

PUBLIC NOTICE

Antidegradation Decision – Exceptional Resource Waters Bayfield Electric Cooperative 3-Phase Burial to Birch Hill

The Tribe seeks comments on the proposed Antidegradation Decision related to the Bayfield Electric Cooperative 3-Phase Burial to Birch Hill Project.

Project Summary

Bayfield Electric Coop (BEC) proposes to upgrade portions of its existing electrical infrastructure within the Bad River Reservation. The project includes installation of a new electrical line within BEC's existing corridor, extending from the step-down structure on Miller Road to the south side of Highway 2, across from the Bad River Casino. From this point to the top of Birch Hill, existing power poles will be replaced. From the top of Birch Hill Road going south to the solar field, the new electrical line will be installed underground. The proposed project consists of vegetation removal, grading, vibratory plow and directional drilling. The purpose of the proposed project is to support tribal development needs. Construction is anticipated to begin in the summer of 2026. All wetlands are classified as Exceptional Resource Waters (Tier 2 Waters) under the Tribe's Antidegradation Policy.

The Tribe is currently evaluating whether the project meets the Antidegradation Demonstration requirements, and the Decision criteria described in the Tribe's WQS and seek comments on the proposed work and conditions needed to avoid and minimize potential impacts to the water resources. All comments are considered during the review. Written comments may be emailed or sent by US Mail to:

Kaylee Houle, Water Regulatory Specialist
Mashkiiizibii Natural Resources Department (MNRD)
PO BOX 39
Odanah, WI 54861
waterreg@badriver-nsn.gov

Comment deadline is May 20, 2026.

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 water from being unnecessarily degraded. Under this policy, each waterbody is assigned to a tier that provides a basis for addressing activities that have 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 Water Quality Standards. A web map of the Reservation waterways and wetlands, highlighting the tier associated with each waterbody, may be found on the Bad River website <http://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>