

**Testimony of  
Ron His Horse Is Thunder, Chairman  
Standing Rock Sioux Tribe and  
Chairman of the Great Plains Tribal Chairman's Association  
Before the House Committee on Natural Resources –  
Subcommittee on Water and Power**

**April 28, 2009**

My name is Ron His Horse Is Thunder. I am the Chairman of the Standing Rock Sioux Tribe. I also serve as the current chair of the Great Plains Tribal Chairmen's Association. I thank Chairwoman Napolitano and the subcommittee for the opportunity to present a tribal perspective on the Bureau of Reclamation's efforts and funding under the American Recovery and Reinvestment Act of 2009.

The Standing Rock Sioux Tribe is a rural reservation straddling North Dakota and South Dakota. More than 10,000 Tribal and non-Native citizens reside on our 2.3 million acre Reservation, which is slightly smaller than the State of Connecticut. The other Great Plains Tribes are similar to us – with rural reservations, a large land base, and substantial residential population. We all share a need for safe, clean drinking water for our people and irrigation for sustainable living.

Like our fellow Great Plains Tribes, our ancestors occupied the lands and relied upon the waters of the Upper Missouri River basin from long before the Lewis and Clark expedition. Our ancestors thrived on the bottomlands of the rivers and streams, which provided nutrient-rich soil for ranching and farming, as well as a homeland for our peoples. However, the Federal government built dams in the 1950s which flooded our best farmlands and, in some instances, displaced over 90% of our people. We were forced to move to higher, dryer ground. Our Tribal communities, agricultural lands, and reservation infrastructure were destroyed – including roads, hospitals, schools, and homes. We suffered catastrophic personal and economic losses. Unemployment soared. Our way of life was never the same.

Decades later, in an attempt to make the Tribes whole again, the United States promised – among other things – to build drinking water and irrigation water systems for our reservations. The Secretary of the Interior's Joint Tribal Advisory Committee, or JTAC, determined in 1986 that construction of safe, complete drinking water systems would be essential to revitalize economic growth and public health. Safe drinking water systems also contribute substantially to the health of our people – as currently many Reservation families must still clean dishes and bathe themselves and their small children in brown well water that reeks of heavy minerals like manganese, coal, iron, and lime, which exacerbate diabetes. The JTAC also reported that thousands of additional acres

needed to be irrigated in order to provide our Tribes with sufficient replacement agricultural lands.

Through Congressional legislation like the Garrison Diversion Unit Reformulation Act of 1986 and the Dakota Water Resources Act of 2000, Congress authorized substantial funding for these drinking water and irrigation projects. The Standing Rock Sioux Tribe's municipal, rural, and industrial (MR&I) water system was authorized in the Dakota Water Resources Act at \$80 million, which has increased to almost \$140 million today through cost indexing. The authorization for the Standing Rock Irrigation Project was recently increased by \$8 million, as well, coming to a total of about \$20 million.

However, our drinking water systems and irrigation systems remain far from complete. Historically, annual funding for these projects has not even been sufficient to keep up with construction inflation or cost indexing. Tribes in the Great Plains would receive at most \$1 million or \$2 million per year for their MR&I projects, and often less. Funding for our Tribal irrigation project was even more sporadic. This meant that Tribes could only put together small bid packages, which increased transaction costs and the overall costs of these important water projects. More recently, the increased appropriations in 2008 and 2009 allowed our Tribes to make significant progress on key MR&I components like water treatment plants and intakes. We hope that Congress continues to prioritize Tribal water projects in 2010 and beyond.

The additional Recovery Act funding should also allow us to make significant progress this year. For example, the Standing Rock Sioux Tribe has been awarded an allocation of \$19 million from the Bureau of Reclamation for a new water treatment plant at Wakpala, South Dakota. In addition to providing clean drinking water to over 1100 households and many small businesses in at least 8 different communities, this project promises to create 40 full-time construction jobs alone – and many, many times that number in support jobs and secondary economic development in the area. But there is still a long way to go. Even taking into account the funding provided under the Recovery Act and 2009 omnibus appropriations, the Standing Rock MR&I project still has over \$76 million in remaining authorization – funding which will be needed to complete the necessary work on intake, water treatment plant, pump stations, storage tanks, and transmission and distribution pipelines so that clean and safe water is available to everyone in our communities.

We are grateful for Congress' and Reclamation's recognition through the Recovery Act that Tribal water projects are important and worthy of substantial funding, but we ask that you not fall back into old habits in 2010 and beyond. These clean drinking water systems are too important for the health, well-being, and economic development of our Reservations and surrounding communities. It is time for the Federal government to keep its promise to our Tribes. As Chairman of the Great Plains Tribal

Chairman's Association, I also wish to note that not all our Tribes received Recovery Act funding, even though they have shovel-ready projects. The Turtle Mountain Band of Chippewa and others received no funding and deserve to know why. I hope this subcommittee will ask the Bureau of Reclamation to explain its funding decisions fully and openly.

In addition, despite our efforts to bring irrigation to the attention of decision-makers in the Interior Department and Congress, the Recovery Act has not provided any appropriations for Reclamation-funded irrigation projects like the Standing Rock Irrigation Project and others authorized by the Garrison Reformulation Act and Dakota Water Resources Act. At Standing Rock, our irrigation project is run by the successful tribally-owned business Standing Rock Farms, Inc. By growing high-yield corn and other crops, Standing Rock Farms has turned small Federal irrigation investments into tribal profits and provided much-needed jobs on our Reservation. But annual appropriations have been woefully insufficient. Standing Rock Farms has recently entered into a new self-determination construction contract with Reclamation and has prepared almost \$8 million worth of shovel-ready irrigation project components – which will bring well over a thousand additional agricultural acres online. This work includes upgrading existing pivots and pumps to increase efficiency and acreage, as well as new construction. This is exactly the kind of project that could make quick and efficient use of Recovery Act funding to create dozens of full-time jobs and substantial, long-term economic benefit to the Tribe, the Reservation, and surrounding areas.

It is important that Congress and the Federal government keep in mind that our water projects – both MR&I and irrigation – need to be secure. The Dakotas recently experienced serious flooding, as you know. In prior years, drought and poor Missouri River management altered the river channel, threatening disruption to water intakes. In the worst instance at Standing Rock, during Thanksgiving 2003, our people had no water for many days. Massive amounts of sediment moved downriver and completely buried our water intake system. We had no water for our homes, our Tribal government offices, our schools, or our hospital. Our irrigation projects were affected, and we lost our crops. The result was tremendous social and economic hardship for our people. Former Chairman Charles Murphy testified to the Senate Committee on Indian Affairs about this incident in 2004. It is for these reasons that sufficient funding for secure intakes, pumps, pivots, and fully-operational water treatment plants is so vital. In addition, our MR&I and irrigation systems can only bring benefit to the area if the water levels of the rivers and reservoirs are properly managed – with priority for drinking water for people over barge shipping and other commercial uses downriver.

Finally, I understand that our funding under the Recovery Act will come with additional reporting and other requirements. However, our Tribe has not yet received word from Reclamation what these requirements will entail, or whether we will need to revise our annual funding agreements to accommodate these additional items. Due to the

short time frame in which Recovery Act funding must be used, we ask your help in ensuring that the Bureau develops reporting requirements that are easy to use, and that the Bureau releases this information quickly, so that Tribes can review it and negotiate respectful and manageable government-to-government funding agreements that comply with the law and the spirit of self-determination. It has already been two months since the passage of the Recovery Act, and we are ready to get to work.

In light of these comments, I make the following requests on behalf of the Standing Rock Sioux Tribe and other Tribes of the Great Plains:

- We ask your help in ensuring that Reclamation quickly compile and release by May 15, 2009 reasonable reporting requirements to comply with the Recovery Act in the spirit of tribal self-determination;
- We seek full and open discussion of the Bureau of Reclamation's funding choices under the Recovery Act;
- We request that Recovery Act funding be allocated to our vital Reclamation-funded irrigation projects;
- We look for your continued support of our important Tribal drinking water and irrigation projects in the future, including ensuring a proper management scheme for the Missouri River basin that prioritizes drinking water use;
- We ask for your support in the House of Senate bill S.2200, the Tribal Innovative Water Financing Act, which will reaffirm through legislation that Tribes have the authority to leverage Federal funding under self-determination contracts to build safe and comprehensive drinking water projects in a more timely way; and
- We look to the Federal government to keep its promise to fully compensate our Tribes for the devastating losses when the government flooded our lands, including through a new JTAC package as has been discussed at prior hearings of the Senate Committee on Indian Affairs.

Again, I thank the subcommittee for this opportunity.