

PUBLIC NOTICE

Antidegradation Decision – Outstanding Tribal Resource Waters (OTRW) Enbridge Line 5 Riprap Proposal at the 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).

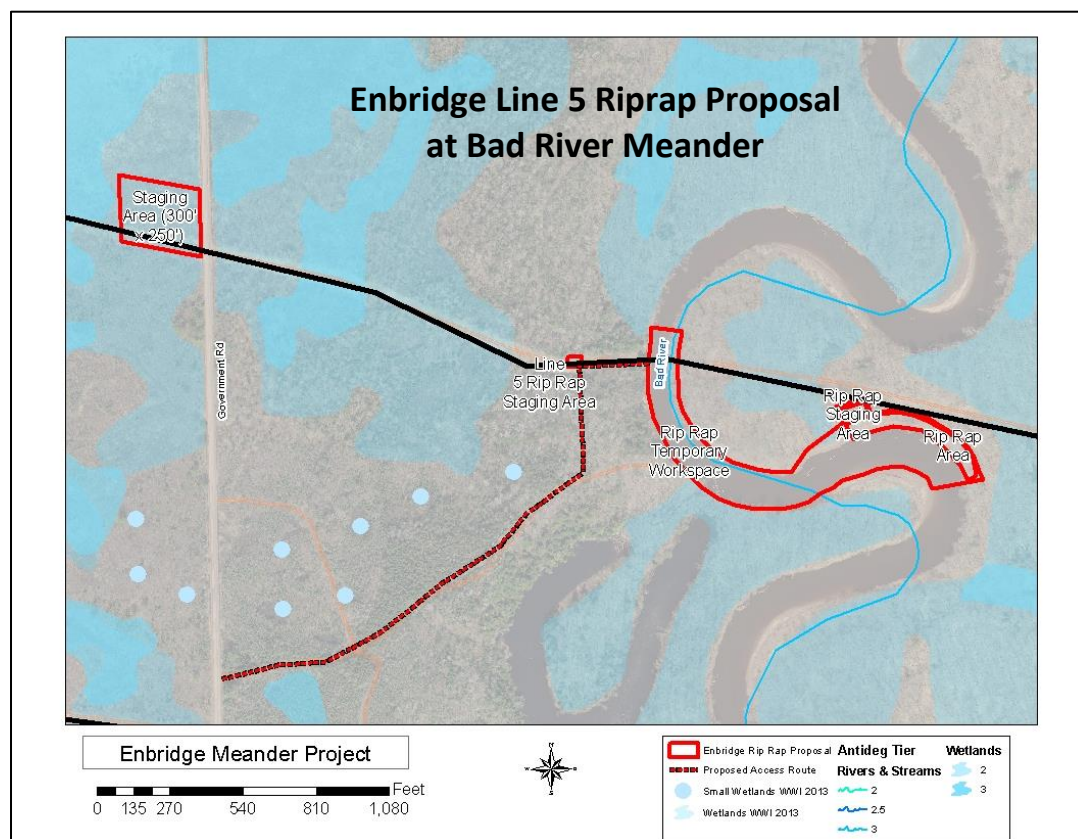
The Tribe is currently evaluating whether the proposed project meets the Antidegradation Demonstration requirements and the Decision criteria described in the Tribe's Water Quality Standards and seeks comments on the proposed work and conditions needed to avoid and minimize potential impacts to the water resources. All comments are considered during the project review. Comments may include requesting 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.

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.



The Bad River Water Quality Standards (WQS) designate Mashkiiziibii as an Outstanding Tribal Resources Water (OTRW, or EPA Tier 3). Tier 3 waters are afforded the highest level of protection and any projects with potential impacts to these waters must adhere to the Antidegradation Demonstration requirements for OTRW as outlined in the Water Quality Standards. General requirements of this demonstration include a finding of necessity for the project; description of discharges; and description of pollution prevention alternatives.

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

The deadline for comments is October 29, 2021.

Background

On July 6, 2011, the Bad River Band of Lake Superior Tribe of Chippewa Indians adopted **Water Quality Standards (WQS)**. The Antidegradation policy within the Water Quality Standards protects existing uses and prevents clean waters from being unnecessarily degraded. Under this policy, each waterbody is assigned to a tier that provides a basis for addressing activities that have the potential to lower water quality. Tiers identified in the Tribe's antidegradation policy include: Outstanding Tribal Resource Waters (Tier 3 waters), Outstanding Resource Waters (Tier 2.5 waters), and Exceptional Resource Waters (Tier 2 waters). The Antidegradation Policy holds that no new or increased discharges or alterations of the background conditions are allowed to Outstanding Tribal Resource Waters; however, a short-term, temporary lowering of water quality may be allowed if applicable Antidegradation Demonstration and Decision requirements are met, as described in the WQS.

A webmap of the Reservation waterways and wetlands, highlighting the tiers associated with each waterbody, may be found on the Bad River website (under Services>Natural Resources>Maps & GIS Services. The link is found in the Interactive Maps section).

<http://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>

Posted September 29, 2021