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The Morning Star

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**Testimony of William Walksalong
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U.S. House of Representatives, Subcommittee on Energy and Mineral Resources
The Federal Coal Program: A Bad Deal for Taxpayers and a Threat to Climate
October 27, 2021

My name is William Walksalong. I am a member of, and the Tribal Administrator for, the Northern Cheyenne Tribe. I have worked in the Northern Cheyenne Tribal government since 1992, and previously served as Tribal President. I have lived on the Northern Cheyenne Reservation in southeast Montana for nearly my entire life. Thank you for the opportunity to provide testimony today on the issue of the U.S. government's coal program, which impacts the Northern Cheyenne Reservation, off-reservation Tribal lands and ancestral homelands, and the Northern Cheyenne people.

The Northern Cheyenne Tribe has been a federally recognized Indian tribe since the Friendship Treaty of 1825. The Tribe's ancestral homelands were first described on paper in the Fort Laramie Treaty of 1851. On the northern boundary, they extend from the Pemmican Mountains at the mouth of the Powder River in present-day Montana, east to the confluence of the Missouri and Cannonball rivers in present-day North Dakota. The Rocky Mountain Front marks the western boundary with Pike's Peak, known to the Northern Cheyenne people as Stonehammer Mountain, in the southwestern corner. The Arkansas River forms the southern boundary, and the confluence of the North and South Platte rivers are on the eastern boundary. These homelands include all of the Powder River Basin in present-day Montana and Wyoming.

The Tribe now occupies the Northern Cheyenne Reservation, which is composed of approximately 444,000 acres of land in Big Horn County and Rosebud County, Montana. More than 95 percent of lands within the Reservation are held by the United States in trust for the Tribe or the Tribe's members. The Tribe also possesses off-Reservation trust lands, including more than 500 acres along the Tongue River Reservoir, near the Decker and Spring Creek coal mines in Montana. The Tribe has approximately 11,000 members, many of whom live on or near the Reservation.

At the core of the Northern Cheyenne world view is the imperative to respect what Maheo, our Creator, allowed us to take care of. We care for the Earth that provides for us. In the Northern Cheyenne religion and culture, land is sacred, and people should not open up the earth. We believe that water is life itself.

For centuries, the Northern Cheyenne people have sacrificed their lives and placed their children and elders in harm's way to preserve and live on the land that contains the bones of our

LITTLE WOLF AND MORNING STAR – Out of defeat and exile they led us back to Montana and won our Cheyenne homeland that we will keep forever.

loved ones. The Northern Cheyenne teaching and knowledge describes intimate connection between the language, lifestyle, culture, ceremonies and even political organizations of our Indian Nation and the land in which we live. When the United States forcibly removed our Tribe to Oklahoma, our members sacrificed their safety, and ultimately, their lives, to escape and return by foot to Montana, with the U.S. Army in pursuit. Our land and water are that important to us.

Thus, protecting the Tribe's land, air, and water is necessary to sustain the spirit of our Northern Cheyenne Nation. As a result, the Tribe has never developed the coal underlying the Reservation or allowed others to do so. The Tribe has also taken steps to protect its lands from off-reservation development. For example, over the last four decades, the Tribe took action to regain control of the mineral rights underlying the Reservation in perpetuity including by a Supreme Court victory and securing federal legislation; went to federal and state court multiple times and took other action to successfully challenge coal-related development that would have surrounded the Reservation, including in the Tongue River Valley; was the first tribe to designate its Reservation as a Class 1 air quality region; adopted stringent Tribal water quality standards, which were approved by the U.S. Environmental Protection Agency; and facilitated designation of three National Historic Landmarks outside the Reservation: (1) Rosebud Battlefield - Where the Girl Saved Her Brother on Rosebud Creek; (2) Wolf Mountains Battlefield - Where Big Crow Walked Back and Forth on the Tongue River; and (3) Deer Medicine Rocks on Rosebud Creek.

But while the Tribe has sacrificed life and limb and foregone lucrative economic development to protect its Reservation lands and maintain its way of life, the Reservation is surrounded by coal mines that operate under federal coal leases, including the Rosebud mine to the north and the Decker and Spring Creek mines to the south. When these mines were under development, they promised opportunities for employment and contracting in Northern Cheyenne Reservation communities, but those opportunities never fully materialized.

Coal mining near the Reservation has harmed our tribal community. Air pollution from mine activities impacts our Class I airshed. Runoff from mines impairs water quality. Runoff from the Decker Mine discharges into the Tongue River, which forms the eastern boundary of the Reservation. Mining destroys habitat for sensitive species, including burrowing owls, prairie dogs, prairie chicken, and sage grouse. Mining within Northern Cheyenne ancestral homelands in the Powder River Basin also destroys important cultural sites, including sites used for Cheyenne ceremonies. And even when coal mines use best reclamation practices to restore the land, mining has caused long-term harm to our environment and Mother Earth.

In addition to these environmental impacts, coal mining brings new people to the reservation that strain Tribal infrastructure, schools, and law enforcement and fire-fighting personnel and equipment. Coal development has also brought outsiders to our Reservation, along with drugs, human trafficking, and other crime.

In short, coal development has not brought prosperity to the Northern Cheyenne Tribe; it has harmed our land, air, and water; burdened our government; and disrupted our culture and community. We have always understood the risks of coal mining. Now, climate science has

confirmed what our culture and knowledge have long known—coal mining damages our shared Mother Earth and risks all of our futures.

The Northern Cheyenne Tribe supported the 2016 decision by Secretary of the Interior Sally Jewell to halt new coal leasing and examine reforms to the federal coal program. At that time, there were pending lease applications to extend the lives and expand the footprint of the Decker and Spring Creek mines, and many other coal mines in the Northern Cheyenne's ancestral homelands in the Powder River Basin. Secretary Jewell said that the government would consult with all affected tribes when studying coal program reforms. We were prepared to take an active role in consultation, development of a programmatic environmental impact statement, and reimagining the federal coal program.

When President Trump took office, the Northern Cheyenne Tribe requested government-to-government consultation on the coal program. Interior Secretary Ryan Zinke did not even respond to our request before he lifted the pause on coal leasing and reopened our homelands to new development.

We sued the Trump Administration and we won. The federal court ruled that the government's decision to reopen federal lands to new coal leasing was illegal. Then we again requested the Trump Administration engage in government-to-government consultation with the Northern Cheyenne Tribe on the federal coal program. Interior Secretary Bernhardt ignored this request, too, and announced they would continue leasing coal and still would not prepare an EIS. They said they would not consult with us because we were not impacted by coal leasing, which is obviously false. So, we sued the Administration again. With the change in administrations, we have put that lawsuit on hold for now, encouraged that the Biden Administration and Congress may take seriously their obligations to protect our lands, air, water, culture, and climate from the harms of coal mining.

There is no time to waste. This summer, those of us living on the Northern Cheyenne Reservation saw first-hand the danger that lies ahead if we continue to mine and burn coal. The Richard Spring fire burned more than 170,000 acres on and surrounding the Reservation. The town of Lame Deer, which is our Tribal headquarters, was evacuated. The fire exhausted our local fire-fighting resources and threatened our homes. The air quality was terrible, and the months of breathing that air will affect our Tribal members' health forever. The Richard Spring fire was not the first to threaten our Reservation and it will not be the last. But it was the latest evidence of what will be only more frequent and catastrophic if we do not stop burning fossil fuels.

While the Northern Cheyenne Tribe generally opposes new coal development, we see opportunity for economic development that is consistent with our cultural beliefs through remediation work and through renewable energy.

Although coal mining and coal energy production have not led to economic prosperity on the Northern Cheyenne Reservation, many Tribal families currently depend on income from nearby coal mines and the Colstrip power plant. More than 100 Tribal members work at the mines and the plant. On the Reservation, each of these jobs directly supports approximately ten

Tribal members. Thus, the inevitable closure of nearby mines and the Colstrip Plant will have an outsized economic impact on the Reservation. This impact could be mitigated by ensuring that reclamation of these sites is timely and adequate, and Tribal members are trained and hired for reclamation work. For example, coal ash ponds at Colstrip have poisoned the aquifers and require years of remediation. Our Tribal members stand ready to help repair the damage and benefit from these important jobs.

We also seek to develop renewable energy resources. Wind, solar, and storage projects offer a means to help provide jobs for Tribal members and members of the surrounding community, to work toward Tribal energy independence, and to help contribute to a cleaner environment. The Tribe is committed to contributing to Montana's overall efforts to expand renewable energy production and innovation. As detailed in the August 2020 Montana Climate Solutions Plan,¹ development of renewable energy and associated industries promises a strong future for Tribal and other communities in Montana. The Tribal Council has passed several resolutions detailing and confirming its commitment to renewable energy, secured grant funds to develop a solar project in the town of Busby, established a Sustainable Energy Subcommittee, hired a Renewable Energy Manager, and is developing related coursework at Chief Dull Knife College. The opportunity for the Northern Cheyenne Tribe to lead a transition to a clean energy economy is enhanced by transmission assets that will soon be made available as the nearby Colstrip coal-fired power plant phases out operations.

I will close my testimony by making three asks of the U.S. government as you consider reforms to the federal coal program.

1) Conduct a long-needed, thorough evaluation of the federal coal leasing program, and in that process respect and account for the sovereign interests of the Northern Cheyenne Tribe and the interests of the Northern Cheyenne people. Since time immemorial, we have served as protectors and stewards of the lands now thought of as coal fields in the Powder River Basin. We need to be at the table and consulted in decision-making.

2) As the U.S. government considers reforms to the federal coal program, we ask that you give special consideration to the economic development needs of the Northern Cheyenne Tribe and other communities that have experienced the boom and bust of the coal industry. The government can do so by ensuring that coal mines and coal plants near the Northern Cheyenne Reservation are fully reclaimed and that Tribal members are trained and employed to do the reclamation work. And the government should support our Tribe's efforts to transition to clean energy development as a means to sustain our economic, cultural, and environmental interests.

3) While the government considers reforms to coal leasing and coal mining, please stop issuing new coal leases in the Powder River Basin. We need to focus on cleaning up our existing messes, phasing out our reliance on fossil fuels, and planning for a responsible future.

I appreciate your time and consideration today.

¹ https://deq.mt.gov/files/DEQAdmin/Climate/2020-09-09_MontanaClimateSolutions_Final.pdf