



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

**AUG 18 2016**

REPLY TO THE ATTENTION OF:  
WW-16J

Chairman Robert Blanchard  
Bad River Tribal Council  
PO Box 39 (72682 Maple Street)  
Odanah, Wisconsin 54861

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

Dear Chairman Blanchard:

The U.S. Environmental Protection Agency is initiating consultation with federally-recognized Indian Tribes in Wisconsin regarding EPA's review and decision on Wisconsin'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, 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 \(http://dnr.wi.gov/topic/impairedwaters/2016IR\\_IWLlist.html\)](http://dnr.wi.gov/topic/impairedwaters/2016IR_IWLlist.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.

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 September 9, 2016. 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. If you wish to consult, 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 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 Nancy Arazan Weber, at 312-886-6074 or [arazan.nancy@epa.gov](mailto:arazan.nancy@epa.gov).

Sincerely,



Tinka G. Hyde  
Director, Water Division

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