

PUBLIC NOTICE

Emergency Work – Enbridge Temporary Sandbag Installation at the Mashkiiziibii (Bad River) Meander

Notice Date: May 16, 2023

Notice is hereby given that the Mashkiiziibii Natural Resources Department (MNRD) is drafting an Anti – Degradation Recommendation for a proposed emergency response to a threatened release into the environment of hazardous substances which may pose an imminent danger to public health or welfare. MNRD’s Recommendation will be presented to Tribal Council for an initial decision. If Tribal Council concludes at this initial decision that applicable Anti – Degradation Demonstration and Decision Requirements are met, and Tribal Council issues a Tribal Water Quality Certification (subject of a forthcoming public notice), construction of the proposal may begin.

After business hours on May 9, 2023, Enbridge Energy submitted application materials to the MNRD for review to temporarily install sandbags along approximately 140 linear feet along the Bad River meander shoreline and discharging approximately 4,500 square feet of fill (sandbags) in the Bad River. Enbridge proposes to have engineering and environmental contractors fill sandbags with sand from Jolma Sand and Gravel (each sandbag is estimated to measure at least 35”x35”x35”), helicopter in approximately 282 sandbags, and install the sandbags from the helicopter with field crews guiding the sandbags into place along the bank and stacking up to two sandbags at some locations. Enbridge is proposing the project in an effort to temporarily prevent the riverbank from continuing to erode closer to the Line 5 oil pipeline and potentially exposing the pipeline to forces it was not designed to withstand, which increases the risk of an oil spill. Substantial bank erosion has occurred at the meander at an alarming rate over the last month, and just 11 feet remains between the Bad River and Line 5 pipeline at the closest location. This work is being proposed to delay or reduce the risk of harm to the health and safety of the community. Under the Anti – Degradation requirements, Enbridge must remove this short-term, temporary measure within 6 months or less (no longer than necessary) and will be required to complete necessary restoration and/or mitigation actions.

The proposed project is within the Bad River, an Outstanding Tribal Resource Water (Tier 3 Water) protected for cultural, wildlife, aquatic life and fish, and recreational uses among other uses.

The MNRD is soliciting public comments on the work site, impacts to the natural resources, and monitoring and maintenance requirements. Copies of this notice and supporting information are on file and available for public inspection from 8:00 a.m. to 4:30 p.m. Monday through

Posted as of: May 16, 2023

Friday at MNRD Offices in the Chief Blackbird Center, address 72682 Maple Street, Odanah, Wisconsin.

The MNRD will present an Anti – Degradation Recommendation to the Tribal Council for initial decision-making. The MNRD will then submit a summary of comments received and the Department’s responses to the Tribal Council for a final Anti – Degradation Decision. Written comments can be sent via email or post office to:

Naomi Tillison

Bad River Tribe’s Mashkiiziibii Natural Resources Department (MNRD)

P.O. Box 39

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NRDirector@badriver-nsn.gov

Comment deadline is: May 31, 2023.