



**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**

February 26, 2025

Summary of Agency/Program and Funding Requests

- 1. Funding for Tribes Threatened by Federally-Constructed or Licensed Projects***
 - 2. Funding for Tribal Law Enforcement and Emergency Response***
 - 3. Funding for Tribal Emergency Plan Development / Agency Contact***
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INTRODUCTION

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, and I am the 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. Many decades ago the United States established a reservation for our Tribe on an island – Prairie Island – located in the Mississippi River between Minnesota and Wisconsin. Unfortunately, federal (and federally licensed) infrastructure projects have continuously threatened the health and safety of our members who live on Prairie Island, and threatened the continued viability of the Tribal economy we have developed there. To ensure that our people and our economy are protected, at great cost to the Tribe, we purchased additional land (known as Elk Run) located at a safe distance from these threats. A portion of Elk Run has been placed into trust and is now part of our tribal land base. We now await action from the Department of the Interior to put the rest of Elk Run in trust.

We had no choice but to acquire new land because of the very real safety threats at Prairie Island that include flooding caused by a federal dam and immediate proximity to a federally-licensed nuclear power plant and nuclear waste storage site -- infrastructure that benefits other people at our expense. These circumstances underpin our request that the Subcommittee prioritize funding that

will help us develop our land at Elk Run and will help support emergency response capabilities and planning. More specifically, we urge the Subcommittee to ensure that there is adequate funding for (1) development of new trust lands for Tribal communities that face existential threats caused 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.

BACKGROUND

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. Our Reservation also is frequently inundated by "major flood" events, most recently in 2023.¹ The National Weather Service describes a "major flood" event as 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 in 2023, 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

¹ See, e.g., <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*

nuclear accident. Plant operators acknowledge that this facility – already one of the oldest in the United States – will need to continue to operate through 2054 to meet carbon reduction goals. Because there is no permanent federal repository for spent nuclear fuel,⁶ the nuclear power plant stores an ever-increasing amount of nuclear waste on-site at Prairie Island pursuant to a license issued by the federal Nuclear Regulatory Commission in 1993 and renewed a decade ago. 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. A regulatory process that will *double this amount* is already underway.⁷ The Bureau of Indian Affairs strongly opposed the original 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 such 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. DEVELOPMENT FUNDING FOR TRIBAL LANDS SUCH AS ELK RUN

The federal government played a primary role in the creation of the threats we face at our Prairie Island reservation. Through no fault of our own we really had no choice but to find additional land located at a safe distance from these threats. To do this our Tribe already has had to expend very significant resources to buy new land and do the work necessary to have it put into trust.

Now, we need federal help to be able to develop infrastructure, housing, and employment opportunities at Elk Run. For these reasons, we urge the Subcommittee to fully fund programs that help tribes finance and build roads, water and sewer infrastructure, and tribal housing, and that generally support economic development on tribal lands. This also means that it is crucial that the Bureau of Indian Affairs is adequately staffed to review and approve leases, rights of way and other development-related agreements that require federal approval.

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 a 2024 Report, BIA estimated

Response to the American Innovation and Competitiveness Act, National Science and Technology Council (January 2022) at 2.

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>.

that it would cost over \$1.7 billion to fully fund Indian Country law enforcement services, with another \$1.5 billion needed to fund tribal courts.⁹ The amount of such funding needed for Indian Country has only increased since then. We urge Congress to prioritize funding to meet this need. We are grateful that the Senate has approved the Tribe's request for funds through the FY 2025 Congressionally Directed Spending (Community Project Funding) process to purchase a mobile incident command vehicle to replace the outdated and ill-equipped recreational vehicle that we use. The Tribe will use this funding to purchase an updated, specialized vehicle to be better prepared for the wide range of emergencies that could occur on our Reservation at Prairie Island, whether that be a nuclear event, flooding, or a train derailment. Even if that funding is ultimately appropriated, 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.*, the impact of last year's Hurricane Helene), or a hazardous substance release from a train derailment (*e.g.*, East Palestine). Moreover, at Prairie Island, one of these threats could trigger another event and lead to 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 never 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.

⁹ 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, 2021 (Feb. 2024), available at: https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf.