

Fond du Lac Band of Lake Superior Chippewa

Resource Management Division

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Tera Fong, Water Division Director
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**Administration
Conservation
Enforcement
Environmental
Forestry
Fisheries
Natural Resources
Wildlife**

August 5, 2020

Re: transmittal of revised Fond du Lac water quality standards to USEPA Region 5

Dear Ms. Fong:

On July 8, 2020, the Fond du Lac Reservation Business Committee approved and adopted amendments to our tribal water quality standards ordinance. These amendments were prepared as a result of our triennial review process, and are wide-ranging: a new wetlands water quality standards chapter, additional descriptive language and terminology relevant to our antidegradation policy, lake-specific numeric nutrient standards for our primary fisheries lakes, biological assessment thresholds for our streams, a new (ecoregional) specific conductance aquatic life use criterion and an updated (national) ammonia ALU criterion, and new narrative standards to protect the habitat and hydrology necessary to sustain healthy manoomin (wild rice) and other aquatic life. We also examined our extensive monitoring data and a substantial body of newer peer-reviewed research related to our existing sulfate criterion applicable to wild rice waters, and determined that multiple lines of experimental and field evidence support the need and scientific defensibility for maintaining and implementing that criterion.

Enclosed in our submittal of revised water quality standards you will find:

- A revised water quality standards document labeled “draft for RBC adoption revised WQS”, which has all revisions shown in redline format;
- A clean copy of the amended tribal water quality standards ordinance, with the revisions incorporated and certified by the tribal chairman, the secretary/treasurer, and tribal attorney;
- A resolution from the Reservation Business Committee documenting their adoption of these revised standards;
- A certification letter signed by the tribal chairman affirming the revised standards were adopted according to all appropriate administrative procedures;
- A responsiveness summary which details the triennial review process, opportunities for public input, and our consideration of substantive comments received from the EPA, the Minnesota Pollution Control Agency, and an extensive list of private citizens, representatives of industry, regional municipalities, and more;
- A pdf file of unique and substantive comments received, some with attachments;
- An electronic file of compiled emailed comments (mostly in the same format, but some with added personal perspectives);
- A pdf transcript of our public hearing;
- A pdf file with several representative hard copy (form) letters received.

In addition to the supporting scientific documents, materials and references posted with our original notice of availability of our draft revised water quality standards (not included in this transmittal, but still available at <http://www.fdlrez.com/RM/waterrevisedwqs.htm>), I am submitting a final report prepared by a team of graduate students in Dr. Robert Stern's (University of Minnesota Duluth, Director of the Large Lakes Observatory) spring semester Limnology class. I was invited to be a professional mentor for this class, and provide a case study for the students to carry out. My "team" reviewed our water chemistry data and benthic macroinvertebrate data for reservation streams, and established that our waters are currently meeting our proposed specific conductance criterion. Given that many of the comments received were expressing concerns about this particular revised standard, I believed it was important to provide additional supporting evidence confirming its appropriateness for protecting the reservation's high quality waters.

I look forward to working with EPA Region 5 water quality standards staff to address any remaining concerns or recommendations as the agency carries out its oversight for approving revised water quality standards.

Sincerely,



Nancy Schuldt, Water Projects Coordinator
Fond du Lac Environmental Program

Cc: David Pfeifer, Aaron Johnson; USEPA Region 5
Sean Copeland, Fond du Lac Tribal Attorney
Reginald DeFoe, Fond du Lac Resource Management Division Director
Wayne Dupuis, Fond du Lac Environmental Program Manager