

April 30, 2025

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Acting Regional Administrator Cheryl Newton  
US EPA Region 5  
77 W. Jackson Blvd  
Chicago, IL 60604

Commissioner Katrina Kessler  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155-4194

Boozhoo Acting Regional Administrator Newton and Commissioner Kessler,

We, the undersigned Tribes<sup>1</sup> (hereinafter “the Tribes”), hereby assert our treaty reserved rights to harvest aquatic and aquatic-dependent resources throughout the territories ceded (hereinafter “Ceded Territories”) to the United States in the Treaties of 1837<sup>2</sup> and 1842.<sup>3</sup> This letter and assertion pertain to the inland waters of the 1837 Ceded Territory and Lake Superior waters of 1842 Ceded Territory located in what is now the State of Minnesota. These rights have been reaffirmed by United States federal courts in the *Mille Lacs v. Minnesota* line of cases,<sup>4</sup> and include the harvest of aquatic and aquatic-dependent resources.<sup>5</sup> The Clean Water Act requires state and federal governments to consider these asserted rights when setting and reviewing water quality standards.<sup>6</sup>



<sup>1</sup> Mille Lacs Band of Ojibwe, Fond du Lac Band of Lake Superior Chippewa, Bad River Band of Lake Superior Chippewa Indians, Keweenaw Bay Indian Community, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Vieux Desert Band of Lake Superior Chippewa Indians, Red Cliff Band of Lake Superior Chippewa Indians, Sokaogon Chippewa Community, and the St. Croix Chippewa Indians.

<sup>2</sup> 1837 Treaty with the Chippewa, 7 Stat. 537.

<sup>3</sup> 1842 Treaty with the Chippewa, 7 Stat. 591.

<sup>4</sup> See *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172 (1999), affirming the judgment of the United States Court of Appeals for the Eighth Circuit which held that “the Chippewa retained their usufructuary rights under the 1837 Treaty with respect to land located in the State of Minnesota.” **Error! Main Document Only.**

<sup>5</sup> Lake Superior fishing rights are not adjudicated in this line of cases and have been affirmed by federal courts separately.

<sup>6</sup> Water Quality Standards Regulatory Revisions To Protect Tribal Reserved Rights. [89 FR 35717 \(2024\)](#).

On February 7, 2025, GLIFWC staff provided comments on the State's initial draft triennial review workplan. These comments reflect the Tribes' initial priorities for this review, including a review of fish consumption rates to more appropriately reflect the consumption rates of tribal members and the need to designate manoomin (wild rice) as a "Class 2" use.

In the Minnesota portion of the Ceded Territories, the unsuppressed use of fish, manoomin, and other aquatic and aquatic-dependent beings is impaired and not adequately protected for future generations. The above-mentioned treaties reserved not only Tribes' rights to hunt, fish, and gather, but, more broadly, the right to continue traditional lifeways. These lifeways depend on the unsuppressed use of these beings for spiritual, cultural, medicinal, subsistence, and economic purposes now and for future generations. Minnesota's water quality standards do not currently provide adequate consideration or protection to ensure the health and sustainability of these beings.

These treaty-reserved resources belong to all treaty-signatory Tribes, and harvest and management are coordinated intertribally. As such, we believe that an intertribal approach to Minnesota's water quality standards review will be the most efficient and effective way to proceed. We will rely on the staff of the Great Lakes Indian Fish and Wildlife Commission, aided by our tribal staffs, to assist us. These individuals can help ensure intertribal coordination, oversee and facilitate coordination with EPA and State staff, and analyze water quality standards in relation to these assertions. We have also discussed our assertion with Tribes that regulate the exercise of treaty rights in the 1854 Ceded Territory and intend to work closely with them to ensure consistency.

We have asked Ann McCammon Soltis, the Commission's Director of Intergovernmental Affairs, at [amsoltis@glifwc.org](mailto:amsoltis@glifwc.org), to assist in coordinating the next steps. We look forward to undertaking this work and creating standards that protect and support aquatic and aquatic-dependent beings for the next seven generations.

Sincerely,



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Virgil Wind, Chief Executive  
Mille Lacs Band of Ojibwe

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Bruce Savage, Chairman  
Fond du Lac Band of Lake Superior  
Chippewa

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Robert Blanchard, Chairman  
Bad River Band of Lake Superior  
Chippewa Indians

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Nicole Boyd, Chairwoman  
Red Cliff Band of Lake Superior Chippewa  
Indians

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Louis Taylor, Chairman  
Lac Courte Oreilles Band of Lake Superior  
Chippewa Indians

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Robert Van Zile, Chairman  
Sokaogon Chippewa Community

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John Johnson, Sr., President  
Lac du Flambeau Band of Lake Superior  
Chippewa Indians

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Thomas Fowler, Chairman  
St. Croix Chippewa Indians

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Robert Curtis, Jr., President  
Keweenaw Bay Indian Community

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Jim Williams, Jr., Chairman  
Lac Vieux Desert Band of Lake Superior  
Chippewa Indians