

41637 Minnesota Pollution Control Agency Request for Comments - Aquatic Life Use Designation Revisions Rule

Closed Sep 24, 2026 · Discussion · 3 Participants · 1 Topics · 3 Answers · 0 Replies · 0 Votes

3

PARTICIPANTS

1

TOPICS

3

ANSWERS

0

REPLIES

0

VOTES

SUMMARY OF TOPICS

SUBMIT A COMMENT

 3 Answers · 0 Replies

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Ryann Geldner · Citizen · (Postal Code: unknown) · Aug 18, 2026 11:08 pm

 0 Votes

Formal RFC Comment - Request to Delete Class 7 Designations Entirely

Specific Rule Parts Addressed:

Minnesota Rules 7050.0470, and all related revisions to:

Minn. R. 7050.0227 - Class 7: Limited Resource Value Waters

Any proposed tiered aquatic life uses (TALUs) that rely on Class 7 as a baseline designation.

Position: Oppose the continued use of Class 7 and request full deletion of Minn. R. 7050.0227

I oppose the continued use of Class 7 (Limited Resource Value Waters) in Minnesota's beneficial use framework.

I request that the MPCA delete Minn. R. 7050.0227 in its entirety and discontinue the use of Class 7 designations.

Reasons for Opposition

1. Class 7 allows intentional degradation

Class 7 waters are permitted to have lower biological expectations and higher pollutant loads.

This is inconsistent with the Clean Water Act's requirement to protect the biological, chemical, and physical integrity of all waters.

2. All waters are connected

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Class 7 waters may flow into:

lakes

wetlands

holding ponds

waterfowl habitat

amphibian breeding areas

groundwater recharge zones

Even if a ditch or channel is modified, it still functions within a larger ecological system. Allowing degradation in any part of that system can harm wildlife, aquatic life, and downstream water quality.

3. The designation contradicts the stated goals of the rulemaking
The RFC states that the rule aims to:

“maintain or improve aquatic life,”

“assign beneficial uses to identify high-quality water resources,”

“set achievable goals consistent with existing uses,” and

“ensure restoration or protection of beneficial uses.”

A category that permits degradation is incompatible with these goals.

4. Cumulative impacts are significant
The RFC requests information on cumulative effects.
Class 7 waters can legally transport:

nutrients

sediment

contaminants

stormwater runoff

agricultural drainage

chemical residues

into any connected waterbody or habitat.
This creates cumulative impacts that undermine watershed-scale protection.

5. Modern watershed science does not support “limited resource value” categories
Current science recognizes that:

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wetlands support biodiversity

small streams influence downstream water quality

ditches and channels provide habitat for wildlife

holding ponds support waterfowl and juvenile species

No waterbody is ecologically insignificant.

Requested Language Change (Required by RFC)

Delete Class 7 entirely

“Strike Minn. R. 7050.0227 (Class 7: Limited Resource Value Waters) from Minnesota Rules.”

Allow modified waters to be classified under existing protective classes

“Assign waters currently designated as Class 7 to existing beneficial use classes (1-6) using protective criteria consistent with the Clean Water Act.”

This satisfies the RFC requirement to propose specific language changes.

Conclusion

Class 7 designations allow intentional degradation of waters that are part of larger ecological systems.

Because all waters are connected: whether to lakes, wetlands, holding ponds, or wildlife habitat. The continued use of Class 7 is inconsistent with the goals of the rulemaking and the Clean Water Act.

I respectfully request that the MPCA delete Class 7 entirely and classify all waters under the existing beneficial use categories (Classes 1-6).

Thank you for considering this comment.

Robert Sip · Citizen · (Postal Code: unknown) · Sep 23, 2026 12:38 pm

 0 Votes

The Red River Watershed Management Board is submitting the attached comments for consideration.

Aaron Johnson · Citizen · (Postal Code: unknown) · Sep 24, 2026 11:56 am

 0 Votes

Please see the attached technical comments from EPA Region 5.



September 23, 2026
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155

RE: Red River Watershed Management Board Comments on Proposed Amendments to Minnesota Water Quality Standards (Aquatic Life Designation Rules) – Minnesota Rules Chapter 7050

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 amendments to Minnesota's water quality standards contained in Minnesota Rules Chapter 7050.

The RRWMB represents watershed management interests throughout the Minnesota portion of the Red River of the North Basin. The RRWMB 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 restoration 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.

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 watershed district projects, the RRWMB is opposed to 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 Supported by Local Stakeholders: 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. 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 RRB 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. In addition, local practitioners such as staff at WDs and Soil and Water Conservation Districts have decades of firsthand boots-on-the-ground experience in addressing this natural variation.

During the first 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 common for an intense rainfall event to impact a localized area within a watershed. Typically, local 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 WDs 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. Biological Criteria Must Account for Natural Variability: The RRWMB recognizes the value of biological monitoring. Fish and other biological communities can provide valuable 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 condition 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.

3. Exceptional-Use Designations Require Clear Criteria and Local Participation: The proposed framework establishes exceptional aquatic-life classifications, including Class 2Ae 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 watershed districts and local governments.
4. MPCA Should Evaluate the Potential Effect on TMDLs, WRAPS, and Implementation: 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 basin-specific analysis estimating:
 - The number of RRB 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; and
- 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.

5. Flood Damage Reduction and Multipurpose Water Management Projects Must Remain Feasible: Projects involving 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. MPCA should coordinate with WDs early in project development rather than allowing biological or water-quality standards to become an obstacle late in permitting.
6. 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 extended 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.
7. New Waterbody Identification (WIDs) Across the Watershed: Many of the WIDS reaches listed in Table 2 and Appendix B in Amendments to aquatic life (Class 2) use designations for streams (2026; wq-rule4-30a.pdf) are not currently in the watershed tables (<https://www.pca.state.mn.us/get-engaged/incorporations-by-reference>). Sixty-six of the 160 reaches listed under the Red River of the North basin do not currently exist in the watershed tables. It is unclear if these “new” reaches are new reaches that were previously assigned the -999 WID, reaches previous unassigned an aquatic life use designation, or a reach that was split from another WID. Can a footnote denoted this “new” reach is included be added to Table 2 to denote which of the above condition resulted in the new WID?



8. Expanding Assignment of Class 2Bm to Adjacent Waters in Ditch Systems: In the Red River of the North, many of the stream reaches are part of an extensive drainage system and have been rightly recognized as having limited ability to support fish and macroinvertebrates and classified as Class 2Bm. However, many more reaches in the drainage network, sometimes adjacent to verified reaches, still are assigned the default general class (2Bg). What timeline for verifying the remaining reaches in the basin? And is it feasible/appropriate to assign reaches the 2Bm class when adjacent to verified Class 2Bm reaches and part of the same drainage system?
9. Justification for Upgrading of Class 7 Reaches: Three stream reaches (-509, -575, and -576) in the Thief River watershed (09020304) are changing from Class 7 to Class 2. Two of the streams (-509 and -575) are changing from Class 7 to Class 2Bm and one is changing from Class 7 to Class 2Bg* (default). None of the streams have the available data to support fish and macroinvertebrate assessment, with -509 not having fish and macroinvertebrate assemblages due to Class 7 designation, -575 being designated as the default general use (2Bg*) because no assessable biological data were available, and -576 and -509 not having fish and macroinvertebrate assemblages due to Class 7 designation. What is the justification for switching the Class 7 limit use designation to Class 2 with such limited data, both with fish and macroinvertebrate and other quality? Class 2 waters have more robust water quality standards beyond the bioassessments and justification for upgrading from Class 7 is warranted.
10. Default Designation for Class 7 Reaches: One of the Class 7 stream reaches (-575) in the Thief River watershed (09020304) is changing classes from Class 7 to the default Class 2Bg. Since the reach is currently Class 7-limited use, won't a default of Class 2Bm be more appropriate until the suitability of a class can be verified?
11. Enhance Precision and Alignment With Statutory Definitions When Using the Word "Altered": In many instances, there is growing use of the word "altered" in text and maps when referring to artificial watercourses. The two references "altered" and "artificial," have different statutory definitions that should be followed in the development of state agency led studies, reports, and plans. Specifically, the RRWMB suggests adherence to the statutory definitions in 103G.005 (Subd. 3, Subd. 5, and Subd. 13) during the implementation of the proposed rules.

Conclusion: The RRWMB respectfully requests that MPCA incorporate the following comments into the final rule or binding implementation procedures:

1. Build stronger processes for coordination with local stakeholders prior to, during, and after the implementation of the proposed rules and similar processes. The RRWMB would like to emphasize this point as it pertains to these and future proceedings.



2. Explicitly recognize the unique hydrologic and ecological characteristics of the RRB and Lake Agassiz Plain.
3. Evaluate the effect of the proposed standards on future TMDLs, WRAPS, permits/regulatory, local watershed plans, and implementation efforts, including the fiscal impacts.
4. Ensure that flood damage reduction and multipurpose water-management projects remain feasible.
5. Establish clear procedures for designating exceptional use, site-specific standards, and natural condition determinations that are inclusive of local stakeholder input.
6. Provide clarity on new WIDs, Class 7 upgrade decisions, and default designation of Class 7 reaches.
7. Align the language in studies and reports resulting from these rules with statutory definitions of "altered" and "artificial" waterways.
8. Although it is unlikely these rule changes will add restrictions relative to construction of WD projects, the RRWMB is opposed to additional restrictive rules with no basis for the classification changes.

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 WDs before finalizing implementation procedures that could substantially affect Northwest Minnesota. Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "John M. Finney".

John Finney
Board Chair, RRWMB

A handwritten signature in cursive script, appearing to read "Robert L. Sip".

Robert L. Sip
Executive Director, RRWMB

CC: RRWMB Membership



REGION 5

CHICAGO, IL 60604

September 24, 2026

William Moore
Court of Administrative Hearings
600 North Robert Street
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Dear Mr. Moore:

On August 17, 2026, the Minnesota Pollution Control Agency (MPCA) published notice of its "Request for Comments for Possible Rules Relating to Aquatic Life Use Designation, Minnesota Rules, Chapter 7050; Revisor's ID Number 05001."

The U.S. Environmental Protection Agency reviewed the draft rules and supporting documents posted on MPCA's website. EPA's comments are enclosed. These comments do not constitute final Agency action but are provided for consideration as MPCA develops its water quality standards revisions for adoption and subsequent submittal for EPA review under Section 303(c) of the Clean Water Act.

Thank you for the opportunity to comment on MPCA's amended use designation rules. If you have any questions regarding our comments, please contact Kay Edly of my staff at Edly.Kay@epa.gov or (312) 886-7090.

Sincerely,

9/24/2026

X 

for David Pfeifer, Manager
Wetlands and Watersheds Branch
Signed by: TIMOTHY ELKINS

Enclosure

cc: Will Bouchard, MPCA (electronic)

Enclosure – The EPA’s Comments on Minnesota’s “Request for Comments for Possible Rules Relating to Aquatic Life Use Designation, Minnesota Rules, Chapter 7050; Revisor’s ID Number 05001”

Comment 1. Based on MPCA’s technical support document (TSD) titled “Amendments to aquatic life (Class 2) use designations for streams” (April 2026, hereinafter referred to as the “draft TSD”), MPCA is relying on the methodology established in “Technical Guidance for Reviewing and Designating Aquatic Life Uses in Minnesota Streams and Rivers” (October 2018, herein after referred to as the “Technical Guidance (2018)”), as the technical basis for the designated use revisions in this rulemaking. That methodology was developed to ensure that designated use revisions developed by Minnesota are consistent with 40 CFR 131.10. However, for several segments, MPCA’s draft TSD does not explain why its use designations departed from the methodology in the Technical Guidance (2018). These include the following:

- Based on Minnesota’s Technical Guidance (2018), MPCA determined that it may be feasible to restore stream segments if they are less than one mile long. However, there are segments proposed to be designated with the Modified Use that are less than one mile long (e.g., Sixteen Creek (New Channel) (WID = 04010201-A44) and Unnamed creek (WID = 09020102-532), which are 0.25 and 0.87 miles long, respectively) and, thus, could be considered restorable. The draft TSD does not explain how MPCA determined that it is infeasible to restore these segments to achieve its General Use.
- Minnesota’s Technical Guidance (2018) establishes that “when [attainment] probabilities are between 25 and 50% and/or the results are mixed between the [habitat] metrics, additional information will need to be considered.” However, there are several segments (e.g., Ahmik River (WID = 04010201-B07)) where the available biological data indicate an attainment probability between 25 and 50% and/or where the habitat metric results are mixed but additional information, such as a multiple lines of evidence analysis, is not provided in the narrative.
- Under Minnesota’s Technical Guidance (2018), if biological survey data for only one assemblage (fish or macroinvertebrates) is available, additional information should be considered. However, there are segments (e.g., County Ditch 13 (WID = 07010203-694)) where data for only one assemblage is available and the draft TSD does not include additional information, such as a multiple lines of evidence analysis, to support the proposed use designation.
- Minnesota’s Technical Guidance (2018) establishes that, “the Modified Use is typically only extrapolated approximately five miles from the biology station(s).” Some segments proposed to be redesignated to the Modified Use subclass are greater than 10 miles long (e.g., Twelvemile Creek, West Branch (WID = 09020102-593). Additionally, other segments have multiple stations indicative of different biological assemblage health (e.g., Hawk Creek (WID = 07020004-510)). For other segments, MPCA’s Altered Watercourse Map indicates that portions of these segments are described as natural. The draft TSD does not explain how MPCA determined that the entire segment length of these segments is modified or whether there are portions of these segments with unmodified habitat that could be split into separate General Use segments.

- Under Minnesota’s Technical Guidance (2018), if both the fish and macroinvertebrate assemblages are sampled and have index of biological integrity (IBI) scores above the respective biological criteria for its General Use threshold at any point after November 28, 1975, then the segment should be designated as General Use. MPCA has proposed to designate a segment of the Moose River (WID = 09020304-566) as Modified Use. The draft TSD explains that MPCA determined that its Modified Use is appropriate for this segment because, even though some biological samples were consistent with its General Use, “most samples were below this threshold.” However, the most recent data available for this segment (collected in 2022) indicates that fish and macroinvertebrate assemblages in Moose River had IBI scores consistent with its General Use in at least a portion of the segment. The draft TSD does not explain how MPCA determined that the older data are more representative of this segment’s biological potential than the data collected in 2022.

Based on a meeting with MPCA on September 11, 2026, the EPA’s understanding is that MPCA considered segment-specific information for each of these segments. To ensure that the record adequately demonstrates the technical basis for these proposed designated use revisions are consistent with 40 CFR 131.10, it would be helpful for MPCA to provide that additional information in the TSD as it moves forward with this rulemaking.

Comment 2. For each segment with a proposed designated use revision, Section D of MPCA’s draft TSD includes a table with the biological and habitat data supporting the use designations and a narrative below the table describing the basis for the use change. However, the narrative below the data tables for multiple segments contradicts the data in the tables. As a result, it’s not clear whether the data or the narrative more accurately characterizes the biological condition and potential of these segments. For example, for the Unnamed creek (WID = 07010203-587), IBI scores are included in the data table; however, the narrative states, “[t]he fish and macroinvertebrate assemblages were not assessed due to the impact of intermittent conditions.” According to our previous conversation, the EPA understands that MPCA will verify that the narrative explanations are consistent with the data to ensure that the rationales for the proposed designated uses are clear. If additional information is necessary to explain how MPCA considered the survey data (e.g., a biological survey was conducted but the data were determined to be unusable), it would be helpful for MPCA to include that information in the TSD.

Comment 3. The color-coding used for numerous segments described in Section D does not seem to align with the color-coding scheme established in Table 3 of MPCA’s draft TSD. Since the color-coding relates to MPCA’s decisions about the biological and habitat potential in these segments, inconsistencies between the color-coding and the scores may be meaningful for interpreting and documenting whether a given segment is attaining Minnesota’s General Use or has habitat that is expected to support a General Use community. For example, the Unnamed creek (WID = 07010203-587) is identified as a low gradient northern forest stream (Macroinvertebrate Type 4) and the macroinvertebrate MPCA Stream Habitat Assessment (MSHA) score of 33 and a ratio of poor to good habitat attributes (P/G) score of 11.5 are color-coded yellow. However, according to Table 5 and Table 3 of MPCA’s draft TSD, a macroinvertebrate MSHA score of <35 and a P/G score of ≥ 4.81 would have a less than 25% probability of attaining the General Use biological criterion and would therefore be color-coded red instead of yellow. In addition, the Buffalo River, South Branch (WID = 09020106-604) is classified as a southern headwaters stream (Fish Type 3) with a fish MSHA score of 44 that is

color-coded red indicating a less than 25% probability of General Use attainment. However, based on Table 5, the Buffalo River fish MSHA should be color-coded yellow, indicating between 25 and 50% probability of attaining the General Use, an important distinction that could impact use attainability analyses. MPCA can improve clarity of its analyses by ensuring that the color-coded scores are accurate. Alternatively, if these colors reflect determinations made by MPCA about the data that differ from what would result from using Tables 3 through 5 in the draft TSD, it would be helpful for MPCA to include that information in the TSD.