

**Champions of Nature:
The Fight to Save Badger-Two Medicine
from the
Destruction of Coalbed Methane Drilling**

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Abstract

Drilling for coalbed methane gas has accelerated in the West over the past decade under pressure from the Bush Administration to expand the nation's oil and gas production. This expansion has often been at the expense of local landowners who have little protection under our nation's laws for damage from drilling activities. Native American communities face special challenges because of the nature of their sovereign status and uncertain protection under the Environmental Protection Agency. The Blackfeet nation of Montana is fighting to save their sacred hunting ground known as Badger-Two Medicine from this new wave of exploration and drilling. Through a combination of lawsuits and coalition building the Blackfeet seem to be winning the battle to save their sacred land on Badger-Two Medicine and are finding economically viable alternatives to leasing their reservation lands to the gas industry. The emergence of "Champions" in the Blackfeet nation and among other Native American communities helps to identify the reasons why some communities have had more success in fighting the expansion of oil and gas drilling on their land.

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Introduction

In May 2001 President George W. Bush (2001, 2001a) issued Executive Orders 13211 and 13212, moving oil and gas drilling in the West to the top of the federal energy agenda. Under the guise of increasing our independence from foreign oil and streamlining the permitting process for the oil and gas industry, with the stroke of a pen President Bush opened a floodgate of oil exploration in the West. Since then, through a series of memorandums and informal agency directives, the communication has been clear to federal agencies that oil and gas drilling is the “No. 1 Priority” on public lands. The effect has been to open vast areas of lands in the West to drilling. Where the Clinton Administration had removed roughly 8 million acres per year from drilling potential, the Bush Administration reversed the trend and more, releasing protection for roughly 12 million acres per year (Environmental Working Group, 2007).

It is now open season for the oil and gas industry, and the fragile high deserts of the West are the targets. Living in these areas are ranchers who have leased land from the Bureau of Land Management (BLM) for generations to graze their cattle. Also living here are large numbers of Hispanics who have moved to the region for jobs. And finally, the area contains concentrations of Native Americans whose holdings have been reduced systematically over the past two centuries, and whose lands in some cases now represent the most sacred of their former holdings (U.S. Census Bureau, 2005, Burdeau, 1998). Streamlining of the permitting of oil and gas leases on public lands as well as limited protection for drilling on private land has caught many of these landowners by surprise, and only recently have they begun to organize a successful fight against the powerful oil and gas industry. Some battles have already been lost, but in some cases there have been “Champions,” or people who have taken a stand, and who have been able to stop or at least slow down the advance of the toxic chemicals that result from irresponsible and concentrated drilling practices (Brophy, 2005, Gilman, 2006).

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Figure 1: Northern Portion of Montana's Rocky Mountain
(<http://www.savethefront.org/issues/agreement.php>)

The Problem

Case Study: Badger-Two Medicine.

The Badger-Two Medicine Roadless Area (“Badger-Two Medicine”) is part of the Rocky Mountain Front (see Figure 1, above), a 100-mile stretch of grassland and mountains in Montana that has been targeted by oil companies for coalbed methane extraction over the past 30 years. Located on National Forest lands, the Badger-Two Medicine area is adjacent to the Blackfeet Indian Reservation and is considered a sacred area to the Blackfeet for spiritual retreats and as a

source of medicinal and spiritual plants. (Sacred Land Film Project, 2007, Burdeau, 1998) It also serves as the headwaters for the Blackfeet Reservation, home to approximately 9,000 tribal members (Garrett, L., personal communication, March 16, 2007).¹

The Badger-Two Medicine area was ceded by the Blackfeet to the U.S. Government in 1896 along with Chief Mountain, located in what is now known as Glacier National Park. The agreement came about because of a series of difficult years suffered by the Blackfeet. Their society had been dependent upon the buffalo, and in the late 1880s the buffalo population collapsed. Over the next several years they lost thousands of tribal members to smallpox and famine, and they were forced to approach their enemy, the U.S. Government, for help. In exchange for \$1.5 million in the form of subsistence payments, cattle and other supplies over a period of 10 years, the Blackfeet ceded their most sacred piece of land. White Calf was chief of the Piegan Tribe, part of the Blackfeet, and attended the treaty proceedings (see Figure 2, below). At those proceedings, he encapsulated the feelings of the Blackfeet and their allies:

Chief Mountain is my head. Now my head is cut off. The mountains have been my last refuge. We have been driven here and now we are settled. From Birch Creek to the boundary is what I now give you. I want the timber because in the future my children will need it....The right to hunt...the grazing land...to fish in the mountains...we will sell you the mountain portion of our land....We don't want our Great Father to ask for anything more. We will have to send you away. We don't want our lands allotted....There are many little children going to school and getting an education; there is no end to civilizing our children. They are the ones that will get the benefits from these lands (White Calf in U.S. Senate doc. 118: 1896, from Sept. 1895 proceedings).²

¹ Laurel Garrett is the co-writer of *A Land out of Time*, a documentary that tells the story of the effect of oil and gas drilling in the West, including the Rocky Mountain Front. Ms. Garrett and her crew visited the Blackfeet nation, but for various technical reasons they were unable to include footage of the Blackfeet and Badger-Two Medicine in their film (See Harvey, M., 2006).

²The University of Montana (n.d.) has created a website that presents an overview of the history of the Blackfeet nation, including an interactive map showing the vast land holdings of the tribe in the early 19th century compared to what they hold today.



Figure 2. White Calf, Image: Montana Historical Society
(University of Montana, n.d.)

The Blackfeet retained grazing and timber rights on the land as well as all mineral rights, except for hard rock minerals. Unfortunately, some of the language regarding the details of mineral right retention was never written, but it has been retained in the Blackfeet oral history (Garrett, L., personal communication, March 16, 2007).

Over the years since then, the Blackfeet have seen their former tribal land desecrated by off-road vehicles and over-grazing. Medicinal plants used by the tribe are disappearing at an alarming rate, and the wildlife is disappearing as well. The U.S. Forest Service oversees the land, and in 1995 granted increased grazing in the area with little consultation with the Blackfeet. Now

the area is further threatened by oil and gas leasing, which is expanding in Montana with the support of local politicians and the federal government (Seleden, 2003).

The story of the struggle for the Blackfeet has been increasingly discouraging over the past 20 years, with the Forest Service already having granted nearly 50 oil and gas leases in the Badger-Two Medicine area. The drilling has not started yet, however, and the tribe is still fighting. In 1997, Gloria Flora, a tough Forest Service supervisor for the Rocky Mountain Front declared that no new oil and gas leases would be allowed, preventing future development. The status of the existing leases on Badger-Two Medicine, however, remains unresolved (Matthews, 1997, Harvey, 2006).

At the same time, there is pressure among tribal members to lease rights to natural gas development on the rest of the reservation. Unemployment reaches 80% at certain times of the year on the reservation, so the need for tribal income is a strong attraction. In 1998 the tribal business council agreed to lease 290,000 acres of reservation land at the base of Chief Mountain, near the Badger-Two Medicine area, for oil and gas exploration. It met with strong opposition from other tribal members who filed suit to block the leases on the basis that no Environmental Impact Statement (EIS) was done and that Blackfeet cultural and religious interests were not considered. This situation reveals the tensions even within the Blackfeet nation regarding the need for economic sustainability and cultural protection (Herring, 1998). Indeed, in 2005 the Blackfeet Tribal Council removed their current tribal chairman, partly due to his refusal to sign an approved contract with an oil and gas company for exploratory drilling on the reservation (Associated Press, 2005). Although the leasing of oil and gas drilling rights on the reservation may be ill-advised, it may reduce pressure on drilling in the Badger-Two Medicine area. These are truly difficult choices.

The Damage from Coalbed Methane Drilling:

The new barrage of oil and gas leasing in the West is different than the kind of drilling that went on in the 50s. At that time, oil companies were searching for “sweet” gas, or large reservoirs of natural gas. The wells drilled were widely scattered, and the roads and pipelines were minimal. In some cases, these roads helped some residents and ranchers by providing easy access to their cattle and grazing lands. Impact upon the land was minimized.

The new wave of drilling is very different. Now the companies are drilling for coalbed methane, a much more difficult product to extract from the land. It means drilling many more wells and building many more roads and pipelines to transport the gas to market. An analogy of the density is that if you were to drill in Central Park in New York City, 15 wells would be drilled, each about a quarter of a mile from the other. In addition to the roads and pipelines, there are compressors, pumps, a dehydrator to separate the gas from water, and tanks to house the pollutants that result from the process. These contaminants are supposed to be contained, but leaks occur, and when they do the rains wash these liquids into pools available to livestock and wildlife, resulting in sickness and death.

After a producing well begins to taper off, a process called fracturing is used to reach the rest of the gas. Pressurized liquids are injected into the wells, pulverizing the coal at the base and forcing the rest of the gases to the surface. The gas is apparently saved and the liquid remains underground, with unresolved consequences to future generations’ groundwater.

The results of this drilling process have been seen in Aztec, New Mexico, where ranchers who have lived on the land for many generations are being forced out. The wells are so numerous and the pollutants so prevalent that they can no longer run their cattle on the BLM land where they own grazing rights. Protests have fallen upon deaf ears, and some ranchers are giving up. Even after the drilling is over, they know they cannot heal the damaged fragile land during their lifetimes. They are being forced to move on. (deBuys, 2006)

Can the Blackfeet tribe prevent this type of damage to their land, or are they already in the inevitable grasp of the oil companies? How have other tribes wrestled with these issues, and is there anything to be learned from their efforts? How do the various governmental organizations play into this problem, and where is the best opportunity for relief and protection?

Ethical Dilemmas

There are several principles at play in this situation, and they are framed differently depending upon who is speaking. The Bush Administration claims we must have independence from foreign energy supplies, and that the American people deserve to have that energy without interruption. Frank Luntz (2002), advisor to many conservative lawmakers, suggests this phrasing: “When you flick the switch, you have a right to expect the light to go on.” The Native American community claims it has a right to its spiritual heritage, and a right to clean air and water. The oil industry claims it has a right to extract the resources in the West because of long-standing mining philosophies (Klyza, 1996). The legislators are caught in between, wondering whom to believe. Their constituencies give them mixed messages, and in the end they seem to follow the money. But that may be changing as Native American groups become more organized and informed about these issues.

Federal Government perspective:

The current administration under President Bush has only recently acknowledged the country’s dependence upon oil. In his State of the Union address in 2006 the President (Bush, 2006) stated that our country is “addicted to oil.” However, in spite of this statement to the public, the policies of the Bush Administration have continued to press mostly for expansion of oil and gas exploration and drilling and have paid little more than lip service to the support of policies that encourage conservation and the development of alternative energy supplies. Indeed,

it even pressed forward in its fight against regulating carbon dioxide (CO₂) as a pollutant by the Environmental Protection Agency (EPA). Fortunately, the U.S. Supreme Court (2007) recently ruled against the EPA regarding this issue and found that CO₂ is well within the definition of pollutant under the Clean Air Act.

The need for oil and gas to heat the country's homes and fuel its transportation is a serious concern, but it also causes a major ethical dilemma that the Bush Administration seems unable to grasp. How can we reduce the impact of the extraction of those resources upon the land, as well as the impact upon the world's climate when those resources are burned and the atmosphere is overwhelmed beyond balance with excess CO₂ and other greenhouse gases? This administration seems more concerned with the profits to the companies who extract those resources than the impacts upon the people who live where those resources are found, or for that matter, for the people all over the world who will feel the impacts of climate change.

Native American issues perspective:

The Blackfeet nation, like many other Native American communities, have been cornered into a small piece of land that is a fraction of their former holdings. After a series of treaties with the U.S. Government, the Blackfeet now inhabit lands that are fragile high desert plains, and there is little opportunity for livelihood. With a long history of supporting themselves by hunting, their transition to a modern economy has been difficult, especially in lands that do not lend themselves to productive agriculture or near cities where jobs can be found (Burdeau, 1998).

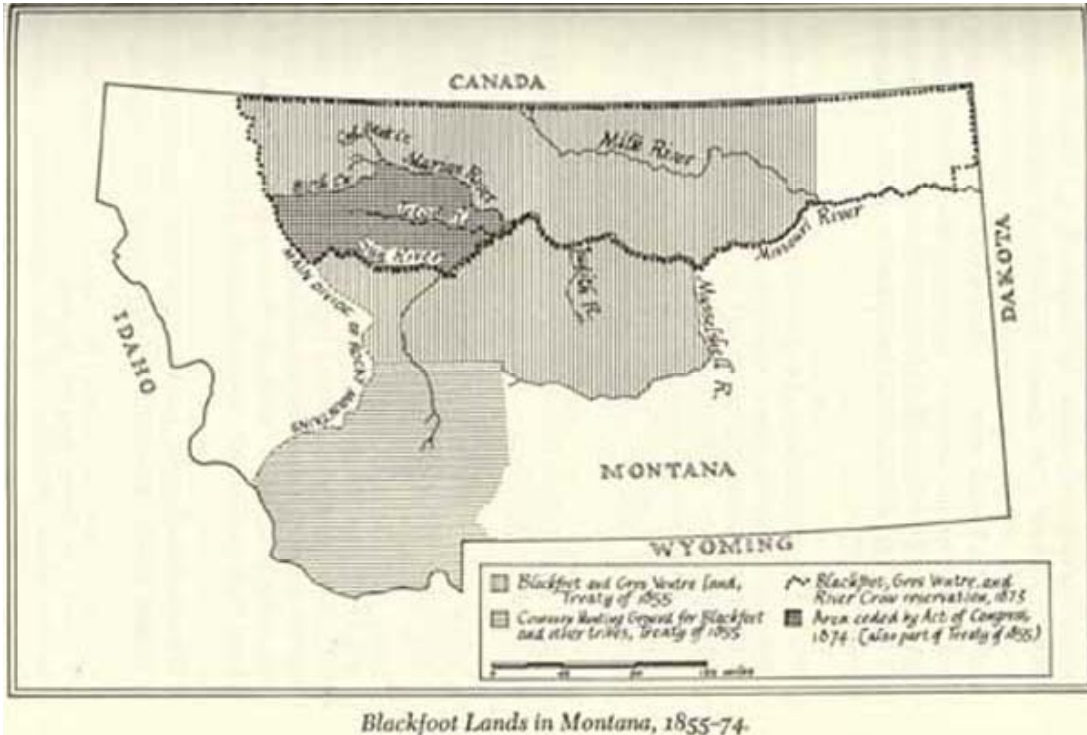


Figure 3: Blackfoot Lands in Montana, 1855-74, Ewars 1958
(University of Montana, n.d.)

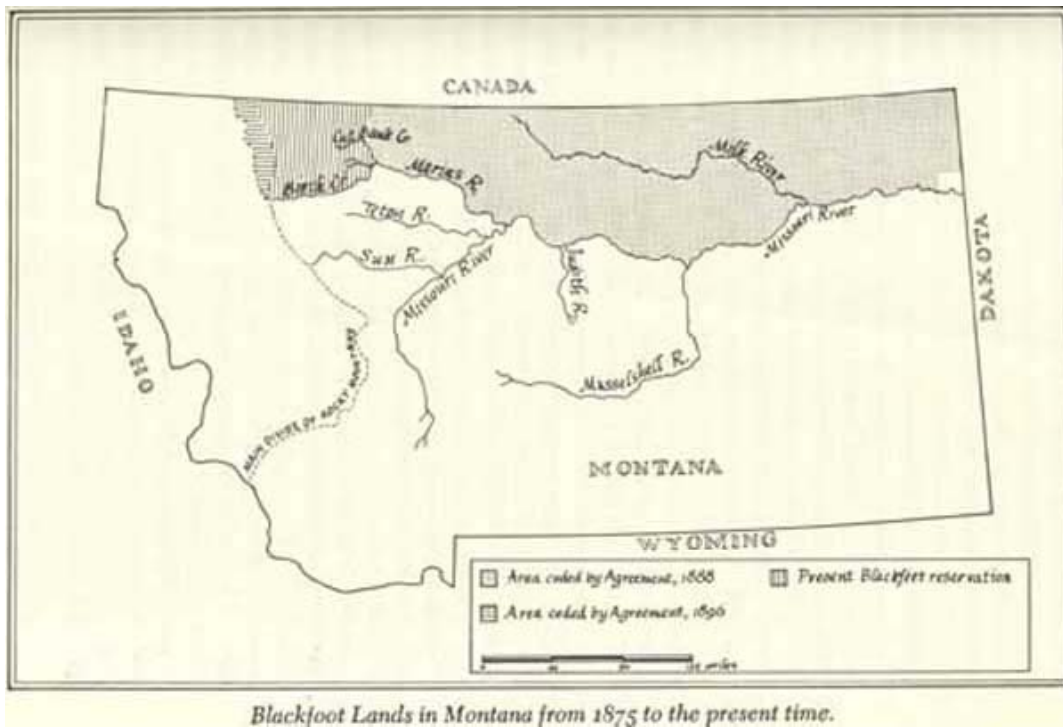


Figure 4: Blackfoot Lands in Montana, 1874-Present, Ewars, 1958
(University of Montana, n.d.)

During the period from 1855 to 1888 the holdings of the Blackfeet were systematically reduced in Montana to a fraction of their former holdings (See Figures 3 and 4, above). The treaty of 1896 was an additional blow, removing the valuable hunting and spiritual grounds at Badger-Two Medicine and what is now Glacier National Park from their control.³ Although they retained a right to enter this land, they no longer controlled others' entry, and the land has been damaged by recreational vehicles and hikers as well as by the oil companies' quest for cheap resources (Burdeau, 1998). Faced with high unemployment, they are struggling with the choices of jobs offered by the oil companies, which supports their short term survival, versus the damage to their land that will last for many generations (Herring, 1998).

There are struggles within the Blackfeet leadership regarding these difficult choices, and although the tribal council has agreed to some leasing on reservation lands, others object and have filed lawsuits to block further exploration (Herring, 1998). Still others try to find alternative forms of income for the tribe, and the Blackfeet Community College has provided some leadership by installing a trial wind turbine on its campus to help spur more wind power development by the tribe (Montana Green Power, n.d.).

Oil Companies' Perspective:

Corporate control of mineral extraction has a long history in the United States. As Christopher Klyza (1996) states in his extensive analysis of public lands and their relation to mining, grazing and forestry, the mining interests have long been handled in a "professional" manner. Economic liberalism, in the form of allowing the corporations to divide up the resources and allow the money to flow into the economy, was the key driver, and it remains so today (p.12). Oil companies are largely allowed to control the processes themselves, and in the case of

³ Once again, the interactive map on the University of Montana (n.d.) website shows clearly the extent of the Blackfeet Nation, extending into Canada, and the fraction of land they control today.

coalbed methane extraction, the EPA has issued an exemption for some of the harmful chemicals involved, including benzene, toluene and xylene (Earthworks, 2007).

The dilemma here is that government regulations do very little to inspire the companies themselves to care about the destruction of the land they leave behind. Bonds for drilling are very low, and in no way cover the costs of reclamation after the drilling is over⁴. They see their main goals as providing energy that the country needs and feeding their profit margins to keep their shareholders happy. There is little impetus to maintain the landscape or protect precious water sources for those who live on the land nearby (Environmental Working Group, 2004).

Political Perspective:

As Professor Hoyte summarized in his opening lecture, Environmental Justice is based upon the principle that *all* people have a right to be protected from environmental pollution and should have full access to environmental amenities and decision makers. In the case of the Blackfeet and other Native American cultures, the information is often sketchy and is controlled by those who have a pecuniary interest in the outcome. Native American cultures have a history of reaching decisions by consensus rather than by voting, and often the decisions that are made today regarding gas leases are a result of the decisions of delegated authority (the tribal leaders) and not from the tribal members themselves. In some cases these tribal leaders may be interested in their own benefits from the outcome rather than informing their constituencies about the detrimental effects from new industries.

One illuminating example of this problem is that Native American nations are not directly controlled by agencies such as the EPA. When these governmental agencies were formed, they were given jurisdiction over the states, but not the Indian tribes. The tribes have

⁴ The BLM (2006) currently sets minimum bond levels at \$10,000 per lease, with a \$25,000 cap for statewide bonds per company, and \$150,000 cap nationwide. The Associated Press (2004) analyzed federal records and found that the government estimates that it costs between \$2,500 and \$75,000 to cap and restore each well. Current rates were set in 1960 and have not been adjusted in spite of promises to do so. The taxpayer liability for cleanup could be as much as \$1 billion if companies do not take responsibility for their cleanup costs.

been left to formulate their own regulations and governance of environmental issues, and in many cases they have been playing a game of catch up. As a result they have been taken advantage of by industries wishing to benefit from the resources on their lands (Suagee, 1999).

It is indeed a difficult problem, but some tribes and nations have managed to come to grips with this issue. The Blackfeet have had some limited success as well, but in every case it appears that it is because some Champion has taken on the problem and made it a personal mission. These have been tribal members, agency officials, attorneys, or even members of Congress.

Main Approaches to the Solution

Before any analysis of Native American issues is begun, it is important to first understand the special relationship Native Americans have with the land they inhabit. As Judith Royster explains (1999), Indian tribes are connected to their land for sustenance and even emotional concerns, but also in cultural and spiritual ways. For them, the land is not “fungible,” but is part of their heritage, and loss or degradation of the land goes to the heart of the spiritual identity of the tribe. In addition, because of the dramatic decrease in their land holdings compared to what the tribes originally controlled, degradation through such things as gas drilling can impact their main supply of water as well as their opportunities for fishing and hunting. These tribes are dependent upon the land for their livelihood, and destruction of the land threatens the survival of the tribe itself.

Further, it is important to understand the level of devastation suffered by the Native Americans under the colonization of North America. They numbered in the tens of millions before Europeans invaded and took over their lands, and due to disease and war their populations now number in the several hundred thousands. They governed themselves by consensus, with

very little hierarchy for many generations, but now they are governed by the Bureau of Indian Affairs, a colonial-based system that has almost total control over their lives, including how they make decisions regarding mineral leasing. The racism they suffer is also acute. The English system that controlled their fate relabeled many of their terms: chief for tribal leader, medicine man for religious leader or pastor, and even their sir names are translated (e.g., Sitting Bull), erasing any clue to their native heritage (Smith, 1991/1992).

Because the Bureau of Indian Affairs (BIA) has such power, the individual tribes have sometimes been subject to terms they have not authorized. In the case of the Northern Cheyenne tribe, the BIA issued coal mining leases in the 1970s for more than half of the Cheyenne Reservation. The tribe was forced to file suit against the BIA, and the issue was finally resolved by federal legislation in 1980 cancelling the leases. The tribes now have more self-determination rights, but many still struggle with leases that were granted without their consent in earlier times (Tsosie, 1996).

It appears that from the analysis of several Native American situations that legal action may serve as a delay tactic more than bringing about a satisfactory end result. The U.S. Supreme Court has held that the exercise of the religious practices of Native Americans does not prohibit public access to public lands that house historic and traditional Native American religious sites, even when such access threatens to disfigure or destroy these sites (U.S. Supreme Court, 1988).⁵

Although legal action may not be the cure, it can sometimes delay the feared action for long enough for other remedies to be enacted, such as legislation or reversal of agency positions.

⁵ The 10th Circuit (1980) had also ruled against the plaintiffs in a case involving a religious monument in Rainbow Bride Monument National park, where a tribe sought protection from tourists, especially at certain times of the year. In this case, the Establishment Clause was said to prevent the government from acting either to advance or inhibit religion. Further, it stated that the First Amendment does not protect a group from the actions of others that may appear disrespectful to the group's religious practices. The Court stated, "[w]e must accommodate our idiosyncrasies, religious as well as secular, to the compromises necessary in communal life."

In the case of the San Juan basin, this has been just such a case. The San Juan Citizens Alliance is a non-governmental organization (NGO) that supports the communities of northwest New Mexico in their fight to protect their land. They filed a lawsuit in 2004 against the BLM to protest development of 10,000 acres near Farmington, New Mexico, including the Navajo lands in the area. At the same time, they are pressing the state legislature for additional protections for landowners when drilling occurs (San Juan Citizens Alliance, 2004).

On the Northern Cheyenne Reservation in southeastern Montana, strip mining for coal has been a threat in the past, and after a 15-year legal battle the strip mining leases were cancelled. But now coalbed methane drilling is at their boundary and threatening to expand. The BLM has approved coalbed methane drilling on the border of the reservation without consulting the tribe and the tribe has filed suit to block the drilling. Gail Small, a resident of the tribe and a lawyer, has formed a coalition to fight the gas companies. She says her main focus is grassroots education and that litigation is the last choice. The proposed drilling, even though not on Cheyenne land, threatens their water supply (Grossman, 2004).

In the case of the Valle Vidal in New Mexico, a coalition of ranchers, local governments, other NGOs and businesses has formed to protect 100,000 acres of parkland from gas development. The Coalition for the Valle Vidal has swelled to 6,000 members and has over 400 member organizations. Instead of filing a lawsuit, they have pursued political pressures directly. They have succeeded in convincing state legislators to pass legislation to permanently protect the Valle Vidal area from drilling and are now pursuing legislation under the Clean Water Act to designate the area as a roadless area. The Coalition head, Jim O'Donnell, has received many phone calls from other organizations across the West seeking his advice on how to replicate the efforts in New Mexico (Coalition for the Valle Vidal, 2006).

On the Navajo Reservation in and around Crownpoint, New Mexico, the combination of lawsuits and grassroots organization was successful in blocking the development of a new uranium mining plant on the outskirts of their town. In April, 2005 the Navajo Nation Tribal Council passed a bill to ban underground and open pit uranium mining and placed a 25-year moratorium on uranium processing. Although the federal government has the power to overrule this action, it buys more time for the Navajos to build political support for their cause and possibly a legislative solution that would be permanent. In this case, Rita and Mitchell Capitan formed a group of concerned citizens and helped to educate the community about the risks of the mining operation to the town's water supply and to convince tribal leaders to act (Grossman, 2004, Katahdin, 2007).

The Blackfeet have fought gas drilling on the Badger-Two Medicine area with similar tactics. When Chevron and Fina acquired leases on roughly two-thirds of the Badger-Two Medicine area in the 1980s, the tribe fought back with litigation and citizen pressure. They were able to stall the projects long enough to force the companies to abandon their initial plans and to sell off some of their leases. During the Clinton Administration the Department of the Interior suspended the leases until a cultural resources inventory could be taken on the area. The Forest Service conducted an Environmental Impact Statement (EIS) for the area pursuant to the demands of the tribe, but the ethnography report, which was part of the EIS, was conducted without any tribal input, and concluded that the area was only 75% "culturally significant." The tribe responded by conducting its own cultural survey, finding the area 95% culturally significant. It is currently working toward having the area listed on the National Register of Historic Places, which would protect the area from drilling (Sacred Land Film Project, 2007).

The Blackfeet also joined the Coalition for the Rocky Mountain Front (2007), a group formed to protect wilderness all along the 100-mile ridge of mountains and high desert plains in

northwestern Montana. In 1997, the Coalition was successful in convincing regional Forest Service officer Gloria Flora to declare a moratorium on the Front for future gas leasing. But that had no effect upon current leasing. The Coalition has continued to press for the abolition of drilling on the fragile lands of the Front, and in the summer of 2006 they met with success. After persuading the two most active oil companies, Startech and Questar to sell or relinquish their leases on the Front, other companies began to reconsider their drilling plans. In December 2006, Montana Senator Max Baucus (2006) introduced a bill that was passed by Congress and permanently removes the area from leasing. This legislation covers the Blackleaf area of Federal lands (see Figure 1) but it does not include the Badger-Two Medicine area. It does, however, contain tax incentives for oil companies to sell or donate their current leases on Badger-Two Medicine.

Keith Tatsey, an instructor at Blackfeet Community College (see Figure 5, below), has been a leader in the fight to save the Badger-Two Medicine area and in 2003 chaired a tribal committee comprised of fish and wildlife managers from the Blackfeet Reservation as well as water quality personnel and “any elder that wants to be involved.” Besides working on recommendations for gas drilling, the committee is working on guidelines for restriction of off road vehicles, grazing, logging, and banning any new road construction. Water quality is a top priority, as the Badger-Two Medicine area serves as the headwaters for many of the streams on the reservation (Selden, 2003).



Figure 5: Keith Tatsey (Selden, 2003)

Mr. Tatsey (personal communication, April 18, 2007) is hopeful about the future of Badger-Two Medicine, especially in light of the recent legislation to protect the Blackleaf area. It is seen as a precedent to make the protection of Badger-Two more feasible. In addition, two of the oil companies who hold leases on Badger-Two have donated their interests to Trout Unlimited. There are still about 45 leases on the property, according to Mr. Tatsey, but two companies have pulled out completely, and he is optimistic that the rest will pull out, too.

In May of 2006 the Blackfeet Tribal Business Council published a letter supporting the lease retirement on the Badger-Two Medicine Area and permanent protection of the area as Traditional Cultural Property. The letter emphasizes the cultural significance of the area to the

tribe and the need for permanent protection from mineral withdrawal for all public lands along the Rocky Mountain Front (Coalition to Protect the Rocky Mountain Front, 2007).

What does this say about the rest of the Blackfeet Reservation? In 1998, the Blackfeet tribe leased 290,000 acres of the land around the base of Chief Mountain for exploratory drilling. Is this a way to save Badger-Two Medicine, or is it a way to appease those in the tribe who want to see more development of its resources, and more income to the tribe? The Chief Mountain area raised concerns among some traditional tribe members, who claimed that it, too, contained sacred areas for fasting and vision quests. This concern was “addressed” by creating a four-mile buffer around the mountain where no exploration would be allowed.

Once again, the lawsuit was the method of choice for this case. Two Blackfeet groups filed suit against the BIA and the oil company claiming there was no proper environmental review and that the religious and cultural interests of the Blackfeet nation were not considered. Although there is some disagreement about whether the Blackfeet nation needs to comply with the National Environmental Policy Act (NEPA) because of its sovereign status, the plaintiffs charged that there was a complete lack of public process and accountability for the lease contracts (Herring, 1998).

This is an example of the type of conflict that is brewing within the Blackfeet community itself over the management of their resources. The gas leases have not gone forward; the lawsuits have provided the kind of delay that was intended, according to Keith Tatsey (personal communication, April 18, 2007). However, there is an uncertain future for the Blackfeet. They continue to wrestle with staggering unemployment and are struggling to scratch out a living in a desolate land.

Some success can be noted, however. The Siyeh Corporation was founded by the Blackfeet in 1999 and promotes a profit-oriented management, which has turned around some of

the unproductive businesses on the reservation. Their bingo operation now operates in the black, where before it was losing money, and several new businesses have been started, including a cable TV company, a bottled water company and a heritage center. Consideration is also being given to starting a wind farm on the reservation. It was hoped that this would be completed in 2002, but it has been stalled. The new pressure for renewable energy under the new Democratic Congress may change this and enliven the program once again (Miller, 2005).

In addition, a long time lawsuit started by another Champion of the Blackfeet, Elouise Cobell, appears to be closer to settlement. Ms. Cobell sued the federal government for moneys owed to the Blackfeet and other Native American tribes for more than 100 years. This money was funneled through the BIA for rents owed to individual Native Americans from an agreement originating in 1887. Because it was judged by the lawmakers at the time that the Indians could not be responsible for their own money management, the Treasury Department was nominated to send out the checks to individuals according to instructions from the BIA and the Department of the Interior. Ms. Cobell attended business college and specialized in accounting. She found through her research that the BIA kept secret the information regarding leases and payments, and that the individual Native Americans received a small fraction of what was owed. She discovered other areas of mismanagement, including loaning of funds to tribes without bothering to replace them, and huge gaps on spread sheets where oil companies leased lands without payment. After little success with visits to Washington, she filed a class action lawsuit representing 500,000 Native Americans in 1996. So far, her claims of breach of trust have been upheld on appeal, and the Bush Administration has abandoned an appeal to the Supreme Court. The remaining task is to decide the amount that is owed, and estimates range from \$20 to \$40 billion (Maas, 2001).⁶

⁶ This is a fascinating story that deserves more attention for the interested reader. Ms. Cobell's lawsuit also includes underpayment of rental fees to Navajos for gas pipelines in New Mexico. Those who were unable to speak English were given blank leases to sign, and their lease payments were \$25 per unit versus as much as \$575 per unit for nearby white residents (Adamson, 2004, Reynolds, 2003). Also see <http://www.indiantrust.com/> for links to Ms.



Figure 6: Badger-Two Medicine in the Spring (Sacred Land Film Project, 2007)

Conclusion

The story of the Blackfeet struggle to protect its native heritage land from destruction is just one of many similar stories found among the Native American tribes today. Besides Native Americans, many other people in the West have been caught in the destructive path of the coalbed methane gas boom, but the Native Americans have even less protection than other American citizens. The Blackfeet have a special connection to Badger-Two Medicine area, not only for its beauty (see Figure 6, above), but also for its spiritual meaning. Protecting this area means more than substituting another area in its place. The policies recommended apply to this concern, but also reach beyond this special situation.

Policy Changes:

The policies of the current administration have promoted streamlining the process for the oil companies and have minimized the protections for those who live on the land above the gas

Cobell's lawsuit and other information regarding this issue, including the offer of legislation by Senator McCain to settle the suit for \$8 billion versus the \$27 billion requested by Ms. Cobell's attorneys in the summer of 2006.

deposits. The Bush Administration has distracted the American public with fear tactics and exaggerated threats of “weapons of mass destruction,” framing the need for energy development in terms of national security. These policies must be reversed. Specifically, there are several actions that must take place.

1. Reverse the Bush Executive Orders of 2001. Executive Order 13212 (Bush, 2001) instructs all executive departments and agencies to expedite the review of permits of projects that will increase energy production (read: oil and gas), and Executive Order 13212 (Bush, 2001a) requires any agency that takes action which results in adverse effects upon energy supply or distribution to prepare a “Statement of Energy Effects” when taking such action. These Executive Orders should be withdrawn or overruled by an Act of Congress, allowing for full review of all energy projects for environmental impacts, and allowing the agencies in charge of such reviews adequate time to fully evaluate the benefits and detriments of each project.

2. Increase bonds for oil and gas drilling projects. Current bonds are set at very low levels and do not adequately protect landowners. Some states have taken action to raise the level of responsibility for oil companies, requiring compensation to landowners for damage and loss of income⁷. These protections should be expanded, and BLM staff should be increased to be able to properly supervise the unprecedented rise in numbers of oil and gas leases.

3. Promote Conservation, Seriously. Promote policies that encourage energy conservation to reduce our demand for natural gas from heating and from electricity, as well as promoting generation of energy from renewable sources. This can be accomplished through consumer education and tax incentives as well as penalties for high levels of use. Specific programs would include:

⁷ Wyoming, for example, passed a “split estate law” intended to protect landowners from damage caused by energy development and holding energy companies to tougher standards than those required by the BLM. The BLM has protested the law, but Wyoming Attorney General Pat Clark has vowed to enforce the standards (Brophy, 2005).

a. Building codes should be improved to encourage energy savings, including natural gas and heating oil. The federal tax credit, currently capping out at \$2,000 for renewable energy production and demand-side improvements, should have no cap so that homeowners will be encouraged to invest in more improvements that save energy.

b. The Energy Star® program should be expanded to include consumer electronics, the largest growing source of electricity demand in the U.S. Natural gas is a growing source for peak power in electrical production. Reducing demand for electricity hence reduces demand for natural gas and coalbed methane. (Sanchez, et al, 1997).

c. More renewable energy should be promoted, and that means truly renewable energy, like wind, solar photovoltaic and solar hot water, micro-hydro (not large dams), geothermal energy and ethanol production from perennial grasses (not corn). The current promotion of nuclear energy and hydrogen power are not viable solutions and have high carbon costs in production of the fuels involved (enrichment of uranium and production of hydrogen both have high carbon emissions).

d. The CAFE (Corporate Average Fuel Economy) standards for automobiles have too long been left at low levels under pressure from the automotive industry and the oil and gas industry. These levels should be raised dramatically to increase the gas mileage of American automobiles. California has already taken such action due to the inaction of the federal government. It is time for the federal government to mandate increased gas mileage for all vehicles, and with no exceptions for light trucks or diesel trucks. Although this policy does not directly affect natural gas, it does influence general dependency upon foreign oil.

4. Enforce the Clean Water Act. The EPA should remove its exemption for toxic chemicals involved in the extraction of oil and gas and force the companies involved to protect

the water supplies of the nation. Closed-loop extraction should be required, and no settling ponds for polluted water from these productions should be allowed.

Blackfeet Recommendations (and Accolades):

The Blackfeet nation and other Native Americans have been forced into lands that are largely unproductive and desolate. Their remaining hunting and fishing grounds have been polluted by the industries supported by the tax codes and regulations of the U.S. Government. These nations should be paid the sums that they are owed for the use of their lands, and they should be given adequate support for schools and health care. The lawsuit filed by Elouise Cobell should be seriously considered by Congress and adequate compensation paid.

The Blackfeet have done a lot to improve the economic situation on the reservation. Blackfeet Community College is prospering and recently acquired 600 acres where they hope to install bio-diesel and wind energy operations. In 2005 the Siyeh Corporation received an award from Harvard University in recognition of its entrepreneurial efforts to improve the business operations on the reservation (Miller, 2005).

In the example of the Blackfeet nation, and in other Native American communities in the West, the solutions to their problems have come from advocacy on a number of levels. Legal challenges have been successful in some cases, but in most they have provided time to pursue other measures. Grassroots organization, education of local citizens and advocacy for political pressure have provided routes to legislative and administrative action from agencies that have resulted in protection of their lands.

In all cases, the keys to these successes have been particular citizens, or Champions, who have taken a personal interest in the cause and have pressed for answers and solutions. On the Navajo Reservation in New Mexico they were Rita and Mitchell Capitan, for the Northern Cheyenne in Montana it was Gail Small, for the Rocky Mountain Front it was Gloria Flora, and

in the case of the Badger-Two Medicine area it includes Keith Tatsey and Elouise Cobell. These are people to be admired for their courage and tenacity to take on the federal government and the oil and gas companies who threaten their native lands.

The environmental injustice to the Blackfeet is clear. The oil and gas companies have no concern for the health and welfare of the people on the reservation who drink the water polluted from their drilling processes. The Blackfeet are forced to fight for their rights against laws that promote energy development at the cost of those who live on the land where the energy is found. Their remedies are difficult: they are forced to sue, to protest, to organize groups in coalitions to pressure their congressional representatives for relief. They are at an added disadvantage because of their poverty and lack of resources on the reservation. The governmental decision to “allow” the Native American community to formulate their own environmental regulations as opposed to being under the auspices of the EPA has further disadvantaged them from the protections, however imperfect, that other U.S. citizens enjoy. The oil companies have taken advantage of this position and have tried to slip their leases onto the reservation without appropriate environmental review.

Fortunately, the Blackfeet have realized this problem and are fighting back. Thanks to people like Elouise Cobell and Keith Tatsey, the Blackfeet nation will not be fooled. They are making sure that drilling will not happen in their most sacred places, and that fair compensation will be paid for any drilling on their land.

Annotated Bibliography:

10th Circuit. (1980). *Badoni v. Higginson*. In C. Rechtschaffen & E. Gauna, E. *Environmental Justice: Law, Policy and Regulation*. (pp. 453-455). Durham, N.C.: Carolina Academic Press. The court found that protecting the monument from public access would amount to “government-managed religious shrine.” However, as noted by the authors of the text where the case is quoted, the Park Service later took steps to protect the area from damage and intrusion.

Associated Press. (2005, June 23). Blackfeet Tribal Council Removes Chairman. *Billings Gazette*. Retrieved April 8, 2007 from <http://www.billingsgazette.com/newdex.php?display=rednews/2005/06/23/build/state/65-blackfeet.inc> William “Allen” Talks About was removed from his chairmanship post of the Blackfeet tribal council for allegedly mismanaging tribal funds and failing to conduct orderly meetings. Apparently Mr. Talks About also delayed signing of a contract with an oil company for exploratory drilling on the reservation that was approved by the tribal council.

Adamson, R. (2004). Adamson: The Case of the Dying Department. *Indian Country News*. Retrieved April 7, 2007 from <http://www.indiancountry.com/content.cfm?id=1082126292> Background on the firing of Kevin Gambrell, head of Farmington, N.M. Indian Minerals Office since 1996 after complaining to a federal court investigator regarding underpayment of leases to Navajos.

Baucus, M. (2007). Baucus Hails Victory in Fight to Protect “Front.” Retrieved April 28, 2007 from <http://baucus.senate.gov/newsroom/details.cfm?id=267091&&> Senator Baucus’ website contains an outline of the bill that was signed by President Bush on December 21, 2006 making permanent the ban of new drilling leases on the Rocky Mountain Front and offering tax incentives of 25% reduction in capital gain on the sale of existing leases on the front.

Bell, R. (2007). Don’t Build It and They Will Come: The Evolving West. Post Carbon Institute. Retrieved March 18, 2007 from <http://globalpublicmedia.com/articles/869> A “paradigm shift” in drilling attitude may be occurring in Congress with the new Democratic majority. At a hearing of the House Natural Resources Committee on February 28, 2007, new voices were heard regarding limiting the amount of oil and gas drilling. Democrats are learning from their Republican counterparts and are beginning to frame their arguments for environmental protection around jobs and higher income. Montana Congresswoman Pat Williams condemned the BLM leasing that is “wreaking havoc” on the fish and wildlife of the Native American community in Montana and called for a congressional moratorium on leasing in the West. The panel included representatives from the Hoopa Valley Tribe and the Southern Ute Tribe.

Brophy, Kerry. (2005). Feds Oppose State’s Effort to Empower Landowners. *High Country News*. 37(15). 6. This article shows an example of Champions; in this case Wyoming Attorney General Pat Crank, who vows to enforce a new state law that requires more stringent rules of compensation from oil and gas companies who damage private land versus those required by the BLM.

- Bureau of Land Management. (2006). Handbook 3104-1 - Fluid Minerals Bond Processing User Guide. Montana/Dakotas State Office [Electronic Version]. Retrieved April 29, 2007 from <http://www.mt.blm.gov/oilgas/leasing/handbooks/3104/3104.html> Part I, Bonding Requirements, General, states that minimum bonding requirements statewide are still at \$10,000 per individual bond, \$25,000 statewide and \$150,000 nationwide. The website states it was last updated May 1, 2006.
- Burdeau, G. (Director). (1998). *Backbone of the World* [Film]. United States: Rattlesnake Productions. This film illuminates some of the complexities facing Native Americans today. Confronted with oil and gas exploration on 130,000 acres of wilderness bordering the Blackfeet Indian Reservation in the 1980s, the residents struggle with conflicting tensions of communal ethics and the promise of jobs, compounded by danger to their native headwaters for the reservation. It also helps to define the special spiritual relationship the Native Americans have with their tribal lands.
- Bush, G.W. (2001). Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. (13211, 2001). Retrieved March 18, 2001 from <http://www.ofee.gov/eo/eo13211.html>. This executive order can be found on the website of the “Office of the Federal Environmental Executive: promoting sustainable environmental stewardship throughout the federal government.” This executive order requires agencies to state the “energy effects” for any action they take which might limit the supply or distribution of energy in the U.S.
- Bush, G.W. (2001a). Actions To Expedite Energy-Related Projects. (13212, 2001). Retrieved March 18, 2007 from <http://www.nepa.gov/nepa/regs/eos/eo13212.html> The order calls for agencies to “expedite their review of permits or take other actions as necessary to accelerate the completion” of energy-related projects. It also established an interagency task force to monitor and facilitate the expediting of the review process, including Federal, State and Tribal permitting.
- Bush, G.W. (2006, January 31). [Address]. President Bush Delivers State of the Union Address. [Transcript]. Retrieved April 14, 2007 from <http://www.whitehouse.gov/news/releases/2006/01/20060131-10.html> The President declared that the U.S. was “addicted to oil,” and that he would ask for a 22% increase in clean energy technologies. However, he also stated that he would push for the replacement of 75% of our oil imports from the Middle East by 2025.
- Clarren, R. (2006). The Coalition that Could. *Orion*. Nov/Dec 2006. Retrieved March 9, 2007 from <http://www.orionmagazine.org/pages/om/06-6om/Clarren-NM.html> “Gas drilling destroys. Nothing grows on those damn drill pads except crushed gravel and weeds.” Such is the opening of this article that describes the success of the Coalition for the Valle Vidal, which has pressed for and succeeded in accomplishing legislation to protect the Valle Vidal from gas drilling.
- Coalition for the Valle Vidal. (2006). Valle Vidal Protection Act Becomes Law. Retrieved March 17, 2007 from <http://www.vallevidal.org/> On December 12, 2006 President Bush signed the Valle Vidal Protection Act of 2005 into law. Sponsored by New Mexico

Representative Tom Udall, it marked a victory of the Coalition for the Valle Vidal, protecting “New Mexico’s Yellowstone” from oil and gas drilling.

Coalition to Protect the Rocky Mountain Front. (2007). Solutions: Agreements to retire the Front’s energy leases. Retrieved April 7, 2007 from <http://www.savethefront.org/issues/agreement.php> In December 2006 Congress passed a bill sponsored by Montana’s Senator Max Baucus permanently withdrawing federal lands in the Blackleaf area from oil and gas leasing. The hope is that this will provide a model for similar legislation in the Badger-Two Medicine area.

Cole, L.W. & Foster, Sheila R. (2001). *From the Ground Up: Environmental Racism and the Rise of the Environmental Justice Movement*. New York: New York University Press. Chapter six of this book explains the history of the Indigenous Environmental Network, a coalition of Native American justice organizations from across the country. The authors also attempt to illustrate the special tie to the land that Native Americans have in this country. Both spiritually and legally, this relationship affects how grassroots groups operate in Native American communities.

deBuys, W. (2006). A Quirk in the Law. *Orion*. Nov/Dec. 2006. Retrieved March 9, 2006 from <http://www.orionmagazine.org/index.php/articles/article/184/> The struggle of ranchers to survive in Aztec, New Mexico, where coalbed methane drilling has devoured the landscape and polluted the high desert where they have grazed cattle for generations.

Earthworks. (2007). Oil and Gas Accountability Project. Retrieved March 9, 2007 from http://www.earthworksaction.org/oil_and_gas.cfm This website contains information about the extent of oil and gas drilling across the West, and also has useful information about “fracking,” a technique of injecting chemicals and water at high pressure to release more gas from producing wells. There is considerable controversy about the health effects of fracking, and the EPA has issued an exemption to the oil and gas industry for many of the harmful chemicals used in the process, including benzene, toluene and xylene.

Environmental Working Group. (2004). Who Owns the West? Oil and Gas Leases. Retrieved March 9, 2007 from http://www.ewg.org/oil_and_gas/printerfriendly.php This article is a comprehensive look at oil and gas leasing in the West, with spotlights on various critical areas including the Badger-Two Medicine area in Montana. Outlined in this article are the changes in priority spurred by the Bush Administration and the dramatic increase in leases allowed through the guise of streamlining the permitting process.

Gilman, S. (2006). Citizens Unite Against Gas Field Chaos. *High Country News*. 38(7), 5. In Garfield County, Colorado, local citizens have found that negotiating with gas companies directly is more effective than relying upon governmental entities to protect them. The gas companies find it more economical to make direct concessions such as “closed loop” drilling systems than to resort to costly litigation. There are downsides: less oversight for the communities and lack of enforcement capability. But is it more effective for the locals if diligent neighbors communicate?

- Grossman, R.(Director). (2004). *Homeland: Four Patriots of Native Action* [Film]. United States: Kathadin Foundation. An award-winning documentary featuring four Native American women and men who have played leadership roles in their communities to fight environmental degradation.
- Harvey, M. (Director). (2006). *A Land out of Time* [Film]. United States: Maroon Creek Productions, LLC. This documentary focuses upon the barrage of oil and gas drilling that has emerged under the new BLM drilling policies in the West. It includes the stories of people in Montana's Rocky Mountain Front (which includes the Badger-Two Medicine Area), Colorado's Roan Plateau and New Mexico's Valle Vidal and Otero Mesa, and the successes and failures they have had in their battles to protect pristine and fragile public lands.
- Herring, H. (1998). The Rocky Mountain Front Faces New Oil-and-gas Threat. *High Country News*. 30(19). Retrieved April 8, 2007 from http://www.hcn.org/servlets/hcn.PrintableArticle?article_id=4522 Disagreement among tribal leaders is described regarding the leasing of tribal lands around Chief Mountain for natural gas leasing close to sacred tribal areas. With unemployment of 80% on the reservation, there is serious conflict between the need for money versus the protection of native lands.
- Indian Trust. (2007). Open Letter from Elouise Cobell. Retrieved April 7, 2007 from <http://www.indiantrust.com/> Eloise Cobell describes her frustration with the 11-year lawsuit (originally Cobell v. Norton) and the inadequacy of the settlement offer from the U.S. Government. Rumors of Senator John McCain sponsoring legislation to settle the case for \$8 billion is reluctantly supported, versus the \$27 billion requested by her attorneys in the summer of 2006.
- Katahdin Foundation. (2007). *Homeland: Featured Activists*. Retrieved April 21, 2007 from <http://www.katahdin.org/films/homeland/activists.html> The Katahdin Foundation produced the film *Homeland* and on its website provides a background on the activists in the film, along with current updates on the featured stories in the film.
- Klyza, C.M. (1996). *Who Controls Public Lands? Mining, Forestry and Grazing Policies, 1870-1990*. Chapel Hill: University of North Carolina Press. This is an historical study of the development of land management policies in the U.S. and how different philosophies prevailed regarding mining, forestry and grazing. In mining, "economic liberalism" was the model that resulted in largely privatization of public lands for mining interests. This philosophy helps to explain the current dilemma of oil companies having the power to take minerals that lie below lands that have been previously leased to ranchers, destroying the grazing capabilities of those lands.
- Lowman, M. (2006). Fostering Partnerships Between Regional Government and Ecology. *Frontiers in Ecology and the Environment*. 4(10). 547-548. Ms. Lowman describes a recent successful tour with a state senator, who convinced Florida Governor Bush to fund a land use ecology center. She recommends ecologists get involved with local regional governments to promote change and has three recommendations for communication: "keep it simple... tell a story... and link science to economics and/or human health."

- Luntz, F. (2002) Energy: Preparing for the Future. Retrieved March 18, 2007 from www.ewg.org/oil_and_gas/pdf/LuntzMemo_Energy.pdf This is a portion of a memorandum written by Frank Luntz. Intended as a Republican teaching tool on the use of language regarding energy issues, it was leaked to the press and is now available on the web in PDF format. In it, Luntz provides “message points” for talking about the energy and environment. His recommendations are strangely similar to what Ms. Lowman talks about above (maybe she read Luntz’s memo): tell a story, talk about “cleaner, safer, healthier,” and talk about using a “balanced approach.”
- Maas, P. (2001). The Broken Promise: The Story of How the US Government Stole \$40 Billion From Native Americans. *Parade Magazine*. Retrieved April 8, 2007 from <http://www.mindfully.org/Reform/Broken-Blackfeet-Promise.htm> The story of Blackfeet tribal member Elouise Cobell and her mission to regain billions of dollars bilked from the Blackfeet nation and other Native American tribes through mismanagement and deceit by the Federal Government and the Bureau of Indian Affairs.
- Manataka American Indian Council. (n.d.) The Blackfeet Nation. Retrieved April 28, 2007 from <http://www.manataka.org/page255.html> A history of the Blackfeet nation with helpful timelines showing important transitional dates.
- Matthews, M. (1997). Forest Service Acts to Preserve “The Front.” *High Country News*. Retrieved April 8, 2007 from http://www.hcn.org/servlets/hcn.Article?article_id=3711 Lewis and Clark National Forest Supervisor Gloria Flora stood up to natural gas drilling and declared her portion of the Rocky Mountain Front unavailable for leasing. The area stretches from Glacier National Park to Yellowstone along the front range of the mountains, and includes the Badger-Two Medicine area.
- Miller, J. (2005). Harvard Honors Blackfeet. *Great Falls Tribune*. Retrieved April 8, 2007 from <http://www.siyehdevelopment.com/harvardproject.html> Harvard’s Kennedy School of Government honored the Blackfeet Tribe’s semi-independent business, Siyeh Development Corporation, with an award for excellence for its development of jobs on the reservation and removal of political influence from business decisions in the tribe.
- Montana Green Power. (n.d.) Blackfoot Community College Benefits from Wind, Solar Energy. Retrieved April 15, 2007 from http://www.montanagreenpower.com/news_wind.html Blackfeet Community College constructed a 10-kilowatt wind turbine as a prototype for more wind power to be constructed on the reservation.
- Pace, D. (2004, December 27). Taxpayers May Be Liable for Oil Cleanup. Associated Press [Electronic Version]. Retrieved April 29, 2007 from <http://www.commondreams.org/headlines04/1227-05.htm> The bonds required by the BLM for capping and restoration of oil and gas wells are inadequate to cover the costs of cleanup, according to analysis of federal records. Despite calls for raising the bond levels, the Bush Administration has dragged its feet on making any changes.
- Peterson, J. (2006). The Anatomy of an Energy Lease. *High Country News*. 38(16), 4-4. Although the BLM has the power to deny oil and gas leases, and in previous

administrations it has actually reclaimed previously issued leases, the current trend is for the BLM to allow for leasing even in sensitive watershed areas providing drinking water to communities. Community protests have fallen on deaf ears.

- Reynolds, J. (2003). Navajo Allottees Short-changed States: Special Cobell Report. *Indian Country News*. Retrieved April 7, 2007 from <http://www.indiancountry.com/content.cfm?id=1061565980> The report related to the lawsuit of Cobell v. Norton cited payments to Navajo landowners were \$25 to \$40 per rod versus as much as \$575 per rod for oil and gas pipelines traversing their land for similar rights of way.
- Royster, J.V. (1999). Native American Law. In C. Rechtschaffen & E.. Gauna, E. *Environmental Justice: Law, Policy and Regulation*. (p. 421). Durham, N.C.: Carolina Academic Press. Because of the unique spiritual and cultural connection to the lands they inhabit, the loss of tribal lands can affect the "identity and destiny" of the tribe itself.
- Sanchez, M. C., Koomey, J. G., Moezzi, M. M., Meier, A. K., & Huber, W. (1997, April). Miscellaneous Electricity Use In The U.S. Residential Sector. Berkeley, CA: Lawrence Berkeley Laboratory. Retrieved April 1, 2006 from <http://enduse.lbl.gov/info/40295-abstract.html> This study predicts that most of the growth from electricity use in the U.S. over the next 20 years will be from small appliances, and that as much as 20% comes from the phantom loads from consumer electronic (TVs, VCRs, Computers, Satellite dish components all use energy even while they are "off"). Correcting these "leaking" energy sources could save over \$1 billion per year for American consumers.
- Sacred Land Film Project. (2007). Badger-Two Medicine Area. Retrieved April 7, 2007 from http://www.sacredland.org/endangered_sites_pages/badger_two_medicine.html This is a brief history of the Badger-Two Medicine area and the conflict over oil and gas leasing over the past 30 years and up to the year 2003.
- San Juan Citizens Alliance. (2004). Broad Coalition Sends Message to BLM: Do Oil & Gas Right. Retrieved March 17, 2007 from http://www.sanjuancitizens.org/hot_topics/farmington_complaint.shtml The BLM is being challenged by a group of ranchers, Navajo governments and environmental groups in their plan to authorize an additional 10,000 oil and gas wells in the San Juan valley. The San Juan Citizens Alliance has filed suit against the BLM on the basis that they have already inadequate resources to oversee current development, let alone new development.
- Selden, R. (2003). Protecting Badger-Two Medicine for future generations. *Indian Country Today*. Retrieved April 7, 2007 from <http://www.mindfully.org/Reform/Broken-Blackfeet-Promise.htm> Keith Tatsey is on the faculty at Blackfeet Community College in Browning, Montana. He has led the charge in fighting oil and gas drilling in the Badger-Two Medicine area and has helped to form coalitions with environmental groups to convince the U.S. Forest Service to declare the area off limits from drilling.
- Smith, P. (1991/1992). Lost in America. In C. Rechtschaffen & E.. Gauna, E. *Environmental Justice: Law, Policy and Regulation*. (pp. 424-425). Durham, N.C.: Carolina Academic Press. A summary of the key points to understand regarding the special racist views

toward Native Americans, but at the same time pointing out that individuals differ and should not be lumped into a group of ideals.

- Suagee, D.B. (1999). The Indian Country Environmental Justice Clinic: From Vision to Reality. In C. Rechtschaffen & E. Gauna, E. *Environmental Justice: Law, Policy and Regulation*. (pp. 425-428). Durham, N.C.: Carolina Academic Press. This article describes the unique relationship of Native Americans to the land and how it informs tribal policy toward environmental regulation. It also describes the challenges faced by tribal governments to construct their own environmental programs, and how they interact with the federal government, comparing the status to that of states.
- Tsosi, R. (1996). Tribal Environmental Policy in an Era of Self-Determination: The Role of Ethics, Economics and Traditional Ecological Knowledge. In C. Rechtschaffen & E. Gauna, E. *Environmental Justice: Law, Policy and Regulation*. (pp. 429-435). Durham, N.C.: Carolina Academic Press. The conflict between traditional indigenous ethical principles and Anglo-American policies of mining and waste disposal result in conflicting results for many Native American communities. Some nations have resisted development, while others have embraced it for the economic returns. The tension between tribal sovereignty and protection of the land is investigated.
- University of Montana. (n.d.) The Shrinking Reservation. Retrieved April 26, 2007 from <http://www.trailtribes.org/greatfalls/shrinking-reservation.htm> Besides helpful interactive maps, this web article includes an overview of the Blackfeet territories from 1855 to 1912, including the disappearance of the buffalo and the series of treaties that led to the current status of Blackfeet land holdings.
- U.S. Census Bureau. (2005). State and County Quick Facts. Retrieved March 17, 2007 from <http://quickfacts.census.gov/qfd/states/35/35045.html> The Census Bureau information shows that San Juan County, NM is 40% Native American, 16% Hispanic and 41% White, non-Hispanic as of the 2005 update of the 2000 census. Glacier County, MT, which contains the Blackfeet nation, is 63% Native American, 2% Hispanic and 33% White.
- U.S. Supreme Court. (1988). *Lyng v. Northwest Indian Cemetery Protective Association*. In C. Rechtschaffen & E. Gauna, E. *Environmental Justice: Law, Policy and Regulation*. (pp. 446-451). Durham, N.C.: Carolina Academic Press. The Court (Justice O'Connor wrote the opinion) found that the First Amendment Clause for free exercise of religion does not protect religious sites found on public lands from harvesting of timber or building of roads. The Court said it had "no disrespect" for the religious practices of the respondents, but it held that the Government had the right to use, "what is, after all, its land." Justice Brennan wrote a stinging dissent, saying that the building of a "marginally useful" road would "render the practice of respondents' religion impossible."
- U.S. Supreme Court. (2007). *Massachusetts, et al v. Environmental Protection Agency et al.* (05-1120). Washington, D.C.: Government Printing Office. Retrieved April 14, 2007 from www.supremecourtus.gov/opinions/06pdf/05-1120.pdf In a 5-4 decision, the U.S. Supreme Court ruled against the Bush administration and the EPA, stating that the State of Massachusetts had standing to bring this suit by showing that it faced concrete and

imminent harm traceable to the actions of the defendant. Further, it found that since the EPA failed to deny the connection between CO₂ emissions and global warming, its refusal to regulate CO₂ contributed to the harm faced by Massachusetts. The Court stated that regulations of greenhouse gases fall well within the “capacious definition of pollution under the [Clean Air] Act.” (p. 4).