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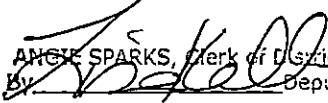
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ANGIE SPARKS, Clerk of District Court
By:  Deputy Clerk

Attorneys for Plaintiffs

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

RIKKI HELD, et al., Plaintiffs, v. STATE OF MONTANA, et al., Defendants.	Cause No. CDV-2020-307 Hon. Kathy Seeley DECLARATION OF SHANE DOYLE IN SUPPORT OF PLAINTIFFS' RESPONSE BRIEF IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
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Pursuant to MCA §1-6-105, Shane Doyle hereby declares as follows:

1. I am the father and legal guardian of two Plaintiffs in the above-entitled action: Lilian D. and Ruby D. I am making this declaration in support of Plaintiffs' Response Brief in Opposition to Defendants' Motion for Summary Judgment. I have personal knowledge of the facts I state herein and if called to testify, I would and could testify competently thereto.
2. I am a citizen of the U.S. and a resident of Bozeman, Montana. My daughters, Lillian and Ruby live with me. Lillian is twelve years old and Ruby is fourteen years old. I am making this declaration on their behalf. As their father, I am competent to testify as to how my children are being harmed by Montana's actions that cause climate change.
3. Our family are members of the Apsáalooke (Crow) nation, including Lilian and Ruby. Lilian's Crow name is Malesch, which means Loved By Many. Ruby's Crow name is Biachəgata, which means Pretty Girl. Ruby got her name on my first birthday. The people in our family and close friends did a ceremony and gave Ruby and Lilian their names.
4. The majority of Ruby and Lilian's family lives in Crow Agency, which is three hours from Bozeman. Each year we go there for Christmas, sometimes for birthdays, and always for the Crow Fair. The Crow Fair is every third weekend in August, and each year we go for several days. It is an important event for our family that Ruby and Lilian look forward to every year. It is a chance for Ruby and Lilian to see their family and friends, and spend time with other members of the Crow nation. While there, we usually sleep in a tipi, although sometimes we stay in a tent.
5. Normally, it is dusty at the Crow Fair because it occurs in the summer. In 2018, however, there was extreme rain that made it very muddy in the area and required four-wheel drive vehicles

to get through the mud. The rain and mud damaged some of the traditional regalia and damaged moccasins as they are not meant to be wet or washed.

6. Ruby loves to dance. She can do fancy-shawl dancing and jingle dress. Ruby has been jingle-dress dancing at powwows for a long time. She powwowed all over—Helena, Billings, Missoula—but she powwows most regularly at the Crow Fair and at the fieldhouse on the campus of Montana State University. The best powwow of all is at the Crow Fair because they have the most activities, and also because we see our family there.
7. Lilian likes to dance the Fancy Shawl Dance and dances mostly at powwows in Missoula and Bozeman.
8. In these past few years, whenever we drive to Crow Agency, we pass some spots along the way where all the trees are burnt. It makes Ruby and Lilian sad because living forests are pretty and an important part of the traditional landscape. It is beautiful to see all the different flowers during hikes, and all the plants, and little rivers with little plants growing on the sides. Ruby and Lilian enjoy when forests are living because it's a lot prettier, versus when it's dead it's not pretty or fun to be around, because there's not anything exciting to explore and you can't really do anything there. There are no berries to pick because everything is dead, which is an important cultural activity their family has participated in for generations.
9. In 2020, there was a big fire nearby called the Bridger Fire. It was in the hills really close to Bozeman. We could see it clearly; it was scary for the girls, especially at night. It burned for many, many days and gave off a lot of smoke. The summer of 2021 was the most smoke-filled summer in memory, with grasses beginning to dry at the end of June and continuous fires in our state from July through September. The Bridger Mountains, an iconic Bozeman mountain

range, was barely visible most days in August, 2021. Here is a picture of Ruby, Lilian, and their mom, with the fire in the background.



10. The changing climate has affected Lillian and Ruby’s ability to enjoy the outdoors, which is an important part of their cultural identity. They have expressly noticed the increase in fires in the area and that it makes them feel sad that the forest is dead from the fires and cannot enjoy the beauty of nature, including picking wild berries.
11. Fires also affect Ruby’s health because she has asthma. Breathing in the smoke from the fires makes her worried that she will experience an asthma attack. Although she doesn’t get asthma attacks very often, when it happens, she hears a snake noise in my head—“sssss”—and feels sort of dizzy, kind of like she is going to pass out.
12. Forest fires can also affect tipi making, which is important to the Crow people. The Apsáalooke word for a tipi is “ashtáale,” which means real home. Learning to make tipis is important to both Ruby and Lillian because women are the lodge keepers and are responsible for making the tipis, which involves a lot of skill. Lodgepole pine trees are used to make the tipi poles because they are thin, long, and strong. People get the lodgepoles from the Gallatin range, or

the national forests, or whatever is closest. Lodgepole pines have a layer of water between the bark and the trunk that lets you peel the bark off easily, which leaves behind a nice smooth tipi pole. When a lodgepole pine has gotten too hot because of a forest fire, though, the tree loses that water layer. Without the water layer, it is very hard to get the skin off, and the pole will in turn have splinters that will rip the tipi. The increased forest fires in the area threatens our community's ability to continue to make tipis in the traditional way, which would be a grave loss.

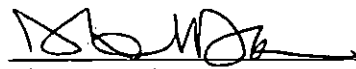
13. Ruby and Lilian enjoy rafting on local rivers. We all go rafting on the Madison River a lot. We bring snacks and connect rafts and jump around on different rafts. If it's too shallow, though, the bottom scrapes your knees and the raft gets stuck. That's not fun. It is increasingly common for the river to be shallow due to less snowfall in the winter. That makes it hard for us to go rafting because the raft gets stuck on the rocks in the riverbed.
14. In the winter, both Lilian and Ruby enjoy ice skating outdoors, however, recently, the winters have been too warm for the water to freeze at the outdoor rink. We do not go to the indoor rink very often because it costs money whereas the outdoor rink is free. Ruby has also noticed that as she has gotten older, there is less snow for sledding in the winter. The snow is muddier than usual or many of the spots we would go to no longer have any snow at all.
15. As a family we go chokecherry picking every year in a grove in town and turn them into syrup. Ruby and Lilian enjoy picking wild raspberries, Oregon grapes, and other berries. Ruby and Lilian have noticed that the berries are not getting ripe as early as they used to. The increasing heat and drought also makes it more difficult to find wild berries. We usually pick berries before the Crow Fair, but lately we've had to wait until after the fair because they're not getting

ripe until up to a month later. The summer of 2021 was a particularly hard year for chokecherries, as trees produced fewer berries and they were smaller than usual.

16. Ruby and Lillian make traditional toys, such as stick-and-hoop, which is a throwing game. They make the toys entirely from natural supplies that we gather near our house, except for the dolls, which are made of fabric and beads. They sell the toys at the Crow Fair, art shows, and elsewhere. Every tenth toy that they make, instead of selling it, we give it to the Indian Child Welfare Court so native kids can have something from their culture if they go with a family that is not part of their culture. During the Standing Rock protests, they also gave toys to people who donated money to the people who were trying to stop the oil project. Nowadays 10% of the money from their toy sales goes to the Family Healing Center where their mom works.
17. For the Crow people, the earth, air, and water are very important. Montana's ongoing permitting of fossil fuel development and burning is causing negative consequences to Ruby and Lillian. If the state of Montana continues to promote fossil fuels, the climate injuries they are already experiencing and are aware of will continue to get worse.
18. Ruby and Lillian want the judge to side with them in this case because they want something to be done to protect the natural environment where their ancestors have lived for generations.

Pursuant to MCA §1-6-105, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 8th day of February, 2023 in Bozeman, Montana.


Shane Doyle