

PUBLIC NOTICE

Clean Water Act, Section 401 Certification

Enbridge Line 5 Riprap Project at Bad River Meander

Enbridge Energy, Limited Partnership (Enbridge) has proposed a project placing fill material below the Ordinary High Water Mark (OHWM) along 565 feet of the Bad River (Mashkiiziibii). The US Army Corps of Engineers is evaluating this project for consideration under Nationwide Permit 13 for Bank Stabilization. (See [FR Doc 06-7986 \(army.mil\)](https://www.federalregister.gov/documents/2019/06/14/2019-11786/nationwide-permit-13-for-bank-stabilization) for text of Nationwide Permit 13).

In accordance with Section 401 of the Clean Water Act (CWA), the Bad River Band of Lake Superior Tribe of Chippewa Indians is evaluating the submitted materials to determine if there is reasonable assurance—with conditions attached—that the activities associated with the Army Corps of Engineers' verification of NWP 13 will be consistent with relevant water quality considerations.

The Tribe seeks comments on CWA Section 401 Certification of the Army Corps' verification for this project. All comments are considered during the project review. Comments may include a request for a public hearing. The 30-day public comment period ends on 10/29/21.

Project Summary

The Bad River (Mashkiiziibii) is undergoing the natural process of lateral migration, or meandering. At the point where Line 5 crosses under Mashkiiziibii, this migration has resulted in a tight meander. Currently, the river channel is moving to the east as the upstream riverbank and the downstream riverbank move closer together.

The project extends for 565 feet of shoreline and would place 3,740 cubic yards of fill material below the plane of the OHWM. This fill includes 1,130 cubic yards of filter aggregate and 2,610 cubic yards of riprap. The proposed riprap will be placed along the inside bend (north bank) of the upstream side of the meander (see Figure 1). Enbridge application materials state that this project will not require dredging within the Bad River nor grading of the banks.

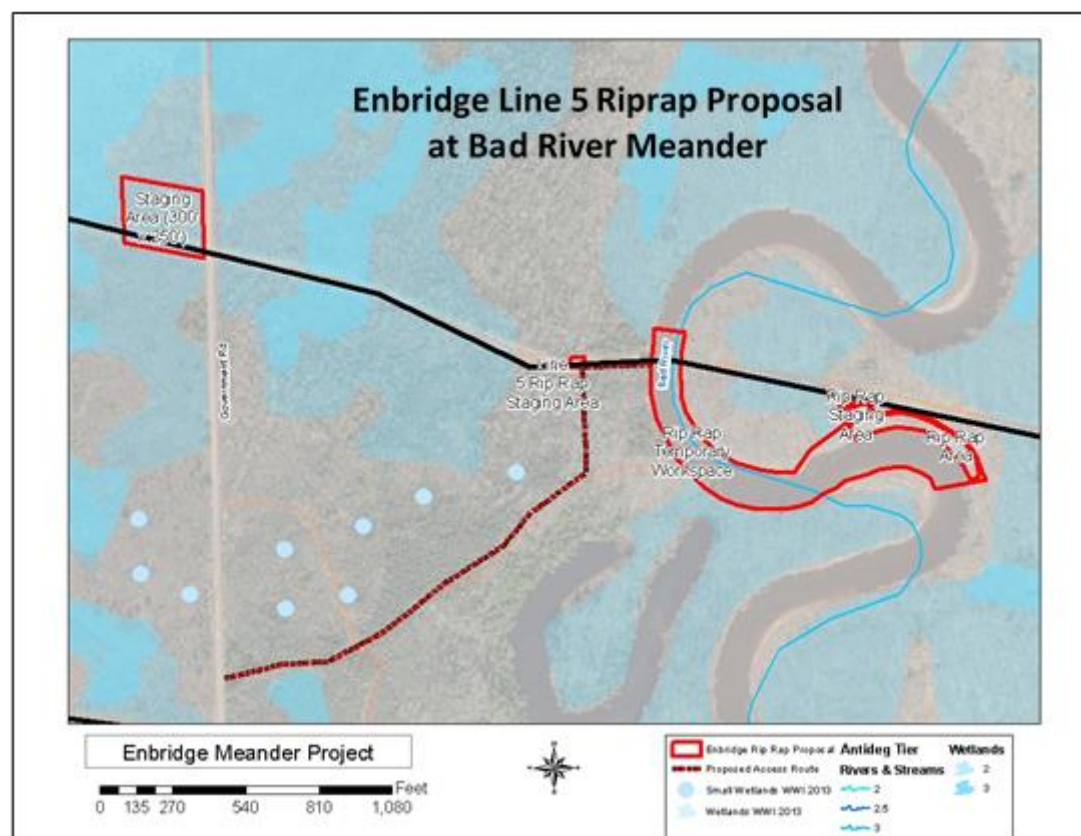
Enbridge proposes to begin work as soon as conditions are appropriate during low flow conditions (winter 2021 or summer/fall 2021) and anticipates that the project will take up to 6 weeks to complete.

Project Details

Site Access: Workers will access the site from the west bank of the river, using UTVs and/or travel on foot along an existing trail south of the Line 5 corridor. Temporary stairs will be installed to allow workers to safely traverse the steep slope; workers will cross the Bad River in boats or amphibious vehicles. Depending on water levels, workers will utilize floating temporary docks on the east and west banks of the river if boats are unable to land along the river's edge. Floating docks will be transported by helicopter to the site.

Implementation: A helicopter will be used to transport and place the filter aggregate and riprap. The helicopter will also be used to remove debris along the shoreline prior to placing the riprap. Vegetation clearing may be required within the access route and staging areas, and may include mowing brush and hand cutting trees, leaving cedar and birch trees, and leaving root systems intact to minimize ground disturbance. Construction mats will be used within staging areas unless frozen ground conditions are present, along with other and sediment and erosion control practices as needed. The project application indicates an estimated 2.89 acres of wetland impacts within the access route, staging areas and temporary workspace.

Figure 1. The pathway of the Line 5 pipeline is indicated by the solid black line. The riprap area is 565 feet long, on the north bank at the upstream end of the meander.



Additional information may be obtained by contacting the Water Regulatory Specialist at (715) 979-1370 or WaterReg@badriver-nsn.gov. Written comments may be emailed or sent by US Mail to:

Lorrie Salawater, Water Regulatory Specialist
Mashkiiziibii Natural Resources Department
P.O. Box 39
Odanah, WI 54861

Comment deadline is October 29, 2021

