



**WRITTEN STATEMENT OF
CHAIRMAN FRANK WHITE CLAY
CROW NATION**

**BEFORE THE
UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON NATURAL RESOURCES
SUBCOMMITTEE ON INDIAN AND INSULAR AFFAIRS**

**OVERSIGHT HEARING ON
“TRIBAL NATURAL RESOURCE DEVELOPMENT: BARRIERS AND SUCCESSES”**

I. Introduction

Chairman, Ranking Member, and Members of the Subcommittee on Indian and Insular Affairs, thank you for the opportunity to submit this testimony on behalf of the Crow Nation. I am Frank White Clay, Chairman of the Crow Nation in Montana, representing more than 13,000 enrolled Apsáalooke members.

The subject of this oversight hearing, “Tribal Natural Resource Development: Barriers and Successes,” could not be more urgent. For the Crow Nation, these barriers are real, measurable, and devastating. They are not abstract regulatory concerns. They are the reason hundreds of our members have lost jobs, the reason our government cannot fully fund the services our people need, and the reason that promising projects on our reservation sit idle for years while comparable projects on neighboring private land move forward.

My testimony today focuses on three barriers the Crow face: (1) the expedited closure of the Absaloka Mine and the economic cliff it created; (2) the procedural paralysis imposed on tribal trust lands by the National Environmental Policy Act, or NEPA; and (3) the fragmented ownership of our reservation land base, which prevents the Tribe from controlling and

developing its own resources. I then turn to the path forward: enactment of the Crow Revenue Act, which passed this Committee with bipartisan support; support for the Standardizing Permitting and Expediting Economic Development (SPEED) Act as a critical first step; and the need for tribal-specific NEPA reforms to complete the job.

II. Background on the Crow Nation

The Apsáalooke people have inhabited the Yellowstone River Valley in southcentral Montana since time immemorial. Our reservation was established by the Treaty of 1851 and modified by subsequent agreements, most notably the Treaty of 1868 and the Agreement of 1886. At its peak, the lands reserved to the Crow people exceeded 38 million acres across what is now Montana and Wyoming. Today, through a century and a half of cessions, allotments, and administrative reductions, our reservation spans approximately 2.3 million acres.

That land base plains, river breaks, foothills, and the coal-rich Bighorn and Wolf Mountain regions is our inheritance and our economic foundation. Our people have always depended on our lands and natural resources for survival, and we have made extraordinary sacrifices to reclaim and maintain our homeland. Today, our priorities as a government are clear: public safety, economic opportunity for our members, and the preservation of Apsáalooke language, culture, and sovereignty.

We cannot achieve those priorities without the ability to responsibly develop the resources on our lands.

III. Barriers to Natural Resource Development

A. The Expedited Closure of the Absaloka Mine

For over four decades, the Absaloka Mine was the economic backbone of the Crow Nation. It supplied coal to utilities across the Upper Midwest, employed hundreds of Crow members at family-sustaining wages, and generated royalty and tax revenue that funded our tribal government our police department, our courts, our elder services, our scholarship programs. It was, by a wide margin, the largest source of non-federal revenue for the Tribe.

The mine's expedited closure, driven by a combination of federal regulatory pressure and market conditions outside our control, created an economic cliff for our community. Tribal revenue collapsed. Unemployment on the reservation surged. The ripple effects reached every corner of our government and every household that had depended on a paycheck from the mine.

The closure did not occur because our coal was no longer needed, nor because the Tribe had failed in its stewardship. It occurred because the federal permitting and policy environment made it impossible to sustain. That is a lesson this Committee should take seriously: when federal decisions foreclose tribal resource development, it is the Tribe that bears the cost.

Compounding the damage, the Crow Nation was wrongfully placed on the Treasury Offset Program, commonly known as the "Do Not Pay" list, based on invalid debts. For a critical period, this blocked our access to federal grants and programs, including significant pandemic-era funding for which we were otherwise eligible. My administration has since cleared that issue, but we cannot retroactively recover the awards we were denied.

B. NEPA Delays on Tribal Trust Lands

The second major barrier is the National Environmental Policy Act. Let me be clear: the Crow Nation supports environmental review. We have been stewards of these lands for centuries, and we intend to be stewards for centuries more. Our concern is not with the purpose of NEPA but with how it is applied to tribal trust lands.

Under the current framework, projects on trust land, whether a housing development, a road repair, a water system, a wind farm, or a mineral lease, are treated as federal actions requiring full NEPA review. A non-tribal landowner one mile outside our reservation boundary can undertake an identical project under state or private process in a fraction of the time and at a fraction of the cost. A Crow member building a home on allotted trust land can wait years for the same approvals a neighboring rancher obtains in weeks.

The consequences are predictable:

- Project timelines balloon. Routine infrastructure projects that should take 12 to 18 months routinely take three to five years or more on tribal trust lands.
- Costs escalate. Consultants, environmental assessments, and duplicative federal reviews consume capital that should be going into construction, jobs, and services.

- Investors walk away. Private partners who will accept a two-year timeline will not accept a seven-year one. Tribes lose deals not because the project is unsound, but because the process is untenable.
- Sovereignty is diminished in practice. A Tribe that cannot move on its own timeline on its own land is not, in any meaningful sense, exercising self-determination.

This is not environmental protection. It is procedural paralysis, and Indian Country bears the brunt of it.

C. Fragmented Ownership of the Reservation Land Base

The third barrier is structural. Within the exterior boundaries of the Crow Reservation, a significant portion of the surface and subsurface estate is owned by non-tribal parties, a legacy of allotment and the land losses of the 19th and 20th centuries. We cannot manage, lease, or develop what we do not control. Decisions about mineral extraction, grazing, energy infrastructure, and conservation on our own reservation are often made without our consent and without benefit to our people.

IV. The Path Forward

A. Enact the Crow Revenue Act (H.R. 8951)

The Crow Revenue Act addresses the fragmented-ownership barrier head-on. It authorizes a three-party land exchange among the Crow Tribe, a Family Trust, and the United States. Under the exchange, the Tribe would receive 4,660 acres of subsurface within the reservation, consolidating our land base and enabling us to control development on our own land. In exchange, the Family Trust would receive 4,530 acres of federal subsurface and 940 acres of federal surface in the Bull Mountains area of Musselshell County. A Revenue Sharing Agreement would ensure that the Crow Nation benefits from future Bull Mountains development.

The bill has advanced through this Committee on a bipartisan basis. We respectfully urge Congress to complete its consideration and send it to the President's desk without further delay. Every month of delay is another month in which our people cannot access the revenue and certainty this legislation provides.

B. Support the SPEED Act as a First Step

The Crow Nation supports the Standardizing Permitting and Expediting Economic Development Act, the SPEED Act, as an important first step toward rebalancing the federal permitting framework. For decades, compliance with NEPA has imposed significant procedural burdens on projects involving tribal trust lands. The SPEED Act begins to address these inequities by streamlining reviews, reducing duplicative requirements, and offering greater certainty to those seeking to invest in American communities, including Tribal Nations.

Importantly, the SPEED Act acknowledges the procedural nature of NEPA while preserving environmental stewardship. That balance is the right one. Tribes do not want less environmental protection; we want fewer pointless delays. The SPEED Act moves the conversation in the right direction.

C. Include Tribal-Specific NEPA Reforms

The SPEED Act is a first step, not a final one. To truly address the permitting barriers facing Indian Country, the Committee should pursue tribal-specific NEPA reforms, including:

- 1. Tribal Categorical Exclusions.** Establish categorical exclusions under NEPA for defined classes of low-impact projects on tribal trust land — such as residential construction, routine infrastructure maintenance, and small-scale energy projects — so that Tribes are not forced to prepare full environmental assessments for activities that pose no material environmental risk.
- 2. Firm Federal Timelines.** Impose binding deadlines on federal agency action on tribal permitting matters, with automatic approval or expedited review if deadlines are missed. Certainty is a prerequisite for investment.
- 3. Tribal Lead-Agency Authority.** Authorize Tribes, at their option, to serve as the lead agency for NEPA review of projects on their own trust lands, with appropriate federal oversight. Tribes are closer to the land, the community, and the cultural resources than any federal office in Washington.
- 4. Meaningful Consultation, Not Consultation in Name Only.** Strengthen the consultation requirements of Executive Order 13175 and related authorities so that Tribes are genuine partners in federal decisions that affect our lands and resources.

These reforms are consistent with tribal sovereignty, consistent with environmental stewardship, and consistent with the stated goals of the SPEED Act. They would make a concrete difference on the ground in the Crow Nation and across Indian Country.

V. Conclusion

The Crow Nation is not asking Congress for a handout. We are asking for the ability to govern ourselves, develop our own resources, and provide for our own people on the land our ancestors secured for us. The barriers I have described, the mine closure and its aftermath, NEPA delays, and fragmented ownership, are not inevitable. They are the product of federal policy choices, and they can be fixed by federal policy choices.

Enact the Crow Revenue Act. Pass the SPEED Act. Build on both with tribal-specific NEPA reforms. Give Tribes the tools we need, and we will deliver the jobs, the revenue, and the responsible stewardship our communities deserve.

On behalf of the Apsáalooke people, I thank the Subcommittee for its attention to these matters. I look forward to continued dialogue and welcome any questions the Members may have.

Respectfully submitted,

Frank White Clay

Chairman, Crow Nation