UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

30 JAN 2003

Jeffrey R. Vonk, Director
Iowa Department of Natural Resources
Henry A. Wallace Building
502 East 9th Street
Des Moines, Iowa 50319

Dear Mr. Vonk:

Re: Approval of Iowa TMDLs

This letter responds to the submission from Iowa dated December 13, 2002, of Total Maximum Daily Loads (TMDLs), which were identified on the 1998 Iowa CWA §303(d) list. The TMDLs submitted are for the following waterbodies and their pollutant(s):

- Arbor Lake for siltation and nutrients
- Badger Creek Lake for siltation and nutrients
- Lake Darling for siltation and nutrients
- Lake Icaria for siltation
- Lake of Three Fires for siltation and nutrients

The EPA has completed its review of these TMDLs with supporting documentation and information. By this letter the EPA approves these submitted TMDLs. Enclosed with this letter are Region 7 TMDL Review Forms which summarize the rationale for the EPA's approval of each TMDL. The EPA believes the separate elements of the TMDLs described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

The submittal letter also included a request for not developing TMDLs for Dalton Lake for nutrients, Lower Pine Lake for aquatic plants and Lower Gar Lake for siltation. We are carefully considering this request and will respond in the near future.

EPA is currently in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) regarding the TMDLs. While EPA is approving these TMDLs at the present time, EPA may decide that changes to the TMDLs are warranted based upon the results of the consultation when it is completed.

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While implementation plans described by IDNR were part of the TMDL submittal, they are not considered part of EPA's approval or disapproval. Nor are the implementation plans part of EPA's consultation with USFWS regarding the TMDL submission. The USFWS has asked, however, that we pass along to you some of their comments pertaining to implementation. These comments do not represent mandatory obligations for the State and do not affect the approval of these TMDLs. USFWS has requested that the State work with them on implementation activities. Our contact for TMDLs has been Mr. Mike Coffey, USFWS Rock Island, IL office, 309-793-5800 ext. 515.

The locations of these TMDLs are within the range of federally listed endangered or threatened species. The USFWS believes that incorporating the conservation measures for the Indiana bat (*Myotis sodalis*) and Bald Eagle (*Haliaeetus leucocephalus*), see attached, provides protection to the Indiana bat and bald eagle, which depends in part on the same habitat. Hopefully, IDNR will speak directly to USFWS regarding these comments if there are any questions.

The EPA appreciates the thoughtful effort that Iowa has put into these TMDLs. The EPA will continue to cooperate with and assist, as appropriate, in future efforts by Iowa to develop the remaining TMDLs.

Sincerely,

Carol Kather
Acting Director
Water, Wetlands, and Pesticides Division

Enclosures

cc: Marian Maas, IDNR, Des Moines, IA
Richard Nelson, USFWS, Rock Island, IL
Wallace Taylor, Cedar Rapids, IA
Jerry Anderson, Drake University School of Law, Des Moines, IA
Lawrence McLellan, Sullivan & Ward PC, Des Moines, IA