



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

October 5, 2020

REPLY TO THE ATTENTION OF:
WW-16J

Ms. Nancy Schuldt, Water Projects Coordinator
Resource Management Division
Fond du Lac Band of Lake Superior Chippewa
1720 Big Lake Road
Cloquet, Minnesota 55720

Dear Ms. Schuldt:

Thank you for your letter of August 6, 2020, submitting the Fond du Lac Band of Lake Superior Chippewa's (hereinafter, "the Band's") water quality standards (WQS) revisions adopted as a result of its triennial review process. This review is consistent with the Clean Water Act requirement that states and authorized tribes hold public hearings for reviewing and, as appropriate, updating WQS at least every three years. The objective of this requirement is to ensure that WQS reflect current science and public policy.

Consistent with Section 303(c) of the Clean Water Act and federal regulations at 40 CFR § 131.21, EPA is required to review and approve all new or revised state water quality standards. As described in the enclosed review document, EPA reviewed the information submitted in support of the new and revised standards the Band adopted as a result of its triennial review process and hereby approves the adopted WQS pursuant to Section 303(c) of the Clean Water Act and federal regulations at 40 CFR § 131.21.

As required by Section 7 of the Endangered Species Act and federal regulations at 50 CFR Part 402, EPA evaluated whether approval of the Band's new and revised WQS would affect federally-listed threatened or endangered species or designated critical habitat. As described in the biological evaluation, EPA determined that the action may affect, but is not likely to adversely affect, one or more listed aquatic, aquatic-dependent or wetland species. Further, EPA determined that the action will not destroy or adversely modify designated critical habitat.

To date, EPA initiated, but has not completed, consultation with U.S. Fish and Wildlife Service on the approved WQS revisions. EPA determined that this approval action does not violate Section 7(d) of the Endangered Species Act, which prohibits irreversible or irretrievable commitments of resources that have the effect of foreclosing the formulation or implementation of reasonable and prudent alternatives. EPA concluded, as described in the record, that there are no impacts of concern during the interim period until consultation is completed.

If your staff have any questions regarding this approval, please contact Aaron Johnson of my staff at (312) 886-6845 or johnson.aaronk@epa.gov.

Sincerely,

Tera L. Fong
Division Director, Water Division

Enclosure

cc: Field Supervisor, USFWS Twin Cities Ecological Services Field Office (electronic)