Re: Oil & Gas Leases on Montana’s Rocky Mountain Front, Badger-Two Medicine Area

Greetings:

We, the undersigned, are retired USDA Forest Service leaders who have significant background in the public land management of cultural resources, tribal relations, the oil and gas industry and/or specifically, management of the Rocky Mountain Front (RMF) in Montana.

We were pleased to see the Advisory Council on Historic Preservation’s (ACHP) recent recommendations to you after their fact-finding field trip and hearing in Montana. ACHP sought to better understand the relationship of native Blackfeet and local peoples to the landscapes of the Badger-Two Medicine¹ and seek perspectives on if or how to move forward on the Section 106 consultation process, now terminated by the Blackfeet Nation. Likewise, the Lewis and Clark National Forest was intending to terminate the process, under Failure to resolve adverse effects².

Those recommendations were unequivocal: it is not possible to mitigate impacts of allowing gas exploration and development in the Badger-Two Medicine, which has been determined as eligible for listing as a 165,588 acre Traditional Cultural District. They are correct. We feel compelled to add our insights and experience from our combined 100’s of years of direct field experience with indigenous peoples, traditional uses, sacred lands, ecosystems and sense of place in the context of proposed developments.

MITIGATING THE UNMITIGATABLE?

The RMF resonates with people across the country because of its absolutely outstanding environmental and cultural values. Here, the sweeping landscape, Native American lore, the

¹ The Badger-Two Medicine lies within the Rocky Mountain Front, just south of Glacier National Park, west of the Blackfeet Reservation, east of the Big Bear Wilderness and is part of the Lewis & Clark National Forest.

² As per 36 CFR § 800.7
iconic isolated ranches and emblematic wildlife attract not only tourists, hunters and recreationists, but also writers, photographers, historians, archeologists and artists. Here you find an American landscape as it was, and with hope, as it can remain. We are all honored to have managed and conserved special lands like these, just as we were honored to shoulder the immense responsibility of protecting American Indian nations’ treaty rights and their deep cultural connections with the public lands that once were theirs.

Our careers have been marked by compromise, collaboration and finding appropriate mitigation measures for potential impacts of a full spectrum of development. But each of us has encountered situations where no mitigation can negate the impact of a proposed action. The proposed drilling on the Solenex lease, with its six miles of road, a bridge and associated well pad development exemplifies just such a situation. Their target is a remote, unroaded wildlands in the heart of sacred ground of the Blackfeet. As noted by ACHP, there is no possible mitigation to protect this unique landscape and its cultural significance except to cancel all leases to preclude development.

To put this in perspective, a similar controversial lease south of the Badger-Two Medicine included a similar amount of roading and activity (such as 100 tractor-trailer loads of materials hauled onto the flattened site in a pristine location). The lease area was not a Traditional Cultural District but it was located in an Outstanding Natural Area designated by the Bureau of Land Management. Because of the unmitigatable nature of the proposal, the George W. Bush Administration terminated the Environmental Impact Statement (EIS) in mid-analysis and encouraged negotiations which would lead to the extinguishment of the lease. They, in fact, encouraged all lessees on the Front to relinquish their leases. Most did, receiving private compensation and other considerations.

Likewise, we see no feasible mitigation that will allow drilling in the Badger-Two Medicine to go forward without serious and permanent impacts on the traditional use, protection and sacredness of this land and the Blackfeet Nation. The ACHP, the Blackfeet and the Forest Service are correct in concluding that there is no possible mitigation to make sacred land and a drill site, with potential full field development, compatible here.

BACKGROUND

The Blackfeet believe that the Agreement of 1896, which conveyed the lands east of the Continental Divide adjacent to their reservation to the U.S. Government, was a 99-year lease for mineral exploration. After 99 years, reiteration of oral history was insufficient to overturn the prevailing interpretation that these lands were permanently transferred to the federal government. This remains a deeply troubling part of Blackfeet history since these lost lands are at the heart of their creation stories.

3 Of 81 original leases, only 18 remain.
To have the geographic center of your people’s origin controlled by another entity must feel quite unsettling. Christians in the U.S. might equate this to having the Garden of Eden, if the location were actually known, owned by China. But the Blackfeet’s Garden of Eden really does exist, right in the Badger-Two Medicine, but owned and controlled by a different government.

The reverence for this landscape, regardless of ownership, is culturally engrained from time immemorial and continues strongly. Many of the Tribal Business Council Chairs and members, department leaders, educators, citizens, students, clans and elders use the Badger-Two Medicine regularly for cultural and religious purposes. They have an intimate knowledge of the land and its resources – both spiritual and physical. Not only do they seek refuge there but also take their children and grandchildren there to more deeply instill cultural practices and values.

But the Blackfeet Nation is not alone in revering, respecting and celebrating the Badger-Two Medicine. People from all cultures and backgrounds find the wild country of the Badger-Two Medicine adds immeasurable value to their lives. Their relationship with and desire to protect this incredible landscape is likewise strong and consistent as has been evidenced by history.

LEASING HISTORY IN THE BADGER-TWO MEDICINE
The Blackfeet were not consulted, nor were the area’s unparalleled cultural values appropriately discussed, in either the 1982 Environmental Assessment which allowed the leasing, or in the subsequent 1990 Environmental Impact Statement (EIS), which remains incomplete for those very reasons. The Forest Service acknowledged those shortcomings and agreed to suspend the EIS and the leases to re-evaluate several times. The re-evaluations resulted 165,588 acres of the Badger-Two Medicine and adjacent areas being declared eligible for listing as a Traditional Cultural District.

Leasing lands for oil and gas exploration and development is an irretrievable commitment of resources; once leased, other values become subservient to the lessee’s mission to test, explore, drill and ultimately develop. Although it appears to be simply a business transaction between the federal government and potential developers, when other values are put at risk, it’s a recipe for disaster. Even protective stipulations guiding lease use can be waived without public involvement or discussion.

We know of no examples where oil and gas development has been denied or even significantly modified following successful exploration. Like the Bush Administration decision to terminate the StarTech exploration EIS in mid-process, the time to terminate this destructive activity is now.

Court decisions, agreements, analyses and subsequent legislation have demonstrated that an overwhelming majority of Blackfeet, the majority of Americans, and most government officials do not believe that oil and gas development is a compatible use of this landscape. This is underscored by the highly popular 1997 Forest Service EIS decision to place a moratorium on oil and gas leasing on the RMF for a planning period (10-20 years). By 2006, Congress agreed that
oil and gas leasing and mining were indeed incompatible with the cultural and environmental values of the Front so permanently banned leasing and mineral claims, and again encouraged existing leaseholders to relinquish their leases.

The Blackfeet have been consistently and firmly opposed to industrial development of the Badger-Two Medicine, and specifically to roading and drilling. They so revere this area that they requested that all motorized traffic be prohibited, even their own. The Forest Service’s travel plan EIS in 2009 concurred and now motorized traffic is not permitted there.

Each of us is familiar with oil and gas development. Done with proper environmental protection and timing constraints, its impact on surrounding lands can be as benign as any large industrial installation with potential toxic releases can be. Benign that is, as long as those surrounding lands are already roaded and developed, as long as the local residents are accepting of increased traffic, noise, health risk and smells, and as long as it’s not built on top of the local church and graveyard. The Badger-Two Medicine meets none of those criteria.

**SUMMARY**

We know that the Blackfeet have attempted to negotiate with Solenex over many years, and more intensely so recently. Over 32 years, no mitigation has been devised or proffered that will protect the Badger-Two Medicine from irreparable harm from fossil fuel exploration and development.

We, the undersigned, concur with the Blackfeet Nation, the ACHP, the majority of Montanans and the myriad studies, assessments and legislation that underscore that simple fact: oil and gas development is incompatible with these culturally significant lands and its impacts cannot be mitigated. We trust that through your deliberations, you will all gain a clearer understanding of the ill-fated history of these leases and their untenable future.

We urge you to cancel and retire all of the leases in the Badger-Two Medicine.

Sincerely,

**Gloria Flora**  
*Forest Supervisor, Lewis & Clark and Humboldt-Toiyabe National Forests; Renewable and Cultural Resources Staff (ret.)*  
*Executive Director, Sustainable Obtainable Solutions*  
*Colville, Washington*

**Dale Bosworth**  
*Chief, USDA Forest Service (ret.)*  
*Missoula, Montana*

**Kendall Clark**  
*Forest Supervisor, Carson National Forest; Forest Recreation, Wilderness & Cultural Resources Staff (ret.)*  
*Taos, New Mexico*
Dave Clark
USFS National Tribal Relations Staff/ Regional Tribal Coordinator for American Recovery and Reinvestment Act - (ret.)
Taos, New Mexico

Nancy Curriden
Forest Supervisor, Custer National Forest; Forest Archeologist (ret.)
Billings, Montana

Orville Daniels
Forest Supervisor, Lolo National Forest (ret.)
Missoula, Montana

Larry Dawson
Forest Supervisor, Dakota Prairielands and Clearwater National Forest; National Director, USFS
Job Corps (ret.)
Arvada, Colorado

Susan Gianettino
Forest Supervisor, Wasatch-Cache National Forest; Deputy State Director BLM Idaho, Cultural Anthropologist (ret.)
Hailey, ID

Anne S. Fege, PhD
Forest Supervisor, Cleveland National Forest; National Leader for Wilderness Management (ret.)
San Diego, CA

Jim Furnish
Deputy Chief, USDA Forest Service (ret.)
Washington, D.C.

Wendy Herrett
Forest Supervisor, Pacific Northwest Region, Director of Recreation, Lands and Mineral Resources, (ret.)
Salem, Oregon

Tom Kovalicky
Forest Supervisor, Nez Perce National Forest; R1 Regional Director of Recreation, Wilderness and Cultural Resources (ret.)
Co-Founder Selway-Bitterroot-Frank Church Wilderness Foundation
Grangeville, Idaho

Brian Stout
Forest Supervisor, Bridger-Teton National Forest (ret.)
Author, Educator – Traditional Ecological Knowledge
Grand Rapids, Michigan
Leslie “Spike” Thompson
Forest Supervisor, Lewis & Clark National Forest; Rangelands Staff (ret.)
Great Falls, Montana

Lawrence Timchak
Forest Supervisor, Caribou-Targhee National Forest (ret.)
Kalispell, Montana

Jane Weber
Director, Lewis & Clark National Historic Trail Interpretive Center (ret.)
Cascade County Commissioner
Great Falls, MT

Jack Williams, Ph.D
Forest Supervisor, Rogue River – Siskiyou National Forest (ret.)
Senior Scientist, Trout Unlimited
Medford, Oregon

Steve Williams
Forest Supervisor, Custer National Forest; Dakota Prairielands Planner for oil & gas and tribal relations (ret.)
Garden City, Idaho

Chris Wood
Senior Advisor for Policy and Communications to the U.S. Forest Service Chief, (ret.)
President and CEO, Trout Unlimited
Washington, D.C.

Cc:
Blackfeet Tribal Business Council: Harry Barnes, Chairman hbrunes@blackfeetnation.com; and
Tyson Running Wolf, Secretary: tysonrw@blackfeetnation.com
Council on Environmental Quality: Christy Goldfuss, Director: christina_w_goldfuss@ceq.eop.gov
and Michael Degnan, Deputy Associate Director: Michael_H_Degnan@ceq.eop.gov
Senator Jon Tester, MT: via Dylan Laslovich, Legislative Director: Dylan_Laslovich@tester.senate.gov
Senator Steve Daines, MT: via Jason Thielman, Chief of Staff: jason_thielman@daines.senate.gov
Congressman Ryan Zinke, MT: via Randy Vogel, State Director: Randy.Vogel@mail.house.gov