



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 09 2016

REPLY TO THE ATTENTION OF

WW-16J

Subject: Invitation for Consultation and Coordination on EPA's Review and Decision on the Wisconsin 2016 303(d) List of Impaired Waters

Dear Honorable Leader:

The U.S. Environmental Protection Agency is continuing consultation with federally-recognized Indian Tribes in EPA Region 5 regarding EPA's review and decision on Wisconsin's 2016 303(d) list of impaired waters. An initial consultation call hosted by EPA was held on Wednesday, September 28, 2016, and was open to all Wisconsin tribes. The 303(d) list is completed by each state or federally-recognized tribe as part of the Clean Water Act (CWA) requirement to assess the condition of their waters and to list those that are impaired. Impaired waters on an approved 303(d) list require further CWA actions to restore those waters. These generally include the development of Total Maximum Daily Loads, and may result in changes to discharge or other requirements in National Pollutant Discharge Elimination System (NPDES) permits.

The Wisconsin Department of Natural Resources (WDNR) provided public notice of its draft 2016 303(d) list from October 27, 2015 to November 25, 2015 at [WDNR's draft 2016 303\(d\) website](http://dnr.wi.gov/topic/impairedwaters/2016IR_1WLlist.html) ([http://dnr.wi.gov/topic/impairedwaters/2016IR\\_1WLlist.html](http://dnr.wi.gov/topic/impairedwaters/2016IR_1WLlist.html)). Comments on the State's draft list were to be provided directly to the State within the public comment period. After addressing public comments, WDNR submitted its final list to EPA in April 2016 for review and a decision to approve or disapprove the list. EPA's decision on a 303(d) list does not extend to waters within Indian Country, as defined in 18 U.S.C. Section 1151. However, water quality conditions as expressed on Wisconsin's 303(d) list may be of interest to your Tribe, if waters within the State of Wisconsin could impact water quality within Indian Country or other areas of interest to Tribes.

EPA invites you and your designated consultation representative(s) to participate in consultation with EPA regarding EPA review of the final 303(d) list submitted by the State. I am offering two avenues for tribes to provide input:

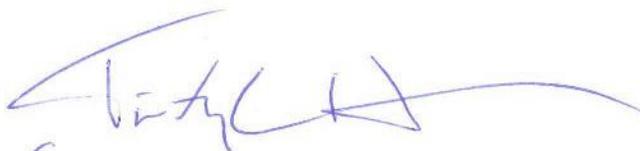
- Conference call: My staff will offer a consultation conference call scheduled at 10:00 a.m. to 11:00 a.m. Central Time on Wednesday, January 4. During the call, we will provide an overview of the 303(d) listing process, answer questions, and obtain tribal input. If you intend to participate in the conference call, please inform Nancy Weber of my staff at (312) 886-6074 or [weber.nancy@epa.gov](mailto:weber.nancy@epa.gov).

- Written comments: Tribes may provide comments/concerns in writing if postmarked by January 4, 2017. If you need more information before developing your comments, please contact Ms. Weber at (312) 886-6074 or [weber.nancy@epa.gov](mailto:weber.nancy@epa.gov). Written comments may be submitted to Ms. Weber by email ([weber.nancy@epa.gov](mailto:weber.nancy@epa.gov)) or U.S. EPA, Region 5 (WW-16J), 77 West Jackson Blvd., Chicago, IL 60604.

Please contact EPA staff in writing within 15 days from the date of this letter, to indicate whether you would or would not like to consult on this issue. This consultation would conform with Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments* and with the *EPA Policy on Consultation and Coordination with Indian Tribes (May 2011)*, available for reference on [EPA's tribal consultation and coordination website](https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes) (<https://www.epa.gov/tribal/forms/consultation-and-coordination-tribes>). EPA's consultation information for this action is also available on EPA's [Tribal Consultation Opportunities Tracking System \(TCOTS\)](https://tcots.epa.gov) (<https://tcots.epa.gov>).

For questions regarding this consultation process, please contact Nancy Weber, at 312-886-6074 or [weber.nancy@epa.gov](mailto:weber.nancy@epa.gov).

Sincerely,



*for* Christopher Korleski  
Director, Water Division

cc: Ashley Beranek, WDNR  
Brian Weigel, WDNR  
Lisa Helmuth, WDNR