



Mille Lacs Band of Ojibwe Indians

*Executive Branch of Tribal Government
Office of the Chief Executive*

Transmittal via e-mail

Virgil Wind, Chief Executive
Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

May 20, 2026

Honorable Governor Tim Walz
State of Minnesota
130 State Capitol
75 Rev Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Re: Request for government-to-government consultation regarding increased proposals for
Hyper Scale Data Centers in Minnesota

Dear Honorable Governor Walz:

On behalf of the Mille Lacs Band of Ojibwe (the "Band"), I am requesting government-to-government consultation with you and/or your delegated representative to discuss the Band's concerns regarding the sudden and alarming increase in construction of hyperscale datacenters ("HSDCs"). As you know, Section 10.65 of the Minnesota Statutes provides that: "[t]imely and meaningful consultation between the state of Minnesota and Minnesota Tribal governments will facilitate better understanding and informed decision-making by allowing for communication on matters of mutual interest and help to establish mutually respectful and beneficial relationships between the state and Minnesota Tribal governments." In addition, Minnesota agencies are required to "develop and maintain ongoing consultation with the Minnesota Tribal governments related to matters that have Tribal implications. Agencies must consider the input gathered from Tribal consultation into their decision-making processes, with the goal of achieving mutually beneficial solutions." [Minn. Stat. § 10.65](#).

While our Tribe understands there is a plan for expanded utility power infrastructure that can supply electricity to proposed HSDCs consuming more than 100 MW continuously, we are asking for consultation in order to discuss several of the Band's concerns regarding these facilities and their associated infrastructure. The Band wishes to better understand all the state rules and permits that apply to HSDCs and recommend potential policy changes that might help address some of our concerns regarding HSDCs.

The Band acknowledges Minnesota's ongoing efforts to engage with our Tribe regarding ongoing EQB Notifications for new permits under state review, however in regard to HSDCs, formal consultation is required to share our concerns in a government-to-government setting. The Band's primary concerns focus on the broad use of non-disclosure agreements ("NDAs"), the use of vast amounts of public resources, potential impacts on water and air quality and treaty resources, and energy affordability and reliability.

Non-Disclosure Agreements (NDAs)

The use of NDAs by companies proposing HSDCs in concert with state/local governments is a direct threat to our reserved rights and sovereignty. Without publicly available objective information about the size and scope of these projects, our members cannot rely on state and local government to fully understand, consider, and protect Tribal treaty-reserved rights over resources on and off reservation lands. For example, many proposed projects around the Great Lakes appear to have impacts on water availability, groundwater resources, and wetlands that would be filled in and paved to create these facilities. To date, we are not aware of any local government that is adequately weighing and publicly discussing the damage to tribal resources when habitat and surface/ground water resources are destroyed or locked up in violation of treaty obligations. The use of NDAs must be strictly limited or prohibited altogether so that the Band and its members can be fully informed about impacts before they happen, prior to issuing permits, and before any major project decisions are made.

Treaty Rights

Many, if not all, of these projects will have significant impacts on the Band's treaty-protected and sovereign rights. It is therefore essential for the Band and for all Tribes within Minnesota that there be a full and frank consultation with state officials before these projects are authorized by any state or local unit of government. Consultation should occur both at the programmatic/landscape level, as well as project-by-project with any Tribe that may be impacted through their lands or resources, including in ceded territories where treaty rights have been retained. Consultation should occur prior to and following full environmental review, which also must be done programmatically and project-by-project.

The Band and many other Midwest Tribes retain off-reservation treaty rights to hunt, fish, and gather in ceded areas under the 1837 Treaty of St. Peters (7 Stat. 536) and the 1842 Treaty of La Pointe (7 Stat. 591). Essential to our exercise of these treaty rights is the availability of healthy resources along with appropriate access to these areas. We wish to consult to discuss potential impacts from HSDC's on the 1837 Treaty ceded area and adjacent areas, and our ability to maintain treaty rights for present and future generations. The 1837 Treaty ceded area encompasses a vast landscape of lakes, rivers, wetlands, and forests across east-central Minnesota that the Band and signatory Tribes have relied upon for subsistence, cultural practice, and spiritual connection since long before statehood. The rapid and largely opaque process for

proposing and siting HSDCs across this landscape represents one of the most significant cumulative threats to treaty-protected resources in our generation.

The specific concerns of the Band and signatory Tribes regarding impacts to the 1837 Treaty ceded area include, but are not limited to, the following. First, the construction and operation of HSDCs within or adjacent to the ceded territory imposes permanent or long-term risk of loss of habitat critical to the exercise of treaty rights — including wild rice lakes and beds, deer and waterfowl habitat, and productive fisheries — through land clearing, impervious surface construction, stormwater runoff, and light pollution. Second, the massive water withdrawals required by HSDCs for cooling operations directly threaten surface water and groundwater levels in lakes, streams, and wetlands that support treaty-reserved hunting, fishing, and gathering. These withdrawals can reduce water tables, concentrate pollutants, and alter aquatic habitat with effects that extend far beyond the footprint of any individual project. Third, the transmission infrastructure necessary to deliver power to these facilities — including new high-voltage transmission lines, substations, and associated corridors — will cut across the ceded territory, fragment wildlife habitat, and degrade the landscape upon which treaty rights depend. Fourth, the cumulative and landscape-scale impacts of multiple HSDCs sited within or near the ceded territory have not been assessed in any programmatic environmental review, and the use of NDAs forecloses meaningful Tribal input into individual project reviews before irreversible decisions are made.

The Band further notes that areas adjacent to the 1837 Treaty ceded territory are also of deep cultural, spiritual, and ecological significance to our people and to members of other Tribes in the region. Development pressure generated by HSDC siting in or near the ceded area and adjacent lands threatens to degrade these resources in ways that cannot easily be remediated. The Band requests that any state review of HSDC proposals include a geographic analysis of whether the project site or its associated infrastructure overlaps with or is adjacent to the 1837 Treaty ceded territory, and that any such overlap trigger mandatory government-to-government consultation prior to permit issuance.

Water is Life

Water is critical to our lives, our collective Tribal identity, and each person's well-being. We are responsible for protecting surface water and groundwater for future generations. Water resources must not be wasted on projects that may not serve the public or local region's needs. Existing uses, including traditional hunting, gathering, fishing and cultural practices, should not be imperiled for HSDCs, crypto mines, or other AI infrastructure. This is particularly so where, as here, the technology is emerging and there is a risk of facilities abruptly closing if the bottom falls out of speculative markets. Our Tribe has protected these resources since time immemorial and it is imperative that the state consult with us to ensure that we work together to protect public resources while we consider the sustainability of these developments.

Electrical Affordability and Reliability

The Band's efforts to secure energy sovereignty include the active development of energy resources. Some Tribes within our state struggle with access to affordable and reliable electricity, so the Band is working to ensure our Tribal members and businesses have access to affordable, clean, and reliable sources of electricity. State regulators must not prioritize the expansion of HSDCs if these cannot be planned in ways that improve and expand access to Band development of solar and other renewable resources. NDAs prevent Tribes from understanding the potential impacts to the existing energy infrastructure we rely on for the Band power. Data centers should only be approved if they can be powered with a sustainable renewable energy source that respects Tribal energy sovereignty and does not threaten raising utility rates or harm to public resources.

The Band can be strong partners in developing sustainably-sized data centers in this state. Our local knowledge, ability to think long-term about siting and renewables, and our expert staff makes development with a Tribe a better option than working with a large technology company with no connection to this region or the land. We request consultation to ensure better regulatory certainty to protect public resources, find a way to limit the use of NDAs, and to collaboratively grow industry in ways that benefit local communities and serve everyone's interests.

Until these concerns are met, we ask you to place a hold on HSDC development in this state. It is foolish to rush into these projects without a better understanding of how short-term development will have lasting long-term impacts on our lands, waters, members, cultural practices, and existing livelihoods and industries. This could be done with executive action or via legislation, such as Minnesota Senate File 4298, that requires Tribal consultation to be tailored to address identified harms and concerns. S.F. 4298 explicitly requires necessary consultation to fully assess Tribes' unique impacts and concerns.

We look forward to your response and to coordinating a consultation with you and/or your designated representative. To schedule a consultation please contact Commissioner of Natural Resources, Kelly Applegate, at Kelly.Applegate@MilleLacsBand.com. Thank you in advance for your attention to this matter.

Sincerely,



Virgil Wind
Chief Executive
Mille Lacs Band of Ojibwe

Letter from Chief Executive Virgil Wind to Governor Tim Walz
Re: Increased construction of Hyper Scale Data Centers in Minnesota
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cc:

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[Susan Klapel](#), Executive Director of Natural Resources, Mille Lacs Band of Ojibwe
[Ravyn Gibbs](#), Office of the Governor
[Anna Johnson](#), Policy Advisor
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