



REGION 10
SEATTLE, WA 98101

May 11, 2026

Ms. Jennifer Wigal
Water Quality Division Administrator
Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
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Dear Ms. Wigal:

The U.S. Environmental Protection Agency has completed its review of Oregon’s 2024 Integrated Report, including the Clean Water Act Section 303(d) list of impaired waters, a priority ranking for impaired waters requiring a Total Maximum Daily Load, and the associated supporting documentation and information. The EPA initially received the 2024 Integrated Report and 303(d) list from the Oregon Department of Environmental Quality on March 12, 2025, through ATTAINS.¹ ODEQ subsequently revised the submission and resubmitted the 2024 Integrated Report and 303(d) list to the EPA on April 1, 2025, through ATTAINS.

Pursuant to the EPA’s authorities under Section 303(d) of the CWA, 33 U.S.C. § 1313(d), and the implementing regulations at 40 C.F.R. Part 130, the EPA is approving the 303(d) list contained in Oregon’s 2024 Integrated Report. Although the Integrated Report describes the status of all of Oregon’s waters, the EPA only has approval authority for the waters proposed to be listed in Category 5, which constitutes the 303(d) list applicable to the waters within the jurisdiction of the state of Oregon. In taking this action on Oregon’s 2024 303(d) list, the EPA considered the information in the record, including but not limited to, Oregon’s Category 5 data and the narrative supporting documents. A summary of the EPA’s review of Oregon’s compliance with each statutory and regulatory requirement pertaining to the 2024 303(d) list is described in the enclosure to this letter.

The EPA has also reviewed the TMDL submission schedule included by ODEQ within the “TMDL Priorities and Schedule” document with its 2024 Integrated Report submittal. Consistent with 40 C.F.R. § 130.7(d)(1), the TMDL submission schedule identifies dates by which the state anticipates submitting TMDLs to the EPA. Specifically, the TMDL submission schedule identifies the TMDLs that the state anticipates submitting in the next two years in accordance with the declaratory judgment granted in *Northwest Environmental Advocates v. EPA*, No. 3:21-cv-01136 (D. Or.). Accordingly, the EPA finds that

¹ The Assessment, Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS) is the EPA’s electronic system to accept and track CWA Section 303(d) submissions and Agency actions.

the TMDL submission schedule satisfies 40 C.F.R. § 130.7(d)(1) and the requirements of the referenced declaratory judgment, and the EPA approves the TMDL submission schedule submitted by ODEQ.

We recognize and appreciate the hard work of Connie Dou, Lesley Merrick, Travis Pritchard and other ODEQ staff in developing the 2024 303(d) list. If you have any questions, please do not hesitate to call me at (206) 553-0171 or have your staff contact Jill Fullagar, the EPA Assessment Program Coordinator, at (206) 553-2582.

Sincerely,

Hanh Shaw
Branch Manager
Standards, Assessment and Watershed
Management Branch
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Enclosure: U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Oregon's 2024 303(d) List

cc (e-Copy): Connie Dou, Manager, DEQ Standards and Assessments, Connie.DOU@deq.oregon.gov
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U.S. EPA Clean Water Act Review and Decision Rationale for Approval of Oregon's 2024 303(d) List

May 11, 2026

1. Introduction

This document sets forth the U.S. Environmental Protection Agency's reasoning for approving Oregon's 2024 Clean Water Act (CWA) Section 303(d) list (303(d) list). The EPA initially received the 2024 Integrated Report (IR) and 303(d) list from the Oregon Department of Environmental Quality (ODEQ) on March 12, 2025, through the EPA's Assessment, Total Maximum Daily Load (TMDL) Tracking and Implementation System (ATTAINS), the EPA's electronic system for receiving and tracking 303(d) submissions.¹ ODEQ subsequently revised the submission and resubmitted the 2024 IR and 303(d) list to the EPA on April 1, 2025, through ATTAINS.

The EPA has conducted a complete review of the state's 2024 303(d) list and supporting documentation and information, including changes from the previous 303(d) list. Based on this review, the EPA has determined that the state's 303(d) list of water quality limited segments (WQLSs)² still requiring total maximum daily loads (TMDLs) (i.e., Category 5 of the state's IR) satisfies the requirements of Section 303(d) of the CWA and the EPA's implementing regulations. Therefore, the EPA hereby approves Oregon's 2024 303(d) list.

The EPA's action regarding Oregon's 303(d) list does not extend to any waterbodies, or portions of waterbodies, that are within Indian country, as defined in 18 USC § 1151. The EPA is taking no action to approve or disapprove the state's 303(d) list with respect to those waters.

The EPA's action regarding Oregon's 303(d) list does not extend to any waterbodies that are within exclusive federal jurisdiction. The EPA is taking no action to approve or disapprove the state's 303(d) list with respect to those waters.

2. The EPA's Analysis of Oregon's Submission

Section 303(d)(1) of the CWA and the EPA's implementing regulations at 40 CFR 130.7 require states, territories, and authorized Tribes (herein referred to as "states") to identify waters for which effluent limitations required by CWA Section 301(b)(1)(A) and (B) are not stringent enough to implement any applicable water quality standard (WQS). States need not identify on their lists waters where the

¹ ATTAINS data is publicly accessible via the EPA's How's My Waterway online tool and ATTAINS web and geospatial services. For more information, see <https://www.epa.gov/waterdata/get-data-access-public-attains-data>.

² The EPA uses the term, WQLS, to reflect the combination of a water segment and an applicable WQS that is not attained or is threatened. For example, if a segment is not meeting three applicable WQSs then there are three WQLSs for that segment.

following controls are adequate to implement applicable standards: 1) technology-based effluent limitations required by the Act, 2) more stringent effluent limitations required by state or local authority, and 3) other pollution control requirements required by state, local, or federal authority. 40 CFR 130.7(b)(1) and (2). CWA 303(d) lists must identify WQLSs still requiring TMDLs. 40 CFR 130.7(b). The definition of “WQLS” in 40 CFR 130.2(j) includes any segment where it is known that water quality does not meet applicable WQSs (referred to as “impaired waters”) and any segment that is not expected to meet applicable WQSs (referred to as “threatened waters”), “even after the application of the technology-based effluent limitations required by” the Act. The term “applicable WQS” refers to those WQSs established under Section 303 of the Act, including numeric criteria, narrative criteria, waterbody uses and antidegradation requirements. 40 CFR 130.7(b)(3). An impaired or threatened water must be on the 303(d) list and requires a TMDL unless the state can demonstrate that no pollutant(s) causes or contributes to the impairment³, or one or more of the three types of requirements described earlier in this paragraph become stringent enough to implement applicable WQSs. In addition, in developing their CWA 303(d) lists, states must meet several procedural, submission, and content requirements as described in this decision document.

States must submit their 303(d) lists to the EPA on April 1 of every even-numbered year. 40 CFR 130.7(d)(1). The EPA must approve or disapprove the 303(d) list not later than 30 days after submission. The EPA approves a list only if it meets the requirements at 40 CFR 130.7(b). 40 CFR 130.7(d)(2). If the EPA approves the listing(s), the state must incorporate the listing(s) into its current Water Quality Management (WQM) plan. If the EPA disapproves a listing decision(s), the EPA must, not later than 30 days after the date of such disapproval, identify waters for inclusion on the 303(d) list. The EPA then must promptly issue a public notice seeking comment on the listing(s). After considering public comment and making any revisions the EPA deems appropriate, the EPA must transmit the listing(s) to the state, and the state must incorporate the listing(s) into its WQM plan. Id.

The statutory and regulatory requirements, and the EPA’s review of the state’s compliance with the requirements, are described in detail in this document. To the extent that any EPA-approved listing decisions are unchanged from prior approved 303(d) list actions, the EPA incorporates the reasoning of those previous list actions unless otherwise noted.

A. Supporting documentation for making listing determinations

The EPA regulations at 40 CFR 130.7(b)(6) require states to include, as part of their submissions to the EPA, documentation to support the state’s determination to include or not to include waters on its 303(d) list. Such documentation must include, at a minimum, the information discussed in the subsections below.

³ See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR § 130.7(b)(4); 2006 Integrated Reporting Memorandum, page 60; 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

i. Description of the methodology used to develop the 303(d) list. 40 CFR 130.7(b)(6)(i).

The EPA regulations at 40 CFR 130.7(b)(6) require states to include a description of the methodology used to develop the 303(d) list.⁴ The EPA does not approve or disapprove assessment methodologies. Instead, in acting on CWA 303(d) lists, the EPA evaluates whether the state, territory, or authorized Tribe met listing requirements in determining whether applicable WQs are met and included waters requiring TMDLs on its 303(d) list. 2024 Integrated Reporting Memorandum (IR Memo) at 15.

The EPA finds that Oregon has provided a description of its methodologies used for determining whether its waters are achieving the state's WQs, satisfying the regulatory requirement to provide a "description of the methodology used to develop the list." 40 CFR 130.7(b)(6)(i). The methodologies can be found in "Assessment Methodology for Oregon's 2024 Integrated Report."⁵ The EPA has considered the state's methodology as part of its review of the state's 303(d) list.

ii. Description of the data and information used to identify waters. 40 CFR 130.7(b)(6)(ii).

The EPA regulations at 40 CFR 130.7(b)(6)(ii) require states to provide a description of the data and information used to identify waters, including a description of the data and information used by the state as required by 40 CFR 130.7(b)(5). The EPA finds that Oregon has provided a description of the data and information that it assembled and evaluated in "Assessment Methodology for Oregon's 2024 Integrated Report" document on ODEQ's website. The EPA has considered the state's description as part of its review of the state's 303(d) list.

iii. A rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii).

The EPA regulations at 40 CFR 130.7(b)(6)(iii) require states to provide a rationale for any decision to not use any existing and readily available data and information for any one of the categories of waters as described in 40 CFR 130.7(b)(5). 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁶ The EPA finds Oregon provided a rationale where it did not use certain data or information it assembled and evaluated to develop its list, which is detailed in "Assessment Methodology for Oregon's 2024 Integrated Report" document on ODEQ's website. 40 CFR 130.7(b)(6)(iii). The EPA has considered the state's rationale as part of its review of the state's 303(d) list.

iv. Other reasonable information requested by the Region. 40 CFR 130.7(b)(6)(iv).

The EPA regulations at 40 CFR 130.7(b)(6)(iv) require states to provide any other reasonable information requested by the EPA. Upon request by the EPA, each state must demonstrate good cause for not including a water or waters on the list. Consistent with 40 CFR 130.7(b)(6)(iv), good cause includes, but is not limited to:

⁴ The EPA's Integrated Reporting Memoranda provide more information on assessment methods. See 2006 Integrated Reporting Memorandum at 29.

⁵ Oregon's Integrated Report documents can be found on ODEQ's website at:

<https://www.oregon.gov/deq/wq/Pages/epaApprovedIR.aspx>

⁶ 2024 IR Memo at FN 15 (citing court cases); 2006 IR Memo at 37 (EPA evaluates whether there is a "reasonable technical rationale").

- assessment and interpretation of more recent or accurate data in the record demonstrate that the applicable WQS is met;
- more sophisticated water quality modeling;
- flaws in the original analysis that led to the water being listed; or
- changes in conditions.

Good cause may also include, for example (see, e.g., 2006 IR Memo at 58-59):

- existence of an EPA-approved or EPA-established TMDL;
- demonstration that the impairment is being addressed through more stringent effluent limits or other pollution control requirements; or
- demonstration that the impairment is not caused by a pollutant.

EPA has considered this information as part of its review of the state’s 303(d) list.

B. Public participation

The EPA regulations require states to provide for public participation in the development of their 303(d) lists. 40 CFR 130.7(a). States are expected to demonstrate how they considered public comments in their final decisions. The EPA considers the public comments and state responses as appropriate in its actions on 303(d) lists in determining whether a state has provided reasoned support for its submission. See 2006 IR Memo at 25-26.

Oregon provided several opportunities for public participation. Two public comment periods were held for drafts of the state’s assessment methodologies. The first public comment period for the draft “Assessment Methodology for Oregon’s 2024 Integrated Report” was held from January 5, 2023 to February 21, 2023. ODEQ hosted an informational webinar on January 12, 2023, in conjunction with this comment period. A second comment period specifically for new assessment methodologies for marine waters was held from May 31, 2023 to July 7, 2023, and a second informational webinar was held on June 8, 2023. An additional comment opportunity was provided at the Environmental Quality Commission meeting on September 15, 2023.

ODEQ accepted public comments on Oregon’s draft 2024 Integrated Report from April 18, 2024 through July 1, 2024, with an extension request granted. The state hosted two informational webinars on May 1, 2024 and May 7, 2024. The state’s 2024 303(d) list submission to the EPA included a full list of public comments compiled in “Public Comments on Oregon’s Draft 2024 Integrated Report” and the state’s responses to comments in “Response to Comments on Oregon’s Draft 2024 Integrated Report.” Both documents can be found on ODEQ’s website⁷.

The EPA concludes Oregon provided an opportunity for public comment on its 303(d) list consistent with 40 CFR 130.7(a). In addition, the state demonstrated how it considered public comments in its final decision.

⁷ See FN 5

C. Assembling, evaluating, and using data and information

i. Assemble and evaluate data and information

States must assemble and evaluate all existing and readily available water quality-related data and information to develop the CWA 303(d) list. 40 CFR 130.7(b)(5). In reviewing a state's 303(d) list submission, the EPA considers whether the state has satisfied the requirements under 40 CFR 130.7(b)(5) to assemble and evaluate all existing and readily available water quality-related data and information when developing their CWA 303(d) list. This includes, at a minimum, all existing and readily available data and information about the following categories of waters: (1) waters identified as partially meeting or not meeting designated uses, or as threatened, in the state's most recent CWA 305(b) report; (2) waters for which dilution calculations or predictive modeling indicate non-attainment of applicable WQSs; (3) waters for which water quality problems have been reported by local, state, and federal agencies; members of the public; and academic institutions (these organizations and groups should be actively solicited for research they may be conducting or reporting); and (4) waters identified as impaired or threatened in any CWA Section 319 nonpoint source assessment submitted to the EPA. In addition to these minimum categories, states are required to assemble and evaluate any other water quality-related data and information that is existing and readily available. 40 CFR 130.7(b)(5).

ODEQ completed two calls for data to develop the 2024 Integrated Report. The first for inland and estuarine surface waters from February 6, 2023 through April 7, 2023 and the second for marine waters from June 15, 2023 through August 14, 2023. A description of the data assembled can be found in the "Assessment Methodology for Oregon's 2024 Integrated Report" document on ODEQ's website.

The EPA has reviewed the state's submission, including the state's description of the data and information that it assembled and evaluated and finds that the state satisfied the requirement to assemble and evaluate all existing and readily available water quality-related data and information to develop its list under 40 CFR 130.7(b)(5).

ii. Use of data and information

States must use existing and readily available water quality-related data and information in developing the CWA 303(d) list, 40 CFR 130.7(b)(5), unless they provide a rationale not to use them, 40 CFR 130.7(b)(6)(iii). The EPA evaluates whether a state provides a technical, science-based rationale for decisions not to use data or information in developing the list.⁸

The EPA evaluated whether Oregon provided a technical, science-based rationale for any decisions not to use existing and readily available water quality-related data or information to make a WQS attainment status determination and concluded the state provided such a rationale for the purposes of 40 CFR 130.7(b)(6)(iii). A rationale describing why data were insufficient for making a WQS attainment determination can be found in the comment and rationale fields in ATTAINS and in the state's database, a link to which is on ODEQ's website.

⁸ See CWA Sections 303(d)(1)(A) and 303(d)(1)(C); 40 CFR 130.7(b)(4); 2006 Integrated Reporting Memorandum, page 60; 2024 Integrated Reporting Memorandum, pages 18-19. EPA Integrated Reporting Memoranda may be found at <https://www.epa.gov/tmdl/integrated-reporting-guidance-under-cwa-sections-303d-305b-and-314>.

D. Identification of waters for inclusion on the CWA 303(d) list

As noted above, the EPA regulations at 40 CFR 130.7(b)(6) require states to provide documentation to support the state's determination to include or not to include waters on the 303(d) list. The EPA has reviewed the state's submission, including its assessment methodology and additional supporting documentation for its listing determinations.

i. Approval of identification of waters for inclusion on the 303(d) list

The EPA determined that the waters included on Oregon's 2024 303(d) list are listed consistent with the CWA Section 303(d) and 40 CFR 130.7 requirements, and the EPA is approving all waters the state included on the 303(d) list. The EPA's approval of the waters on the 303(d) list is based on the EPA's review of the state's submission including the description of the data and information concerning individual waters, documentation to support decisions to rely or not rely on particular data and information, and a description of how data and information were applied to make WQS attainment status determinations. The EPA also considered applicable public comments and responses. The EPA approves the biocriteria listings for AU OR_OC_9999999999_01_107283 and OR_OC_9999999999_01_107285 but observes that Oregon failed to identify a pollutant or pollutants as causing or contributing to shell dissolution and other impacts to marine biota. Prior to developing a TMDL for these waters, the pollutant causing the impairment would need to be identified. Oregon's list of impaired waters can be found on ODEQ's website in a spreadsheet titled "2024 303(d) list of Impaired Waters and TMDL Priority Ranking," or by filtering for Category 5 in ODEQ's online database. The list of impaired waters and supporting documentation was submitted to the EPA through ATTAINS.

ii. Approval of exclusion of waters identified on previous 303(d) lists

Oregon's 2024 303(d) list submission delists 487 WQLSs. In reviewing the state's 2024 303(d) list, the EPA carefully considered the state's decision to remove 487 previously-listed WQLSs from the 303(d) list submission, its justification for those removals, any applicable public comments and responses, and the methodology used in making those decisions.

- **Category 4a:** Consistent with the EPA's regulations at 40 CFR 130.7(b), the state appropriately moved 374 previously-listed waters to Category 4a of the IR where an EPA-approved TMDL is now in place.
- **Attainment of WQS:** Consistent with the EPA's regulations at 40 CFR 130.7(b), the state appropriately moved 28 previously-listed waters to Category 2 because data indicate they are meeting WQS.
- **Other Reasons for Delisting:** Consistent with the EPA's regulations at 40 CFR 130.7(b), the state appropriately moved 85 previously-listed waters out of Category 5 due to errors in the original listing (49) or changes in WQSs (36).

The EPA concludes that the decisions to remove 487 WQLSs previously identified as part of the 303(d) list are reasonable, based on all existing and readily available water quality-related data and information, applicable WQSs, and sound science, and the removal decisions are properly justified.

E. Identification of pollutants causing or expected to cause a violation of applicable WQS (40 CFR 130.7(b)(4))

As part of their CWA 303(d) lists, states are required to identify the pollutants causing or expected to cause violations of the applicable WQSs. 40 CFR 130.7(b)(4). This includes a pollutant that by itself or in combination with other pollutants causes or is expected to cause violations of applicable WQSs. States must identify on their 303(d) lists all pollutants that are known to be causing or are expected to cause violations of the applicable WQSs. 40 CFR 130.7(b)(4) and 2024 IR memo at 17-19. For listed waters, if the available data and information do not support identification of pollutants causing or expected to cause the exceedance, list submissions would identify the pollutant as “unknown.”

Consistent with 40 CFR 130.7(b)(4), Oregon appropriately identified the pollutants that were causing or expected to cause a violation of the applicable WQS. For waters where the available data and information did not support identification of pollutants causing or expected to cause the exceedance, the state appropriately included the water on the 2024 303(d) list and identified the pollutant as “unknown.” The EPA encourages the state to reassess and potentially refine that determination when additional data and information become available. See 2024 IR memo.

F. Priority ranking and two-year TMDL development (130.7(b)(4))

The CWA and the EPA’s regulations require states to establish a priority ranking for the waters on their CWA 303(d) list “taking into account the severity of the pollution and the uses to be made of such waters.” CWA Section 303(d)(1)(A); 40 CFR 130.7(b)(4). The regulations at 40 CFR 130.7(b)(4) provide that this priority ranking must include “all listed water quality limited segments still requiring TMDLs” and further require that states submit their priority rankings to the EPA as a component of their biennial CWA 303(d) lists. Additionally, the regulations require that the priority ranking identify the waters targeted for TMDL development in the next two years. 40 CFR 130.7(b)(4).

Oregon’s description of how all listed WQLs are prioritized for TMDL development, including identification of waters targeted for TMDL development in the next two years, is included within the state’s 303(d) list submission in “Oregon Department of Environmental Quality’s 2024 Integrated Report TMDL Priorities and Schedule,” found on ODEQ’s website. In addition, Oregon described how its priority ranking took into account the severity of pollution and the uses to be made of such waters. The priority rankings for all WQLs can be found in ODEQ’s online database and were submitted to the EPA through ATTAINS.

ODEQ determined the 2024 TMDL priority rankings through “a multifactor evaluation consistent with Oregon Administrative Rule 340-042-0040(3), which includes the regulatory requirements to consider severity of pollution and use of waters as well as availability of resources, specific judicial requirements, and any other relevant information.” In its submission, ODEQ noted that it develops TMDLs at the subbasin scale and explained how it took into account the severity of pollution and the uses of the listed waters in establishing the priority rankings. ODEQ evaluated the severity of the pollution by considering the number of AU pollutant/parameter pairs on the 303(d) list for a given subbasin. In evaluating the uses of the listed waters, ODEQ considered factors such as listings where endangered or threatened species were present; human health related listings based on consumption or contact recreation advisories; and impacts to drinking water service providers. ODEQ further

considered additional factors to refine the priority rankings, including “whether there are multiple listed pollutants and relationship between pollutants; if a subbasin has other TMDLs; number of NPDES permitted point sources; DEQ TMDL resources; cross-program and cross-agency priorities; TMDL deadlines established via court order; estimated scale and complexity of TMDL development and monitoring needs; geographic balance, and public participation.” The number of 303(d) listings and pollutants/parameters to be covered by a TMDL, the beneficial use considerations and any other factors that impacted the priority ranking are detailed for each TMDL project in Tables 1 and 2 in “Oregon Department of Environmental Quality’s 2024 Integrated Report TMDL Priorities and Schedule.” ODEQ’s TMDL Priorities and Schedule were made available for public review and comment along with the draft 2024 Integrated Report. Upon review of the information in Oregon’s submission, the EPA finds that the state established a priority ranking for all waters on the CWA 303(d) list, taking into account the severity of the pollution and the uses to be made of such waters, consistent with the statutory and regulatory requirements⁹. In addition, the state identified the waters targeted for TMDL development in the next two years.

G. Tribal Consultation by the EPA

The EPA’s policy is to consult on a government-to-government basis with federally recognized Tribal governments when EPA actions and decisions may affect Tribes. To promote coordination and consultation, all Tribes that may be affected by the EPA’s upcoming action on the state’s CWA 303(d) list were identified, notified of the upcoming state’s list submission for EPA action, and offered the opportunity to engage in consultation with the EPA. The EPA held an informational webinar for interested Tribes on June 11, 2024. Representatives from five Tribes attended the webinar.

The EPA coordinated with Tribes to be responsive to requests for information, receive input, and discuss whether and how to engage in government-to-government consultation. Consultation and coordination were concluded after the EPA received Oregon’s final 2024 303(d) list and no Tribes requested consultation or additional coordination, consistent with the EPA’s policy.¹⁰

3. Summary of the EPA’s decision on the 2024 CWA 303(d) list

After careful review of Oregon’s final CWA 303(d) list submission package, the EPA has determined that Oregon’s 2024 303(d) list meets the requirements of Section 303(d) of the CWA and the EPA’s implementing regulations. Therefore, the EPA approves Oregon’s 2024 303(d) list.

⁹ In addition to these two statutory factors, states may also consider other factors when prioritizing TMDLs. See 57 Fed. Reg. 33040, 33,044-45 (July 24, 1992).

¹⁰ https://www.epa.gov/tribal/consultation-tribes#policy_consultation_coordination.