

# WINNEBAGO TRIBE OF NEBRASKA

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## RESOLUTION #26-13

### Supplemental Request for Treatment as a State (TAS) Under Clean Water Act

#### (Application)

- WHEREAS, the Winnebago Tribe of Nebraska ("Tribe") is a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 U.S.C. §476, et seq.) as amended by the Act of June 15, 1935, (49 Stat. 378); and
- WHEREAS, the Tribal Council is the duly recognized governing body of the Tribe established under the Winnebago Tribal Constitution, which was duly adopted and ratified by members of the Tribe on February 29, 1936; and
- WHEREAS, pursuant to Article IV Section 1(c) of the Winnebago Tribal Constitution, and its inherent powers of self-government, the Tribal Council is vested with the power inter alia, "To safeguard and promote the peace, safety, morals, and general welfare of the Tribe;" and
- WHEREAS, pursuant to Article IV Sections 1 and 2 of the Winnebago Tribal Constitution, and its inherent powers of self-government, the Tribal Council has the authority to negotiate with various governments; and
- WHEREAS, the Winnebago Tribe of Nebraska exercises governmental authority over its federal Indian reservation, which includes lands held by the United States in trust for the tribal government that are not located within the boundaries of the formal reservation. The tribe's jurisdiction now extends to include newly acquired lands under the Winnebago Land Transfer Act of 2023 (See Winnebago Land Transfer Act of 2023); and
- WHEREAS, the Winnebago Tribe of Nebraska may apply under section 518 of the Clean Water Act (CWA) to the U.S. Environmental Protection Agency to become eligible to be treated in a similar manner as a state (TAS) to administer a CWA section 303(c) Water Quality Standards Program and CWA section 401 Water Quality Certification Program; and
- WHEREAS, the Winnebago Tribe of Nebraska's jurisdiction has recently expanded with the acquisition of new lands under the Winnebago Land Transfer Act of 2023. This Act transfers approximately 1600 acres of land into trust for the Winnebago Tribe, located on the Iowa side of the Missouri River. These lands are now recognized as part of the Tribe's trust lands and are integral to the Tribe's environmental management and protection efforts. With the addition of these lands, the Tribe's jurisdiction and responsibility for water quality and environmental stewardship

have increased, necessitating the extension of Clean Water Act (CWA) authority to these areas; and

WHEREAS, this request supplements the Tribe's prior TAS determination and reflects jurisdictional updates due to the Winnebago Land Transfer Act of 2023 (Public Law 118-68; signed July 12, 2024), which placed additional lands into trust and within the Tribe's Reservation, increasing our stewardship responsibilities over covered surface waters; and

WHEREAS, it is in the best interest of the Tribe to continue to apply for treatment as state pursuant to this EPA application for additional lands acquired and assert sovereignty over its lands for the health, welfare, and benefit of its members.

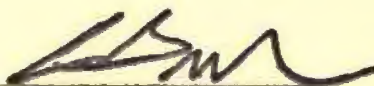
NOW THEREFORE BE IT RESOLVED, the Winnebago Tribe of Nebraska is authorized to submit a supplemental request for Treatment as a State (TAS) under Clean Water Act (CWA) 518 to administer CWA 303(c) Water Quality Standards and CWA 401 Water Quality Certifications to include lands acquired by the Winnebago Land Transfer Act of 2023.

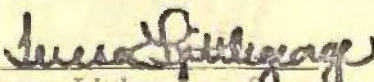
BE IT FURTHER RESOLVED, the Chairman is authorized to execute all documents necessary for the submission of this supplemental request for Treatment as a State.

### CERTIFICATION

We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on the 21<sup>st</sup> day of October, 2025; at a meeting duly convened by the Winnebago Tribal Council, voted to adopt the above Resolution by a vote of \_6\_ for, \_0\_ against, \_0\_ abstentions, with the Chairman not voting and \_2\_ member(s) absent.

DATED THIS 21<sup>st</sup> DAY OF October 2025

  
Coly Brown, Chairman  
Winnebago Tribal Council

  
Teresa Littlegeorge, Secretary  
Winnebago Tribal Council