

HOUSE JOINT RESOLUTION NO. 45
INTRODUCED BY V. SMALL-EASTMAN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MONTANA CONGRESSIONAL DELEGATION TO ACTIVELY PURSUE ENACTMENT OF FEDERAL LEGISLATION THAT IT PROMISED THE NORTHERN CHEYENNE TRIBE IT WOULD ENDEAVOR TO OBTAIN FOLLOWING THE SIGNING OF THE OTTER CREEK SETTLEMENT AGREEMENT.

WHEREAS, in August 1996, President Clinton announced an agreement between the federal government and Crown Butte Mines, Incorporated, that resulted in Crown Butte abandoning the further development of a proposed gold mine near Yellowstone National Park in exchange for unspecified federal assets; and

WHEREAS, in October 1997, Congress approved legislation that provided \$65 million to purchase the Crown Butte holdings and authorized the transfer of \$10 million in federal mineral rights agreed to by the Secretary of the Interior and the Governor of Montana or, alternatively, the title to all federal mineral rights in three federal coal tracts known as the Otter Creek Tracts; and

WHEREAS, Governor Racicot, on behalf of the State of Montana, requested the transfer of the title to all federal mineral rights in the Otter Creek Tracts; and

WHEREAS, the Otter Creek Tracts, consisting of the federal mineral rights to Otter Creek Tracts 1, 2, and 3, encompass approximately 8,350 acres, are estimated to contain approximately 533 million tons of coal, and are located within 3 miles of the Tongue River, which serves as the eastern boundary of the Northern Cheyenne Reservation (Reservation); and

WHEREAS, the Northern Cheyenne Tribe (Tribe) opposed the transfer of the Otter Creek Tracts to the State of Montana and filed suit against the Secretary of the Interior, Gale Norton, in order to protect the Tribe from the severe environmental, socioeconomic, and cultural impacts that the Tribe anticipates will be associated with the future development of the Otter Creek Tracts; and

WHEREAS, the Tribe made substantial efforts to resolve its claims concerning the transfer of the Otter Creek Tracts through negotiations with Governor Martz, the Board of Land Commissioners, the Montana Congressional Delegation, and Great Northern Properties LP, which owns the private mineral rights on land that is held in a checkerboard pattern with the Otter Creek Tracts; and

WHEREAS, the Tribe's negotiations with these parties resulted in the February 19, 2002, Otter Creek Settlement Agreement between the Board of Land Commissioners and the Tribe that, in Exhibit C, includes a

commitment by the Montana Congressional Delegation to the Tribe to seek the enactment of federal legislation that would: (1) provide federal impact funding to the Tribe for Reservation public services and facilities; (2) provide federal funding for certain Tribal cultural activities relating to Otter Creek and the surrounding area; and (3) rectify a claimed 100-year-old federal error that deprived the Tribe of ownership of 8 1/2 sections of Reservation subsurface; and

WHEREAS, the Montana Legislature acknowledges that the Tribe has agreed to withdraw its opposition to the Otter Creek mineral rights transfer, waive its legal complaint against the Department of the Interior, and sign the Otter Creek Settlement Agreement, in part, because the Montana Congressional Delegation has committed to seek federal funding; and

WHEREAS, the federal mineral rights to the Otter Creek Tracts were subsequently transferred to the State of Montana on April 10, 2002; and

WHEREAS, the Montana Legislature has been informed that the Montana Congressional Delegation has not introduced the federal legislation that the Delegation committed to the Tribe that it would pursue; and

WHEREAS, the Montana Legislature supports the Otter Creek Settlement Agreement and the proposed federal legislation contemplated by that agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Congressional Delegation, consisting of Senator Burns, Senator Baucus, and Congressman Rehberg, be hereby requested and urged to diligently "endeavor to secure the promptest possible enactment of federal legislation" for the purposes described in the Otter Creek Settlement Agreement as promised to the Northern Cheyenne Tribe.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the United States Senate Committee on Indian Affairs, the Governor, the Board of Land Commissioners, and the Northern Cheyenne Tribe.

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