

TMDL: Becky Creek, Wisconsin
Effective Date: 09/27/05

DECISION DOCUMENT FOR THE APPROVAL OF THE BECKY CREEK , WISCONSIN TMDL

Section 303(d) of the Clean Water Act (CWA) and 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 EPA to determine if a submitted TMDL fulfills the legal requirements for approval under Section 303(d) and 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 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 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 non-point 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 non-point sources, the TMDL should include a description of the natural background. This information is necessary for 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; chlorophyll *a* and phosphorus loadings for excess algae; length of riparian buffer; or number of acres of best management practices.

Comments:

The Wisconsin Department of Natural Resources (WDNR) has developed a TMDL for sediment for Becky Creek (Table 1 below). Becky Creek (WBIC 2369600) is 8 miles in length, and is a cold water stream that flows out of the Blue Hills in the northwest portion of the Soft Maple and Hay Creek Watershed, and is a tributary to the Chippewa River. The TMDL addresses the excessive sedimentation that is causing a poor coldwater biotic community. WDNR has determined that Becky Creek is not meeting the designated use of Class II Coldwater fishery (see #2 below), and therefore the waterbody was listed as impaired on the Wisconsin 2004 303(d) list. The pollutant causing the impairment was identified as sediment. Becky Creek was also listed as impaired due to excessive pathogens, but WDNR has determined that insufficient data is available at this time to develop a TMDL to address pathogens. The segment was ranked as high priority on the Wisconsin 2004 303(d) list.

The creek is located in northeastern Rusk County, Wisconsin. The Becky Creek subwatershed is 10.74 miles in size. The land use data for this TMDL was developed for the Soft Maple/Hay Creek Watershed, and shows that 51% of the land use in the watershed is woodlot, 25% agriculture/pasture, 18% wetland, 5% cropland, and 1% developed land (page 16 of the Nonpoint Source Control Plan for the Soft Maple and Hay Creek Priority Watershed Project or "Watershed Plan"). The TMDL discusses how the land use in the Becky Creek subwatershed changes from forested hills with a relatively higher stream gradient to a more agricultural, lower gradient stream over the lowermost 5 miles. The impaired segment does not include any Indian country areas and U.S. EPA's approval of this TMDL does not apply to Indian country.

WDNR monitoring surveys and sampling results from the Becky Creek subwatershed shows that sediment has been washed into the creek, degrading the habitat for the biotic (specifically, the trout) community. Sediment in the streams covers the stream bed, which can hinder spawning, reduce potential food sources for the trout, and can reduce the water volume in pools which can serve as a haven for trout in low flow periods or during hot weather (page 4 of the final TMDL submittal).

There are no point sources on the waterbody segment. WDNR believes that the major sources of sediment to the creek are run-offs from pasture and croplands, streambank erosion from spring runoffs, and streambank erosion caused by trampling by livestock. These sedimentation sources were identified based on sampling conducted at a total of four sites in two separate sampling rounds, the first in 1995 and the second in 2000 (pages 2-3 of the final TMDL submittal).

Rainfall not only causes the run-off from the fields, but also exacerbates the stream bank erosion due to the higher flows. This is especially problematic during spring runoff and intense summer storms (pages 2-3 of the final TMDL submittal). Streambank erosion by livestock occurs anytime livestock have access to the stream. As a result of the combination of storm, runoff and other specific erosion factors, WDNR concludes that “excessive sedimentation is a year-round situation.”

EPA finds the State’s approach acceptable and it meets the requirements of this section

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)). 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:

WDNR has determined that two segments of Becky Creek do not currently meet applicable narrative water quality criterion, as set forth at Section NR 102.04(1) of the Wisconsin Administrative Code (WAC) (page 3 of the final TMDL submittal). This standard states, in part, “[s]ubstances 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 has determined that excessive sedimentation is impacting Becky Creek, specifically by impairing the fish community. Under WAC NR 102.04(3), all waters of the state must be classified into one of the fish and other aquatic life uses subcategories (pages 3-4 of the final TMDL submittal). WDNR has designated Becky Creek as a Cold Water community (specifically, a trout stream). Further, under WAC NR 102.04(7)(b), those waters designated as trout streams are further categorized based upon the sustainability of the trout in the stream (pages 5-6 of the final TMDL submittal). Class I trout streams have naturally reproducing trout, Class II trout streams have stocked trout that survive one or more years after stocking, and Class

III require annual stocking of trout. WDNR classified Becky Creek over the entire length of the creek as a class I trout fishery in the 1980's. Currently, only one mile is classified as a Class I cold water stream, with the remainder being classified as Class III (page 4 of the final TMDL submittal). WDNR intends to establish at least a Class II trout fishery in the Creek.

WDNR does not have a numeric WQS for sediment, and therefore developed a numeric water quality target to measure attainment of the WQS. WDNR calculated a loading target based upon similar streams that support a coldwater fishery (page 6-7 of the final TMDL; phone record with Jim Baumann, WDNR, 7/23/04) (see #3 below). As discussed in #1 above, sediment has been determined by WDNR to be impairing the fish community, specifically that for trout. The sediment loading was based upon comparison of loads between the watersheds of concern and other similar watersheds supporting trout fisheries, and the best professional judgement of the WDNR staff. This procedure is consistent with the EPA's *Protocol for the Development of Sediment TMDLs* (1999).

EPA finds the State's approach acceptable and it meets the requirements of this section.

3. Loading Capacity - Linking Water Quality and Pollutant Sources

A TMDL must identify the loading capacity of a waterbody for the applicable pollutant. 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. 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 non-point source loadings under such *critical conditions*. In particular, the TMDL should discuss the approach used to compute and allocate non-point source loadings, e.g., meteorological conditions and land use distribution.

Comments:

WDNR will consider that Becky Creek is meeting the narrative WQSs when the habitat improves and the Class II trout coldwater fishery is restored, as measured through a variety of metrics that measure the fish community, including the cold water Index of Biological Indicators (Page 6 of the final TMDL submittal). As discussed in #2 above, a Class II trout community is defined as a trout community that survives from year to year, and may have natural reproduction. To attain this designated use, WDNR has determined the loading capacity to be 533 tons/yr (Table 2 below). This represents a reduction of 29% in sediment loads for Becky Creek (Table 2 of the final TMDL submittal).

WDNR used the WINHUSLE model for estimating the sediment loading for Becky Creek. The WINHUSLE model is a distributed parameter - empirical water quality model used in predominantly agricultural watersheds that was developed by Wisconsin in the early 1990's and used for many years in determining non-point source loads on waterbodies (WINHUSLE User's Manual, 1996). The model is based on the Natural Resources Conservation Service (NRCS) TR-55 model and uses the Universal Soil Loss Equation. WINHUSLE uses a series of parameters (e.g. land cover, slope, management practices, rainfall, runoff volumes, peak flow rates, average soil loss rate) to estimate pollutant loads. WDNR used data from the NRCS state field guide books for the model. WINHUSLE only applies to the loads generated from run-off over fields. For the loads from stream bank erosion, an NRCS volumetric approach was used. Individual eroded stream banks were measured, and a combined average rate of recession was estimated. From this, a volume of sediment could be determined. (Final TMDL submittal, pp. 4-5).

For Becky Creek, WDNR determined the current loading to be 746 tons/yr. This was further split into loads from croplands and other agricultural lands, and stream banks (Table 2 below). The reductions needed to meet the loading capacity and ensure that the appropriate designated use is met are contained in Table 2 below. WDNR has determined that sediment loads from stream bank erosion impact not only stream health, but also degrade the surrounding habitat needed by the biotic community. Therefore, WDNR has assigned a larger percentage of the projected reduction to stream bank erosion. (Page 4-5 of the final TMDL submittal) This is highlighted by the severe streambank erosion observed by WDNR at river mile 6.4 (page 4 of the final TMDL submittal).

The loading capacity was determined by first calculating the reductions needed in several categories which were then added together to determine the overall loading capacity (page 6-7 of the final TMDL submittal). For example, Page 43 of the Watershed Plan shows that 64 tons/yr of sediment are delivered from trampled streambanks in the Becky Creek subwatershed. WDNR (on page 5 and 95 of the Watershed Plan) determined that these trampled streambanks needed to be completely eliminated, and therefore, assigned a reduction of 100% for this subcategory. Accessible streambanks (63 tons/yr) and inaccessible streambanks (52 tons/yr) were also assigned reductions (30% and 10%, respectively), which results in a load allocation to overall streambank loads of 88 tons/yr. WDNR determined that a 22% reduction was needed in cropland run-off, resulting in a load allocation of 125 tons/yr. Together, this results in a reduction of 213 tons/yr. Subtracting the allocations from the current load of 746 tons/yr results

in a loading capacity of 533 tons/yr (Table 2 below). As discussed earlier, the percent reductions reflect the best professional judgement of the WDNR field staff, based upon their experience in previous sediment reduction efforts in the Becky Creek subwatershed and other similar watersheds (page 6 of the final TMDL submittal).

There is no on single “critical condition” for this TMDL. The critical condition for the loading of sediments to Becky 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 EPA believes the assumptions and modeling process used to determine the loading capacity is acceptable.

EPA finds the State’s approach acceptable and it meets the requirements of this section.

4. Load Allocations (LAs)

EPA regulations require that a TMDL include LAs, which identify the portion of the loading capacity attributed to existing and future non-point 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 non-point sources.

Comments:

Since there are no point sources in the watershed, and the margin of safety is implicit, the LA is equal to the loading capacity (TMDL). The load allocation for Becky Creek is in Table 2 (below). For sediment, the LA is 533 tons/yr. As explained above, WDNR did determine LAs for subcategories based upon land use, and determined that cropland/agricultural land has a LA of 442 tons/yr, and the stream bank LA is 91 tons/yr. Background loads were not determined due to insufficient information and data, and because WINHUSLE is not appropriate for primarily forested lands (WINHUSLE USER’s Manual, 1996).

EPA finds the State’s approach acceptable and it meets the requirements of this section.

5. Wasteload Allocations (WLAs)

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 WQs 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 permittees should be notified of any deviations from the initial individual WLAs contained in the TMDL. 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:

The WLA for Becky Creek is 0, as there are no identified point sources in the watershed (page 6 of the final TMDL submittal).

EPA finds the State's approach acceptable and it meets the requirements of this section.

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)). 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 an implicit margin of safety by using conservative assumptions in the development of the TMDL. WDNR underestimated the amount of sediment reduction that would be achieved by various reduction efforts when applying the WINHUSLE model (page 8 of the final TMDL submittal). For example, the model does not account for the installation of buffer strips along streams (a common BMP under the Conservation Reserve Program or CRP). This could result in an additional reduction of pollutant loads by 10%-15% or more (page 8 of the final TMDL document). If these measures are implemented, WDNR believes there will likely be more reduction than needed to meet the water quality targets

EPA finds the State's approach acceptable and it meets the requirements of this section.

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:

WDNR has accounted for seasonal variations in the TMDL by focusing on the episodic nature of the sediment loadings. As discussed in Section #3 above under “critical condition”, the critical condition for the loading of sediments to Becky 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 it impacts the spawning and feeding habits. WDNR will be targeting the implementation activities to ensure these wet-weather/storm event loads are reduced, to ensure the seasonal impacts are addressed.

EPA finds the State’s approach acceptable and it meets the requirements of this section.

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

EPA’s August 1997 TMDL Guidance also directs Regions to work with States to achieve TMDL load allocations in waters impaired only by non-point sources. However, EPA cannot disapprove a TMDL for non-point 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:

WDNR has demonstrated adequate reasonable assurance that the non-point source reductions should occur by having various programs in place that will address the phosphorus and sediment loads into Becky Creek.

WDNR has significant regulatory tools available to encourage or require that appropriate Best Management Practices (BMPs) become implemented. Under Wisconsin’s Section 319 Management Plan, there are a variety of technical and educational programs available to control nonpoint source run-off. Under Ch. NR 120 and 151, Wis Adm Code, performance standards

and prohibitions are described for BMPs that can be used to address the sediment loads into the streams. Waters that are impaired are prioritized for improvement (page 9 of the final TMDL submittal).

Becky Creek is part of a larger watershed project, the Soft Maple and Hay Creek Priority Watershed Project. This long-term watershed plan was begun in the mid-1990's, and involves the long-term commitment of funding and resources to the watershed (page 9 of the final TMDL submittal). Several other programs under the United States Department of Agriculture are available to landowners in the watershed, including the Conservation Reserve Enhancement Program (CREP) to establish riparian buffers and the Environmental Quality Incentives Program (EQIP) under the Natural Resources Conservation Service to address conservation practices in the watershed. Watersheds with approved TMDLs are prioritized under the funding rules in EQIP (NRCS final rule summary, 2003).

EPA finds that the state's approach is acceptable.

9. Monitoring Plan to Track TMDL Effectiveness

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 non-point sources, and the WLA is based on an assumption that non-point source load reductions will occur. Such a TMDL should provide assurances that non-point 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 included a discussion of the monitoring proposed for Becky Creek. WDNR will work in conjunction with the Rusk County Land Conservation Department to monitor the watershed through 2007. WDNR will be using biological monitoring and habitat assessment procedures to determine the effectiveness of the implementation efforts.

EPA finds the State's approach acceptable.

10. Implementation

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

Comments:

The Reasonable Assurance section of the TMDL report discusses the programs and projects to be implemented in the watershed. See Section 8 above for more details.

EPA finds that the TMDL document submitted by WDNR adequately addresses this tenth element. While this information was reviewed, it did not form a basis for the decision.

11. Public Participation

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, EPA has explained that final TMDLs submitted to 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 EPA establishes a TMDL, EPA regulations require 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 EPA determines that a State/Tribe has not provided adequate public participation, EPA may defer its approval action until adequate public participation has been provided for, either by the State/Tribe or by EPA.

Comments:

There was public participation in the development of the elements of the TMDL consistent with Wisconsin's continuing planning process in Sections NR 120.08 and NR 121.07(1) of the WAC. At the beginning of the watershed planning effort, several informal public meetings were held and a formal public meeting was held on March 12, 1996, in Bruce, Wisconsin. The watershed plan was also reviewed and approved by the Rusk county Board on May 19, 1996.

In developing this TMDL, WDNR used data and modeling information that had not been available in 1996, and therefore opened an additional public notice period for this draft TMDL. A public notice was issued on April 3, 2005, and ended on May 3, 2005. A news release was published as part of the WDNR public participation process. Copies of the news release were sent to daily and weekly newspapers, television, and radio stations state-wide, as well as interest groups and individuals. Over 800 notices were sent out. Copies of the public notice, and draft TMDL were sent to the Rusk County Land and Water Conservation Department, and published on the WDNR website (page 9 of the final TMDL submittal). No public comments were received.

EPA finds the State's approach acceptable and it meets the requirements of this section.

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 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 EPA review and approval. This clearly establishes the State's/Tribe's intent to submit, and 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 Becky Creek TMDL on August 11, 2005, accompanied by a submittal e-mail dated August 11, 2005. The submittal letter stated that this is the final version for the Becky Creek TMDL.

EPA finds the State's approach acceptable and it meets the requirements of this section.

13. Conclusion

After a full and complete review, EPA finds that the TMDL for Becky Creek satisfies all of the elements of an approvable TMDL. This document addresses 1 TMDL for 1 waterbody for 1 pollutant addressing 2 impairments from the 2004 Wisconsin 303d list (Table 1).

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. EPA is taking no action to approve or disapprove TMDLs for those waters at this time. EPA, or eligible Indian Tribes, as appropriate, will retain responsibilities under the CWA Section 303(d) for those waters.

Table 1

Waterbody
Becky Creek

Pollutant
sediment

Impairments
sedimentation, temperature

Table 2 TMDL loads for Becky Creek (tons/yr of sediment)

Land Use Categories	Current Load	% Reduction to Achieve LA	Reduction in Load to achieve Load allocation	Load Allocations
Cropland and other Ag lands and Uplands	567	22	125	442
Stream Banks (primarily ag related)	179	49	88	91
Totals	746	29	213	533

from Table 2 of the final TMDL submittal