

PUBLIC NOTICE

Antidegradation Decision – Exceptional Resource Waters MNRD Energy Birch Hill Mini-grid

The Tribe seeks comments on the proposed Antidegradation Decision related to the MNRD Energy Birch Hill Mini-grid Project.

Project Summary

The MNRD Energy Program proposes to install a 5-Megawatt Mini-grid solar array along with 2 Megawatt of Battery Energy Storage System (BESS) within the Bad River Reservation. The proposed location for the mini-grid is located north of the Birch Hill Lagoons. The proposed project consists of site preparation (grubbing, brushing, grading and leveling), soil/geotechnical borings, solar array panel installation; and installation of an electrical distribution line to the mini-grid site. The purpose of the proposed project is to support tribal development needs. Construction is anticipated to begin in June 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
Mashkiizibii 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>