1**TMDL:** Gills Coulee Creek, Wisconsin
Date: September 26, 2006

DECISION DOCUMENT FOR THE
GILLS COULEE CREEK, WI, SEDIMENT TMDL

Section 303(d) of the Clean Water Act (CWA) and U.S. EPA's implementing regulations at 40 C.F.R. Part 130 describe the statutory and regulatory requirements for approvable TMDLs. Additional information is generally necessary for U.S. EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and U.S. EPA regulations, and should be included in the submittal package. Use of the verb "must" below denotes information that is required to be submitted because it relates to elements of the TMDL required by the CWA and by regulation. Use of the term "should" below denotes information that is generally necessary for U.S. EPA to determine if a submitted TMDL is approvable. These TMDL review guidelines are not themselves regulations. They are an attempt to summarize and provide guidance regarding currently effective statutory and regulatory requirements relating to TMDLs. Any differences between these guidelines and U.S. EPA's TMDL regulations should be resolved in favor of the regulations themselves.

1.Identification of Waterbody, Pollutant of Concern, Pollutant Sources, and Priority Ranking

The TMDL submittal should identify the waterbody as it appears on the State's/Tribe's 303(d) list. The waterbody should be identified/georeferenced using the National Hydrography Dataset (NHD), and the TMDL should clearly identify the pollutant for which the TMDL is being established. In addition, the TMDL should identify the priority ranking of the waterbody and specify the link between the pollutant of concern and the water quality standard (see section 2 below).

The TMDL submittal should include an identification of the point and nonpoint sources of the pollutant of concern, including location of the source(s) and the quantity of the loading, e.g., lbs/per day. The TMDL should provide the identification numbers of the NPDES permits within the waterbody. Where it is possible to separate natural background from nonpoint sources, the TMDL should include a description of the natural background. This information is necessary for U.S. EPA's review of the load and wasteload allocations, which are required by regulation.

The TMDL submittal should also contain a description of any important assumptions made in developing the TMDL, such as:

(1) the spatial extent of the watershed in which the impaired waterbody is located;
(2) the assumed distribution of land use in the watershed (e.g., urban, forested, agriculture);
(3) population characteristics, wildlife resources, and other relevant information affecting the characterization of the pollutant of concern and its allocation to sources;
(4) present and future growth trends, if taken into consideration in preparing the TMDL (e.g., the TMDL could include the design capacity of a wastewater treatment facility); and

(5) an explanation and analytical basis for expressing the TMDL through *surrogate measures*, if applicable. *Surrogate measures* are parameters such as percent fines and turbidity for sediment impairments; chlorophyl *a* and phosphorus loadings for excess algae; length of riparian buffer; or number of acres of best management practices.

Comments:

Identification of Waterbody: The Wisconsin Department of Natural Resources (WDNR) developed one sediment TMDL for Gills Coulee Creek, Wisconsin. By implementing measures to reduce the sediment loading, the TMDL will also address degraded habitat impairments in the watershed. WDNR placed the entire length of Gill Coulee Creek on the Wisconsin 2004 303(d) list as shown in the table below. According to Wisconsin's 303(d) list for 2004, this impaired waterbody has a high priority ranking.

Waterbody Name	WBIC	TMDL ID	Impaired Stream Miles	Existing Use	Codified Use	Pollutant	Impairment	Priority
Gills Coulee Creek	1652300	168	0-1 1-5	WWFF	Cold II Cold III	Sediment	Degraded Habitat	High

WBIC = Waterbody Identification Code
WWFF = Warm Water Forage Fish

Location Description: Gills Coulee Creek flows southeast and reaches the La Crosse River as a tributary stream near West Salem, La Crosse County, in west central Wisconsin. Gills Coulee Creek has a length of five miles and a drainage basin of approximately 5.9 square miles.

Topography and Land Use: Land use in the watershed is dominated by upland forest with steep wooded hills and some lowland pasture and agricultural cropland. In many cases agricultural practices occur adjacent to the stream banks, causing immediate sediment runoff to the stream. This is especially evident during high precipitation or snowmelt events.

Pollutant of concern: The pollutant of concern is sediment.

Pollutant sources: WDNR states that there are no point sources located on or discharging to Gills Coulee Creek (TMDL submittal, page 3). Nonpoint sources identified in the TMDL submittal as contributing to the impairment include stream bank erosion and run-off from agricultural activities. According to WDNR, heavy pasturing and overgrazing of the hillsides in the early 20th century were likely the initial cause of stream bank instability. This resulted in the formation of gullies, which allowed sediment transport from the hillsides to the valley floor during rain events. Subsequently, high velocity runoff events have further contributed to sedimentation and stream bank instability through erosion of severally exposed banks. Some portions of stream bank are also eroding due to livestock trampling (TMDL submittal, page 5).

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this first element.

2. Description of the Applicable Water Quality Standards and Numeric Water Quality Target

The TMDL submittal must include a description of the applicable State/Tribal water quality standard, including the designated use(s) of the waterbody, the applicable numeric or narrative water quality criterion, and the antidegradation policy. (40 C.F.R. §130.7(c)(1)).
U.S. EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

The TMDL submittal must identify a numeric water quality target(s) – a quantitative value used to measure whether or not the applicable water quality standard is attained. Generally, the pollutant of concern and the numeric water quality target are, respectively, the chemical causing the impairment and the numeric criteria for that chemical (e.g., chromium) contained in the water quality standard. The TMDL expresses the relationship between any necessary reduction of the pollutant of concern and the attainment of the numeric water quality target. Occasionally, the pollutant of concern is different from the pollutant that is the subject of the numeric water quality target (e.g., when the pollutant of concern is phosphorus and the numeric water quality target is expressed as Dissolved Oxygen (DO) criteria). In such cases, the TMDL submittal should explain the linkage between the pollutant of concern and the chosen numeric water quality target.

Comments:
The TMDL submittal describes designated uses and numeric criteria applicable to this watershed as presented below.

Use Designation and Sedimentation Standard: WDNR identified the narrative standard set forth at Section NR 102.04 (1) intro and (a) of the Wisconsin Administrative Code (WAC) as the applicable standard for excessive sedimentation. This standard states in part, "Substances that will cause objectionable deposits on the shore or in the bed of a body of water, shall not be present in such amounts as to interfere with public rights in waters of the state." WDNR considers sedimentation to be an objectionable deposit. The goal of the Gills Coulee Creek TMDL is to reduce sediment loads to a level sufficient to meet the narrative water quality standard (WQS) and the stream's designated use. The designated use (or codified use) applicable to Gills Coulee Creek is set forth at Section NR 102.04(3) (a) of the WAC: "(a) Cold water communities. This subcategory includes surface waters capable of supporting a community of cold water fish and other aquatic life, or serving as a spawning area for cold water fish species. This subcategory includes, but is not restricted to, surface waters identified as trout water by the Department of Natural Resources."

To attain this designated use, WDNR has determined that sediment loads need to be reduced. Fine sediment covers the stream substrate and fills in pools, reducing the suitable habitat for fish and macroinvertebrate communities. Filling-in of pools reduces the amount of available cover for juvenile and adult fish. Sedimentation of riffle areas reduces the reproductive success of fish by reducing the exposed gravel substrate necessary for appropriate spawning conditions. Sedimentation also increases turbidity, reducing light penetration necessary for photosynthesis in aquatic plants. Increased turbidity also reduces the feeding efficiency of visual predators and filter feeders, and lowers the respiratory capacity of aquatic invertebrates due to clogged gill surfaces (TMDL submittal, page 5 - 6).

Targets: WDNR does not have a numeric WQS for sediment. Thus, WDNR identified a numeric water quality (WQ) target of 0.0024 tons/acre/day of sediment for Gills Coulee Creek in order to meet the narrative WQS and support the corresponding designated use identified above (TMDL submittal, Table 3). WDNR established a numeric WQ target based upon two reference streams, Syftestad Creek and German Valley Branch, located in Dane County, Wisconsin. The two reference streams share several attributes in common with Gills Coulee Creek, such as the natural setting from the driftless region of Wisconsin, soils, land use, gradient, and topography. Also, these streams have shown considerable improvement in water quality from a similar impaired condition. The successful reduction of sediment load in the reference streams is the result of management practices that are also potentially applicable to Gill Coulee Creek. Therefore, WDNR adopted as the numeric WQ target for Gills Coulee Creek the sediment load obtained from previous modeling for both of the reference streams under their improved condition. Specifically, the sediment load of 0.0024 tons/acre/day for both reference streams is the resulting numeric WQ target for Gills Coulee Creek. This procedure is consistent with the U.S. EPA's *Protocol for the Development of Sediment TMDLs* (1999).

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this second element.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

A TMDL must identify the loading capacity of a waterbody for the applicable pollutant. U.S. EPA regulations define loading capacity as the greatest amount of a pollutant that a water can receive without violating water quality standards (40 C.F.R. §130.2(f)).

The pollutant loadings may be expressed as either mass-per-time, toxicity or other appropriate measure (40 C.F.R. §130.2(i)). If the TMDL is expressed in terms other than a daily load, e.g., an annual load, the submittal should explain why it is appropriate to express the TMDL in the unit of measurement chosen. The TMDL submittal should describe the method used to establish the cause-and-effect relationship between the numeric target and the identified pollutant sources. In many instances, this method will be a water quality model.

The TMDL submittal should contain documentation supporting the TMDL analysis, including the basis for any assumptions; a discussion of strengths and weaknesses in the analytical process; and results from any water quality modeling. U.S. EPA needs this information to review the loading capacity determination, and load and wasteload allocations, which are required by regulation.

TMDLs must take into account *critical conditions* for stream flow, loading, and water quality parameters as part of the analysis of loading capacity. (40 C.F.R. §130.7(c)(1)). TMDLs should define applicable *critical conditions* and describe their approach to estimating both point and nonpoint source loadings under such *critical conditions*. In particular, the TMDL should discuss the approach used to compute and allocate nonpoint source loadings, e.g., meteorological conditions and land use distribution.

Comments:
The TMDL for Gills Coulee Creek includes a loading capacity of 0.0024 tons/acre/day of sediment, as summarized in the TMDL formula below.

Loading Capacity	=	***WLA***	+	***LA***	+	***MOS***
0.9 tons/acre/year	=	*0 tons/acre/year*	+	*0.7 tons/acre/year*	+	*0.2 tons/acre/year*
0.0024 tons/acre/day	=	*0 tons/acre/day*	+	*0.0019 tons/acre/day*	+	*0.0005 tons/acre/day*

There are no point sources discharging sediment into the streams. Nonpoint sources (NPS) identified in the TMDL report as contributing to the impairments in Gills Coulee Creek include the run-off from agricultural activities and streambank erosion.

As discussed in Section 2 above, WDNR determined the loading capacity using two reference streams in the nearby area. WDNR applied to these reference streams, the National Resources Conservation Survey (NRCS) Revised Universal Soil Loss Equation 2 (RUSLE2) model to determine run-off loading. This modeling was then applied to the Gills Coulee waterbody, in conjunction with stream bank erosion analysis, to determine the loading capacity (TMDL submittal, page 7). According to WDNR, considerable sediment also enters Gills Coulee Creek from eroding stream banks during runoff events (TMDL submittal, page 9). Therefore, the methods selected for calculating the loading capacity for Gills Coulee Creek support evaluation of run-off from stream bank erosion and agricultural practices.

WDNR used the NRCS Streambank Erosion Calculation to calculate the sediment load for Gills Coulee related to stream bank erosion. This calculation cited by WDNR is the same as the "Field Estimate Procedure" or "Direct Volume Method" established by NRCS field guidance as an accurate way to measure stream bank erosion. Using this method, WDNR obtained the sediment load from stream bank erosion for all landowners by multiplying the corresponding average annual lateral recession rate, eroding area, and soil bulk density.

To estimate the sediment load derived from agricultural activities, WDNR used the NRCS RUSLE2 model. RUSLE2 is a model that predicts long-term, average-annual erosion by water, and can be used for a broad range of farming, conservation, mining, construction, and forestry sites. RUSLE2 was developed primarily to guide conservation planning, inventory erosion rates and estimate sediment delivery. Target values generated by RUSLE2 are supported by accepted scientific knowledge and technical judgment, and are consistent with sound principles of conservation planning. The major inputs to the RUSLE2 model include information on land use, cropping practices, soil, slope, and climate data.

WDNR indicated that the RUSLE2 modeling for Gills Coulee Creek did not include input on future trends in increased cash cropping (corn-soybean rotation) and tillage reduction. As a more conservative approach to load estimation, the RUSLE2 modeling included implementation for no-till on slopes above 5% (TMDL submittal, page 5).

Critical condition: There is no single critical condition for this TMDL. The critical condition for the loading of sediments to Gills Coulee Creek is generally during spring run-off and intense summer rainfalls, although stream bank erosion occurs year-round. The impacts of sediment on the biotic community occur year-round as well, as it impacts the spawning and feeding habits.

The U.S. EPA believes the assumptions and modeling process used to determine the loading capacity are acceptable (TMDL submittal, page 5).

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this third element.

4. Load Allocations (LAs)

U.S. EPA regulations require that a TMDL include LAs, which identify the portion of the loading capacity attributed to existing and future nonpoint sources and to natural background. Load allocations may range from reasonably accurate estimates to gross allotments (40 C.F.R. §130.2(g)). Where possible, load allocations should be described separately for natural background and nonpoint sources.

Comments:
WDNR generated the load allocation as a "target load" of 0.0019 tons/acre/day for nonpoint sources. Nonpoint sources that contribute sediment to Gills Coulee Creek include stream bank erosion and agricultural activities in the watershed.

The table below identifies the nonpoint source loads and the load allocation for Gills Coulee Creek (TMDL submittal, pages 3 – 5 and 7 – 8, and Tables B-2 and B-4).

Sediment Nonpoint Source	Tons/acre/day	Tons/acre/year	Watershed area
Stream bank erosion	0.0002	0.07	3838 acres
Agricultural activities	0.0017	0.63	
Load Allocation	0.0019	0.7	

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this fourth element.

5. Wasteload Allocations (WLAs)

U.S. EPA regulations require that a TMDL include WLAs, which identify the portion of the loading capacity allocated to individual existing and future point source(s) (40 C.F.R. §130.2(h), 40 C.F.R. §130.2(i)). In some cases, WLAs may cover more than one discharger, e.g., if the source is contained within a general permit.

The individual WLAs may take the form of uniform percentage reductions or individual mass based limitations for dischargers where it can be shown that this solution meets WQSs and does not result in localized impairments. These individual WLAs may be adjusted during the NPDES permitting process. If the WLAs are adjusted, the individual effluent limits for each permit issued to a discharger on the impaired water must be consistent with the assumptions and requirements of the adjusted WLAs in the TMDL. If the WLAs are not adjusted, effluent limits

contained in the permit must be consistent with the individual WLAs specified in the TMDL. If a draft permit provides for a higher load for a discharger than the corresponding individual WLA in the TMDL, the State/Tribe must demonstrate that the total WLA in the TMDL will be achieved through reductions in the remaining individual WLAs and that localized impairments will not result. All permitees should be notified of any deviations from the initial individual WLAs contained in the TMDL. U.S. EPA does not require the establishment of a new TMDL to reflect these revised allocations as long as the total WLA, as expressed in the TMDL, remains the same or decreases, and there is no reallocation between the total WLA and the total LA.

Comments:
WDNR did not identify point sources discharging sediments to Gills Coulee Creek, and set the waste load allocation at 0 tons/acre/day (TMDL submittal, page 7).

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this fifth element.

6. Margin of Safety (MOS)

The statute and regulations require that a TMDL include a margin of safety (MOS) to account for any lack of knowledge concerning the relationship between load and wasteload allocations and water quality (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)). U.S. EPA's 1991 TMDL Guidance explains that the MOS may be implicit, i.e., incorporated into the TMDL through conservative assumptions in the analysis, or explicit, i.e., expressed in the TMDL as loadings set aside for the MOS. If the MOS is implicit, the conservative assumptions in the analysis that account for the MOS must be described. If the MOS is explicit, the loading set aside for the MOS must be identified.

Comments:
WDNR included a margin of safety (MOS) that is both explicit and implicit (TMDL submittal, page 8).

Implicit: WDNR utilized several conservative approaches when conducting the RUSLE2 modeling to calculate the portion of the load allocation related to agricultural practices. According to WDNR, the RUSLE2 modeling for Gills Coulee Creek utilized a scenario where the sediment mobilized to the "edge of field" actually gets to the waterbody. This modeling scenario does not account for a reduction in sediment delivery due to deposition and infiltration loss in the drainage system. In addition, as mentioned earlier, the RUSLE2 modeling excluded future trends in increased cash cropping (corn-soybean rotation) and tillage reduction. Therefore, this TMDL represents the worst case scenario in which all sediment eroding from agricultural fields is delivered to the receiving water body.

Explicit: As shown in the TMDL formula from Section 3 above, the explicit portion of the MOS represents 0.0005 tons/acre/day of sediment. WDNR obtained the explicit MOS by generating, with the aid of NRSC methods, a load allocation that is 20% lower than the loading capacity obtained using the reference stream approach. Sections 2 and 3 above describe WDNR's use of the reference stream approach and NRSC methods.

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this sixth element.

7. Seasonal Variation

The statute and regulations require that a TMDL be established with consideration of seasonal variations. The TMDL must describe the method chosen for including seasonal variations. (CWA §303(d)(1)(C), 40 C.F.R. §130.7(c)(1)).

Comments:
Sediment enters Gill Coulee Creek through rainfall and snowmelt runoff events throughout the year. However, most sediment enters Gills Coulee Creek due to episodic events (storms) rather than seasonal events. This temporal variation in sediment loads has been accounted for in the RUSLE2 modeling through the use of average annual conditions. In addition, the best management practices to achieve the load allocation are selected and designed to function for 10-year or 25-year, 24-hour design storms, providing substantial control for the major rainfall events (TMDL submittal, page 9).

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this seventh element.

8. Reasonable Assurances

When a TMDL is developed for waters impaired by point sources only, the issuance of a National Pollutant Discharge Elimination System (NPDES) permit(s) provides the reasonable assurance that the wasteload allocations contained in the TMDL will be achieved. This is because 40 C.F.R. 122.44(d)(1)(vii)(B) requires that effluent limits in permits be consistent with "the assumptions and requirements of any available wasteload allocation" in an approved TMDL.

When a TMDL is developed for waters impaired by both point and nonpoint sources, and the WLA is based on an assumption that nonpoint source load reductions will occur, U.S. EPA's 1991 TMDL Guidance states that the TMDL should provide reasonable assurances that nonpoint source control measures will achieve expected load reductions in order for the TMDL to be approvable. This information is necessary for U.S. EPA to determine that the TMDL, including the load and wasteload allocations, has been established at a level necessary to implement water quality standards.

U.S. EPA's August 1997 TMDL Guidance also directs Regions to work with States to achieve TMDL load allocations in waters impaired only by nonpoint sources. However, U.S. EPA cannot disapprove a TMDL for nonpoint source-only impaired waters, which do not have a demonstration of reasonable assurance that LAs will be achieved, because such a showing is not required by current regulations.

Comments:
To reduce the sediment load into Gills Coulee Creek, WDNR recommends the implementation or maintenance of the following practices (TMDL submittal, page 9 – 11):

- Establishment of riparian buffers on cropland through voluntary farm assistance programs such as the Conservation Reserve Enhancement Program (CREP), and the Conservation Reserve Program (CRP) which takes highly erodible land out of agricultural use.
- Implementation of runoff management practices including terraces, diversions and contour strips through the use of the Environmental Quality Incentive Program (EQIP). Through this program, landowners get a 75% reimbursement for the installation of runoff management practices.
- Installation of practices to reduce runoff pollution, through targeted runoff management (TRM) grants administered by WDNR. TRM grants are competitive financial awards to support small-scale, short term projects (24 months) completed locally to reduce runoff pollution. Both urban and agricultural projects can be funded through a TRM grant; the grants require a local contribution to the project. According to WDNR, the La Crosse County LCD has been awarded a TRM grant for implementation of improved watershed practices, such as stream bank stabilization, stream crossings, exclusionary livestock fencing, and management of upland runoff. More practices are scheduled to be installed prior to expiration of the TRM grant for Gills Coulee Creek. In the event that the La Crosse County LCD applies for and receives additional TRM grants, substantial improvements to habitat in the lower sections of Gills Coulee Creek could take place. Installation of stream bank stabilization practices in this section will greatly benefit stream health and reduce sedimentation, as the lower stream reaches experience the most severe instances of bank erosion.
- Enforcement of Section NR 151 of the Wisconsin Administrative Code (WAC) which pertains to agricultural and urban runoff. WDNR and local governments can only enforce performance standards contained in NR 151 when government cost sharing is made available to a landowner for installation of best management practices.
- Enforcement of Sections NR 243 and NR 216 of the WAC which regulate large livestock operations and construction of agricultural buildings that disturb one or more acres of land.

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this eighth element.

9. Monitoring Plan to Track TMDL Effectiveness

U.S. EPA's 1991 document, *Guidance for Water Quality-Based Decisions: The TMDL Process* (EPA 440/4-91-001), recommends a monitoring plan to track the effectiveness of a TMDL, particularly when a TMDL involves both point and nonpoint sources, and the WLA is based on an assumption that nonpoint source load reductions will occur. Such a TMDL should provide assurances that nonpoint source controls will achieve expected load reductions and, such TMDL should include a monitoring plan that describes the additional data to be collected to determine if the load reductions provided for in the TMDL are occurring and leading to attainment of water quality standards.

Comments:
WDNR intends to monitor Gills Coulee Creek based on the progress of implementation of the TMDL, including sites where implementation of TRM grant projects are underway or completed.

In addition the stream will be monitored on a 5 to 6 year interval as part of the WDNR baseline monitoring program to note trends in overall stream quality. Monitoring will include Index of Biotic Integrity (IBI), the Hilsenhoff Biotic Index (HBI), the current habitat assessment tool, and sampling of water quality parameters (TMDL submittal, page 9).

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this ninth element.

10. Implementation

U.S. EPA policy encourages Regions to work in partnership with States/Tribes to achieve nonpoint source load allocations established for 303(d)-listed waters impaired by nonpoint sources. Regions may assist States/Tribes in developing implementation plans that include reasonable assurances that nonpoint source LAs established in TMDLs for waters impaired solely or primarily by nonpoint sources will in fact be achieved. In addition, U.S. EPA policy recognizes that other relevant watershed management processes may be used in the TMDL process. U.S. EPA is not required to and does not approve TMDL implementation plans.

Comments:
The submitted TMDL report does not contain a formal implementation plan, since it is not required as a condition for TMDL approval under the current U.S. EPA regulations. However, WDNR has identified ongoing activities which have been identified under the reasonable assurance section.

While this information was reviewed, it did not form a basis for the decision.

11. Public Participation

U.S. EPA policy is that there should be full and meaningful public participation in the TMDL development process. The TMDL regulations require that each State/Tribe must subject calculations to establish TMDLs to public review consistent with its own continuing planning process (40 C.F.R. §130.7(c)(1)(ii)). In guidance, U.S. EPA has explained that final TMDLs submitted to U.S. EPA for review and approval should describe the State's/Tribe's public participation process, including a summary of significant comments and the State's/Tribe's responses to those comments. When U.S. EPA establishes a TMDL, U.S. EPA regulations require U.S. EPA to publish a notice seeking public comment (40 C.F.R. §130.7(d)(2)).

Provision of inadequate public participation may be a basis for disapproving a TMDL. If U.S. EPA determines that a State/Tribe has not provided adequate public participation, U.S. EPA may defer its approval action until adequate public participation has been provided for, either by the State/Tribe or by U.S. EPA.

Comments:

The public comment period for the Gills Coulee Creek sediment TMDL report was from July 25, 2006 through August 25, 2006. On July 25, 2006 a news release for the public notice of the

TMDL report was sent to various entities including: newspapers, television stations, radio stations, interest groups, and interested individuals. The draft TMDL was also included in the WDNR News calendar dated July 25, 2006, on the WDNR web site. The news release indicated the public comment period and how to obtain copies of the public notice and draft TMDL report. In addition, copies of the TMDL report were available upon request and on WDNR's website: http://www.dnr.wi.gov/org/water/wm/wqs/303d/Draft_TMDLs.html. 1WDNR did not receive comments from the public during the comment period.

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this eleventh element.

12. Submittal Letter

A submittal letter should be included with the TMDL submittal, and should specify whether the TMDL is being submitted for a *technical review* or *final review and approval*. Each final TMDL submitted to U.S. EPA should be accompanied by a submittal letter that explicitly states that the submittal is a final TMDL submitted under Section 303(d) of the Clean Water Act for U.S. EPA review and approval. This clearly establishes the State's/Tribe's intent to submit, and U.S. EPA's duty to review, the TMDL under the statute. The submittal letter, whether for technical review or final review and approval, should contain such identifying information as the name and location of the waterbody, and the pollutant(s) of concern.

Comments:
U.S. EPA received the Gills Coulee Creek sediment TMDL from WDNR on August 31, 2006, via a letter dated August 31, 2006, with two attachments. The letter stated that the first attachment was the final TMDL submittal for Gills Coulee Creek and the second attachment included the responses to the U.S. EPA's August 18, 2006, comments.

U.S. EPA finds that the TMDL document submitted by WDNR satisfies all requirements of this twelfth element.

13. Conclusion

After a full and complete review, U.S. EPA finds that the sediment TMDL for Gills Coulee Creek satisfies all of the elements of an approvable TMDL. This document addresses **1** TMDL for **1** waterbody segment and **2** impairments based upon the 2004 Wisconsin 303(d) list.

WBIC	TMDL_ID	Impaired Stream Segment Name	Pollutant	Impairments
944600	1652300	Gills Coulee Creek	Sediment	Sediment & Degraded Habitat

U.S. EPA's approval of this TMDL does not extend to those waters that are within Indian Country, as defined in 18 U.S.C. Section 1151. U.S. EPA is taking no action to approve or

disapprove TMDLs for those waters at this time. U.S. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under the CWA Section 303(d) for those waters.