

PUBLIC NOTICE

Clean Water Act, Section 401 Certification – Northern Natural Gas Emergency Digs

Northern Natural Gas has proposed to complete three anomaly digs within the Bad River Reservation. The U.S Army Corps of Engineers is evaluating this project under their authorization.

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’ authorizations will be consistent with relevant water quality considerations.

Project Summary – December 10, 2025

On November 5, 2025, Northern Natural Gas (NNG) informed the MNRD that there are two anomalies within the Reservation classified as immediate conditions under Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations based on the inline inspection analysis completed. In addition to the immediate anomalies, NNG is proposing to complete a third anomaly dig, which is located nearby one of the immediate digs, in the same mobilization to minimize wetland impacts by completing both digs together.

On January 12, 2025, NNG engineering and environmental contractors will prep the access route (including the installation of construction matting where crossing wetland and other waters), excavate (including topsoil segregation), visually inspect the pipeline, and complete repairs to the pipeline as necessary, and the pipeline pressure will continue to be reduced until all repairs are completed. NNG is proposing to use one workspace per dig for access, equipment staging, and to complete the repairs. The proposed project will cross Sugarbush Creek and her tributary. Total ground disturbance for all three digs is anticipated to be approximately 11.06 acres.

Anticipated impacts include temporary wetland impacts of 3.01 acres for the temporary placement of construction mats needed for access and excavation activities along with temporary impacts to Sugarbush Creek and her tributary. All surface waters, including wetlands and Sugarbush Creek and her tributary, within the proposed project footprint are classified as Exceptional Resource Waters (Tier 2 Waters) under the Tribe’s Antidegradation Policy and are protected for cultural, wetland, wildlife, aquatic life and fish, and recreational uses among other uses.

The MNRD is drafting a conditional approval for the emergency work and seeks comments on its proposed CWA Section 401 Certification of the Army Corps’ authorization for this project. All comments are considered during the project review. 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 Friday at MNRD offices in the Chief Blackbird Center, located at 72682 Maple St. Odanah, Wisconsin.

The MNRD will submit a summary of comments received and the Department's responses to the Tribal Council with the final CWA 401 Certification Decision. Written comments may be emailed or sent by US mail to:

Kaylee Houle, Water Regulatory Specialist
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Comment deadline is December 25, 2025.