

PUBLIC NOTICE

Antidegradation Decision – Exceptional and Outstanding Resource Waters Bad River Wastewater Treatment Facility Access Road Improvement Project

The Tribe seeks comments on the proposed Antidegradation Decision related to the Bad River Wastewater Treatment Facility Access Road Improvement Project

Project Summary

The Bad River Water and Sewer Department has proposed improvements to the existing access road serving the Wastewater Treatment Facility (WWTF) located north of USH 2 and east of the Bad River Reservation. The proposed project includes construction of approximately 850 feet of gravel access road extending to the wastewater treatment facility discharge point at the Bad River. Improvements to the existing two-track access path include widening the route to approximately 12 feet, removal of fallen trees and underbrush within the construction corridor, placement of fill material to improve roadway grade and drainage, and installation of a culvert at a low-lying area subject to seasonal ponding and rutting. The project is expected to utilize the existing disturbed corridor to the greatest extent practicable and is anticipated to require minimal vegetation clearing, with no major tree removal expected. Construction activities are anticipated to begin in Fall 2026.

The project area contains wetlands designated as Exceptional Resource Waters (Tier 2 waters) and Outstanding Resource Waters (Tier 2.5 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 proposed activities will be evaluated for potential impacts to these protected resources as part of the Tribe's permitting and review process.

The Tribe is currently evaluating whether the project meets the Antidegradation Demonstration requirements, and the Decision criteria described in the Tribe's WQS and 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. Written comments may be emailed or sent by US Mail to:

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

Comment deadline is July 25, 2025.

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 been 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 (under Services>Natural Resources>Maps & GIS Services. The link found in the Interactive Maps section).
<http://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>

Posted: June 25, 2026