

## Bipartisan Infrastructure Law: Gulf Hypoxia Program Tribal Workplan Summaries November 2024

The Bipartisan Infrastructure Law provides a historic \$50 billion in funding for the U.S. Environmental Protection Agency to support states and Tribes investing in clean and safe water. For the first time, this funding will allow the EPA to invest in strategies to improve water quality in the Mississippi River/Atchafalaya River Basin, or MARB, and the Gulf of Mexico and to reduce the hypoxia zone in the northern Gulf. The Bipartisan Infrastructure Law provides \$60 million for actions that support the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force's Gulf Hypoxia Action Plan, with \$12 million per year for five years. Nearly \$5.5 million of the total funding is going to 15 eligible Tribes in Hypoxia Task Force states within the Mississippi River basin as Cooperative Agreements. This Fact Sheet summarizes each of the Tribes' workplan under the Gulf Hypoxia Program.

### Coushatta Tribe of Louisiana

**Title:** Coushatta Tribe of Louisiana Gulf Hypoxia Program – Project Workplan

**Organization:** Coushatta Tribe of Louisiana

**Funding:** \$195,000; 1-year workplan

**Project Description:** To address backwater floods containing pollutants from Bayou Blue and Bayou Nezpique onto Coushatta Tribal lands, the Coushatta Tribe of Louisiana aims to construct stormwater wetlands at two locations identified during a previous study. This construction would provide enhanced water quality on Tribal lands by allowing suspended materials to settle and a partial perimeter littoral shelf will remove nutrients. The Tribe will use grant funds to assess environmental and regulatory best practices to ensure the proposed stormwater wetland construction is the most viable, feasible and environmentally conscious solution. This grant will fund an environmental assessment, a Nonpoint Source Management Plan, and wetland siting and surveying assessments of the Lake East of Powell and South Lake to assess stormwater wetland construction at the two proposed locations for implementation.

### Fond du Lac Band of Lake Superior Chippewa

**Title:** Fond du Lac Nutrient Management under the Gulf Hypoxia Program

**Organization:** Fond du Lac Band of Lake Superior Chippewa, Resource Management Division

**Funding:** \$219,042; 5-year workplan

**Project Description:** This grant supports ongoing work to protect the aquatic resources of the Fond du Lac Reservation through delegated authorities under *Clean Water Act* Sections 303(c), 106 and 319. These overarching Tribal water program objectives intersect the Gulf Hypoxia Program with actions and initiatives that monitor and maintain healthy concentrations of nutrients in reservation aquatic resources, some of which lie in the ultimate headwaters of the MARB. The Gulf Hypoxia Program funding will support high-priority and ongoing objectives, such as lake and stream nutrient sample collection and analysis, the development of numeric nutrient criteria for wild rice waters and the

establishment of a Tribal Agriculture Water Quality Certification Program. These project tasks will be accomplished through partial personnel costs of three employees in the Fond du Lac Environmental Program: the Water Projects Coordinator, the Watershed Specialist and the Water Resources Specialist.

### Ho-Chunk Nation

**Title:** Ho-Chunk Nation Bipartisan Infrastructure Law Gulf Hypoxia Program

**Organization:** Ho-Chunk Nation, Health Department-Division of Environmental Health

**Funding:** \$251,363; 4-year workplan

**Project Description:** The Ho-Chunk Nation will use Gulf Hypoxia Program funding to better assess and manage nonpoint source contributions to Tribal waters within the MARB. Activities include engagement, collaboration, information sharing and multiagency planning with watershed stakeholders including inter-tribal organizations; non-profits; academia; county, state and federal agencies; Tribal departments; Tribal leadership and the public. This project will also facilitate actions within the Ho-Chunk Nation to reduce nutrient loads into Tribal waters and the MARB such as working with Tribal departments on agricultural management plans, land-use plans and internal policies affecting land-use. A major component of this project is for the Nation to build the capacity to manage nonpoint sources. This will be achieved through the development of a Treatment in a Manner Similar to a State application for the *Clean Water Act* Section 319 Program. Gulf Hypoxia Program funding will be used to draft the key components of the application including the Watershed Assessment Report and Nonpoint Source Management Program Plan. Gulf Hypoxia Program funding will also build capacity through chemical, biological and habitat monitoring of Tribal waters within the MARB.

### Lac Courte Oreilles Band of Lake Superior Chippewa

**Title:** Lac Courte Oreilles Band of Lake Superior Chippewa Bipartisan Infrastructure Law Gulf Hypoxia Program

**Organization:** Lac Courte Oreilles Tribal Government

**Funding:** \$491,882; 4-year workplan

**Project Description:** Lac Courte Oreilles Band will use the Gulf Hypoxia Program funding to provide the resources necessary for the Tribe to accurately assess and manage nonpoint source pollution to Tribal waters within the MARB. A significant portion of this project is focused on the Lac Courte Oreilles Band to build the capacity to manage nonpoint sources and protect Tribal water quality and designated uses. This will be achieved through the development of an application for Treatment in a Manner Similar to a State for the *Clean Water Act* Section 319 Program and Section 303(c) and 401 certifications, which will allow the Tribe to implement on the ground projects and take direct actions in the MARB to improve the local water quality and progress towards the Within Basin and Coastal Action Plan Goals. Gulf Hypoxia Program funding will be used to draft the key components of the Section 319 application including the Watershed Assessment Report and Nonpoint Source Management Program Plan. Funding will also be used to develop water quality standards and site-specific criteria to protect existing uses of Tribal waters, allowing the Tribe to directly regulate and set nutrient standards for Tribal waters in the MARB. Gulf Hypoxia Program funding will also build capacity through monitoring of Tribal waters within the MARB.

## Leech Lake Band of Ojibwe

**Title:** Assessing levels of nutrient pollution in the Mississippi Headwaters and Leech Lake River Watersheds within the Leech Lake Reservation

**Organization:** Leech Lake Band of Ojibwe

**Funding:** \$495,927; 3.5-year workplan

**Brief Project Description:** A large portion of Leech Lake Band of Ojibwe, or LLBO, lands and waters are located within the MARB. These watersheds contain thousands of acres of lakes, rivers and wetlands that provide crucial wildlife habitat, clean water benefits as well as food and medicinal plants that have sustained life for the Ojibwe people for hundreds of years. A portion of these waterbodies are showing impairment status or declining water quality trends, threatening the homelands and natural resources of the LLBO as well as threatening downstream water quality. This funding will support and grow Leech Lake's *Clean Water Act* Section 106 and 319 programs. Gulf Hypoxia Program funding will be used to increase program capacity to monitor and reduce nutrient runoff into Reservation waterbodies. Select lakes and their tributaries will be monitored for nutrients throughout the open water season. The collected nutrient data will be used to evaluate the level of nutrient loading into the system, identify potential sources and ultimately inform future mitigation goals to reduce runoff of nutrients into Reservation Waterbodies.

## Lower Sioux Indian Community

**Title:** Cover Crop & No-Till Implementation to Mitigate Stream-Bank and Cropland Erosion in the Lower Sioux Indian Community

**Organization:** Lower Sioux Indian Community, Office of the Environment

**Funding:** \$380,000; 3.5-year workplan

**Brief Project Description:** Lower Sioux Tribal lands are decreasing at a dramatic rate due to erosion of the Mni Sota Wakpa (Minnesota River) basin, which is of high concern and critically important to address. The concerns include the water quality conditions of the Tribe's water resources and the safety, accessibility and natural resources of shoreline plants and medicines. Preserving the traditions of Dakota people as well as improving the water quality in turbidity, sedimentation and nutrification (the process that water bodies receive excess nutrients) is of critical importance. Lower Sioux will utilize Gulf Hypoxia Program funds to obtain Treatment in a Manner Similar to a State for the *Clean Water Act* Section 319 Program, implement a no-till and cover crop program, conduct a soil survey and support a streambank restoration project. Implementing no-till and cover crops in this heavily agricultural area will keep water on the landscape, decrease nutrification and sedimentation from farmland runoff and decrease water quantity in the river basin to assist in erosion prevention. Studies to demonstrate the soil health improvements obtained by these conservation-minded practices will be performed. Additionally, enhancing the adoption of no-till practices by local farmers by lending out equipment in the region will benefit the watershed with improvements in the soil health of croplands, improvement in water quality and reduction of soil loss due to erosion.

## Mille Lacs Band of Ojibwe

**Title:** Mille Lacs Band of Ojibwe Bipartisan Infrastructure Law Gulf Hypoxia Program

**Organization:** Mille Lacs Band of Ojibwe Department of Natural Resources

**Funding:** \$430,000; 4-year workplan

**Brief Project Description:** The Mille Lacs Band of Ojibwe, or MLBO, will use Gulf Hypoxia Grant funding to build programmatic capacity to manage nonpoint source pollution and support implementation of activities within the Action Plan through Tribal nutrient reduction projects and collaboration with partners across the basin with the ultimate goal to reduce nutrient loads within the MARB and the Gulf. The MLBO is currently engaged with various multiagency watershed-based planning efforts in the Upper Mississippi Basin and funds through this program will enable the Band to enhance these efforts. Grant funds will also be used to build capacity to manage nonpoint source pollution by updating and completing the elements necessary for the *Clean Water Act* Section 319 program including Treatment in a Manner Similar to a State. The MLBO Nonpoint Source Watershed Assessment Report was originally provided to EPA in 2012 and revisions were incorporated; the MLBO Nonpoint Source Management Plan was also submitted in 2012 to the EPA for review. Gulf Hypoxia Program funds will allow the MLBO to update these draft documents and complete the necessary steps and requirements for the Section 319 program.

## Pokagon Band of Potawatomi Indians

**Title:** Nutrient Examination and Partnerships in the Kankakee River Basin

**Organization:** Pokagon Band of Potawatomi Indians, Department of Natural Resources

**Funding:** \$284,500; 5-year workplan

**Project Description:** The Pokagon Band of Potawatomi Indians (“Pokagon Band”) seeks support for ongoing efforts to reduce nutrient sources in the Mississippi River Basin through the Gulf Hypoxia Program. The Pokagon Band intends to document the current conditions of the Kankakee River through contracted longitudinal surveys of nitrate levels in the river in conjunction with other water quality and habitat conditions. The Pokagon Band also seeks to work with partners in the watershed to educate landowners and implement best management practices to reduce the amount of nutrients from reaching the river system from manure lagoons or nonpoint runoff sources.

## Prairie Island Indian Community

**Title:** Controlling Urban Runoff by Creating Infiltration Areas Near Impermeable and Monoculture Surfaces

**Organization:** Prairie Island Indian Community

**Funding:** \$300,000, 3-year workplan

**Project Description:** Treasure Island Resort and Casino has a large parking lot and currently directs stormwater to a retention pond and the Vermillion River; both waterbodies having nutrient impairments and outflow into the Mississippi River. The main objective of this project is to implement Best Management Practices to control stormwater within Tribal lands. Implementing stormwater treatment features such as rain gardens and bioswales will naturally treat and remove nutrients from stormwater. The anticipated environmental outcome is a load reduction in common urban pollutants (nitrogen, phosphorus, salts, metals, oil and gas) to nearby surface waters that ultimately drain into the Mississippi River.

## Shakopee Mdewakanton Sioux Community

**Title:** Restoring tributaries to the Minnesota River, within the Prior Lake HUC 12 watershed

**Organization:** Shakopee Mdewakanton Sioux Community

**Funding:** \$380,000; 4-year workplan

**Project Description:** The Minnesota River is Minnesota's largest tributary to the Mississippi River after the headwaters. Elevated nutrient concentrations and degraded aquatic life are major water quality issues within the watersheds of the Minnesota River Basin, including the Prior Lake HUC 12 watershed (070200121105). The Prior Lake HUC 12 watershed impairments are in part the result of historical agriculture land use, invasive common carp and stream bank erosion along several channels. The project focuses on reducing nonpoint source pollution to the Minnesota River by implementing restoration projects within the watershed. The project will assess carp within the main channel of the watershed, remove carp biomass from the system, and reduce nutrient and sediment concentrations within the watershed. Anticipated environmental outcomes include decreased aquatic invasive species, reduced nutrient transport, increased infiltration and improved water quality flowing to the Minnesota River.

## St. Croix Chippewa Indians of Wisconsin

**Title:** St. Croix Chippewa Total Phosphorus Nonpoint Source Assessment, Management and Implementation

**Organization:** St. Croix Chippewa Indians of Wisconsin, Environmental and Natural Resources Department

**Funding:** \$190,114; 2.5-year workplan

**Project Description:** The St. Croix Chippewa will leverage the water quality data collected under its *Clean Water Act* section 106 program along with available watershed data to develop a holistic assessment of total phosphorous nonpoint sources and a management plan to address the root cause of excessive total phosphorous loading within contributing watersheds to Mississippi River. Additionally, a total phosphorous load reduction project will be designed and implemented, including outreach and engagement with the community to gather input and inform them of project results.

## Upper Sioux Community

**Title:** Upper Sioux Community Streambank Stabilization Project

**Organization:** Wisconsin Department of Natural Resources

**Funding:** \$380,000, 2-year workplan

**Project Description:** This Project seeks to work collaboratively with the Army Corps of Engineers through the Tribal Partnership Program to stabilize the right descending bank of the Minnesota River on a portion of the Upper Sioux Community land to reduce land erosion. The bank is actively eroding and deteriorating because of high river flow and changing climate impacts. As a result of the Minnesota River overtopping the riverbank more frequently, bank erosion is beginning to create a new channel that cuts directly through Tribal land. The Tribe is concerned this will have the long-term impact of altering the course of the Minnesota River, which legally defines the northern border of the Community's lands, as well as any loss of Tribal Trust land and the ability to access and utilize the lands in the future. The environmental results of this project will be reduced sediment and nutrient loading into the Minnesota River which is a direct tributary of the Mississippi River.

## White Earth Band of Chippewa Indians

**Title:** White Earth Band of Chippewa Indians Bipartisan Infrastructure Law Gulf Hypoxia Program

**Organization:** White Earth Band of Chippewa Indians, White Earth Natural Resources Department

**Funding:** \$500,000, 4-year workplan

**Project Description:** The White Earth Band of Chippewa Indians will use Gulf Hypoxia funding to provide the resources to better assess and manage nonpoint source contributions including Tribal waters within the Mississippi Watershed. Building capacity to manage nonpoint sources of pollution has been a priority for the White Earth Band. Major components of this proposal will enhance White Earth priorities and help development of an application for Treatment in a Manner Similar to a State for the *Clean Water Act* Section 319 Program. White Earth will use Gulf Hypoxia Program funding to draft the key components of the application including nonpoint source assessment report and nonpoint source management plan.

## Winnebago Tribe Of Nebraska

**Title:** Winnebago Tribe of Nebraska Gulf Hypoxia Project

**Organization:** Winnebago Tribe of Nebraska, Environmental Protection Department

**Funding:** \$375,859, 3-year workplan

**Project Description:** The Winnebago Tribe of Nebraska, having been identified as an eligible Tribe with lands within the MARB part of the Hypoxia Task Force states, is well positioned to be a major partner in the endeavor to reduce nutrient loading in the Mississippi River basin and improve the hypoxic zone in the northern Gulf of Mexico. The Tribe will use Gulf Hypoxia Program funding to increase capacity to implement nonpoint source management activities including: establishing partnerships, developing nutrient reduction strategies with consideration for climate change, and coordinating with partners to leverage funding of nonpoint source reduction activities. Funds will also be used to establish two new water quality monitoring sites to measure nutrients on the Missouri River.