



REGION 5

CHICAGO, IL 60604

December 13, 2024

Robert Blanchard, Tribal Chair
Bad River Band of Lake Superior Chippewa Indians
P.O. Box 39
Odanah, WI 54861-0039
Submitted via email to R.Blanchard@badriver-nsn.gov

Re: Notification under CWA § 401(a)(2) Regarding Enbridge Line 5 Reroute Project in Ashland and Iron Counties, Wisconsin

Dear Chairman Blanchard:

On November 15, 2024, the U.S. Environmental Protection Agency Region 5 received notice from the U.S. Army Corps of Engineers (Corps) of the enclosed application for a federal permit and water quality certification under section 401(a) of the Clean Water Act (CWA). The certification was issued by the state of Wisconsin for a proposed CWA § 404 Individual Permit to be issued by the Corps for the Enbridge Line 5 Reroute project located in Ashland and Iron counties, Wisconsin. Following receipt of this notice, the EPA reviewed the permit application and related certification for the project under CWA § 401(a)(2). In accordance with CWA § 401(a)(2) and 40 C.F.R. § 121.13(b), the EPA has determined that a discharge from the proposed project may affect the Bad River Band of Lake Superior Chippewa Indians' water quality.

I am attaching a copy of the permit application and related certification, in accordance with 40 C.F.R. § 121.13(c)(2). Pursuant to CWA § 401(a)(2) and 40 C.F.R. § 121.14, the Bad River Band of Lake Superior Chippewa Indians has 60 days after this notification to notify the Regional Administrator and the Corps, in writing, if it determines that the discharge will violate any of its water quality requirements, to object to the issuance of the Federal license or permit, and to request a public hearing from the Corps.

If you have any questions, you may contact Allie McDavid at mcdavid.alaina@epa.gov or 312-886-7236.

Sincerely,

12/13/2024

X David Pfeifer

David Pfeifer
Manager, Watersheds and Wetlands Branch
Signed by: DAVID PFEIFER

Enclosures:

1. Wisconsin Department of Natural Resources Clean Water Act Section 401 Water Quality Certification Decision on the proposed Enbridge Line 5 Reroute Project in Ashland and Iron Counties, Wisconsin
2. St. Paul District Public Notice for Proposed Enbridge Line 5 Reroute Project in Ashland and Iron Counties, Wisconsin issued January 6, 2022

cc (via email w/enclosures):

Naomi Tillison, Director, Natural Resources Department, Bad River Band of Lake Superior Chippewa Indians (nrdirector@badriver-nsn.gov)

James Yach, Director, Northern Wisconsin-Wisconsin Department of Natural Resources, (JamesA.Yach@Wisconsin.gov)

Bill Sande, Project Manager, U.S. Army Corps of Engineers, St. Paul District, (William.M.Sande@usace.army.mil)

Rebecca Graser, Regulatory Division Deputy Chief, U.S. Army Corps of Engineers, St. Paul District, (Rebecca.M.Graser@usace.army.mil)