



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
 1200 Sixth Avenue, Suite 900
 Seattle, WA 98101-3140

OFFICE OF
 WATER AND
 WATERSHEDS

AUG 31 2011

Mr. Barry Burnell, Administrator
 Water Quality Division
 Department of Environmental Quality
 1410 North Hilton
 Boise, Idaho 83706-1255

Mr. Philip Cernera, Director
 Lake Management Department
 Coeur d'Alene Tribal Headquarters
 PO Box 408 / 850 A Street
 Plummer, Idaho 83851

Re: Approval of the Black Lake Total Maximum Daily Load (HUC: 17010303PN009_0L)

Dear Mr. Burnell and Mr. Cernera:

Today the U.S. Environmental Protection Agency, in accordance with its authority under Section 303(d) of the Clean Water Act, 33 U.S.C. § 1313(c)(3), is taking final action on the Black Lake Total Maximum Daily Load. For state waters, the EPA is approving one TMDL for the Black Lake Watershed; and on behalf of the Coeur d'Alene Tribe, the EPA is issuing the same TMDL for reservation waters.

The Idaho Department of Environmental Quality (IDEQ) and the Tribe submitted a Black Lake Watershed Subbasin Assessment and TMDL to the EPA on March 31 and March 16, 2011, respectively. The boundary of the Coeur d'Alene Reservation passes through the lake. Through a collaborative process the Tribe and State developed a joint TMDL, which addresses the specific water and pollutant listed below:

Clean Water Act Section 303(d) Segments in the Black Lake Watershed
Water Body Assessment Unit 2008 § 303(d)

| <u>Name</u> | <u>ID Number</u> | <u>Boundaries</u> | <u>Pollutant</u> | <u>Listing Basis</u> |
|-------------------|---------------------------|--------------------|-------------------|--------------------------------|
| Black Lake | ID17010303PN009_0L | Entire lake | Phosphorus | Cultural eutrophication |

The Tribe and IDEQ also developed and submitted implementation strategies along with the TMDL pursuant to the TMDL Settlement Agreement of July 2002. The EPA has no duty to approve or disapprove implementation strategies; therefore, the EPA is not taking action on these strategies. Implementation is the critical next step to realize improvements in water quality, and we encourage the Tribe and IDEQ to continue their joint efforts to work with responsible parties on implementation of these strategies.

The load allocations in the proposed TMDL will, when fully implemented, lead to the attainment of the water quality standards. Therefore, IDEQ and EPA and the Tribe can place the waterbody in category 4a of the Integrated Report for the pollutant covered in this TMDL. Once beneficial uses are attained and standards are met, the waterbody can be placed in Category 2 of the Integrated Report.

In closing I would like to recognize the outstanding joint work of Kristin Keith, Bob Steed and Scott Fields, State and Tribal staff, who developed this TMDL and addressed very challenging issues in a watershed of joint jurisdiction with a long legacy of severe degradation. By the EPA's approval, this TMDL is now incorporated into the State's Water Quality Management Plan under §303(e) of the CWA.

If you have any comments or questions, please feel free to call me at (206) 553-4198, or you may call Don Martin of my staff at (208)-665-0458.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Bussell". The signature is fluid and cursive, with a large initial "M" and "A".

Michael A. Bussell, Director
Office of Water and Watersheds

cc: Mr. Douglas Conde, Attorney General, Idaho
Mr. Mike McIntyre, Surface Water Program Manager, IDEQ
Ms. Marti Bridges, TMDL Program Manager, IDEQ
Mr. Tom Herron, Water Quality Manager, Coeur d'Alene Regional Office, IDEQ
Ms. Kristin Keith, Coeur d'Alene Regional Office, IDEQ
Mr. Robert Steed, Coeur d'Alene Regional Office, IDEQ
Mr. Scott Fields, Coeur d'Alene Tribe
Mr. Laird Lucas, Advocates for the West
Ms. Kristen Boyles, Earthjustice