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July 11, 2024

Honorable Chairman Brian Schatz
Honorable Vice Chair Lisa Murkowski
Senate Indian Affairs Committee
838 Hart Senate Office Building
Washington, D.C. 20510
Jennifer_Romero@indian.senate.gov

RE: Letter of Opposition to Senate Bill 4444

Dear Senators Schatz and Murkowski:

The Apsáalooké Allottees Alliance is an Indigenous, non-profit advocacy organization dedicated to helping and educating individual Apsáalooké trust allotment landowners, including all aspects of allotted land and water rights issues. We reside on the Crow Reservation in southern Montana. We are no strangers to those who seek to take advantage of our lands and waters, offering much in return and delivering nothing. We fear that the “Crow Revenue Act” (S.4444 from Senator Steve Daines) is more of the same. According to our Crow Constitution, our chairman, Frank White Clay, cannot act on his own. He must take this major decision to the Crow General Council. Anything of this magnitude must go to the Council where it would normally be subject to a referendum vote.

Our Mission Statement:

The Apsaalooke Allottees Alliance is an Indigenous, non-profit advocacy organization dedicated to helping and educating individual Apsaalooke trust allotment landowners, including all aspects of allotted land and water rights issues.



Apsaalooke Allottees Alliance



apsaalooke_alliance

Some Montana politicians are calling S.4444 a “commonsense solution” and claim it will bring new revenue to our people. This is not the case. A close reading of the bill text reveals that the federal government will give the Hope Family 4,530 acres of subsurface mineral interests and 940 acres in surface interests next to a currently operating and profitable coal mine in the Bull Mountains. In exchange, the Hope Family will convey to the Tribe *only* its mineral interests (4,660 acres of mineral rights) as to which there is no nearby coal mining taking place and there is not likely to be any in the future. In addition, if the Crow Nation were ever to pursue the development of the Bighorn County tracts, we would have to enter into a revenue agreement “*if those mineral interests are developed at a later date.*” Senator Daines’ Fact Sheet describing the details of S.4444 misstates this provision of the bill. The statement in the Fact Sheet that Sec. 3 of the bill “requires the Hope Family and the Crow Tribe to enter into a revenue sharing agreement[s] for the development of any mineral interests in the Bull Mountain Tracts,” is wrong. The relevant provision in the bill states:

(d) REVENUE SHARING AGREEMENT.—The Tribe shall notify the Secretary, in writing, that the Tribe and the Hope Family Trust have agreed on a formula for sharing revenue from development of the mineral interests described in subsection (a)(2) if those mineral interests are developed at a later date.

Contrary to a statement in Senator Daines’ Fact Sheet, Sec. 3(a)(2) of the bill refers to the Hope Family Tracts, not the Bull Mountain Tracts. The Bull Mountain Tracts are likely to be mined for coal, while the Hope Family Tracts are not. Rather than requiring the Hope Family Trust to share revenue with the Crow Tribe from the Bull Mountain Tracts, the bill requires the Tribe to share revenue from the Hope Family Tracts (in the unlikely event they were ever mined for coal) with the Hope Family Trust, despite the fact that 100% of the mineral rights beneath the Hope Family Tracts are to be held in trust by the United States for the Crow Tribe. Thus, the Hope Family Trust would receive 100% of the royalties from the Bull Mountain Tracts, as well as an unspecified share of royalties from the 100% tribally owned Hope Family Tracts. Sec. 3(d) of the bill, “Revenue Sharing Agreement,” creates a burden on the mineral rights the Tribe would receive in favor of the Hope Family Trust. The Tribe would be required to negotiate with the Hope Family Trust to gratuitously give it a share of the coal

royalties from the those lands before those lands could be mined. There is no justification for this, and it can only be characterized as outrageous.

It is also important to note that the Bull Mountain Tracts are currently leased by the United States for coal mining, with royalties payable to the United States. The net result of this legislation would be to give valuable mineral rights and coal royalties otherwise payable to the United States to the Hope Family Trust. There is no justification for gratuitously enriching the Hope Family Trust at the expense of the United States, in return for the Tribe receiving mineral rights of little real value.

Our people have been promised more than is delivered time and time again. The Crow do not need another beautifully wrapped birthday present, only to open it and find it is empty inside. The Crow People have great need for revenue, infrastructure, and investments on Tribal and Allotted land. This bill provides none of these things.

We have worked hard to protect our culture, our land, our water, and our people. S.4444 is an injustice reminiscent of so many in our history and Native history in this country. It would be yet another grave injustice to allow this bill to pass. Please vote no on this bill.

Sincerely,

Handwritten signature of Michael Hill in brown ink, followed by the initials "SR".

Michael Hill, President
Apsáalooké Allottees Alliance
standingelk33@yahoo.com

Handwritten signature of Alee Bird Hat in black ink.

Alee Bird Hat, Vice-President
Apsáalooké Allottees Alliance
aleebirdhat52@gmail.com

cc: Deb Haaland, US. Secretary of the Interior