

39503 Minnesota Pollution Control Agency Notice of Hearing on Lakes Water Quality Standards Rule

Closed Oct 08, 2026 · Discussion · 4 Participants · 1 Topics · 4 Answers · 0 Replies · 0 Votes

4

PARTICIPANTS

1

TOPICS

4

ANSWERS

0

REPLIES

0

VOTES

SUMMARY OF TOPICS

SUBMIT A COMMENT

 4 Answers · 0 Replies

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Ryann Geldner · Citizen · (Postal Code: unknown) · Aug 30, 2026 12:33 am

 0 Votes

I am writing in support of the Minnesota Pollution Control Agency's proposed amendments to Minnesota Rules chapter 7050 governing lake aquatic life and recreation. The proposed eutrophication standards, cold-water oxy-thermal criteria, and adoption of the Tiered Aquatic Life Use (TALU) framework represent meaningful improvements that will strengthen lake protection across the state.

I support the new eutrophication standards for shallow and mixed lakes in the northern nutrient region. These lakes behave differently than stratified systems, and updated criteria will improve accuracy and ecological relevance. I also support the addition of nutrient and oxythermal standards to protect cold-water fish habitat, which will help maintain the deep, cold, oxygenated refuges required by cisco, lake trout, and other sensitive species.

I support the adoption of the TALU framework, but I encourage MPCA to ensure that TALU does not unintentionally lower expectations for lakes that have already been degraded by shoreline alteration, nutrient loading, or repeated chemical treatments. TALU should continue to encourage restoration and improvement.

Relationship to Minn. R. 7050.0227 (Class 7: Limited Resource Value Waters)
I previously submitted a formal RFC comment on August 18, 2026 requesting full deletion of Minn. R. 7050.0227 (Class 7). My concerns remain relevant to this rulemaking because the proposed TALU framework interacts with existing beneficial use categories. As stated in my prior comment, Class 7 designations allow intentional degradation, contradict watershed science, and undermine cumulative protection of downstream

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waters. I continue to request that MPCA remove Class 7 entirely and classify all waters under protective Classes 1-6.

Recommendations for strengthening the rule:

Incorporate macroinvertebrate monitoring into lake assessments. Macroinvertebrates are foundational to lake food webs and are sensitive indicators of eutrophication, sediment oxygen depletion, and chemical disturbance. Including benthic macroinvertebrate metrics would greatly improve biological condition assessments under TALU.

Add protections or scoring incentives for lakes with intact native plant shorelines. Native littoral vegetation supports fish spawning, amphibians, macroinvertebrates, and water quality. TALU tiers should recognize and reward lakes with high-quality shoreline habitat.

Require ecological monitoring after aquatic herbicide treatments. Chemical treatments can affect dissolved oxygen, sediment chemistry, macroinvertebrates, and amphibians. Minnesota does not currently require post-treatment biological monitoring. Adding this requirement would align lake management with the rule's aquatic life protection goals.

Improve oversight of cumulative chemical applications. A single lake can receive multiple herbicide permits from individuals, associations, and contractors. MPCA should track cumulative chemical load to ensure aquatic life standards are not unintentionally compromised.

Create a public, searchable database of all aquatic herbicide permits and quantities. Transparency is essential for public trust and scientific evaluation. A centralized database would allow citizens, researchers, and local governments to understand how much chemical treatment is occurring and where.

Ensure TALU does not unintentionally reduce protection for modified or degraded lakes. TALU should continue to encourage restoration and improvement. Lakes with intact native plant shorelines should receive higher protection, and lakes with degraded littoral zones should not be permanently assigned lower expectations.

Thank you for the opportunity to comment. I appreciate MPCA's work.

Robert Sip · Citizen · (Postal Code: unknown) · Oct 07, 2026 12:49 pm

 0 Votes

Please accept comments from the Red River Watershed Management Board on the MPCA Proposed Coldwater Lakes Rule.

Cooper Silburn · Citizen · (Postal Code: unknown) · Oct 08, 2026 1:28 pm

 0 Votes

On behalf of the Minnesota Environmental Science and Economic Review Board, please see the attached prehearing comments for this matter. Thank you for the opportunity to provide comment and for your consideration.

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Colin Jefferis · Citizen · (Postal Code: unknown) · Oct 08, 2026 3:44 pm

 0 Votes

Please find the attached comments from the Great Lakes Indian Fish and Wildlife Commission. Thank you for the opportunity to comment.



October 7, 2026
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Red River Watershed Management Board Comments on the Proposed Revisions of Rules Governing Water Quality Standards for Lake Aquatic Life and Recreation, *Minnesota Rules*, Chapter 7050; Revisor's ID Number R-04740

Dear Commissioner and Rulemaking Staff:

On behalf of the Red River Watershed Management Board (RRWMB), we appreciate the opportunity to provide comments regarding the Minnesota Pollution Control Agency's (MPCA) Proposed Revisions of Rules Governing Water Quality Standards for Lake Aquatic Life and Recreation, *Minnesota Rules*, Chapter 7050; Revisor's ID Number R-04740.

The RRWMB represents watershed management interests throughout the Minnesota portion of the Red River of the North Basin. The Board and its member Watershed Districts (WD) have decades of experience addressing flood damage reduction, drainage, water quality, erosion and sediment control, habitat, wetland restoration, watershed planning, and multipurpose water-management projects.

The RRWMB supports the protection and improvement of Minnesota's lakes, rivers, streams, wetlands, and other surface waters. We also support the use of sound science to establish water quality standards that are protective of aquatic life, recreation, and other designated uses. At the same time, the Red River Basin (RRB) is hydrologically, geographically, and biologically different from many other regions of Minnesota. These differences must be fully reflected in both the final rules and their subsequent implementation. It also amplifies the need for engaging local experts in processes and procedures associated with the Clean Water Act implementation.

The RRWMB is particularly concerned that standards, biological criteria, lake classifications, reference conditions, and impairment methodologies developed on a statewide basis could produce unintended consequences when applied to the naturally shallow, highly variable, wetland influenced, low gradient waters of Northwest Minnesota. Although it is unlikely these rule changes will add restrictions relative to construction of WD projects, the RRWMB is opposed to any additional restrictive rules with no basis for the classification changes. Accordingly, the RRWMB requests that MPCA incorporate the following considerations into the final rule and its implementation.



1. The Unique Characteristics of the RRB Must Be Explicitly Recognized and Local Experts Engaged:

The Minnesota portion of the RRB encompasses a remarkably diverse landscape extending from the Lake Agassiz Plain eastward into lake, forest, and wetland dominated portions of Northwest Minnesota. Local WD staff have decades of experience working in these unique conditions. As such, we strongly encourage the State of Minnesota to increase its level of engagement with local stakeholders when making policies, rules, or implementing Clean Water Act activities in the RRB.

The proposed rule specifically recognizes 17 HUC-8 watersheds within the Red River of the North Basin. However, these watersheds do not represent a uniform aquatic environment. The RRB is the bed of former Glacial Lake Agassiz and is characterized by extremely low gradients, extensive agricultural drainage, naturally fine soils, high sediment mobility, wetland complexes, shallow water bodies, and highly variable hydrology. Farther east, the basin transitions into landscapes containing numerous natural lakes, forests, wetlands, coldwater resources, and substantially different soils and watershed characteristics.

The final rule should expressly recognize that the attainable biological and chemical condition of a water body must be evaluated in the context of its natural watershed, geomorphic, hydrologic, and ecological setting. Again, local practitioners like staff at WD's and Soil and Water Conservation Districts (SWCD) have decades of firsthand boots-on-the-ground experience in addressing this natural variation.

During the 1st cycle of the watershed approach in Minnesota, local expertise had more direct engagement with the MPCA before, during, and after processes like the proposed rules. We strongly encourage the MPCA to reinstitute stronger stakeholder engagement with local stakeholders before, during, and after the implementation of processes like the proposed rule changes. The RRWMB is available to discuss effective strategies for engaging stakeholders within the RRB.

For example, it is not uncommon for an intense rainfall event to impact a localized area within a watershed. Typically, local WD and SWCD staff will be aware of these events and familiar with the specific impacts. Without local coordination, it would be difficult for regionally based state agency staff to recognize this type of impact if monitoring towards the proposed rule was scheduled to occur a few days after the event. Local stakeholder coordination could help to resolve this issue. As such, the RRWMB strongly recommends development of a clear and accessible process through which WD's and other affected parties can be collaboratively engaged before, during and after the application of Clean Water Act procedures to waters in the RRB.



2. Natural Background Conditions Must Be Distinguished from Human Caused Pollution:

Perhaps the most important issue for the RRWMB is the treatment of natural background conditions. Natural watershed characteristics can contribute significant amounts of phosphorus to lakes. The MPCA's analysis acknowledges that natural watershed sources of nutrients can be substantial in RRB.

Elevated phosphorus concentration does not necessarily demonstrate anthropogenic pollution, and reduced water transparency does not necessarily demonstrate human caused degradation. Naturally productive shallow lakes, wetland dominated watersheds, peatlands, organic soils, internal nutrient cycling, wind driven sediment resuspension, fish communities, drought, flooding, and natural hydrologic variability can substantially affect observed water quality. Alternatively, the elevated phosphorus concentrations maybe be significantly impacted by human activities such as stormwater, historical direct disposal of sewage, historical creamery waste disposal, historical mortuary waste disposal, historical sawmill waste disposal, or un-managed water from rural settings. It is just as important as the natural causes to understand the human causes.

Before determining that a water body is impaired or requiring additional nutrient reductions, MPCA should demonstrate that the observed condition represents a departure from the reasonably attainable natural condition of that water body. Local knowledge and insights should help inform these decisions. WD's and landowners should not be required to implement costly restoration measures intended to achieve conditions that are naturally unattainable. The RRWMB recommends that the final rule or associated implementation guidance explicitly establish a process for separating:

- Natural background loading.
- Internal loading and natural nutrient cycling.
- Wetland derived nutrients and organic matter.
- Naturally occurring turbidity and sediment conditions.
- Climate and hydrologic variability.
- Anthropogenic pollutant loading.

3. Lake Classification Decisions Must Be Transparent and Reviewable: The proposed framework places increased importance on determining the appropriate lake category, especially in the Lake Agassiz Plain ecoregion that does not have a unique set of Lake Eutrophication Standards (LES) and relies on professional judgment to assign a set of standards based on how the lake compares to lakes in ecoregions with LES. Lake classification can involve depth, littoral area, thermal stratification, fish communities, and other characteristics that some lakes do not fit neatly within established categories. In such cases, professional judgment may be necessary.



Professional judgment is necessary in the RRB, and the classification decisions can have significant regulatory consequences. A lake classification determines the appropriate water quality standards, which can in turn determine whether a lake is considered impaired. The Lake Agassiz Plain contains water bodies that may naturally exhibit high nutrient concentrations, turbidity, limited transparency, shallow depths, wetland influence, and other characteristics that could be unusual in recreational lakes elsewhere in Minnesota. The RRWMB therefore recommends that MPCA establish, or continue using, a transparent classification process that:

- Identifies the data supporting the classification.
- Identifies the criteria used.
- Documents the scientific rationale.
- Allows consideration of locally collected data.
- Provides notice to affected watershed districts and local governments.
- Establishes a meaningful process for reviewing or challenging an incorrect classification.

Classification should not become an administrative determination that is effectively unreviewable once incorporated into an impairment assessment. But rather, it should include local feedback and insights to help determine the correct classification and application of water quality standards. For mixing type classification, it is important to incorporate temperature and dissolved oxygen profile data, when available. Discussions on mixing classification should go beyond the use of the geometric ratio alone, to ensure the most appropriate standards are applied to the lake.

Local flexibility when classifying a lake and applying a standard is important. The Lake Agassiz Plain ecoregion spans 500 miles end-to-end. Applying a single numeric standard to accommodate a wide range of conditions within the same ecoregion can lead to unattainable targets without site-specific considerations.

The RRWMB therefore requests that MPCA retains a scientifically defensible mechanism for establishing site-specific expectations for Lake Agassiz Plain waters rather than applying standards developed from substantially different lake populations. MPCA should also clearly explain the methodology that will be used to establish those site-specific standards. Local WD's and other affected local governments should have a meaningful opportunity to review the data, reference conditions, lake classification, and proposed standard before a site-specific determination becomes the basis for an impairment listing or regulatory requirement.

4. Biological Criteria Must Account for Natural Variability: The RRWMB recognizes the value of biological monitoring. Fish and other biological communities can provide important information about long-term aquatic ecosystem health that may not be apparent from individual chemical samples. However, biological communities are affected by many factors unrelated to conventional pollution. These include drought, flooding, winterkill, natural lake level fluctuations, fish stocking, invasive species, predation, natural barriers, lake connectivity, habitat changes, temperature, dissolved oxygen, and historical conditions.



The proposed rules allow biological quality to be evaluated against biological condition models or reference water bodies intended to represent natural conditions for a particular water body type and geographic region. The choice of appropriate reference conditions is therefore extremely important.

MPCA should not conclude that an observed biological difference represents anthropogenic impairment unless there is adequate evidence connecting that condition to a human caused stressor. As part of this, reference water bodies should be carefully selected, within geographically relevant proximity and be subject to public feedback. Consistent with previous comments, this should also include a local stakeholder coordination process that engages local stakeholders prior to, during, and after reference conditions are set.

5. Exceptional Use Designations Require Clear Criteria and Local Participation: The proposed framework establishes exceptional aquatic life classifications, including Class 2Ae, 2Bde, and Class 2Be waters. The RRWMB supports protecting genuinely exceptional aquatic resources. However, an exceptional use designation can have consequences extending beyond the water body itself, particularly if the designation influences antidegradation requirements, watershed planning, land use priorities, permitting, or projects upstream. Accordingly, exceptional use designations should be based on clear and reproducible criteria, adequate monitoring data, consideration of natural variability, and consultation with affected WD's and local governments.

6. Coldwater and Oxythermal Standards Should Reflect Site-Specific Conditions: The RRWMB recognizes the ecological importance of protecting coldwater fish communities. The MPCA proposes new oxythermal habitat criteria intended to directly measure the suitability of temperature and dissolved oxygen conditions for sensitive coldwater species. These protections may be particularly important in portions of the eastern RRB. However, MPCA should ensure that naturally occurring temperature or dissolved oxygen conditions are not interpreted as anthropogenic impairment without sufficient evidence. Climate trends, lake morphology, groundwater interaction, water levels, seasonal conditions, and natural oxygen dynamics should be considered before regulatory conclusions are reached. The oxythermal standard needs more definition in the rules. The standard states "an average TDO3 sufficient to support coldwater fish species..." Is this the summer average for the lake, the average over the water column at any given time, or the summer average at a specific depth?

7. MPCA Should Evaluate the Potential Effect on TMDLs and WRAPS: A water quality standard does not operate in isolation. Once adopted, standards become part of the framework used to determine whether waters are meeting designated uses. New or revised standards can therefore lead to additional impairment determinations that then have downstream impacts on planning and implementation efforts.



Driven by the importance of the downstream impacts of standards, the RRWMB requests that MPCA provide a RRB specific analysis estimating:

- The number of Red River Basin water bodies potentially affected by the revised standards.
- The number potentially subject to a different impairment determination.
- The number potentially receiving exceptional use classifications.
- The likely effects on future WRAPS and TMDLs.
- Additional monitoring requirements.
- Potential implementation costs.
- A use attainability analysis for the standards within the region.
- Potential costs to local governments and watershed districts.

Without this information, it is difficult for affected local governments to understand the full fiscal and operational consequences of the proposed rules.

8. Flood Damage Reduction and Multipurpose Water Management Projects Must Remain Feasible: Flood damage reduction is an essential public responsibility within the RRB. The exceptionally flat topography of the RRB, historical wetland alterations, extensive drainage infrastructure, severe spring flooding, intense summer rainfall events, and international and interstate drainage characteristics require active water management. The RRWMB and its member WD's have invested substantial resources in projects that reduce flood damage while increasingly incorporating water quality, habitat, erosion control, wetland restoration, and other environmental benefits. The final rules should not unintentionally create barriers to properly designed multipurpose water management projects.

Projects involving flood impoundments, diversions, channel restoration, grade control structures, wetland restoration, floodwater storage, drainage improvements, and other hydrologic modifications should be evaluated according to their overall environmental and public benefits. The MPCA should coordinate with WD's early in project development rather than allowing biological or water quality standards to become an obstacle late in permitting.

9. Climate and Extreme Hydrologic Conditions Must Be Considered: The RRB experiences extraordinary hydrologic variability. A water body may experience drought, extreme spring runoff, prolonged flooding, intense rainfall, low flow conditions, winterkill, or substantial year-to-year water level fluctuations. These conditions can dramatically alter nutrient concentrations, sediment transport, dissolved oxygen, temperature, biological communities, and water clarity. The proposed standards should therefore be implemented using sufficiently long periods of record and appropriate hydrologic context so that temporary or extreme conditions are not mistaken for permanent anthropogenic degradation. The process by which these decisions are made and incorporated into associated work should be clearly documented and communicated.



10. Are Shallow Lakes now Excluded From LES on Purpose? Are LES no longer applied to shallow lakes? The proposed changes to the rules are written, under the definitions and water quality standard, in a way to exclude shallow lakes from the LES. Per the proposed changes to MN Rule 7050.0150, subp. 4 (definitions):

- S. "Lake" means an enclosed basin filled or partially filled with standing fresh water with a maximum depth greater than 15 feet. Lakes may have no inlet or outlet, an inlet or outlet, or both an inlet and outlet. This definition to lake means any reference to "lake" in the rules refers to an enclosed basin with standing fresh water with a maximum depth greater than 15 feet. In addition, shallow lakes are explicitly defined:
 - MM. "Shallow lake" means an enclosed basin filled or partially filled with standing fresh water with a maximum depth of 15 feet or less or with 80 percent or more of the lake area shallow enough to support emergent and submerged rooted aquatic plants (the littoral zone). It is uncommon for shallow lakes to thermally stratify during the summer. The quality of shallow lakes will permit the propagation and maintenance of a healthy indigenous aquatic community, and they will be suitable for boating and other forms of aquatic recreation for which they may be usable. Shallow lakes are differentiated from wetlands and lakes on a case-by-case basis.

Under these definitions, any reference to a "lake" means a lake with a maximum depth greater than 15 feet and any reference to a lake with less than a maximum depth of 15 feet is referred to as a "shallow lake".

Under the proposed changes to lake eutrophication standards for class 2Bd (starting on line 30.33 of the draft rules) and Class 2B (starting on line 49.28 of the draft rules), it states, "Eutrophication standards for class 2Bd/2B lakes, shallow lakes, and reservoirs". By removing shallow lakes here with the current definition of lakes appears to mean that shallow lakes no longer have a LES and the LES only covers lakes and reservoirs, where the lakes have a maximum depth greater than 15 feet.

It continues under the various LES by ecoregion, polymictic and dimictic have been added to distinguish between the former lakes and shallow lakes differing standards under each ecoregion and "shallow" has been removed for the new, "polymictic" lakes LES for each ecoregion. However, under the definitions,

- K. "Dimictic Lake" means a lake that mixes twice a year, in the spring and fall, and is stratified during the summer and winter.
- DD. "Polymictic lake" means a lake with frequent mixing of the water column during the ice-free period.

Reference to only "lake", meaning an enclosed basin with a maximum depth greater than 15 feet with no reference to "shallow lakes". Therefore, since "lakes" and "shallow lakes" are explicitly defined it can be interpreted as applying to only lakes with a maximum depth greater than 15 feet, i.e., not applying to shallow lakes, per the definitions of the rules. Assuming this is not the intended outcome, the rules could use additional clarification around shallow lakes.



In addition, under the narrative eutrophication standards (Subp. 3a (Class 2Bd) and Subp 4a (Class 2)) it is proposed to remove the references to “shallow lakes”. Since only reference to lakes is “lakes” remain, only lakes with a maximum depth greater than 15 feet are covered under the narrative. It is unclear if this is intentional or an unintended consequence of removing “shallow lakes” from the standards without adjusting the definition of lakes to account for both deep and shallow lakes. We suggest that the MPCA review edits around shallow lakes to ensure that the rules are in line with the protections being prioritized by Minnesota.

11. Are Only Class 2A Lakes Being Assigned Biological Criteria UDraft MN Rules

7050.0222? Under subpart 3d for Class 2Bd waters (starting on line 43.4) and subpart 4d. for Class 2B waters (starting on line 63.22), there are no biological criteria for Class 2Bd and Class 2B lakes. The biological criteria listed in the tables for Deep, complex lakes; Deep, moderately complex lakes, Moderately deep lakes, and Shallow lakes list either “2Ae” for exceptional or “2Ag” for general under “Class”. Why are Class 2Ae and 2Ag lakes listed under Class 2Bd (subp. 3) and Class 2B (subp. 4)? Are all lakes going to be classified as Class 2A for biological criteria? The same biological criterion is used for each class (2A, 2Bd, and 2B), is this correct? We suspect this is a drafting error that should be corrected before the proposed changes are accepted. If it is not a drafting error, can you provide clarity to why Class 2A lakes WQS are listed under Class 2Bd and 2B?

12. Differing Lake Classification System Between Lake Eutrophication Standards and Biological Criteria for Lakes: Why is the lake classification system under the biological criteria different from the eutrophication standards? The proposed classification system for LES is mixing type (dimictic or polymictic) and ecoregion. The LES of the biological criteria uses Deep, complex lakes; Deep, moderately complex lakes; Moderately deep lakes, and Shallow lakes. Due to the switch of lake type under the classification for LES, would it make sense to use mixing type (dimictic or polymictic) instead of reverting back to the current system of depth type (deep and shallow)? It would result in less confusion.

In addition, how are Deep, complex lakes; Deep, moderately complex lakes; Moderately deep lakes classified? What criteria are used to determine a lake’s complexity? When and who determines it? This information is not easily accessible, laid out in the supplemental material or found when searched for “complex”. The rules can be improved by clearly defining these classifications in the rule to increase the accessibility of information to general readers in understanding the rules.

13. Are Polymictic and Dimictic Determined Solely on Geometric Ratio? Is geometric ratio, i.e. as the fourth root of lake surface area (m^2) divided by maximum depth (m) ($A_0^{0.25}/Z_{max}$, where A_0 is lake surface area and Z_{max} is maximum depth), the sole indicator that is going to be used to for determining mixing type, or is it going to be a starting point and final determination be made during professional judgement? What about lakes with a littoral area of greater than 80%?



If a lake has a large littoral area where most of the lake acts like a polymictic lake but has a small deep area with a maximum deep above 15 feet and the geometric ratio identifies it as a dimictic lake, would it be still considered a dimictic lake? If profile data is available, will it be used over the geometric ratio? It is important to use all available profile data when determining the mixing state of a lake. This was not clear under the materials provided. Please clarify.

14. Why no “Modified” TALU Class for Lakes? Unlike streams, there is no “modified” designation for lakes. Are there any future plans to investigate if a “modified” designation may be needed for lakes that historically have not supported a healthy fish and macroinvertebrate community?

Conclusion: The RRWMB supports the goal of protecting Minnesota’s water resources and recognizes the substantial technical work MPCA has undertaken in developing the proposed standards. The RRWMB respectfully requests that MPCA incorporate the following safeguards into the final rule or binding implementation procedures:

1. Explicitly recognize the unique hydrologic and ecological characteristics of the RRB and Lake Agassiz Plain.
2. Preserve appropriate site-specific standards for water bodies for which statewide criteria are not scientifically representative.
3. Require consideration of natural background conditions before determining anthropogenic impairment.
4. Establish transparent and reviewable procedures for lake classification.
5. Require biological impairment determinations to consider natural variability and demonstrate a scientifically supportable relationship to anthropogenic stress.
6. Provide local governments with an opportunity to review proposed exceptional use designations.
7. Evaluate the effect of the proposed standards on future TMDLs, WRAPS, permits, and local watershed plans.
8. Ensure that flood damage reduction and multipurpose water management projects remain feasible.
9. Establish clear procedures for site-specific standards and natural condition determinations.
10. Avoid requiring restoration to conditions that are naturally unattainable.



11. Provide meaningful consultation with affected WD's before new classifications or impairment determinations are finalized.
12. Phase implementation where necessary to allow adequate monitoring, scientific review, planning, and budgeting.
13. Review proposed draft language in the rules update to ensure proposed changes do not have any unintended consequences highlighted in these comments.

The RRWMB welcomes continued dialogue with MPCA regarding implementation of the proposed standards within the RRB and encourages the MPCA to work directly with the RRWMB and its member WD's before finalizing implementation procedures that could substantially affect Northwest Minnesota. Thank you for considering these comments.

Sincerely,

A handwritten signature in black ink that reads "John Finney".

John Finney
Board Chair, RRWMB

Sincerely,

A handwritten signature in black ink that reads "Robert L. Sip".

Robert L. Sip
Executive Director, RRWMB

CC: RRWMB Membership

**MESERB**Minnesota Environmental Science
and Economic Review Board

Using science and economics to improve environmental regulations

October 8, 2026

VIA CAH eCOMMENTS

The Honorable Suzanne Todnem
Administrative Law Judge
Court of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, MN 55164-0620

RE: Proposed Amendments to Minnesota Rules Chapter 7050 Governing Water Quality Standards for Lake Aquatic Life and Recreation; Revisor ID No. R-04740; CAH Docket No. 23-9003-39503

The Minnesota Environmental Science and Economic Review Board (“MESERB”) is a joint powers organization of more than 60 member cities, sanitary districts, and public utilities commissions that own and operate wastewater treatment facilities and hold NPDES/SDS permits. MESERB has worked since 1997 to ensure that regulations affecting wastewater treatment are reasonable, effective, and based on sound science. Thank you for the opportunity to provide comments on this rulemaking effort. MESERB’s prehearing comments are below:

First, we appreciate MPCA’s effort, as demonstrated in the Statement of Need and Reasonableness (“SONAR”), to provide an assessment of the quantity and type of permit holders that will be impacted by the various proposed rule amendments at issue. MESERB members are among the permit holders that may be affected by these amendments. Based on MPCA’s assessment, MESERB requests that MPCA provide the following additional information and clarifications:

- Please provide a list of the three NPDES/SDS facilities upstream of proposed exceptional use lakes.¹
- Please provide a list of the 12 permit holders identified as potentially impacted by the revised eutrophication standards for northern lakes.²
 - Please also provide the list of the 7 lakes identified that would likely be considered assessed as impaired under the proposed northern dimictic standards but not under the existing standards.

¹ Minn. Pollution Control Agency, Statement of Need and Reasonableness, Minn. R. ch. 7050, at 54 (Aug. 2026) (Doc. No. wq-rule4-27d) [hereinafter SONAR].

² See SONAR p. 55.

- Please provide a list of the 15 wastewater permits located upstream or adjacent to lakes that MPCA determined could become impaired based on the proposed coldwater aquatic life and habitat standards and designations.³
 - Please confirm that when the agency identified the above-referenced 15 wastewater treatment facilities, MPCA evaluated all new chemical and physical standards that come with the proposed new Class 2A and 1B designations. Specifically, MESERB requests that MPCA confirm whether it evaluated the potential impacts to wastewater facilities that will result from the application of new and more stringent standards for ammonia, nitrate, sulfate, and TDS, in addition to the new eutrophication standards.

Second, we request that MPCA address the following questions with greater specificity during the rulemaking hearing and in response to comments:

- The SONAR states that the rule is not “a change to any use class other than Class 2.”⁴ However, in operation, it appears that it is. Under Minn. R. 7050.0420, a Class 2A designation carries Class 1B, and the Agency acknowledges that Class 1B adds standards for sulfate, total dissolved solids, fluoride, nitrate plus nitrite, and several metals.⁵ The proposal designates 410 lakes as Class 2A, which then results in many, if not all, of those lakes becoming subject to drinking water standards as well.⁶
 - Please provide more information on how many lakes will receive a new Class 1 designation because of the proposed rule amendments.
 - Based on our review, it appears that MPCA is proposing to designate these lakes as Class 1 waters (many for the first time) without specifically evaluating or confirming whether the Class 1 designation is appropriate for those Lakes.⁷
 - Please confirm whether MPCA has specifically evaluated the appropriateness of the Class 1 designation for the lakes at issue?
 - If not, why?
- As part of this rulemaking, beneficial use designations for lakes will be listed in tables incorporated by reference into Minn. R. 7050.0470. We request that MPCA confirm whether it is required to conduct rulemaking before changing or adding waters or new beneficial use designations to waterbodies on the lists incorporated by reference into that rule.

³ See SONAR p. 58.

⁴ SONAR at 13 & n.3.

⁵ Minn. R. 7050.0420; SONAR, *supra* note 1, at 51, 56, 58.

⁶ SONAR, *supra* note 1, at 27-28 (Table 5).

⁷ SONAR at 13 n.3 (“Class 1 designations are not reviewed as part of the scope of this rule.”)

Thank you for your consideration of our prehearing comments and questions. We appreciate the MPCA's leadership on these issues and its commitment to evaluating and applying the best available science related to the protection and restoration of Minnesota's natural resources.

Sincerely,

MINNESOTA ENVIRONMENTAL SCIENCE AND ECONOMIC REVIEW BOARD

A handwritten signature in blue ink, appearing to read "Scott Gilbertson", with a long horizontal flourish extending to the right.

Scott Gilbertson
MESERB president
Executive Director, Alexandria Lake Area Sanitary District



• MEMBER TRIBES •

MICHIGAN
Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN
Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA
Fond du Lac Band
Mille Lacs Band

10/08/2026

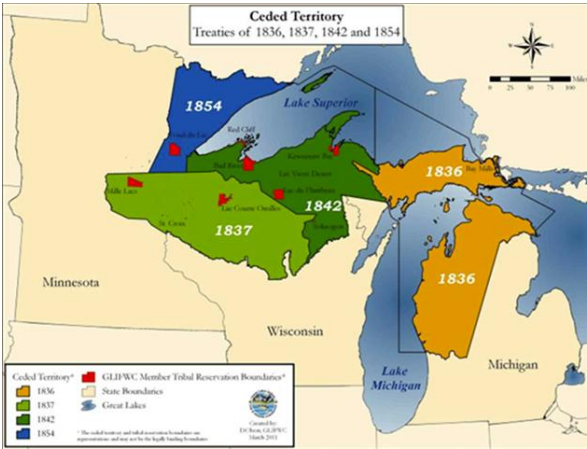
Submitted via Minnesota Court of Administrative Hearings

RE: **Proposed Amendments to Rules Governing Water Quality Standards
for Lake Aquatic Life and Recreation, Minnesota Rules Chapter 7050;
Revisor’s ID Number R-04740**

Judge Todnem,

Staff of the Great Lakes Indian Fish and Wildlife Commission (“GLIFWC” or “Commission”) are submitting these comments on the proposed amendments to rules governing water quality standards for lake aquatic life and recreation.¹ The proposed lake eutrophication standards, oxythermal and eutrophication standards for cold water aquatic life uses, and Tiered Aquatic Life Use (TALU) framework are meaningful improvements that address the natural diversity of lakes throughout the Ceded Territories. However, these comments express concern about the use of oxythermal standards that only protect the minimum conditions necessary for species survival.

GLIFWC is an intertribal natural resource agency exercising delegated authority from eleven federally recognized Anishinaabe (Ojibwe or Chippewa) tribes with reservations in Michigan, Minnesota, and Wisconsin.² Each of GLIFWC’s member tribes has



¹ Proposed Amendments to Rules Governing Water Quality Standards for Lake Aquatic Life and Recreation, Minnesota Rules Chapter 7050

² GLIFWC member tribes are: In Wisconsin – the Bad River Band of the Lake Superior Tribe of Chippewa Indians, Lac du Flambeau Band of Lake Superior Chippewa Indians, Lac Courte Oreilles Band of Lake Superior Chippewa Indians, St. Croix Chippewa Indians of Wisconsin, Sokaogon Chippewa Community of the Mole Lake Band, and Red Cliff Band of Lake Superior Chippewa Indians; in Minnesota – Fond du Lac Band of Lake Superior Chippewa, and Mille

entered one or more treaties with the United States,³ wherein these tribes retained reserved hunting, fishing, and gathering rights on lands and waters in territories ceded to the United States (“Ceded Territories”).

GLIFWC’s delegated authority is exercised within these Ceded Territories and it is from that perspective that these comments are submitted. Accordingly, these comments should not be construed as precluding comments by individual GLIFWC member tribes from their own sovereign and on-reservation perspectives.

Specific comments related to each category of amendment are below

I. Lake Eutrophication Standards

The proposed amendments create two different standards for total phosphorus (TP), chlorophyll-a, and Secchi depth for northern lakes. These standards vary based on whether the lake is characterized as polymictic or dimictic in its patterns of mixing. As noted by the Minnesota Pollution Control Agency (“MCPA” or “Agency”), variation of TP, chlorophyll-a, and Secchi depth standards by shallow lake type is reflected in the Fond du Lac Band of Lake Superior Chippewa’s water quality standards⁴. This variation supports the need for amended statewide rules that better incorporate the natural differences between northern shallow lakes. These standards will be more stringent in practice and more site-specific, encouraging continued improvement in northern lakes⁵.

II. Oxythermal and Eutrophication Standards for Cold Water Aquatic Life Uses

Commission staff support the addition of oxythermal and eutrophication habitat standards specific to the requirements of cold water fish species, including cisco, lake whitefish, lake trout, and stream trout.⁶

However, in a technical support document for the draft amendments, the authors write that the criteria of the amendments “do not necessarily reflect optimal conditions for these fish species but rather are minimal conditions for their protection.”⁷ While these standards do maintain aquatic conditions for species protection as required by MN R 7050.0250 (a), this comment encourages the promulgated standards to reflect the optimal conditions for the growth of non-human being populations. Maintaining the populations of cold water fishes at replacement levels provides no resilience for the species to demographic or environmental disturbance. GLIFWC encourages the state to adopt standards that would allow for cold water fish populations to thrive.

³ Treaty of 1836, 7 Stat. 491; Treaty of 1837, 7 Stat. 491; Treaty of 1842, 7 Stat. 591; and Treaty of 1854, 10 Stat. 1109.

⁴ Exhibit SO3 at 56

⁵ Exhibit SO3 at 63

⁶ Exhibit SO4 at 2

⁷ Exhibit SO4 at 36

Abundant, thriving, genetically diverse populations of cold water fish are more likely to be able to adapt to a changing environment.

III. TALU

Staff of the Commission support the use of a TALU scale as it is more representative of the diversity of non-human beings throughout the 1854 and 1837 Ceded Territories and creates more stringent criteria for exceptional waters. GLIFWC appreciates the Agency's care in following proper procedures to determine that this TALU did not lead to degradation or water quality backsliding as prohibited by the Clean Water Act⁸ and Minnesota antidegradation rules.⁹

Please do not hesitate to contact my staff, Colin Jefferis at cjefferis@glifwc.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Schlender".

Jason Schlender

Manidoo Noodin

Executive Administrator

⁸ 40 CFR 131.12(a)(1)

⁹ R7050.02500(a)



Judge Todnem (Docket Number 23-9003-39503)
P.O. Box 64620
Saint Paul, MN 55164-0620
Email Submission: <https://minnesotaoah.granicusideas.com/>

October 5, 2026

Dear Judge Todnem:

This letter is in regards to the proposed Lakes Water Quality Standards (WQS) rulemaking which will benefit efforts to protect and manage coldwater lakes.

Northern Waters Land Trust (NWLT) is a nonprofit organization working to protect the waters of northern Minnesota. Since 2014, NWLT has received State of Minnesota Outdoor Heritage Fund grants to protect land for the benefit of northern coldwater lakes, their habitats and the species dependent on those healthy habitats.

As air temperatures rise and watershed development increases, many coldwater lakes are losing the cold, oxygen-rich conditions necessary to sustain coldwater fisheries. The proposed amendments to Minnesota Rules (Minn. R.) chapter 7050 will benefit public and private efforts to identify and prioritize coldwater lakes and protect their watersheds. The coldwater lake protection needs far exceed funding available and strategic planning based on the proposed revised standards and designations will be crucial for future protection efforts. We appreciate having been able to collaborate with the Minnesota Pollution Control Agency and Department of Natural Resources since 2025 to consider the proposed standards and available data on oxythermal conditions to prioritize NWLT's protection efforts for coldwater lakes four northern Counties.

NWLT strongly supports the proposed rulemaking which will (1) revise the eutrophication standards by recognizing two types of cool/warm water lakes (i.e., mixed or shallow and stratified or deep lakes), (2) add an oxythermal standard to cold-water lake habitats and (3) add cold-water species designators to the listed lakes.

We appreciate the Minnesota Pollution Control Agency's efforts to revise and update the current standards and designations to reflect the nearly 900 coldwater lakes in Minnesota – a resource unique to only a few northern midwestern states.

Sincerely,

Kathy DonCarlos, Land Conservation Program

KathyD@nwlt-mn.org
Office (218) 547-4510

c.: Ally Mazurek, Acting NWLT Executive Director; Peter Jacobson, Science Consultant

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