

WINNEBAGO TRIBE OF NEBRASKA

Nonpoint Source Pollution Management Program Plan

Clean Water Act Section 319

**Environmental Protection Department
March 2016 (Revised September 2017)**

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Overview Section

The Winnebago Tribe of Nebraska was established by the Treaty of March 8, 1865. The Tribal Council governs the Tribe and consists of a Chairman/Chairwoman, Vice-Chairman/Vice-Chairwoman, Secretary, Treasurer and five other members. Constitution and By-Laws were established according to the Act of Congress, dated June 18, 1934 (48 Stat. 984). The Constitution applies to the territory embraced in the Winnebago Reservation in Nebraska, as the same as described by the Treaty of March 8, 1865 (14 Stat. 671) and twenty sections included in the strip purchased in Nebraska for Wisconsin Winnebagos (18 Stat. 170, June 22, 1874) and such lands as may be added thereto by Congress or by the Tribe or affirmation of the title to lands through the courts to the Tribe, except as otherwise provided by law.

In 1986, the Winnebago Tribe established jurisdiction in the area of its legal system. The Tribal Court System exists to resolve civil conflicts and to enforce the criminal law in a just and equitable manner. The Tribal Court holds general jurisdiction for the Winnebago Tribe of Nebraska.

The Reservation lies within the Missouri River Basin and Elkhorn River Basin. The Missouri River Basin contains the Blackbird-Soldier Watershed (HUC: 10230001) along the eastern side of the Reservation and the Elkhorn River Basin contains the Logan Watershed (HUC: 10220004) along the west side. All waterbodies located on the Reservation are mainly located within these two watersheds. Total miles of creeks are approximately 486 miles broken down into 105 miles of primary and 381 miles of intermittent, 7.5 miles of the Missouri River, 3680 acres of freshwater wetlands and sporadically dispersed small lakes and ponds. Creeks are classified as low gradient muddy bottom streams. All creeks contained within both watersheds suffer degradation from nutrients and E. coli. Many creeks suffer moderate impacts due to agricultural activities, mainly non-irrigated crop production, livestock grazing and hydromodification, mainly streambank erosion and removal of riparian vegetation. Ceremonial water is drawn from natural springs and individuals, both young and old, enjoy fishing from the major creeks, ponds and the Missouri River.

The Winnebago Tribe of Nebraska Reservation (hereafter, the Reservation) covers approximately 113,000 acres in northeastern Nebraska and 1800 acres in northwestern Iowa. Approximately one third of the Reservation acreage is owned by the Tribe and individual tribal members with the remaining acreage owned by non-tribal individuals.

The Reservation is checkerboard in nature and dominated by agricultural activities. The Tribe has major concerns about the misuse of pesticides, proper maintenance and operation of concentrated animal feed operation facilities, nutrient runoff from fertilizer application and improper livestock grazing. Lack or dwindling buffer strips of natural vegetation and increased encroachment of row crop planting have increased the occurrence and severity of bank erosion. This erosion results in decreased bank stability, channel alteration, decreased flow rates,

increased turbidity levels and increased sediment loading. All which can potentially degrade the quality of surface water on the Reservation.

Introduction

The Winnebago Tribe is very concerned about the condition of the natural environment and how that condition affects human health and the ecosystem. The overall goal of the Winnebago Tribe is to determine the condition of the natural environment and protect the health and welfare of tribal members and other individuals residing within the exterior boundaries of the Reservation. The implementation of a Nonpoint Source Pollution Management Program provides the Tribe a means of addressing currently identified nonpoint sources of pollution by means of coordination among tribal departments, local villages, state and federal agencies, agricultural entities and private landowners in the implementation of identified Best Management Practices (BMPs) and the prevention of future nonpoint source pollution problems and advocates for long-term watershed protection. This goal will be accomplished within the exterior boundaries of the Reservation by the focusing on the following objectives:

- Conduct community education and outreach;
- Project Monitoring (pre and/or post project);
- Form a Nonpoint Source Task Force of stakeholders to include but not limited to private landowners, farmers/ranchers, private citizens and Tribal, local villages, County and State governmental officials;
- Develop a Watershed-based Plan;
- Revise Land Lease Agreements to better promote Best Management Practices (BMPs);
- Implement local and watershed BMPs;
- Evaluate creeks according to Proper Functioning Condition (PFC); and
- Establish Tribal, local and County ordinances in coordination with local USDA and NRCS branches.

Management Program Summary

The Tribe's Environmental Protection Department (EPD) of Physical Resources manages the Nonpoint Source Pollution Management Program. The staff responsible for implementation of the Nonpoint Source Pollution Management Program activities maintains constant contact with the Tribal Council via the Tribal Council Environmental Liaison. The Tribal Council maintains ultimate decision making powers concerning nonpoint pollution management. Tribal documents that assist in guiding their decisions may include but not limited to the following:

- State of Nebraska Forestry Report;
- Winnebago Tribal Code, Title 1, Court Rules Article 1: Preliminary Provisions, 1-102: Territorial Jurisdiction;
- Winnebago Tribal Code, Title 8, Court Rules Article 2: Water Management;

- Winnebago Tribal Code, Title 7, Court Rules Article 14: Winnebago Pollution Control Code;
- Winnebago Tribe of Nebraska 319 Nonpoint Source Assessment Report;
- Land Lease Agreements;
- Winnebago Treaty of March 8, 1865; and
- Constitution and Bylaws according to the Act of Congress, dated June 18, 1934 (48 Stat. 984)

The Tribe, in coordination with appropriate federal agency(s), will provide technical support in the recommendation and implementation of BMPs in those areas where full jurisdiction is challenged. Currently, BMPs will be chosen among those that have already been developed, evaluated and confirmed effective by the federal agency(s). Otherwise, the Tribal Court holds general jurisdiction for the Winnebago Tribe of Nebraska.

The Courts of the Winnebago Tribe of Nebraska operates within the jurisdiction of the Tribe. This jurisdiction shall extend to the territory within the exterior boundaries of the Winnebago Indian Reservation (including Flowers Island and other Tribal land located east of the Missouri River) as established by the Treaty of March 8, 1865. The Tribal Council governs the Tribe and consists of a Chairman, Vice-Chairman, Secretary, Treasurer and five other members. Constitution and By-Laws were established according to the Act of Congress, dated June 18, 1934 (48 Stat. 984). The Constitution applies to the territory embraced in the Winnebago Reservation in Nebraska, as the same as described by the Treaty of March 8, 1865 (14 Stat. 671) and twenty sections included in the strip purchased in Nebraska for Wisconsin Winnebagos (18 Stat. 170, June 22, 1874) and such lands as may be added thereto by Congress or by the Tribe or affirmation of the title to lands through the courts to the Tribe, except as otherwise provided by law. This definition of territorial jurisdiction includes all right-of-way, waterways, streams, lakes, highways, railroad right-of-ways, mineral rights, etc. (WTC Title 1: Court Rules, Article 1: Preliminary Provisions, 1-102)

For infrastructure planning and construction, the primary contacts are the Tribal Construction Manager and Tribal Roads Department Manager. For land dispute issues, the primary contacts are the Winnebago Land Corporation Manager and Bureau of Indian Affairs, Winnebago Agency. For water quality impacts, Water Quality Committee.

The Tribe prepared a Section 319 Clean Water Act Treatment in Manner Similar to a State and was approved in February 2017.

The Winnebago Tribe of Nebraska currently utilizes funding under the Clean Water Act, Section 106: Water Pollution Control Grant Program to further understand the water resources on the Reservation by continuing and expanding the water quality monitoring program. The Tribe conducts and generates physical, chemical and biological data descriptive of their surface water sources. Information generated is continually being utilized to assess the current condition of studied surface water bodies, identify if these surface waters are impaired or unsafe for human contact and provide direction towards Nonpoint Source Pollution Management Program

maturation. BMP selection and program development depends on land ownership, jurisdiction challenges, stakeholder buy-in and funding.

Management Program Description

The overall goal of the Winnebago Tribe is to determine the condition of the natural environment and protect the health and welfare of tribal members and other individuals residing within the exterior boundaries of the Reservation. As discussed in the Winnebago Tribe of Nebraska 319 Nonpoint Source Assessment Report, nonpoint source pollution has been identified as a potential threat to the accomplishment of this goal. Major nonpoint source impacts on the Reservation are the direct and/or indirect result of activities associated with agriculture and to a lesser degree urban runoff.

The Tribe has major concerns about the misuse of pesticides, proper maintenance and operation of concentrated animal feed operation facilities, nutrient runoff from fertilizer application and improper livestock grazing. Hydromodification, dwindling or removal of buffer strips of natural vegetation in riparian zones due to increased encroachment of row crop planting have increased the occurrence and severity of bank erosion. This erosion results in decreased bank stability, channel alteration, decreased flow rates, increased turbidity levels, increased sediment loading and increased runoff during rainfall events. All creeks contained within both watersheds suffer degradation from nutrients and E. coli.

The implementation of a Nonpoint Source Pollution Management Program provides the Tribe a means of addressing currently identified nonpoint sources of pollution by means of coordination among tribal departments, local villages, state and federal agencies, agricultural entities and private land owners in the implementation of identified Best Management Practices (BMPs) and the prevention of future nonpoint source pollution problems and advocates for long-term watershed protection. General program milestones, funding permitting are outlined in Table 1.

Table 1. General Program Milestones

| Activity | Timeline |
|---|------------------------------|
| Submit NPS Assessment Report to EPA | Approved March 2014 |
| Submit NPS Management Program Plan to EPA | Approved April 2016 |
| Submit TAS Application to EPA | Approved February 2017 |
| Submit NPS Pollution Management Program Plan to Tribal Council | 2016 |
| NPS Pollution Management Program Plan Public Notice and Comment | March/April 2016 |
| Assemble Stakeholder Coalition | 2016 |
| Apply for NPS Pollution Base Funding to EPA | 2017/Annually |
| Update NPS Pollution Management Program Plan | Every 5 Years after Approval |

| | |
|---|---------------------------|
| Stakeholder Meetings | Annually |
| Identify/Implement BMPs | 2017 and Beyond |
| Evaluate/Monitor BMPs Activities | Annually after Completion |
| Workplan/Budget Development with Other Federal Agencies | 2017 and Beyond |

The major NPS categories on the Reservation include agriculture, hydromodification, urban runoff, silviculture and construction. Table 2. NPS Categories Per Watershed demonstrates those issues.

Table 2. NPS Categories Per Watershed

| EPA NPS Category | Blackbird-Soldier Watershed | Logan Watershed |
|--------------------------------------|-----------------------------|-----------------|
| Agriculture | | |
| Row Crop Production: | | |
| -Bank Slumping | x | x |
| -Loss of Riparian Vegetation | x | x |
| -Nutrient Runoff | x | x |
| Concentrated Animal Feed Operations: | | |
| - Contaminated Runoff | | # |
| -Land Application | | x |
| Cattle Grazing: | | |
| -Bank Slumping | x | # |
| -Contaminated Runoff | x | # |
| -Loss of Riparian Vegetation | x | # |
| -Loss of Bank Vegetation | x | # |
| -Sediment Loading | x | # |
| Silviculture | | |
| Harvesting | # | |
| Forest Management | # | |
| Logging Road Construction | # | |
| Construction | | |
| Bridge Construction | # | # |
| Hydromodification | | |
| Bank Erosion: | | |
| -Tree Removal | # | # |
| -Rainfall Events | x | x |
| -Sediment Loading | x | x |
| Riparian Vegetation Loss: | | |
| -Tree Removal | # | # |
| -Row Crop Production | x | x |
| -Construction | # | x |

| | | |
|-----------------------|---|---|
| Bank Vegetation Loss: | | |
| -Rainfall Events | x | x |
| -Tree Removal | x | # |
| -Construction | x | x |
| Natural Runoff: | | |
| -Rainfall Events | x | x |
| Channelization: | | |
| -Bank Erosion | | x |
| -Runoff | | x |
| -Sediment Loading | | x |
| Urban Runoff | | |
| Storm Sewer: | | |
| -Contaminated Runoff | # | # |
| Surface Water: | | |
| -Contaminated Runoff | # | # |

Note: x = Confirmed Impairment

= Potential Impairment

Levels of impairment vary from waterbody to waterbody within the watershed. Those levels are based according to how well the water quality allows for designated uses ranked low, moderate and high. Priority is based upon (1) the type and concentrations of an individual pollutant (2) frequency and duration of human contact (3) level of potential impacts to human health and (4) level of potential impacts to the environment. The ability to determine the level of attention and/or effectiveness of implementation of NPS BMPs are ranked minimal, medium and high. Levels of impairment and priority may not always correspond for example a waterbody may rank as high level of impairment but be of minimal priority. This is demonstrated in Table 3. Reservation Waters' Levels of Impairment/Priority.

Table 3. Reservation Waters' Levels of Impairment/Priority

| Waterbody | Watershed | Issue | Level of Impairment/Priority |
|-----------------------|-------------------|---|------------------------------|
| Omaha Creek | Blackbird-Soldier | Turbidity, E. coli, TP, TKN, TN, Sediment | High/High |
| Big Bear Creek | Blackbird-Soldier | Turbidity, E. coli, TP, TKN, TN | Unknown/Minimal |
| Turtle Creek | Blackbird-Soldier | E. coli, TP, TKN, TN | High/High |
| Morgan Creek | Blackbird-Soldier | Turbidity, E. coli, TP, TN | High/Medium |
| Cow Creek | Blackbird-Soldier | Turbidity, E. coli, TP, TKN, TN, Sediment | High/Medium |
| North Blackbird Creek | Blackbird-Soldier | Turbidity, E. coli, TP, TKN, TN | Unknown/Medium |
| | | Turbidity, E. coli, TP, | |

| | | | |
|-------------------|-------------------|--|-----------------|
| North Omaha Creek | Blackbird-Soldier | TKN, TN | High/Medium |
| Middle Creek | Logan | Turbidity, E. coli, TP, TKN, TN, TDS, Sediment | High/High |
| Logan Creek | Logan | Turbidity, E. coli, TP, TKN, TN, TDS | High/High |
| Missouri River | Blackbird-Soldier | | N/A |
| Kelly Pond | Blackbird-Soldier | TKN | Low/Medium |
| H-Lake | Blackbird-Soldier | TKN | Unknown/Minimal |
| Ross Pond | Blackbird-Soldier | TKN | Unknown/Minimal |
| Wetlands | | | N/A |
| Ground Water | Blackbird-Soldier | TKN, TN, TP, Metribuzin, Ammonia Nitrogen | Unknown/High |
| Ground Water | Blackbird-Soldier | E. coli | Low/High |

Note: TP = Total Phosphorus

TKN = Total Kjeldahl Nitrogen

TDS = Total Dissolved Nitrogen

TN = Total Nitrogen

Kelly Pond is currently under a Fish Consumption Rate and the Tribe has concerns about other potential sources of NPS in the area. Logan Creek is channelized. Five creeks drain into Omaha Creek with a total drainage area of 93 square miles. Wetlands are in both watersheds but not evaluated or monitored due to lack of funding and programmatic support. Due to its expansiveness and staffing, the Missouri River is managed by the U.S. Army Corps of Engineers.

Selection of Best Management Practices

The model for the tribal decision making process regarding choosing BMPs most suitable to address each category of non-point source pollution identified in the Nonpoint Source Assessment Report is as follows:

1. Identify all BMPs that are appropriate to each type of NPS pollution through research and consultation with federal agencies identified in Table 8.
2. Determine which of the above BMPs are suitable in terms of scale, environment and existing infrastructure.
3. Determine likely effectiveness of locally appropriate BMPs in reducing NPS loading through research, modeling and consultation.
4. Consult with other relevant agencies and jurisdictions to include responsible party, Tribal Council, Land Management Department and Winnebago Tribal Attorneys to determine which

BMPs would best support cooperative efforts.

5. Determine which BMPs will have the most favorable results per unit cost. Identify multiple funding options and develops formal cooperative agreement(s).

Agriculture activities include but limited to include row crop production, Animal Feed Operations (AFO), Concentrated Animal Feed Operation (CAFO) and improper cattle grazing. NPS are listed below according to category and subcategory. Issues are described followed by BMPs, responsible party and potential funding source. All nonpoint source pollution management activities are contingent on stakeholder cooperation and funding.

Category: Agriculture

Subcategory: row crop production, CAFO/AFO activities, cattle grazing

Short-Term Objectives (1-3 years):

1. Reduce the levels of nutrients, bacteria, pesticides and other pollutants caused by contaminated runoff due to fertilizer application and land application of manure and process waste and riparian and bank vegetation loss due to improper cattle grazing.
 - BMPs: work with NRCS to encourage crop rotation, no till, proper manure and process waste transfer/application, avoid winter application, stream exclusion fencing, alternate livestock grazing locations; work with private land owners to develop/maintain riparian zones; work with private landowners to maintain a buffer zone around wellheads and work with BIA to encourage the use of BMPs on leased lands
 - Responsible party: private landowner, BIA, EPD, NRCS, IHS
 - Funding source: BIA, USDA, private landowner
2. Reduce the intensity and occurrence of erosion created by bank slumping and bank vegetation loss.
 - BMPs: buffer strips, terracing, decrease crop production encroachment, red cedar revetment, streambank stabilization
 - Responsible party: private landowner, BIA, NRCS
 - Funding source: BIA, USDA
3. Reduce the amount of sediment loading created by bank erosion caused by improper cattle grazing and riparian and bank vegetation loss.
 - BMPs: prescribed grazing, stream exclusion fencing, alternate livestock water locations
 - Responsible party: private landowner, NRCS
 - Funding source: USDA
4. Education/Outreach presented to the community and/or by farm cooperatives, local universities

- BMPs: demonstrate the level of vegetation loss over a period of time using GIS, express the importance of BMPs and give examples, placement of demonstration projects that provide water quality benefits (pollinator gardens, farm ponds, rain gardens and native wildflower and grass plots), promote alternatives to pesticide use that have known or potential water quality impacts such as crop rotation, organic farming, polyculture planting, strip cutting, trap crops and Integrated Pest Management (IPM) determined on a case-by-case basis
 - Responsible party: Winnebago Tribe (Tribal Council and Environmental Protection Department), USDA, NRCS, private landowner, local universities, farm cooperatives, BIA
 - Funding source: USDA, EPA, BIA
5. Revise Land Lease Agreements to better promote BMPs.
- BMPs: additional verbiage should be encouraged that addresses waterway BMPs such as a standard row crop planting distance from the riparian area of a natural or designed water body in accordance to NRCS Technical Guide and Specifications and the Clean Water Act and from a wellhead
 - Responsible party: BIA, EPD, Land Management, NRCS, Lessee
 - Funding source: BIA, USDA
6. Identify and implement local or site specific based Best Management Practices.
- BMPs: buffer strips, terracing, decrease crop production encroachment, crop rotation
 - Responsible party: EPD, BIA, USDA, NRCS
 - Funding source: USDA, BIA
7. Evaluate creeks, wetlands, lakes and pond according to Proper Functioning Condition (PFC).
- BMPs: implement PFC
 - Responsible party: EPD, EPA
 - Funding source: EPA
8. Form the Nonpoint Source Task Force of stakeholders to include but not limited to private landowners, farmers/ranchers, private citizens and Tribal, local villages, County and State governmental officials.
- BMPs: educate self on BMPs
 - Responsible party: Nonpoint Source Task Force
 - Funding source: unknown
9. Address localized jurisdictional challenges.
- BMPs: Non-applicable
 - Responsible party: Tribal Council, Winnebago Tribal Court
 - Funding source: undetermined

10. Develop a watershed-based plan for the Blackbird-Soldier and Logan Watersheds.

- BMPs: unknown
- Responsible party: EPD, Tribal Council, EPA, private landowner, USDA, farm cooperatives, BIA, USGS
- Funding source: USDA, EPA

Long-Term Objectives (3-5 years):

1. Reduce the levels of nutrients, bacteria, pesticides and other pollutants caused by contaminated runoff due to fertilizer application, land application of manure, process waste and septic system sludge, improper cattle grazing and riparian and bank vegetation loss.

- BMPs: buffer strips, terracing, cover crops, wetland development/restoration
- Responsible party: private landowner, BIA, NRCS
- Funding source: BIA, USDA, private landowner

2. Identify and implement watershed based BMPs.

- BMPs: bank stabilization, riparian restoration, wetland restoration, buffer strips, retaining walls
- Responsible party: EPD, USDA, private landowner, EPA, USACE, Tribal Roads Department, Tribal Construction Manager
- Funding source: USDA, USACE

3. Continue Education and Outreach in the community.

- BMPs: prepare presentations in order to provide information to Tribal Council and develop demonstration projects and brochures/fact sheets to provide information to the public during community meetings.
- Responsible party: EPD, USDA, Tribal Council
- Funding source: USDA, EPA

4. Establish Tribal, local and County ordinances in coordination with local USDA and NRCS branches.

- BMPs: established enforceable codes and/or ordinances
- Responsible party: EPD, Tribal Council, Winnebago Tribal Court, USDA, NRCS, BIA
- Funding source: Tribal Council

5. Conduct project monitoring activities (pre and/or post project) that determine measurable reductions in pollutants.

- BMPs: carefully consider project objectives and characteristics of the identified pollutant, collect appropriate baseline data or data from a control site, establish a water quality monitoring program that tracks the BMP itself and demonstrates effectiveness
- Responsible party: EPD, EPA, private landowner
- Funding source: EPA, USDA, NRCS

6. Maintain the viability of the Nonpoint Source Task Force.

- BMPs: non-applicable
- Responsible party: Nonpoint Source Task Force
- Funding source: unknown

7. Evaluate performance and/or outcomes of past BMPs activities.

- BMPs: carefully consider whether an outcome can ever be demonstrated, give careful thought and planning of how impacts from implementation will be detected, determine statistical approaches for analyzing water quality data and how to best interpret and use the results,
- Responsible party: EPD, EPA, USDA, NRCS
- Funding source: EPA

Category: Hydromodification

Subcategory: bank erosion, riparian and bank vegetation loss, natural runoff, channelization

Short-Term Objectives (1-3 years):

1. Encourage construction plans that minimize the levels of tree removal and riparian and bank vegetation loss.

- BMPs: limit the amount of clearing, replant natural vegetation, avoid sensitive areas, minimize amount of bare ground exposure, minimize water-impervious surfaces, direct water away from construction areas
- Responsible party: EPA, USACE, Tribe, Thurston County, BIA
- Funding source: Construction company

2. Minimize bank erosion created by bank disturbances caused by tree removal and bank vegetation loss.

- BMPs: limit the amount of clearing, replant natural vegetation
- Responsible party: EPD, Tribe, Thurston County, EPA, Private landowner
- Funding source: EPA, USDA, Private landowner

3. Minimize natural runoff by decreasing tree removal and riparian and bank vegetation loss.

- BMPs: replant natural vegetation, temporal restrictions
- Responsible party: USDA, BIA, Private landowner
- Funding source: EPA, USDA, Private landowner

4. Minimize sediment loading caused by localized bank erosion.

- BMPs: bank stabilization
- Responsible party: USACE, USDA

- Funding source: USDA, EPA

5. Minimize riparian vegetation loss caused by row crop production encroachment.

- BMPs: buffer strips. Limit amount of clearing
- Responsible party: BIA, USDA, private landowner
- Funding source: BIA, USDA

6. Minimize channelization and increase channel sinuosity measures.

- BMPs: undetermined
- Responsible party: USACE
- Funding source: USACE

Long-Term Objectives (3-5 years):

1. Establish permit policies that require all new construction projects implement more restrictive BMPs.

- BMPs: undetermined
- Responsible party: Tribal Council, Winnebago Tribal Court, Village Boards, County Boards
- Funding source: unknown

Category: Urban Runoff/Residential

Subcategory: storm sewer and surface water

Short-Term Objectives (1-3 years):

1. Identify current stormwater sewer systems that create contaminated runoff.

- BMPs: non-applicable
- Responsible party: IHS, Tribe, local government, Thurston County
- Funding source: IHS

2. Modify current stormwater sewer systems to reduce impacts of contaminated runoff.

- BMPs: divert stormwater flow, bioretention cells or rain gardens, curb or gutter elimination, infiltration trenches, grass swales, inlet protection devices, vegetated filter strips, advocate for the use of rain barrels
- Responsible party: IHS, Tribal Construction Manager, Tribal Council, private land owner
- Funding source: IHS, Tribe, Thurston County, EPA

3. Identify current septic systems that have and/or the potential to malfunction.

- BMPs: do not discharge chemicals or industrial wastes to septic systems; do not discharge floor or storm drains into a septic system; do not dispose of household

chemicals or caustic drain cleaners into a septic system; do not use garbage disposals;
inspect and pump out septic system regularly

- Responsible party: IHS, private landowner, local plumbing inspector
- Funding source: IHS, private landowner, Thurston County

4. Minimize potential impacts from road, highway and trail construction.

- BMPs: avoid sensitive areas, proper retention, divert runoff water away from construction site properly
- Responsible party: DOT, EPA, Tribal Construction Manager
- Funding source: DOT

Long-Term Objectives (3-5 years):

1. Modify current stormwater sewer systems to reduce impacts of contaminated runoff.

- BMPs: green parking design and infrastructure, permeable pavement, riparian buffers
- Responsible party: IHS, EPA, private land owner, Tribal Council in coordination with Tribal Construction Manager
- Funding source: IHS, Tribe, Thurston County, EPA

2. Modify current septic systems to reduce impacts of contaminated runoff.

- BMPs: install water conservation devices
- Responsible party: private landowner, State of Nebraska, IHS, Thurston County
- Funding source: IHS, Center for Rural Affairs

Category: Construction

Subcategory: roads, highways and bridges

Short-Term Objectives (1-3 years):

1. Construction plans for the installation of roads, highways and bridges should be designed to eliminate erosion problems and minimize the impact on the land.
 - BMPs: size bridges so that water flow is not restricted, avoid sensitive areas; develop and follow a good erosion prevention plan; schedule work during periods of low water and be prepared during adverse weather conditions; minimize the area(s) of exposed bare soil; minimize the amount and/or use of water-impervious surfaces that can potentially increase runoff; make sure erosion control measures are effective; utilize proper retention and/or barriers; divert runoff water away from construction site properly; limit the amount of natural vegetative clearing and use natural vegetation as a filter or buffer
 - Responsible party: DOT, Thurston County
 - Funding source: Thurston County, State of Nebraska, DOT

Long-Term Objectives (3-5 years):

1. Communication amongst the County, State and Tribe that encourages that all new road, highway and bridge construction projects implement more restrictive BMPs.
 - BMPs: education that provides better guidance to developer(s) and/or contractor(s) on determining most effective BMPs to utilize and policies, utilizing the appropriate BMPs for the type of construction situation and providing follow-up monitoring protocols to ensure that the construction area has been returned to original or near original state.
 - Responsible party: Thurston County, Tribal Construction Manager, EPD, EPA, DOT
 - Funding source: Thurston County, State of Nebraska, Tribe

Category: Silviculture

Subcategory: harvesting, road construction, refueling or oil spills, leaks from equipment, forest management

Short-Term Objectives (1-3 years):

1. Establish logging operational procedures that minimize erosion and stream sedimentation.
 - BMPs: maintain filter strips of natural vegetation between all logging operations and all water sources; keep all splash away from streams and other water bodies; create roads, ditches and culverts to divert runoff into the forest and install water bars and skid humps on sloped trails and haul roads so the runoff is diverted into the forest and not down the trail
 - Responsible party: private landowner, logging company/contractor, BIA Winnebago Agency, USACE, Tribal Council, Tribal Wildlife and Parks Department
 - Funding source: private landowner, logging company/contractor, BIA Winnebago Agency
2. Minimize localized contamination from pesticide use, refueling or oil spills and leaks from logging equipment.
 - BMPs: education, good maintenance practices and following proper disposal practices
 - Responsible party: private landowner, logging company/contractor
 - Funding source: private landowner, logging company/contractor, BIA Winnebago Agency
3. Establish forest management practices that implement more restrictive BMPs.
 - BMPs: all logging operations will follow the procedures outlined in the Winnebago Indian Reservation Forest Management Plan (2009-2023)
 - Responsible party: Tribal Council, BIA Winnebago Agency, Nebraska Forest Service, Tribal Wildlife and Parks Department
 - Funding source: Unknown

Long-Term Objectives (3-5 years):

1. Establish desirable regeneration.

- BMPs: follow procedures outlined in the Forest Management Guidelines (Appendix 9) of the Winnebago Indian Reservation Forest Management Plan (2009-2023)
- Responsible party: Tribal Council, BIA Winnebago Agency
- Funding source: Unknown

Public Notice and Comment

The Tribe has chosen the option of conducting public notice after U. S. Environmental Protection Agency Region 7 review of the Nonpoint Source Assessment Report and Nonpoint Source Management Program Plan. The process of submitting documents for adequate public notice and opportunity for comment includes, but not limited to the following:

1. Copy was posted at government offices in the Village of Winnebago, Village of Thurston and Village of Emerson for a comment period of 30 days.
2. Copy was posted at public libraries in the Village of Emerson and Village of Thurston as well as the library at the Little Priest Tribal College for a comment period of 30 days.
3. Copy sent to relevant agencies and jurisdictions may include but not limited to Iowa Department of Natural Resources, Nebraska Department of Environmental Quality, Papio-Missouri River Natural Resources District, Lower Elkhorn Natural Resources District, United States Department of Agriculture, local Natural Resources Conservation Service and Bureau of Indian Affairs-Winnebago Agency for a comment period of 30 days.

The Tribe will provide responses to comments as a part of the finalized Nonpoint Source Management Program Plan.

The Nonpoint Source Management Program Plan was placed on Public Notice from March 21-April 21, 2016. The locations are as follows:

- Little Priest Tribal College/Village of Winnebago Library;
- Village of Winnebago Office;
- Village of Thurston Post Office;
- Village of Emerson Office; and
- Village of Emerson Library.

Plan was also submitted to Papio-Missouri River Natural Resources District (NRD), Lower Elkhorn River (NRD), Nebraska Department of Environmental Quality and US Dept of Agriculture: Natural Resources Conservation Service for their review and comment.

On April 22, 2016, reviewed all e-mail messages received from March 21-April 21, 2016 for any comments on the Plan. No comments were received electronically and/or by mail or telephone. Also, as of May 6, 2016, no comments have been received by any Federal or State Agency.

References

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Appendix A. Definition of Terms

Allotted Land: land held in trust for the use of an individual Tribal member or their heirs. The federal government holds the title and the Tribal member holds the beneficial interest.

Best Management Practices: conservation and land management practices that reduce or prevent movement of pollutants to surface and ground water.

Code: means the statutory laws of the Tribe.

Fee Land: land held by an owner, whether Tribal or non-tribal.

Impairment: cause to diminish or degrade in strength, value or quality.

Indian Country: all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including right-of-way running through the Reservation.

Jurisdiction: means the Indian Country within the territorial jurisdiction of the Tribe.

Nonpoint Source Pollution: pollution caused by diffuse sources that are not regulated as point source.

Proper Function Condition: qualitative method for assessing the condition of riparian-wetland areas.

Reservation: means all the territory within the exterior boundaries of the Winnebago Indian Reservation including Flowers Island and other Tribal land located east of the Missouri River.

Silviculture: a branch of forestry dealing with the development and care of forests.

Stakeholder: a person(s) with an interest or concern involving NPS pollution.

Tribal Court: means the general legal system operating within the jurisdiction of the Tribe.

Tribal Trust Land: land held in trust by the United States for the use of a Tribe. The United States holds the legal title and the Tribe holds the beneficial interest.

Appendix B: Acronyms

BIA: Bureau of Indian Affairs

BMP: best management practice

CAFO: Concentrated Animal Feed Operation
EPA: Environmental Protection Agency
EPD: Environmental Protection Department (Tribal)
DOT: Department of Transportation
IHS Indian Health Service
NPS: nonpoint source
NRCS: Natural Resources Conservation Service
PFC: Proper Function Condition
USACE: United States Army Corp of Engineers
USDA: United States Department of Agriculture
USGS: United States Geological Survey