



**THE PRAIRIE ISLAND INDIAN COMMUNITY
TESTIMONY OF THE HON. GRANT JOHNSON, PRESIDENT**

**U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**

May 7, 2024

Summary of Agency/Program and Funding Requests

- 1. Funding for Relocation of Tribal Communities Threatened by Existential Environmental Justice Issues***
 - 2. Funding for Tribal Law Enforcement and Emergency Response***
 - 3. Funding for Tribal Emergency Plan Development / Agency Contact***
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INTRODUCTION AND BACKGROUND

Chairman Simpson, Ranking Member Pingree, and distinguished Members of the Subcommittee, thank you for this opportunity to testify on behalf of the Prairie Island Indian Community. My name is Grant Johnson. I am the elected President of the Prairie Island Indian Community Tribal Council. Our Tribe and our Mdewakanton Dakota ancestors have resided along the banks of the Mississippi River for countless generations. In the late 1800s and again in the 1930s, the federal government acquired land for our Tribe on an island – Prairie Island – located in the Mississippi River between Minnesota and Wisconsin. The core of our Reservation today is located on that same island. Unfortunately, federal (and federally licensed) infrastructure projects continuously threaten the health and safety of our members and the continued viability of the Tribal economy that provides the bulk of the funding we need to run our government.

As described below, our Tribe faces a “trifecta” of threats on our Reservation: flooding caused by a federal dam, immediate proximity to a federally-licensed nuclear power plant and nuclear waste storage site, and hazardous train traffic that often blocks access on and off the island even in emergency situations – all infrastructure that benefits other people at our expense. These circumstances underpin our request that the Subcommittee prioritize funding for (1) relocation of Tribal communities facing existential Environmental Justice threats (especially ones created by

federal actions), (2) tribal law enforcement and emergency response, and (3) emergency plan development (including identification of a centralized agency contact point) for deployment on reservation lands.

Due to the federal government's construction of Lock and Dam No. 3, our Reservation constantly faces the risk of flooding. Congress did not authorize this flooding, and we have not been compensated for the taking of our property rights. Flooding endangers our citizens, threatens our livelihood, and prevents safe housing and economic development on our Reservation. In response to each flood event, we are forced to use our own resources to construct expensive safeguards to protect our employees, patrons, and the tribal businesses (primarily our gaming facility) that generate funding to run our government.

As recently as a year ago – in April 2023, our Reservation was inundated by a “major flood” event.¹ The National Weather Service explains that a “major flood” event is one in which there is “*extensive inundation of structures and roads in addition to the possible significant evacuations of people and/or transfer of property to higher elevations.*”² Over the last three decades our Reservation has been subjected to *four* “major flood” events – meaning the youngest generation of our Tribal members has experienced the “significant evacuations of people and/or transfer of property to higher elevations” four times already – something most other Americans never experience in a lifetime. In addition to the major flood that occurred last year, major floods have been recorded on our Reservation in 1951, 1952, 1965, 1969, 1997, and twice in 2001.³ The National Weather Service also has recorded floods at lower but still damaging levels in 1967, 1993, 2010, 2011 (twice), 2014, and 2019.⁴ During these flooding events, we are forced to use our own financial and human resources to build temporary sandbag barriers and to take other actions to try to protect homes, sacred and cultural sites, government offices, and Tribal businesses.

Making matters significantly worse is the fact that in 1973 and 1974 the federal government licensed the operation of the Prairie Island Nuclear Generating Plant on our same island less than 700 yards from our Reservation. Our Tribal members and Tribal lands are exposed to constant low-dose radiation emissions,⁵ various nuclear “incidents,” and the continuing threat of a catastrophic nuclear accident. The nuclear plant – already one of the oldest in the United States – is in the process of being relicensed to continue to operate through 2054 to meet carbon reduction goals.

¹ See <https://water.weather.gov/ahps2/hydrograph.php?wfo=mpx&gage=rdwm5>; see also, e.g., “Mississippi crests in Red Wing at highest levels since 2001,” CBS News (Apr. 26, 2023), <https://www.cbsnews.com/minnesota/news/mississippi-crests-in-red-wing-at-highest-levels-since-2001/>.

² Flood Preparedness Week - Flooding and Related Phenomena, National Weather Service, https://www.weather.gov/ffc/flood_awareness_flooding, (emphasis added).

³ See <https://water.weather.gov/ahps2/hydrograph.php?wfo=mpx&gage=rdwm5>.

⁴ *Id.*

⁵ Our tribal members grow up exposed to low-dose radiation risks that the federal government admits are unstudied and not well understood. The White House's National Science and Technology Council has warned that the “[i]nadequate understanding of low-dose radiation health effects, including whether or not low-dose radiation causes cancer, results in significant societal and financial impacts.” *Radiation Biology: A Response to the American Innovation and Competitiveness Act*, National Science and Technology Council (January 2022) at 2.

Because there is no permanent federal repository for spent nuclear fuel,⁶ the nuclear power plant stores its nuclear waste on-site at Prairie Island pursuant to a license issued by the federal Nuclear Regulatory Commission in 1993. Currently more than 1,000 tons of nuclear waste are licensed for storage, and that storage also is located less than 700 yards from our Reservation. The owners of the nuclear plant are petitioning to expand the amount of nuclear waste that can be stored there to as much as 2,100 tons. When the nuclear plant finally is decommissioned in the 2050s, *even more* nuclear waste will have to be sited there.⁷ The Bureau of Indian Affairs strongly opposed the licensing of nuclear waste storage next to our Reservation, writing that the “imposition of risks of containment failure, the increase in radiation exposure, and the emotional impact of the [nuclear waste storage facility] upon the Prairie Island Indian Community *is an unreasonable burden.*”⁸ And yet the amount of nuclear waste stored there continues to grow. No other community in the United States has been forced to live in this close proximity to a nuclear plant or nuclear waste. It is against this backdrop that the Tribe urges Congress to provide much needed federal funding as follows.

I. RELOCATION FUNDING FOR TRIBES THREATENED BY ENVIRONMENTAL JUSTICE ISSUES

Our Tribe has had no choice but to seek additional reservation land located at a safe distance from the existential threats described above. We used our own funds to buy land within our historic territory far enough away from the threats created by the federal government, and within a 50-mile radius of Prairie Island consistent with an agreement with the State of Minnesota. We need this new land placed in trust and we need federal financial help to develop infrastructure, housing, and employment opportunities there. Unfortunately, existing federal funding for tribal relocation is woefully inadequate,⁹ and nearly all such funding has been focused on addressing only land loss caused by climate-related flooding.¹⁰ The Prairie Island Indian Community’s relocation needs are necessitated not just by climate change, but most fundamentally by hazards caused by federally constructed and federally licensed infrastructure projects that benefit other communities while creating untenable Environmental Justice issues for our Tribe. We urge Congress to make

⁶ See U.S. Gov’t Accountability Off., GAO-21-603, “Commercial Spent Nuclear Fuel: Congressional Action Needed to Break Impasse and Develop a Permanent Disposal Solution” (2021).

⁷ In *The Matter Of The Application Of Northern States Power Company, Minnesota D/B/A Xcel Energy For A Certificate Of Need For Additional Dry Cask Storage At The Prairie Island Nuclear Generating Plant Independent Spent Fuel Storage Installation*, Docket No. E002/CN-24-68.

⁸ Letter from Earl Barlow, Area Director, Bureau of Indian Affairs, to Robert Cupit, Minnesota Environmental Quality Board cmt. ltr. 16 (Jan. 1991) *contained within* Minnesota Environmental Quality Board, *Prairie Island Independent Spent Fuel Installation, Final Environmental Impact Statement* at 7.1 (Apr. 12, 1991), <https://www.leg.state.mn.us/docs/pre2003/other/910498.pdf>.

⁹ See generally “Informational Report: The Unmet Infrastructure Needs of Tribal Communities and Alaska Native Villages in Process of Relocating to Higher Ground as a Result of Climate Change,” Bureau of Indian Affairs (May 2020) (estimating that up to \$5 billion will be needed across the next 50 years to help tribes relocate in response to climate change impacts).

¹⁰ See, e.g., “Biden-Harris Administration Announces \$120 Million from President’s Investing in America Agenda to Enhance Climate Resilience in Tribal Communities,” Department of the Interior (Mar. 14, 2024), <https://www.doi.gov/pressreleases/biden-harris-administration-announces-120-million-presidents-investing-america-agenda>.

relocation funding available to Tribes like ours that face existential, federally created Environmental Justice threats.

II. TRIBAL LAW ENFORCEMENT, PUBLIC SAFETY AND EMERGENCY RESPONSE

Given the severe threats faced by our Tribe, adequate law enforcement, public safety and emergency response infrastructure is crucial so that we can protect our citizens, patrons, and employees. Yet as you know, federal funding for law enforcement, public safety and emergency response does not come close to meeting Indian Country's needs. In 2018 BIA estimated that it would cost \$1.3 billion to fully fund Indian Country law enforcement services, with another \$1.2 billion needed to fund tribal courts.¹¹ The amount of such funding needed for Indian Country has only increased since then. We urge Congress to prioritize funding to meet this need. In light of the risk of a catastrophic event occurring at our Reservation, the Tribe requested funds through the FY 2025 Community Project Funding process to purchase a mobile incident command vehicle. The Tribe's current mobile incident command vehicle (a retrofitted recreational vehicle) is outdated and ill-equipped. The Tribe seeks funds to purchase an updated, specialized vehicle to be better prepared for the wide range of emergencies that could occur on our Reservation, whether that be a nuclear event, flooding, or a train derailment. Even if that funding is awarded, though, the need for additional public safety funding for Prairie Island and tribes across Indian Country is acute.

III. DEVELOPMENT OF TRIBAL EMERGENCY PLANS

Without adequate planning, chaos inherently follows a nuclear event (*e.g.*, Fukushima), catastrophic flooding (*e.g.*, Katrina), or a hazardous substance release from a train derailment (*e.g.*, East Palestine). (And these threats could interact to create an even greater catastrophe, *e.g.*, derailment of a train carrying hazardous materials causing loss of life and property could potentially also trigger a nuclear incident.) Yet our Federal Trustee has not developed a comprehensive emergency plan to respond to the threats facing us. If and when an emergency takes place, we have nowhere to go to obtain help coordinating communications with the multiple federal agencies that would be involved (*e.g.*, Interior, the Federal Emergency Management Agency, Nuclear Regulatory Commission, and possibly the Department of Transportation). Further, with our governmental infrastructure compromised and our businesses shuttered, we would have no funding to pay for emergency services (*e.g.*, emergency personnel, expert assistance, infrastructure redevelopment, and temporary housing) during the aftermath of the catastrophe and no way to rebuild afterwards. We need a single point of federal contact to be identified and funding for the development an emergency plan. This requested funding is compelled by the federal government's general trust responsibility to us and because the existential risks we face are federally created and facilitated.

CONCLUSION

The Prairie Island Indian Community is very appreciative of the Subcommittee's interest in our concerns and our funding needs. We are happy to answer any questions you may have, and we look forward to working with you.

¹¹ Bureau of Indian Affairs, Office of Justice Services, "Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2018" at 1 (July 2020).