

Statement of Northern Cheyenne Otter Creek Homesteader Descendants
February 13, 2014

As read by Vanessa Braided Hair, Northern Cheyenne Otter Creek Homesteader Descendant and member of the Northern Cheyenne Tribe

Around the year 1881 and over the following several years, after passage of the Indian Homestead Act of 1875, certain members of the Northern Cheyenne tribe homesteaded in areas along Lame Deer Creek, Muddy Creek, Rosebud Creek, along both sides of the Tongue River, and on Otter Creek and Hanging Woman Creek located on the east side of the river. Northern Cheyenne homesteaders proved up their homestead rights under the terms of the Act.¹ U.S. military authorities were aware of and played a role in this settlement.² Historical records show that homesteads on the east side of the Tongue River, referred to here as the Otter Creek homesteads, were promised to Northern Cheyenne individuals by General Miles at Fort Keogh as partial compensation for cessation of hostilities and services to the U.S. Army.³ However, due to circumstances obscured by the long passage of time and possible misconduct by the Miles City General Land Office, the federal government never issued formal patents.

White settlement in the late 1800s and shifting federal policies created new pressure to move the Otter Creek homesteaders off of their productive agricultural and grazing lands along the river bottoms onto the Northern Cheyenne reservation designated in 1884.⁴ In 1900, as recorded by U.S. Department of Interior reports and correspondence and Congressional records, the U.S. Congress directed the removal of the Otter Creek homesteaders – using coercion, and in some cases force – from their claims east of the Tongue River to the west side of the river, with non-negotiated token “compensation” of \$25 per family. *See* Appendix B, Dec. 6, 1900 Letter.⁵

The Otter Creek homesteads will be greatly affected by the proposed development of the Otter Creek coal tracts and Tongue River Railroad. A large group of Otter Creek homesteader descendants, numbering in the thousands, exists on and near the present day Northern Cheyenne reservation. Their claims have never been resolved, but in recent years they have sought assistance from historians and legal counsel to establish the documentary basis for their land claims. The February 19, 2002 Settlement Agreement for the Otter Creek land transfer requires approval, prior to any construction or mining, of a written operating plan including “(a) program

¹ 18 Stat. 420, c. 131 (Comp. St. 1916, Sec. 4611)) Section 15.

² Commissioner of Indian Affairs Letter to Secretary of the Interior, February 8, 1892, concerning recommendations “of the Sioux Commission in regard to the Northern Cheyenne [on] the Tongue River Reservation,” p.5 (16 pages). Copy from Montana DNRC, Water Compact Division Files, Northern Cheyenne Records.

³ *See Northern Cheyenne Ethnogeography of the Tongue River/Powder River Plateau* (2009), at 5-2, 5-3, 5-22 ; and Svingen, Orlan J., *The Northern Cheyenne Indian Reservation, 1877 - 1900* (1993, Appendix E, pp. 169-170; see also p. 75).

⁴ *Northern Cheyenne Ethnogeography* at

⁵ *See also Northern Cheyenne Ethnogeography of the Tongue River/Powder River Plateau* (2009), Chapter V, p. 5-22 (reporting coerced and forcible removal)(hereinafter *Northern Cheyenne Ethnogeography*).

carried out in consultation with the Tribe, to identify, record, and protect, in accordance with Northern Cheyenne standards and protections, all Northern Cheyenne historic, cultural, religious, and burial sites on the lands covered by the Lease.”⁶

No such written operating plan has been submitted or approved, and no such study has taken place. The Otter Creek homesteader descendants consider this clause a contingency that bars any development of the Otter Creek tracts until it is fulfilled. The descendants continue to assert their land rights and will not acknowledge the Settlement Agreement as binding upon their tribe until the required studies are funded and completed, so that legal claims may be advanced. The Settlement Agreement also promises “specified and adequate federal funding” for “a Tribally-conducted archival research program regarding the original Northern Cheyenne homesteads in the Tongue River Valley”.⁷ Congress has not yet approved this appropriation. The Descendants insist on a renewed commitment to securing this appropriation as a condition for Northern Cheyenne participation in any studies to be performed in furtherance of the Otter Creek coal mining or Tongue River Railroad projects. The Descendants will submit a fuller statement of their history and claims for inclusion in the Administrative Record.

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⁶ Settlement Agreement, February 19, 2002, at B-4.

⁷ *Id.* at C-1.