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October 27, 2011

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DNR
OFFICE OF THE
SECRETARY

Tinka G. Hyde
Director, Water Division
USEPA Region V
77 Jackson Blvd
Mail Code W-15J
Chicago, Ill. 60604-3507

Kenneth G. Johnson
Administrator Division of Water
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

Re: Musky Bay

Dear Ms. Hyde and Mr. Johnson:

I represent the Courte Oreilles Lakes Association ("COLA") and the Lac Courte Oreilles Band of Lake Superior Chippewa Indians ("Tribe"). These organizations received the August 5, 2011 letter from the United States Environmental Protection Agency (EPA) to the Wisconsin Department of Natural Resources (WDNR) wherein EPA recommends that WDNR place Musky Bay in "Category 3" of Wisconsin's 2008 list of impaired waters under Section 303(d) of the federal Clean Water Act. While COLA and the Tribe are disappointed that EPA could not determine that Musky Bay is impaired from the available information, we do want to thank EPA and WDNR for their efforts to date in this matter. COLA and the Tribe have always acknowledged the good work done by our public service, resource/regulatory professionals, in spite of being faced with demanding timelines, inadequate resources, and political interference.

COLA and the Tribe have thoroughly reviewed EPA's August 5, 2011 letter which recommends that WDNR place Musky Bay in Category 3 on Wisconsin's 303(d) list and develop a plan to obtain the needed information to make an informed attainment determination pursuant to Wisconsin Administrative Code NR 102.04 (1)(b). COLA and the Tribe fully

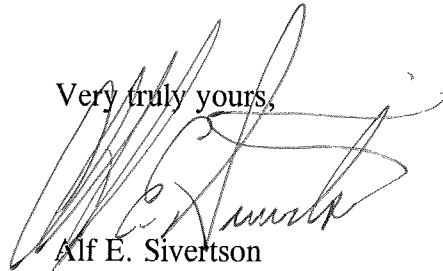
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concur with that recommendation and requests that WDNR give this matter internal priority and inform COLA and the Tribe within 30 days as to WDNR's intentions to list Musky Bay in Category 3 on the Wisconsin 303(d) list. COLA and the Tribe are addressing the lake classification and appropriate phosphorus criteria in a separate letter to WDNR.

COLA and the Tribe stand ready to assist WDNR in the preparation and execution of a plan to obtain the needed information to make a final NR 102.04 (1) (b) attainment determination. COLA and the Tribe are also ready to assist in formulating quantifiable standards for use/navigation impediment. They have some initial proposals in mind such as: (a) navigation with a standard craft (specificity) impeded in over 40% of a given surface area for more than 60 days of the open-water, growing season; (b) requiring three or more mechanically cut or chemically controlled navigation channels for 60 or more days; and (c) littoral vegetation noted as too thick for effective fall electrofishing, > 3 out of ten sampling years.

Finally, COLA the Tribe again respectfully requests that WDNR inform us of the Department's intention to list Musky Bay in Category 3 as soon as possible.

Very truly yours,



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