

PUBLIC NOTICE

Antidegradation Decision – Exceptional Resource Waters Emergency Work - Three Eagles Gift and Smoke Shop.

Notice Date: April 26, 2024

The Tribe seeks comments on the Three Eagles Gift and Smoke Shop Underground Storage Tank (UST) to Above Ground Storage Tank (AST) Project.

Notice is hereby given that the Mashkiiziibii Natural Resources Department (MNRD) drafted an Anti-Degradation Decision on April 26, 2024 for an emergency response associated with contaminated soil located at the facility that may pose an impact to public safety, health or welfare. MNRD has also considered the social and economic benefits for this project and related impacts if significant project delays were to occur. To address this concern construction work has begun at the site to remove the contaminated soil and complete the project. The contaminated soil is isolated at the facility and best management practices are being used to ensure containment. The contaminated soil will be properly disposed of at a certified waste disposal facility. The Three Eagles Smoke and Gift Shop project includes replacing the old underground storage tanks (UST) with above ground storage tanks (AST) to increase availability of cleaner fuel and to increase the safety of the fuels that are stored on the property. The project area is located within the Bad River Band of Lake Superior Reservation. The project has been an established business in the local and surrounding economy for decades and by continuing to stay on top of safety measures like this project will ensure Three Eagles has the newest storage facilities which will increase the safety of the surrounding environment.

Exceptional Resource Water (Tier 2 Waters) protected for cultural, wildlife, aquatic life and fish, and recreational uses among other uses are present at the project site.

MNRD is soliciting public comments on the work site and impacts to the natural resources, including the water resources. Copies of this notice, the Antidegradation Decision Draft, and supporting information are on file and available for public inspection from 8:00 am to 4:30 pm Monday through Friday at MNRD Offices in the Chief Blackbird Center, 72682 Maple Street, Odanah, Wisconsin.

MNRD will submit a summary of comments received and the Department's responses to the Tribal Council with the final Antidegradation Decision on May 21, 2024. Written comments may be emailed or sent by US Mail to:

Kaylee Houle, Water Regulatory Specialist
Mashkiiziibii Natural Resources Department (MNRD)
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Waterreg@badriver-nsn.gov

Posted: April 26, 2024

Comment deadline is May 11, 2024

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 waters from being unnecessarily degraded. Under this policy, each waterbody is assigned to a tier that provides a basis for addressing activities that have the 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 WQS.**

A web map of the Reservation waterways and wetlands, highlighting the tiers associated with each waterbody, may be found on the Bad River website (under Services>Natural Resources>Maps & GIS Services. The link is found in the Interactive Maps section).
<http://www.arcgis.com/apps/View/index.html?appid=6f44c371217e4ee8b5f1c2c705c7c7c5>