

PUBLIC NOTICE

Antidegradation Decision – Outstanding Resource Waters pertaining to the State of Wisconsin Department of Transportation Beartrap Creek Bridge Maintenance

The Tribe seeks comments on the proposed Antidegradation Decision related to the State of Wisconsin Department of Transportation Beartrap Creek Bridge Maintenance Project.

Project Summary

The State of Wisconsin Department of Transportation (WisDOT) has proposed to make improvements to Beartrap Creek Bridge located on US Highway (USH) 2. The proposed project involves removing and replacing the existing asphalt bridge overlay and replacing deteriorated guardrails. Ground disturbance is estimated at 0.44-acre. The purpose of this project is to preserve the structural integrity of the bridge while maintaining safe travel conditions. Construction is planned to begin the summer of 2028 and is anticipated to take about 2-3 months for completion. All surface waters, including wetlands, are classified as Outstanding Resource Waters (Tier 2.5 Waters) under the Tribe's Antidegradation Policy. These waters are protected for cultural, wetland, aquatic life and fish, and other designated uses.

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 August 21, 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>

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