

PUBLIC NOTICE

Antidegradation Decision – Exceptional Resource Waters, Outstanding Resource Water and Outstanding Tribal Resource Waters pertaining to the State of Wisconsin Department of Transportation US Highway 2 Improvement

The Tribe seeks comments on the proposed Antidegradation Decision related to the State of Wisconsin Department of Transportation US Highway 2 Improvement Project.

Project Summary

The State of Wisconsin Department of Transportation (WisDOT) has proposed to make improvements to the US Highway (USH) 2. The proposed project involves pavement preservation and guardrail improvements along USH 2 between the Ashland County/Bad River Reservation line and Bad River Bridge west of Government Road. The purpose of this project is to address the pavement and guardrail deterioration while maintaining safe travel conditions. The proposed work includes replacing 4 inches of new asphalt pavement, repairing deteriorating guardrail by replacing posts, blocks and rail components at Beartrap Road, both sides of the Kakagon Slough Bridge, and both sides of the Bad River bridge. Construction is anticipated to commence during the summertime of 2027. All wetlands are classified as Exceptional Resource Waters (Tier 2 Waters), Outstanding Resource Waters (Tier 2.5 Waters), and Outstanding Tribal Resource Waters (Tier 3 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 July 16, 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>

Posted: June 16, 2026