



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 Michigan 2016 303(d) List of Impaired Waters

Dear Honorable Leader:

The U.S. Environmental Protection Agency is initiating consultation with federally-recognized Indian Tribes in Region 5 regarding EPA's review and decision on Michigan's 2016 303(d) list of impaired waters. 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 processes to restore those waters. These generally include the development of Total Maximum Daily Loads (TMDL), and may result in changes to discharge or other requirements in National Pollutant Discharge Elimination System (NPDES) permits.

The Michigan Department of Environmental Quality (MDEQ) provided public notice of its draft 2016 303(d) list (see [MDEQ's draft 2016 303\(d\) website](http://www.michigan.gov/deq/0,4561,7-135-3313_3681_3686_3728-12711--,00.html) - [http://www.michigan.gov/deq/0,4561,7-135-3313\\_3681\\_3686\\_3728-12711--,00.html](http://www.michigan.gov/deq/0,4561,7-135-3313_3681_3686_3728-12711--,00.html)) from December 2, 2015, through January 8, 2016. Comments on the State's draft list were to be provided directly to the State within the public comment period. After addressing public comments, MDEQ submitted its final list to EPA in November of 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 Michigan's 303(d) list may be of interest to your Tribe, if waters within the State of Michigan could impact water quality within Indian Country.

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. Consultation may take place via a telephone conference, where possible, or by another means as appropriate. EPA's anticipated timeline for the consultation period is expected to extend to January 10<sup>th</sup>, 2017. Please contact EPA staff in writing within 15 days from the date of this letter, to indicate if you would or would not like to consult on this issue. We have set aside 8 to 10 am on Jan. 9, 2017 for a consultation call, which we will use if interest is expressed in consulting in that manner. If you wish to consult by other means, we will work with you or your designated representatives to generate a timeline and preferred method for consultation on this matter. This consultation would conform with Executive Order 13175, *Consultation and Coordination with Indian Tribal*

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>).

For questions regarding this consultation process, please contact James Ruppel, at 312-886-1823, or [ruppel.james@epa.gov](mailto:ruppel.james@epa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Korleski', with a long horizontal flourish extending to the right.

Christopher Korleski  
Director, Water Division.

cc: Ms. Teresa Seidel, MDEQ  
Ms. Diana Klemans, MDEQ  
Mr. Kevin Goodwin MDEQ  
Ms. Kimberly Fish, MDEQ  
Mr. Mike Alexander, MDEQ