

PUBLIC NOTICE

Antidegradation Decision – Outstanding Tribal Resource Waters Enbridge Bad River Meander Log Jack Bank Stabilization Project

The Tribe seeks comments on the Enbridge Energy, Limited Partnership (Enbridge) Log Jack Project on and near the Line 5 pipeline corridor at the Bad River.

Project Summary

Enbridge Energy, Limited Partnership (Enbridge) has proposed to install erosion-management structures called “log jacks” along up to approximately 562 linear feet of the Bad River shoreline within the Bad River Reservation. Substantial bank erosion has occurred at this meander—most recently during the spring of 2023 when river flows overtopped the riverbank into the floodplain three successive times—leaving only 11 feet of bank between the Bad River and the Line 5 pipeline at the closest location.

Enbridge is proposing the project in an effort to prevent the river from eroding the riverbank 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.

Enbridge is requesting approval to: (a) initially install log jacks along approximately 309 linear feet of the Bad River shoreline (0.33 acres of fill); and (b) implement an adaptive management strategy to potentially add or remove log jacks in the future dependent upon shoreline conditions and in coordination with MNRD. The total length of riverbank on which Enbridge proposes to install log jacks, including both the area where the log jacks are proposed to be initially installed and the adaptive management area on which Enbridge proposes to install log jacks in the future, if needed, is approximately 562 linear feet of the Bad River shoreline (0.93 acres of fill).

The proposed log jack bank stabilization project consists of the construction of ballasted log jacks (which consist of a large boulder framed in a triangular cage of large logs held together by stainless steel hardware) at an assembly area east of the Reservation boundaries; the transport, by truck, of the pre-assembled log jacks to a 6.2-acre temporary workspace/staging area immediately west of Government Road on the Reservation close to Line 5; the use of a helicopter to transport the log jacks from the Government Road staging area to the meander and to install them along the riverbank; and worker access to the meander by UTV and foot along an existing trail to the pipeline corridor and by boats or other water vessels using floating docks installed on both banks of the Bad River.

Enbridge is proposing to do some tree and vegetation clearing within the temporary workspaces (including the staging area adjacent to Government Road and one at the meander) and along the access route. Clearing of the access route trail will consist of widening the trail to 12’ by flush-cutting trees and vegetation at ground surface. Installation of temporary stairs and/or handrails along the worker access route near the west bank of the Bad River is also proposed. Enbridge is also proposing to cut and remove woody debris from the river to install log jacks and floating docks and to cut and remove obstructions within the river to allow the passage of boats or other water vessels.

Enbridge anticipates a duration of 3 weeks to construct the staging area west of Government Road and up to an additional 2 months to complete the initial placement of the log jacks, restoration, and demobilization.

Posted: October 28, 2024

Enbridge is requesting approval to begin construction in December 2024 in order to complete the project in advance of the spring 2025 runoff.

The proposed project includes the removal of the log jacks with a similar approach and duration of the log jack installation anticipated; however, the application materials do not provide a specific timeframe for when the removal will take place.

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. Impacts are also proposed to wetlands classified as Exceptional Resource Waters (Tier 2 Waters) protected for cultural and wetland uses among other uses. Anticipated water impacts (as described in the application materials) include 0.93 acres of impacts due to the installation of log jacks below the Bad River Ordinary High Water Mark (OHWM), 5.26 acres of temporary wetland impacts due to the use of construction matting within the staging area and along the access trail and the installation of crushed rock and two culverts within the staging area, and 1.48 acres of temporary wetland impacts due to access and temporary workspaces. Other water impacts include the floating docks proposed to be installed below the Bad River OHWM and the potential use of an alternative area, also below the Bad River OHWM, to set down the log jacks in the event of emergency during installation.

The Tribe is currently evaluating whether the project meets the Antidegradation Demonstration requirements and the Decision criteria described in the Tribe's Water Quality Standards (WQS), and it 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. Additional information may be obtained by contacting the Natural Resources Director at NRDirector@badriver-nsn.gov. Written comments may be emailed or sent by US Mail to:

Director Naomi Tillison
Bad River Tribe's Mashkiizibii Natural Resources Department (MNRD)
P.O. Box 39
Odanah, WI 54861
NRDirector@badriver-nsn.gov

Comment deadline is November 27, 2024

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 web map 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: October 28, 2024