Administrative Record
Bad River Band of Lake Superior Chippewa
Application for "Treatment in the Same Manner as a State" (TAS) under the Clean Water Act (CWA), Section 518 for program eligibility under CWA Section 303 and 401

Application Materials:

Date	Author	Addressee	Description	Page #'s
3/1/06	Eugene Bigboy, Sr. Tribal Chairman	Thomas Skinner, Regional Administrator, U.S. EPA, Region V	Bad River Band of Lake Superior Chippewa Indians, Clean Water Act Section 303 and 401 Program Eligibility Application "Treatment as a State"	
			Letter	2 pgs
			Tribal Resolution: 03-01-06-256	2 pgs
			Application	27 pgs
			• Attachment A: Treaty with the Chippewa	6 pgs
			• Attachment B: Bad River Tribal Constitution and ByLaws	15 pgs
			• Attachment C: Bad River Tribal Codes, Sections 103 and 106	4 pgs
			• Attachment D: Maps of the Bad River Reservation – 4 maps: D1) Bad River Reservation (BIA 1989); D2) Water Resources of the Bad River Reservation, (BRNRD 2006); D3) Land use categories on the Bad River Reservation (BRNRD 2006); D4) Current land ownership on the Bad River Reservation (BRNRD 2004)	4 maps
			• Attachment E: Bad River Conservation Code	11 pgs
			• Attachment F: Vennum, Thomas, Jr., Wild Rice	6 pgs

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Date	Author	Addressee	Description	Page #'s
			and the Ojibway People. Minnesota Historical Society Press, St. Paul, 1988. Vennum, pp. 74, 195-196, 285-286.	
			• Attachment G: Interview with a Tribal member	2 pgs
			• Attachment H: Waters of the Bad River Reservation	2 pgs
			• Attachment I: Water Resources Management Workshop. Spring/Summer 1994. Water Resources on the Bad River Reservation. Institute for Environmental Studies, University of Wisconsin-Madison.	20 pgs
			• Attachment J: US Geological Survey. 1995, Water Resources of the Bad River Reservation, Northern Wisconsin, USGS Water Resources Investigation Report 95-4207, Batten and Lidwin	21 pgs
			• Attachment K: Tabulation of Marengo River monitoring data, Bad River Water Office	2 pgs
			• Attachment L: Data analysis of the Marengo River Watershed, AW Research Lab, Inc. Brainerd, MN, 2/2004 (aerial photo analysis for nonpoint impacts on and off Reservation)	9 pgs
			• Attachment M: Macroinvertebrate data compiled by the Bad River Water Office	2 pgs
			• Attachment N: River Alliance of WI. Caught in a cross current: The Management of Wisconsin Rivers. Inkworks, Inc. Stoughton, WI. June 2004	11 pgs
			• Attachment O: Baudhuin Incorporated of Sturgeon Bay, WI. Bad River Sanitary Survey. Summary of Findings. May, 2005 and updates	7 pgs
			• Attachment P: Vierbicher Associates. Ashland	2 pgs

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Date	Author	Addressee	Description	Page #'s
			County Population Forecast, Madison, WI	
			• Attachment Q: Ledder, Tracey. Kakagon Sloughs Cabins and Samples results. Memo to file. July 1997. Maps and photos of cabin locations.	7 pgs
			• Attachment R: Wisconsin Department of Natural Resources. 2002. Best Management Practices Monitoring Report. Exec. Summary	3 pgs
			• Attachment S: Bad River Integrated Resources Management Plan	159 pgs
			• Attachment T: Clear cut on private land on the Bad River Reservation. 1998, slide reproduction	2 pgs
			• Attachment U: Great Lakes Indian Fish and Wildlife. 2005. A map to help you find safe walleye in Lakes harvested by Bad River	3 pgs
			• Attachment V: Lake Superior Research Institute. 2004. Mercury concentrations in fish captured in 2005 from the Bad River Reservation. University of Wisconsin-Superior, Superior, WI.	10 pgs
			• Attachment W: Doolittle, Thomas C.J. 2003. Non-statistical habitat predictions using digital aerial photography and relative abundance of American otter (*Lutra canadensis*) in the Apostle Islands National Lakeshore and Bad River Reservation, WI. Bad River Band of Lake Superior Tribes of Chippewa Indians, Odanah, WI. P. 17. partial document	10 pgs
			• Attachment X: Wild Rice studies; X1) The Effect of Heavy Metals on the Early Growth of Wild Rice. Lee, Peter. Lakehead University. Ontario, Canada, 1996. X2) The Ecology of "Wild" Wild	X1 – 60pgs X2 –

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Date	Author	Addressee	Description	Page #'s
			Rice (*Zizania Palustris* var. *Palustris)* in the Kakagon Sloughs, a Riverine Wetland on Lake Superior. Meeker, J. Proceedings of the Wild Rice Research and Management Conference, Carlton, Minnesota. July 7-8, 1999. • Attachment Y: Tresnak, George. New mines in Iron and Ashland Counties? The Park Falls Herald. October 1, 2003. Retrieved 8/11/2004 from http://www.parkfallswi.com/placed/index.php?sect_rank=3&story_id=153349 • Attachment Z: Organizational Chart of Tribal government programs • Attachment AA: Tribally adopted Water Quality Standards • Attachment AB: Position Descriptions for Bad River's Water Office Staff	17pgs 3 pgs 12 pgs 13 pgs 9 pgs
3/1/06	Shannon C. Swanstrom, Swanstrom Law Office, Attorney for the Bad River Tribe	Eugene Bigboy, Sr., Chairman, Bad River Band of Lake Superior Chippewa Indians	Application for Treatment as State for purposes of Sections 303(c) and 401 of the Clean Water Act	18 pgs
7/23/08	Eugene Bigboy, Sr., Chairman, Bad River Band of Lake Superior Chippewa Indians	Bharat Mathur, Acting Regional Administrator, Region V	Supplemental Information to Application for Treatment as State for Purposes of Sections 303(c) and 401 of the Clean Water Act • Attachment AC: Sources Cited and Additional Footnotes • Attachment AD: Tabulation of Marengo River Monitoring Data – A continuation of Atttachment K. (BRNRD 2008)	21 pgs 2 pgs 1pg

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Date	Author	Addressee	Description	Page #'s
			• Attachment AE: Trapping activities and population estimates of adult sea lamprey in tributaries of Lake Superior during 2007. (Mattes, 2007)	6 pgs
			• Attachment AF: Photographs of non-member activities occurring within the Reservation boundaries that potentially threaten the quality of the water resources of the Band. (BRNRD)	2 pgs
			• Attachment AG: Relevant correspondence with the Federal Agencies	13 pgs
			• Attachment AH: Wisconsin DNR fish consumption advisories and special advice of PCBs and other chemicals. (WDNR 2008)	3 pgs
			• Attachment AI: Fish consumption patterns and blood mercury levels in Wisconsin Chippewa Indians. (Peterson, D.E. et al., 1994)	7 pgs
			• Attachment AJ: Relevant articles published in local newspapers	7 pgs
			• Attachment AK: Hydrogeology and ground-water quality of County Road A disposal site on the Bad River Reservation, Ashland County, WI: 1997-98. (Dunning and Yeskis, 2001)	8 pgs
			• Attachment AL: Integrated Solid Waste Management Plan: Bad River Band of Lake Superior Tribe of Chippewa Indians. (Black Rock Environmental Science, 2007)	6 pgs
			• Attachment AM: Photograph of unlicensed salvage yard operated by a non-member. (BRNRD, 2007)	1 pg
			• Attachment AN: Photographs of impacted sites	3 pgs

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Date	Author	Addressee	Description	Page #'s
			due to non-member non-permitted road construction. (BRNRD, 2007) • Attachment AO: Photographs of impacted site due to non-member energy transportation activities. (BRNRD, 2004) • Attachment AP: Town of La Point zoning ordinance with amendments (2007) • Attachment AQ: Individual water and septic system evaluation for the existing homes on Madeline Island Amnicon Bay. (Lindman, 2007) • Attachment AR: Documents relating to the Treaty of 1854 and to the boundaries of the Bad River Reservation. AR1) Works Progress Act: Indian Research Project, 1947. Sister Macaria Murphy, FSPA. *An Old Indian Settler: Statement by Joseph Stoddard.* Written by James Scott. AR2) Armstrong, B.G. and T.P. Wentworth. *Early Life Among the Indians: Reminiscences from the Life of Benj. G. Armstrong, Treaties of 1835, 1837, 1842 and 1854, Habits and Customs of the Red Men of the Forest, Incidents, Biographical Sketches, Battles.* Press of A.W. Bowron: Ashland, WI, 1892. http://www.wisconsinhistory.org/turningpoints/search.asp?id=1615 [Partial document included]; AR3) Danziger, Edmund J., Jr. *The Chippewas of Lake Superior.* University of Oklahoma Press, Publishing Division of the University, 1979. [Partial document included]; AR4) Bad River GIS Program. *Overlay of 1864 Plat of Survey with*	1 pg 16 pgs 12 pgs 1 pg AR1- 20 pgs AR2 – 8 pgs AR3 – 3 pgs AR4 – 1 pg

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Date	Author	Addressee	Description	Page #'s
			2005 Aerial Photography. 2008.; AR5) U.S. Department of the Interior, Bureau of Land Management. *Field Notes of the Dependent Resurvey Portion of the South and East Boundaries and a Portion of the Subdivisional Line, Township 48 North, Range 3 West.* June 1978. [Partial document included]; AR6) Wiltse, Henry A. (Surveyor General). Surveyor General's Office. *Plat of Surveys Approved September 23, 1864.*	AR5 – 2 pgs AR6 – 10 pgs
10/15/08	Naomi Tillison, Bad River Band	Daniel Cozza, U.S.EPA	Email – Copy of letter written by WDNR to Michael Noskoviak for a general permit to construct a clear span bridge.	4 pgs
11/3/08	Naomi Tillison, Bad River Band	Daniel Cozza, U.S.EPA	Email – providing supplemental information for the Application regarding uses of artesian wells found within the Reservation.	1 pg
11/13/08	Naomi Tillison, Bad River Band	Daniel Cozza, U.S.EPA	Email – providing supplemental information for the Application regarding population numbers; member vs. non-member on the Reservation	1 pg
	EPA internal correspondence			
9/1/06	Jo Lynn Traub, Director, Water Division, U.S. EPA Region 5 (signed by Tinka Hyde, acting)	U.S. EPA Headquarters; Ben Grumbles, Assistant Administrator, Office of Water Carol Jorgenson, Director American Indian Office	Application for Treatment as State under CWA Sections 518, 303 and 401 Programs for the Bad River Band of Lake Superior Chippewa Indians	

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Date	Author	Addressee	Description	Page #'s
		Tony Guadagno, Acting Associate General Counsel		
12/18/08	Dan Cozza, EPA	EPA HQ: F. Leutner, F. Desselle, T. McLaughlin, G. Hudiburgj. J. Besougloff	Email – transmittal of Proposed Findings of Fact draft for Bad River CWA application for 303/401 authority. Concurrently sent to Bad River for their comment.	2 pgs
2/11/09	Dan Cozza, EPA	EPA HQ: F. Desselle, J. Besougloff, T. McLaughlin, J. Aguto, T. Guadagno, and F. Leutner	Email – copy of 2/10/09 letter to the WI Governor and PFOF and Fact Sheet	1 pg w/ attach
4/17/09	Dan Cozza, EPA	File	Capability Statement Regarding the Bad River Band of Lake Superior Chippewa Indians for the Band's CWA Section 303/401 Application	1 pg
	Secondary Sources			
1991	World Band Technical Paper Number 154		Environmental Assessment Sourcebook; Volume III Guidelines for Environmental Assessment of Energy and Industry Projects. Environment Department; Oil and Gas Pipelines; pages 32-40 http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/1991/10/01/000009265_3971126124410/Rendered/PDF/multi_page.pdf	13 pgs
1/1995	U.S. Environmental Protection Agency, Office of Federal Activities prepared by Science Applications International Corp.		"Pollution Prevention – Environmental Impact Reduction Checklists for NEPA/309 Reviewers, January 1995 http://www.epa.gov/compliance/resources/policies/nepa/pollution-prevention-checklist-nepa-pg.pdf . Pollution Prevention/Environmental Impact Reduction Checklist for Natural Gas Pipelines.	2 pgs
Last	The Official Internet		Lower Bad River Watershed (LS09)	17pgs

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Date	Author	Addressee	Description	Page #'s
Revised 8/2006	Site for the Wisconsin Department of Natural Resources		http://dnr.wi.gov/org/gmu/superior/BasinPlan/watersheds/ls09.html lasted viewed 11/7/08	
2007	National Association of Home Inspectors, Inc.		aaHomeInspec; Residential Commercial Industrial Inspection Services website at http://www.aahomeinspec.com/septic1.html last viewed 11/10/08	2 pgs
2005	U.S. EPA		A Homeowner's Guide to Septic Systems http://www.epa.gov/owm/septic/pubs/homeowner_guide_long.pdf	18 pgs
1998	U.S. EPA		National Water Quality Inventory: 1998 Report to Congress http://www.epa.gov/305b/98report/	32 pgs
2000	U.S. EPA		National Water Quality Inventory: 2000 Report to Congress http://www.epa.gov/305b/2000report/	11 pgs
2005	U.S. EPA		Ag 101: Potential Environmental Impacts of Animal Feeding Operations; http://www.p2pays.org/ref/02/01249.htm	3 pgs
----	Wisconsin		Bad River Reservation; pgs 609-611 http://www.eda.gov/ImageCache/EDAPublic/documents/pdfdocs/43wisconson_2epdf/v1/43wisconson.pdf	3 pgs
2/2008	Wisconsin DNR		Lake Sturgeon – Environmental Concerns http://dnr.wi.gov/fish/sturgeon/factsheet/sturgeonfactsheet_environmental.html	1 pg
7/2003	Livestock and Poultry Environmental Stewardship		CAFO Fact Sheets; Fact Sheet #1: A Brief History and Background of the EPA CAFO Rule http://www.lpes.org/CAFO_PDF_Gen.html	6 pgs
1999	James P. Bennett, Esteban D. Chiriboga,	Proceedings of the Wild Rice Research and	*Heavy Metal Baselines for Wild Rice from Northern Wisconsin*, Bennett etal. Copy at:	8 pgs

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Date	Author	Addressee	Description	Page #'s
	John Coleman and Donald M. Waller	Management Conference, July 7-7, 1999 Carlton, MN	http://epa.gov/greatlakes/archive/GL005322-01/index.html	
8/2008	Bad River Band		Bad River Band Lodge and Casino http://www.badriver.com/lodge_summer_rates.html	4 pgs
8/2008	Bad River Band		Bad River Band Lodge and Casion http://www.badriver.com/about.html	3 pgs
2001	Great Lakes Indian Fish and Wildlife Commission		Midwest Region Tribal Fish Hatcheries; 2001 Tribal Fish Hatchery Production. http://www.glifwc.org/publications/FishHatchery_Handout2001.pdf	2 pgs
1981			The Mishomis Book: The Voice of the OjibwayBenton, Banai, Edward. Saint Paul, Minnesota: Indian Country Press, Inc. 1981 Ojibway Clan System http://www.nald.ca/CLR/chikiken/page23.htm	2 pgs
10/28/08	Brian Bell, U.S. EPA	Dan Cozza, U.S. EPA	Email: copies of two Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity under an NPDES General Permit; Both for Great Lakes Gas Transmission	5 pgs
10/27/08	Kathy Mayo, U.S. EPA	Dan Cozza, U.S. EPA	Bad River Water Quality Standards; Table of waters with designated uses.	26 pgs
1999	Tessa Shultz/Dr. Jack Zaengle, Department of Biology and Earth Science, University of WI – Superior		Household Hazardous Waste Awareness Handbook, Bad River Reservation, Ashland County, Wisconsin http://frontpage.uwsuper.edu/sparks/badriver.pdf	70 pgs
1999	Sue Erickson; Great Lakes Indian Fish and Wildlife Commission		Tribal hatcheries http://www.glifwc.org/pub/fall99/thatcheries.htm last viewed 4/2/07, copy in file	6 pgs
2001	Thea Konstantinidis;		Tribal hatcheries stock on and off reservation lakes, Sport	7 pgs

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Date	Author	Addressee	Description	Page #'s
	Great Lakes Indian Fish and Wildlife Commission		and treaty fisherman benefit. http://www.glifwc.org/pub/fall01/hatchery.htm last viewed 4/2/07, copy in file	
----	University of Wisconsin -		Forest Planning for Wisconsin's Future, Ashland County http://www.uwsp.edu/cnr/landcenter/forestplanning/countypages/ashland.htm	5 pgs
3/1998	U.S. EPA		Illegal Dumping Prevention Project; Illegal Dumping Prevention Guidebook, EPA905-B-97-001 http://www.epa.gov/region5/illegaldumping/	36 pgs
4/1997	Kathryn Flynn, Auburn University		Forest Practices and Water Quality; Guidelines for Landowners http://www.sfws.auburn.edu/extension/Publications/ANR1031.htm last viewed 4/2/07, copy in file	7 pgs
8/2006	Bad River Band		Bad River Band of Lake Superior Tribe of Chippewa Indians Non-point Source Assessment Report	
1988	Thomas Vennum, Jr.		Wild Rice and the Ojibway People Minnesota Historical Society Press; St. Paul	358 pgs
1999	Great Lakes Indian Fish and Wildlife Commission		Proceedings of the Wild Rice Research Management Conference, 1999, Carlton, Minnesota http://www.epa.gov/glnpo/archive/GL005322-01/index.html	238 pgs
7/08	Wisconsin DNR		Wisconsin Department of Natural Resources, *Nonmetallic Mining in Wisconsin*, http://www.dnr.state.wi.us/org/aw/wm/mining/nonmetallic	2 pgs
--	Bad River Band		Native American Tourism of Wisconsin, Bad River Band of Lake Superior Chippewa; http://www.natow.org/natow-bin/natow_tribes_details.cgi/0?feed_tribe=100026	3 pages

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Date	Author	Addressee	Description	Page #'s
4/4/08	Federal Register		73 FR 18553 Number 66 Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin http://edocket.access.gpo.gov/2008/E8-6968.htm	13pgs
11/2008	U.S. Fish and Wildlife Service		Endangered Species Program: Wisconsin Federally-Listed Threatened, Endangered, Proposed, and Candidate Species' County Distribution. http://www.fws.gov/midwest/endangered/lists/wisc-spp.html	7 pgs
12/17/08	Steve Dodge	Daniel Cozza, U.S. EPA	Email – providing a brief Bad River History/Description, including information regarding Madeline Island	2pgs
1/21/09	Naomi Tillison, Bad River	Daniel Cozza, U.S. EPA	Email with Map attached showing the boundaries of the subwatersheds comprising the Bad River Reservation	2 pgs
1/22/09	Naomi Tillison, Bad River	Daniel Cozza, U.S. EPA	Email – providing attachment with updated land ownership breakdown for Bad River Reservation	2 pgs
1/23/09	Naomi Tillison, Bad River	Daniel Cozza, U.S. EPA	Email describing the total population breakdown of the Reservation	1 pg
1/26/09	Naomi Tillison, Bad River	Daniel Cozza, U.S. EPA	Email describing the total land ownership breakdown of the Reservation	1 pg

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Date	Author	Addressee	Description	Page #'s

Correspondence and Other Documents:

Date	Author	Addressee	Description	Page #'s
	Correspondence w/ Band			
8/4/06	Dan Cozza, EPA	Barbara Wester, Regional Counsel	Email – Phone call summary with Kirsten Cahow, Bad River, regarding TAS application and public involvement	1 pg
8/23/06	Dan Cozza, EPA	Tracey Ledder, Bad River Band	Email – Regarding TAS application and public meeting	1 pg
9/1/06	Jo Lynn Traub, Director, Water Division (signed by Tinka Hyde)	Eugene Bigboy, Sr., Chairman, Bad River Band of Lake Superior Chippewa Indians	Receipt of CWA program eligibility application dated March 1, 2006	1 pg
11/21/06	Daniel J. Cozza U.S. EPA	Ervin Soulier, Natural Resources Manager, Bad River Band	Transmittal letter of WDNR and public comments to the Band.	1 pg
12/18/08	Daniel J. Cozza U.S. EPA	Shannon Swanstrom, Naomi Tillison, Bad River Band	Email – transmittal of Proposed Findings of Fact draft for Bad River CWA application for 303/401 authority for their comment..	1 pg
4/2/09	Daniel J. Cozza U.S. EPA	Naomi Tillison, Bad River Band	Email – transmittal of WDNR letter and 1 public comment (Mr. Sederholm) regarding proposed Findings of Fact	3 pgs
	Correspondence. w/ State and local governments			
8/23/06	Dan Cozza, EPA	Rodger Field and Barbara Wester, EPA,	Email – Phone call summary with Mike Lutz, WDNR regarding Bad River Band's TAS application and public	1 pg

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Date	Author	Addressee	Description	Page #'s
		Office of Regional Counsel	comment period and meeting	
9/19/06	WDNR		Public News Release from the Wisconsin Department of Natural Resources - DNR will accept written comments until Oct. 26 on Bad River Band's application to EPA for administering water quality standards under federal Clean Water Act.	2 pgs
10/16/06	Scott Hassett, Secretary, WDNR	Jo Lynn Traub, Director, Water Division, U.S. EPA	State of Wisconsin's request for an extension to time to provide comments regarding the Bad River Band of Lake Superior Chippewa Indians' Application and Requests for Authority under §§ 303, 401 of the Clean Water Act	1 pg
10/23/06	Jo Lynn Traub, Director, Water Division, U.S. EPA	Scott Hassett, Secretary, Wisconsin Department of Natural Resources	Response and approval of request to extension of time to provide comments. Bad River Band cc'd	1 pg
2/11/09	Dan Cozza, EPA	Michael Lutz, WDNR	Email – copy of 2/10/09 letter to the Governor Doyle with copy of draft Proposed Findings of Fact for Bad River Band CWA 303/401 application and copy of PFOF and Fact Sheet	1 pg w/ attachments
2/17/09	Dan Cozza, EPA	Michael Lutz, WDNR and Naomi Tillison, Bad River	Email – to WDNR and Bad River (Naomi Tillison) providing copy of that ad that will be placed in the Ashland Daily Press regarding the release of the draft Proposed Findings of Fact	1 pg
2/17/09	Dan Cozza, EPA	Michael Lutz, WDNR and Naomi Tillison, Bad River	Email – to WDNR and Bad River (Naomi Tillison) providing copy of that EPA Press Release regarding the release of the draft Proposed Findings of Fact	3 pgs
	Correspondence with elected officials			
9/1/06	Bharat Mathur,	Jim Doyle, Governor,	Notice to State of U.S. EPA's receipt of TAS application	3 pgs

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Date	Author	Addressee	Description	Page #'s
	Acting Regional Administrator, Region 5 U.S. EPA	State of Wisconsin	from the Bad River Band. Letter cc'd to Eugene Bigboy, Bad River Chairman; P. Scott Hassett, Secretary WDNR; Congressman Dave Obey; Peggy Lautenschlager, WI Attorney General; Ashland County Clerk; Iron County Clerk; and Bayfield County Clerk	
1/30/07	Herb Kohl, U.S. Senator	Ms. Stephanie N. Daigle, Associate Administrator for Congressional and Intergovernmental Relations, U.S. EPA	Request for assistance for one of his WI constituents, Mr. Walter Stolarzyk, Ashland, WI, seeking information on Bad River Band's application. Response sent to Mr. Stolarzyk and cc'd to Senator Kohl, from Mary A. Gade, Regional Administrator, dated March 15, 2007.	2 pgs
2/10/09	Bharat Mathur, Acting Regional Administrator, Region 5 U.S. EPA	Jim Doyle, Governor, State of Wisconsin	Notice to State of U.S. EPA's development of and comment period for the Proposed Findings of Fact. Letter included public review draft of the Proposed Findings of Fact, Fact Sheet and CD with Bad River Band's supplemental information. Letter cc'd to Eugene Bigboy, Bad River Chairman; WDNR; WI Attorney General; Ashland County Clerk; Iron County Clerk; and Bayfield County Clerk. Copy also sent to Senator Herb Kohl	2 pgs PFOF: 31 pgs Factsht 2pg 1 CD
	Comments rec. on the Application by WDNR			
11/16/06	Scott Hassett, Secretary, WDNR	Jo Lynn Traub, Director, Water Division, U.S. EPA Region V	State of Wisconsin's comments regarding the Bad River Band of Lake Superior Tribe of Chippewa Indians' Application and requests for authority under §§ 303 and 401 of the Clean Water Act Package included comments received by the State from the public during the public comment period - see below)	6 pgs

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Date	Author	Addressee	Description	Page #'s
9/21/06	Jamie Weaver, Clerk/Treasurer Town of Sanborn	Todd Ambs, WDNR	Letter in support of Tribe's application	1 pg
9/28/06	Justin Saari	Todd Ambs, WDNR	Letter in opposition to the Tribe's application due to economic reasons	1 pg
9/29/06	John A. Wichita President, Bad River Watershed Association	Todd Ambs, WDNR	Letter in support of Tribe's application	1 pg
9/29/06	John A. Wichita and Mary T. Wichita	Todd Ambs, WDNR	Letter in support of Tribe's application	1 pg
10/6/06	Victoria Doud, President, Lac du Flambeau Band of Lake Superior Chippewa Indians	Todd Ambs, WDNR	Letter in support of Tribe's application	1 pg
10/11/06	Larry A. Mattson	Todd Ambs, WDNR	Letter in opposition to the Tribe's application due to access and inequity of standards to non-member concerns.	1 pg
10/12/06	Lawrence J. Fox, Town Chairperson, Town of Kelly	Ervin Soulier, Bad River Band (Forwarded to Todd Ambs, WDNR by Rae Ann Maday, Bad River Band on 10/16/06)	Letter from Town Board in support of the Band's application	2 pgs
10/17/06	Denny Caneff, Executive Director, River Alliance of Wisconsin	Todd Ambs, WDNR	Letter of support of Tribe's application	1 pg
10/23/06	Robert V. Hill	Todd Ambs, WDNR	Email – in support of Tribe's application	1 pg
10/23/06	Frances Johnson	Todd Ambs, WDNR	Email – in support of Tribe's application	1 pg
10/23/06	John P. Congdon,	Todd Ambs, WDNR	Letter conveying comments to be considered and included	2 pgs

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Date	Author	Addressee	Description	Page #'s
	President, LaPoint Iron Company, and Russell D. Gordy, General Parnter, RGGS Land & Minerals Ltd., L.P.		in the public record of the EPA review of the Bad River Band's application. They are not a mining company but own the property that contains the iron deposit. No current mine plans or permit applications for mining on the Gogebic Range. Any mining activity would need to be permitted and meet state and federal regulations. Iron oxide deposits do not produce acid mine drainage. They are not opposed to the Tribe's application, just want to set the record straight regarding iron production on the Gogebic Range.	
10/23/06	Sjana Schanning	Todd Ambs, WDNR	Email – asking questions regarding present authority over waters on the Reservation.	1 pg
10/24/06	Steven D. Mattson	Todd Ambs, WDNR	Letter in opposition to the Tribe's application due to access and inequity of standards to non-member concerns.	1 pg
10/24/06	Michael K. Pope Dean & Pope, P.C. Corporate Counsel to Iron County	Todd Ambs, WDNR	Letter in opposition to the Tribe's application due to concern of overlapping water quality standards already enforced by EPA and WI, and concern of standards more stringent than current standards.	1 pg
10/24/06	Becky Sapper, Project Director, The Nature Conservancy	Todd Ambs, WDNR	Letter in support of the Tribe's application	1 pg
10/24/06	Bruce Prentice	Todd Ambs, WDNR	Email – in support of Tribe's application	1 pg
10/25/06	Ted Mackmiller	Todd Ambs, WDNR	Email – in support of Tribe's application	1 pg
10/26/06	Joann Crowley Beers	Todd Ambs, WDNR	Email - in support of Tribe's application	1 pg
10/26/06	Joy and Jim Perry	Todd Ambs, WDNR	Email – in support of Tribe's application	1 pg
10/26/06	Public petition		Fax – Petition in support of Bad River Reservation's application for TAS for water quality standards. Includes 81 signatures	6 pgs
12/4/06	Michael A. Lutz, Attorney, WDNR	Jo Lynn Traub, Director Water Division, U.S.	Transmittal of Iron County Resolution in opposition to the Tribe's TAS application. Received by WDNR by fax on	4 pgs

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Date	Author	Addressee	Description	Page #'s
		EPA	11/17/06	
	Comments rec. on the Proposed Findings of Fact by WDNR			
2/09	U.S. EPA		Public Review Draft, February 2009, Proposed Findings of Fact for Bad River Band's CWA Section 303/401 Application	31 pgs
3/19/09	Michael Lutz, WDNR	Dan Cozza, EPA	Emails stating that WDNR received one comment and that neither WDNR nor the State of WI will be submitting comments. The one comment was mailed today.	4 pgs
3/19/09	Todd Ambs, Administrator, WDNR	Tinka G. Hyde, Director Water Division, EPA Region 5	Letter submitting the only comment received by the State regarding the proposed Findings of Fact for the Bad River TAS application. Comment was from Mr. David Sederholm - attached	2 pgs
	EPA's public briefing documents			
9/9/06	U.S. EPA		Notice and Meeting Invitation regarding Bad River Band's application for Water Quality Program Authorization. Published in ad in the Daily Press, Ashland, WI, Saturday, September 9, 2006	1 pg
9/12/06	U.S. EPA		Environmental News Release: EPA reviews Bad River Band Clean-Water Authorization Application; Public Meeting Set For Sept. 21	2 pgs
9/21/06	U.S. EPA		Public Meeting Agenda for public meeting held on September 21, 2006 on the Bad River Band of Lake Superior Tribe of Chippewa Indians Clean Water Act	1 pg

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Date	Author	Addressee	Description	Page #'s
			Authority Request. Held at the Ashland High School in Ashland, WI.	
9/06	U.S. EPA		Copy of TAS Authority slides shown at public meeting held on 9/21/06	7 pgs
9/06	Kathy Mayo, U.S. EPA		Copy of Water Quality Standards slides shown at public meeting held on 9/21/06	6 pgs
9/06	U.S. EPA		Public Information Fact Sheet; EPA Considering Tribal Water Program Request; Bad River Band of the Lake Superior Tribe of Chippewa Indians, Ashland, Wisconsin, September 2006	2 pgs
2/2009	U.S.EPA	Public	Public Fact Sheet regarding release and comment period for the Proposed Findings of Fact	2 pgs
2/17/09	U.S.EPA		Environmental News Release: EPA seeks comments on document connected to Bad River Band's Clean Water Act Application; Comment period to end March 18, 2009	2 pgs
2/17/09	U.S.EPA		Announcement regarding Bad River Band's application for Water Quality Program Authorization and request for comments on the Proposed Findings of Fact. Published in ad in the Daily Press, Ashland, WI, Tuesday, 2/17/09	1 pg
	EPA Policy and Guidance (not inclusive)			
11/11/84	EPA		EPA Policy for the Administration of Environmental Programs on Indian Reservations, November 11, 1984, as reaffirmed most recently by EPA Administrator Johnson on September 26, 2005.	
7/10/1991	EPA		EPA Memorandum entitled "EPA/State/Tribal Relations" by EPA Administrator Reilly, July 10, 1991	

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Date	Author	Addressee	Description	Page #'s
3/19/1998	EPA		Memorandum entitled, "Adoption of the Recommendations from the EPA Workgroup on Tribal Eligibility Determinations" by Robert Perciasepe and Jonathan Cannon, March 19, 1998	
1/23/08	EPA		Strategy for Reviewing Tribal Eligibility Applications to Administer EPA Regulatory Programs, dated January 23, 2008	
March 22, 2007	U.S. DOI, BIA: Federal Register		Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs; Notice	6 pgs
	Final Approval Documents			
6/26/09	Bharat Mathur Acting Regional Administrator, U.S. EPA	Chairman Eugene Bigboy, Sr. Bad River Band	Letter of Approval of the Bad River Band's Application to Administer the Water Quality Standards and Certification Programs under Sections 303 and 401 of the Clean Water Act. Cc's to Naomi Tillison, Bad River, Todd Ambs, WDNR, Michael Lutz, WDNR, Matthew Frank, WDNR, and WI Governor, Jim Doyle	2 pgs
6/26/09	U.S. EPA		Decision Document: Approval of the Bad River Band of Lake Superior Tribe of Chippewa Indians' Application for Treatment in the Same Manner as a State for Sections 303(c) and 401 of the Clean Water Act. Signed by U.S. EPA Region 5 Acting Regional Administrator Bharat Mathur on 6/26/09 With attachments: Appx I) Index to the Administrative Record Appx II) Final Findings of Fact Appx III) Response to Comments Appx IV) Capability Memorandum by Daniel Cozza	15 pgs 20 pgs 30 pgs 10 pgs 2 pgs

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