UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

13 MAY 2003

Mr. 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 14, 2002, of three Total Maximum Daily Loads (TMDLs): Upper Pine Lake for siltation, Lower Pine Lake for organic enrichment, and Lower Gar Lake for turbidity, which were identified on the 1998 Iowa Clean Water Act (CWA) §303(d) list. The latest revision of these TMDLs was received on April 21, 2003. This letter also responds to the Iowa Department of Natural Resources (IDNR) submittal letter dated December 13, 2002, that requested EPA's agreement that a TMDL is not required for Dalton Lake for nutrients, Lower Pine Lake for aquatic plants, and Lower Gar Lake for siltation.

The EPA has completed its review of the three TMDLs with supporting documentation and information. By this letter the EPA approves the submitted TMDLs. Enclosed with this letter are Region 7 TMDL Review Forms which summarize the rationale for the EPA's approval of each of these TMDLs. 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.

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.

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, 309-793-5800 ext. 515.

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

The IDNR submittal letter dated December 13, 2002, also requested EPA agreement that some impairments for the following waterbodies no longer exist, and that the segments attain the applicable water quality standards: Dalton Lake for nutrients, Lower Pine Lake for aquatic plants and Lower Gar Lake for siltation. These waterbodies all appear on Iowa's approved 1998 CWA § 303(d) list. EPA agrees that the evidence provided show that applicable water quality standards are now attained for these three waterbody-pollutant pairs and that TMDLs are not needed. Additionally for Lower Gar Lake, the 1913 bathymetric survey indicated the maximum depth was 6 feet, a 1970 bathymetric survey indicated a maximum depth of 5.5 feet and the maximum secchi depth in 2001 was 5.5 feet. This indicates the lake is not impaired due to siltation as the lake depth has not changed appreciably in the last 90 years. Last, EPA expects future Section 303(d) lists and supporting documentation from Iowa to account for these segment-pollutant pairs.

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