

Appendix E: Applicable Fond du Lac Water Quality Standards

The Band's federally approved water quality criteria¹ include the following provisions that are relevant to EPA's evaluation of discharges from the proposed project:

Antidegradation

Section 105(a).3. Degradation of water quality shall not be permitted where it will be injurious to existing or designated uses. The Reservation Business Committee or appropriate permitting authority shall impose the most stringent regulatory controls for all new and existing point sources, and shall impose cost effective and reasonable best management practices for non-point sources and wetland alterations.

Narrative Standards

Section 301.a. Waters of the Fond du Lac Reservation shall be free from suspended and submerged solids or other substances that enter the waters as a result of human activity and that will settle in the bed of a body of water or be deposited upon the shore of that body of water to form putrescent or otherwise objectionable deposits, or that will adversely affect aquatic life.

Section 301.n. Water quantity and quality and habitat alterations that may limit the growth and propagation of, or otherwise cause or contribute to an adverse effect to wild rice and other flora and fauna of cultural importance to the Band shall be prohibited.

Designated Uses

Section 302.B. Wildlife. All surface waters capable of providing a water supply, vegetative habitat and food, including but not limited to wild rice, and prey for the support and propagation of wildlife located within the Fond du Lac Reservation.

Section 302.C.2. Warm Water Fisheries. A stream, reach, lake or impoundment where water temperature, habitat and other characteristics are suitable for support and propagation of warm water fish and other aquatic life, or serving as a spawning or nursery area for warm water fish species. Examples of warm water fish species include large mouth bass and bluegills.

Section 302.C.3. Subsistence Fishing (netting). That portion of the Fond du Lac Reservation necessary to provide a sufficient diet of fish in order to sustain a healthy, current, on-Reservation population, including any stream, reach, lake or impoundment where spearing, netting or bow fishing is allowed as provided under applicable Band conservation laws.

¹ Fond du Lac Band of Lake Superior Chippewa, Water Quality Standards of the Fond du Lac Reservation, Ordinance #12/98, as amended through July 8, 2020, <http://www.fdlrez.com/government/ords/12-98WaterQualityStandard2020.07.pdf>

Numeric Standards

Appendix 1. Human Health Chronic Standard, Mercury; 0.77 ng/L.

Section 301(k) Existing mineral quality shall not be altered by municipal, industrial and in-stream activities or other waste discharges so as to interfere with the designated uses for a water body. Since aquatic biota in this ecoregion are known to be sensitive to the effects of elevated ionized substances (cations and anions) in the water, the specific conductance in all waters of the Reservation shall not exceed an annual average continuous exposure of 300 $\mu\text{S}/\text{cm}$. Exceedances of this numeric criterion are indicative of polluted conditions.

Wetlands Water Quality Standards

Section 701. Designated Uses. For all wetlands, as defined by the Cowardin classification scheme, the uses to be protected include, but are not limited to— baseflow discharge, cultural opportunities, flood flow attenuation, groundwater recharge, indigenous floral and faunal diversity and abundance, nutrient cycling, organic carbon export/cycling, protection of down-stream water quality, recreation, resilience against climatic effects, sediment/shoreline stabilization, surface water storage, wild rice, and water dependent wildlife to the extent that such uses, functions, and values occur as represented by reference wetlands.

Section 703 Antidegradation.

Tier I: For all wetlands, using the Cowardin classification scheme, there shall be no degradation of existing uses.

Tier II: Using the Cowardin classification scheme: there shall be no net loss to the water quality, functions, area, or ecological integrity of high quality lacustrine, lacustrine fringe, palustrine, riverine, and slope wetlands, unless, after satisfying applicable antidegradation provisions including avoidance, minimization, and mitigation/replacement requirements, the authorized tribe determines that allowing degradation is necessary to accommodate important social or economic development in the area in which the wetlands are located.