribal Nations in Minnesota, and the continued health and availability of manoomin depends upon the protection of the waters and ecosystems that sustain it; and

WHEREAS, Minnesota's federally approved water-quality standards establish a sulfate standard of 10 milligrams per liter for water used for the production of wild rice during periods when the rice may be susceptible to damage from elevated sulfate concentrations; and

WHEREAS, the U.S. Steel Minntac taconite facility near Mountain Iron includes a tailings basin, wastewater disposal systems, and surrounding lands encompassing approximately 8,700 acres, and the Minnesota Pollution Control Agency ("MPCA") has determined that seepage from the tailings basin is functionally equivalent to a direct discharge to surface water; and

WHEREAS, waters affected by the Minntac facility occur within the 1854 Ceded Territory, where Tribal Nations retain treaty-reserved hunting, fishing, and gathering rights and where protection of water, manoomin, fish, wildlife, and other natural resources remains integral to the continued exercise of those rights; and

WHEREAS, on July 10, 2026, the Minnesota Indian Affairs Council adopted Resolution 07082026_02, calling upon the MPCA to enforce Minnesota's water-quality standards at Minntac and other industrial facilities, establish definite and enforceable pollution-control deadlines, and protect treaty resources from sulfate pollution; and

WHEREAS, on August 26, 2026, the MPCA released for public comment a draft NPDES/SDS wastewater permit for the U.S. Steel Minntac tailings basin that contains significant pollution-

control requirements, including interim and final sulfate limits, additional groundwater and surface-water monitoring, and treatment measures for both the western and eastern portions of the tailings basin; and

WHEREAS, the draft permit, as described in the materials before the Council, would allow certain final sulfate compliance obligations to extend for as long as approximately 45 years, creating substantial concern regarding whether treaty-protected resources will receive timely and effective protection; and

WHEREAS, the materials before the Council further indicate that U.S. Steel's 2026 Minntac East Pit Layback application projects mine operations through approximately 2044, while a 45-year compliance horizon beginning in 2026 could extend to approximately 2071, substantially beyond the currently projected operating life identified in those materials; and

WHEREAS, Minnesota Rules part 7001.0150, subpart 2, item A, provides that a schedule of compliance must lead to compliance with applicable Minnesota or federal law and must require compliance within the shortest reasonable period of time, and further provides for interim compliance dates and progress reporting where appropriate; and

WHEREAS, a compliance schedule extending environmental obligations decades into the future and potentially beyond the projected operating life of the facility raises significant questions regarding treatment effectiveness, enforceability, facility closure, long-term monitoring, corporate succession, financial responsibility, and the continuing protection of treaty-reserved resources; and

WHEREAS, the State of Minnesota recognizes a unique government-to-government relationship with Minnesota Tribal governments, and Minnesota Statutes section 10.65 requires State agencies, including the MPCA, to engage in timely and meaningful consultation with affected Tribal governments on matters having Tribal implications and to consider Tribal input as an integral part of agency decision-making; and

WHEREAS, consultation with the Minnesota Indian Affairs Council or another representative entity does not replace an agency's obligation to consult directly with individual affected Tribal Nations pursuant to Minnesota Statutes section 10.65; and

WHEREAS, on September 18, 2026, the Board of Directors of the 1854 Treaty Authority unanimously adopted a resolution opposing the proposed 45-year sulfate compliance schedule and calling for a substantially shorter, treatment-based compliance schedule containing enforceable milestones and appropriate financial assurance; and

WHEREAS, the Minnesota Indian Affairs Council recognizes that protection of treaty-reserved rights requires not only recognition of those rights, but timely protection of the water, manoomin, fish, wildlife, habitat, and other resources necessary for their meaningful exercise;

THEREFORE, BE IT RESOLVED, that the Minnesota Indian Affairs Council hereby reaffirms Resolution 07082026_02 and opposes issuance of the draft U.S. Steel Minntac Tailings Basin

NPDES/SDS permit in its current form to the extent that the proposed compliance schedule would permit certain final sulfate limits to remain unmet for as long as approximately 45 years; and

BE IT FURTHER RESOLVED, that the Minnesota Indian Affairs Council calls upon the Minnesota Pollution Control Agency to remove the proposed 45-year outside compliance horizon and replace it with the shortest reasonable, scientifically supportable, and treatment-based compliance schedule consistent with Minnesota law, applicable federal requirements, and the protection of treaty-reserved resources; and

BE IT FURTHER RESOLVED, that any final permit should establish definite and enforceable deadlines for implementation and operation of effective treatment technologies addressing pollution pathways on both the eastern and western sides of the tailings basin and should include enforceable interim pollution-reduction requirements, measurable milestones, monitoring requirements, progress reporting, and meaningful consequences for failure to meet established deadlines; and

BE IT FURTHER RESOLVED, that the Minnesota Indian Affairs Council calls upon the MPCA to make and document an enforcement determination concerning the December 31, 2025 compliance deadline identified in the prior permit and administrative record, rather than permitting the missed deadline, standing alone, to become the basis for decades of additional delay in achieving applicable water-quality requirements; and

BE IT FURTHER RESOLVED, that where treatment, monitoring, closure, remediation, or other environmental obligations extend beyond the operating life of the Minntac facility, the State should require adequate and enforceable financial assurance sufficient to ensure that U.S. Steel, or any successor or responsible entity, remains financially responsible through final compliance, closure, and completion of applicable environmental obligations; and

BE IT FURTHER RESOLVED, that the costs of achieving and maintaining compliance with applicable environmental requirements should not be transferred to affected Tribal Nations, local communities, or the taxpayers of the State of Minnesota; and

BE IT FURTHER RESOLVED, that prior to issuance of a final permit, the MPCA should engage in timely and meaningful government-to-government consultation with each affected Tribal Nation, consistent with Minnesota Statutes section 10.65, sufficiently early in the decision-making process to allow Tribal scientific, cultural, legal, environmental, and treaty-resource concerns to meaningfully inform the final agency decision; and

BE IT FURTHER RESOLVED, that the MPCA should identify and substantively address Tribal comments, scientific information, treaty-resource concerns, and recommendations in the administrative record supporting any final permitting decision; and

BE IT FURTHER RESOLVED, that nothing in this Resolution shall be construed to define, diminish, waive, modify, interpret, or otherwise limit any treaty right, reserved right, sovereign authority, jurisdiction, claim, or other right or interest held by any Tribal Nation, nor shall

participation by a Tribal Nation in consultation or permitting proceedings constitute consent to the proposed permit or any particular compliance schedule; and

BE IT FURTHER RESOLVED, that this Resolution shall be transmitted to the Governor of the State of Minnesota; the Commissioner of the Minnesota Pollution Control Agency; the Attorney General of the State of Minnesota; the Commissioner of the Minnesota Department of Natural Resources; affected Tribal Nations; the 1854 Treaty Authority; appropriate members and committees of the Minnesota Legislature; and other appropriate State, federal, and Tribal officials; and

BE IT FINALLY RESOLVED, that the positions and principles expressed in this Resolution shall remain the policy of the Minnesota Indian Affairs Council unless and until amended, superseded, or repealed by subsequent action of the Council.

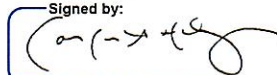
CERTIFICATION We do hereby certify that the foregoing Resolution was duly presented and acted upon by a vote of 8 Approve, _____ Opposed, _____ Nonvote/Abstain at a regular meeting of the Minnesota Indian Affairs Council, a quorum present, held on September 23, 2026, at Gichi-Onigaming / Grand Portage Band of Lake Superior Chippewa.

Signed by:



Robert Deschampe, Chair
Minnesota Indian Affairs Council

Signed by:



Carlos Hernandez, Vice Chairman
Minnesota Indian Affairs Council