

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V**

DATE: April 17, 2009

SUBJECT: Capability Statement Regarding the Bad River Band of Lake Superior
Chippewa Indians for the Band's Clean Water Act Section 303/401 Application

FROM: Dan Cozza, Tribal Program Manager, Water Division, State and Tribal
Programs Branch

TO: File

In my capacity as Water Division Tribal Program Manager for the Tribes located in the State of Wisconsin, I have worked with the environmental staff from the Bad River Band of Lake Superior Chippewa Indians since 1997. I have worked with several different staff within the Band's Natural Resource Department over the years, (the current water quality specialist since 2007) and all have been very competent in their positions. The Band has had a Clean Water Act (CWA) Section 106 grant program since 1991 and became eligible for CWA Section 319 Non-Point Source program grants in 2006. Their CWA 106 and 319 grants are very well maintained, with well written reporting. Their data from their monitoring under the 106 grant is now entered into the STORET database. The Band has a final Monitoring Strategy for their water resource program covering from 2009 through 2017 and has provided the required water quality assessment reports annually. The Band's current CWA Section 106 grant program covers surface water monitoring of streams and rivers, sampling of non-point source impacts, sediment sampling, biomonitoring and assessments of streams, development of water quality standards, development of a stormwater protection program, maintaining a groundwater program, wetlands assessments, and outreach. Under CWA 319, the Band is continuing to develop partnerships to address non-point source issues related to forestry, agriculture, residential areas, roads/culverts, and to develop watershed based plans for sub-watersheds within the Reservation. The Band participated successfully in the National Flowing Rivers Survey in fiscal year 2007, being one of four Tribes in Region 5 to participate in this national survey. The Band has already made great progress in the development of their draft water quality standards and continues to work with the EPA to finalize these standards.

With the Band just gaining approval for the CWA Section 319 Non-point Source Program, (October 10, 2006), their capability to run environmental programs was examined at that time and was found to be very capable in the operations of its various environmental programs. Several other Region 5 EPA program offices, as part of the CWA 319 application process, provided statements that the Band has shown that they can run their environmental programs in a very capable manner, including statements from the Lead Program, Air Program, GAP, and Solid Waste Programs.

The Band's Application, dated March 1, 2006, and supplemental information, provides a detail

background of the Band's environmental program experiences and developments. It highlights their programs, including an organizational chart for their Natural Resources Department, and provides the position descriptions of the current Water Resources Staff.

It is my opinion, based on my experiences and those of the other EPA programs and based on my review of the Band's Application, that the Band has the capability to administer the CWA Section 303 and 401 Water Quality Standards and Certification Programs.