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Managing "Culturally Significant" Land: The Badger-Two Medicine Area as a Case Study

Ava Sweet

University of Montana, Missoula, as138121@umconnect.umt.edu

John Nicholas Mills

University of Montana, Missoula

Dante Filpula Ankney

Adison Thorp

Hayden Blackford

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Managing "Culturally Significant" Land:

The Badger-Two Medicine Area as a Case Study

Ava Sweet, John Nicholas Mills, Dante Filpula Ankney, Adison Thorp, and Hayden Blackford

University of Montana

Table of Contents

Introduction.....	3
Literary Review.....	5
Past Legislation to Protect B2M and Other Indigenous Lands in the U.S.....	5
Current Efforts to Protect Indigenous Lands in the U.S.....	10
Cultural Significance and Protection.....	14
B2M Today.....	18
Effective Media and Outreach.....	19
Research Questions.....	23
Methods.....	24
Step 1: Interview.....	24
Step 2: Discussion Panel.....	27
Findings and Analysis.....	29
Interviews.....	29
Discussion Panel.....	33
Global Perspective.....	35
Recommendations.....	39
Conclusion.....	41
Appendix.....	42
Appendix 1: Interview Guide B2M.....	42
Appendix 2: Interview Guide Spain.....	43
Appendix 3: Panel Discussion Flyer.....	44
Appendix 4: Project Implementation Plan.....	44
References.....	46

Introduction

Each year millions of people from around the world travel to Glacier National Park to stand among evergreen pines, wade into the cool, turquoise water, and stare through clouds at obscure mountain peaks. But often unknown to visitors, just beyond the park's southern boundary and East of the Continental Divide, is the Badger-Two Medicine area (B2M). The B2M is a similar landscape known amongst many for its lush valley vegetation, towering peaks, and expansive drainages that form the habitats for a plethora of wildlife. But much unlike the nearby national park, this area has remained unprotected from threatening development for years.

In July of 2021, a novel piece of federal legislation called the Badger-Two Medicine Protection Act was introduced by Senator Jon Tester (D-MT). This legislation, drafted by the Blackfeet Nation, aims to protect the Badger-Two Medicine. The B2M is a 127,000-acre piece of land located at the intersection of the Blackfeet Indian Reservation, Glacier National Park, and the Bob Marshall Wilderness Complex. The B2M is "culturally significant" to the Blackfeet Tribe and while legislation protecting indigenous land is not a new concept--the Badger-Two Medicine Protection Act was originally proposed by Senator Baucus in 1993--there has not been legislation that asks for protections on the basis of cultural significance until now. This bill, a first of its kind, would designate the Badger-Two Medicine as a Cultural Heritage Area, meaning that the cultural and traditional uses of the land would be protected, and treaty rights would be upheld. This legislation has attracted the attention of many different groups and stakeholders, such as conservationists, hunters, local landowners, and politicians.

The lack of protection and exploitation of indigenous lands is a global issue spanning continents, countries, and the governments within. The B2M reflects abuses of indigenous lands seen on a global scale. The land has been proposed for development since U.S. ownership began

in the 19th century. It is evident by the time elapsed between the initial proposition of protecting the Badger-Two Medicine, and the introduction of legislation that gained sufficient traction to be feasible, that new methods of protecting cultural land are needed. Our group views the introduction of the Badger-Two Medicine bill as an opportunity to increase public awareness and to explore public advocacy.

As a group, each of us enjoys and recognizes the physical, mental, and esthetic benefits that protected wilderness provides. (Marshall, 1930). However, we know that the protection of wilderness areas has often come at the expense of indigenous lands and lasting socioeconomic and cultural issues for indigenous peoples. We are interested in a study of advocacy for the Badger-Two Medicine Protection Act because the legislation takes a nuanced approach to protecting a land's ecological importance while acknowledging its cultural significance. We believe that this bill has the opportunity to set precedent and provide a model for protecting culturally significant lands in the future both in the U.S. and globally.

Through this study, we explored the historical context of indigenous land protection as well as what it means to protect land on the basis of cultural significance. We interviewed people who were involved with or affected by the Badger-Two Medicine, from all different perspectives, in order to have a more well-rounded idea of the history of the area and what is happening there currently. We then transcribed and coded them to analyze common themes. After our interviews were complete, we felt that it was more appropriate for us to center our final project around education rather than advocacy. Because of this, we opted to organize a panel centered around exploring cultural significance and its relationship to the Badger-Two Medicine. The goal of the panel was to increase awareness and education about the issue. It allowed us to get answers to some important questions that we had including what the future of B2M is going

to look like as well as how it can serve as an example of how to manage culturally significant land around the globe.

Past Legislation to Protect B2M and Other Indigenous Lands in the U.S.

Culturally significant Blackfoot land has historically been taken and developed without consultation or the consent of tribal stakeholders. Starting in 1851 with the passage of the Indian Appropriations Act, the US began entering into treaties with Native Americans in Montana, including the Blackfoot Tribe (Subramanian, 2019). The often misunderstood treaties laid the groundwork and legal basis for the US ownership of tribal lands (Hagen-Dillon, 2018). Through the Blackfoot Treaty of 1895 and 1896, the Blackfoot Tribe ceded nearly 400,000 acres of their land to the U.S. government in exchange for approximately \$1,500,000 (Mills and Nie, 2020). The treaty also stipulated that the Blackfoot have the right to fish, hunt, and gather timber on their ceded land (Blackfoot Agreement, 1896). Today, most of this land is now part of Glacier National Park and Lewis and Clark National Forest. The land within the Lewis and Clark National Forest managed by the U.S. Forest Service (USFS), sometimes referred to as the “ceded strip” (Nie, 2008:589), is collectively known as the Badger-Two Medicine. B2M possesses immense cultural and spiritual importance for the Blackfoot Tribe, who have occupied the area for generations. There are 147 culturally significant sites within B2M (Zedeno, 2013). B2M is also one of the last remaining refuges for vulnerable fish and wildlife species such as Westslope Cutthroat, Grizzly bears, wolverines, and mountain goats. The entirety of B2M possesses a very high or high conservation value for each of these species (Weaver, 2015). State and federal authorities have successfully conserved bordering land around B2M such as Glacier National Park, Bob Marshall Wilderness, and other surrounding protected areas designated by Montana. B2M is not yet part of this conservation legacy.

In the early 1980s under the Reagan administration, 51 oil and gas leases were issued in the B2M area (Ore, 2017). Some Blackfoot tribal members such as the Pikuni Traditionalists Association opposed these actions and responded by advocating for wilderness B2M designation with exceptions for treaty rights such as timber removal (Weaver, 2015). Additionally, members of the Montana congressional delegation introduced legislation to protect B2M soon after. As a result of the pending legislation, the Bureau of Land Management subsequently paused all oil leases in B2M (Preso, 2014). Representative Pat Williams (D-MT) subsequently introduced the Badger-Two Medicine Act in 1990. The act would have ended all development in the area while also requiring the Forest Service to collaborate with the Blackfeet on a B2M management plan (H.R.3873). Rep. Williams also introduced the Montana Interim Roadless Lands Release and Conservation Act of 1990, seeking to withdraw 116,600 acres of B2M to protect its “wilderness qualities” (H.R.4635). The 1993 Badger-Two Medicine Protection Act introduced by Senator Max Baucus (D-MT) had similar ambitions (S.853). The Act created a committee with tribal representation to review the possibility of wilderness designation for the B2M while also prohibiting all future mining or energy development (Weaver, 2015). Although each of these bills aimed to protect treaty rights, wilderness qualities, and wildlife in B2M, none succeeded in becoming law (Nie, 2008). However, preservation efforts by the Blackfoot Confederacy and environmental groups led to Congress ending many leases through the Tax Relief and Health Care Act of 2006. The Act provided tax incentives for oil lease holders to transfer their leases to the federal government or qualified NGO’s. 29 leaseholders took advantage of the offer from Congress and vacated their leases (Mills and Nie, 2020). In 2016 and 2017, the US Department of Interior canceled the remaining leases, citing B2M’s status as a Traditional Cultural District and its cultural and ecological significance (Brubeck, 2017). Solenex was one of the owners of

the remaining leases. Headed by William Perry Pendley, the Trump-appointed director of the Bureau of Land Management from 2019-2021, a suit was filed against the decision to cancel the Solenex lease in court. But his challenge proved unsuccessful in June 2020 when his lease was canceled by the D.C. Circuit Court of Appeals (Randall, 2020).

Without permanent land designation legislation, Section 106 of the National Historic Preservation Act (NHPA) currently provides the best avenue for the preservation of B2M. This provision requires the federal government to consult with tribes to determine the impact that development projects may have on historical sites (DeSantis, 2020). If a federal agency determines that a proposed action could adversely impact an NHPA listed area, then a State Historic Preservation Officer (SHPO) must become involved in the consultation process (NHPA, 1966). Additionally, if the project could adversely impact Native American sites, then a Tribal Historic Preservation Officer (THPO) becomes involved in the consultation process. The Advisory Council on Historic Preservation facilitates the consultation process, consisting of SHPO's, THPO's, the general public, and other stakeholders (36 CFR § 800.2).

The procedural nature of section 106 means that the federal government is only required to follow a set of guidelines when making management decisions on NHPA sites like B2M; a certain decision is not mandated. This has created difficulties in creating “meaningful consultation” that values the voices of tribal members (Ore, 2017:207). In the past, only 2% of Section 106 consultation processes undertaken by SHPO's found that the proposed action could cause an adverse impact on NHPA listed areas (Barras, 2010). Even if an action is found to have an adverse impact, the agency isn't required to actively mitigate the proposal; only consider the effects. However, other aspects of the NHPA have amplified preservation arguments in B2M. As of 2014, 165,588 acres of B2M are designated as a “Traditional Cultural District” (TCD) under

the NHPA (Mills and Nie, 2020:46). While such a designation does not expressly prohibit development, the presence of a TCD in B2M has created a rationale for Congress, the Bureau of Land Management, and the Department of the Interior to extend or enact provisions prohibiting mining and oil drilling in the area (Mills and Nie, 2020).

Land management approaches with respect to co-management, traditional tribal uses, and treaty approaches have been approached differently in the past. The veto approach to preserving indigenous land was exhibited through the 2003 establishment of the T'uf Shur Bien Preservation Trust Area in New Mexico. Sandia Mountain in New Mexico's Cibola National Forest spans approximately 10,000 acres including the Wilderness Area in question (Freedman, 2002). The Pueblo of Sandia Tribe sued the Department of the Interior and Agriculture, arguing that activities conducted by the USFS hindered traditional tribal uses of the land. Pueblo of Sandia also argued that the primary ridge in the Sandia Mountains should be transferred back to tribal ownership based on a "1748 Spanish land grant" (Pueblo of Sandia v. Babbitt, 2000). The U.S. Court of Appeals agreed, ordering the federal government to transfer the land back to the tribes. After years of ensuing negotiations, the federal government retained ownership of the land as federal wilderness under the Wilderness Act (Nie, 2008). However, the Pueblo of Sandia tribe was guaranteed a management plan in the area that prioritized traditional cultural, religious, and spiritual uses of the land in perpetuity (Id.). Furthermore, the tribe was also effectively given veto power over any newly proposed use of the area in the future (T'uf Shur Bien, 2002).

Tribal wilderness areas managed collaboratively by the tribes and federal government has been deployed successfully. The Mission Mountains Tribal Wilderness is a good example. Under the Hellgate Treaty of 1855, the Confederated Salish Kootenai Tribe (CSKT) ceded large swaths of their traditional lands (CSKT, 2005). The Mission Mountains Tribal Wilderness, managed by

the CSKT, spans 91,778 acres. The area possesses immense cultural, religious, economic, and spiritual value for the CSKT, who have relied on the area since time immemorial. In response to proposals by the federal government in the 1970s that would have introduced clearcutting timber practices and other forms of development to the area, the CSKT lobbied to designate the area as wilderness. Their efforts finally succeeded in 1982, when Wilderness Ordinance 79A formed the Mission Mountains Tribal Wilderness Management Plan. The Mission Mountains Tribal Wilderness has the distinction of being the first area in the United States to be recognized as designated tribal wilderness managed by the tribes with treaty assurances (Watson et al., 2011). Managed similarly to the Wilderness Act of 1964 provisions, the Mission Mountains Tribal Wilderness prioritizes the needs of tribal members while also allowing access to all. However, the CSKT wilderness plan specifically provides provisions that guarantee the CSKT's traditional use of the land, including hunting, fishing, cultural, spiritual, and religious activities. The CSKT and USFS continue to collaboratively manage this area, and it serves as an example of successful federal/tribal co-management.

Congress has passed recent legislation that transfers federal land into trust land managed by the tribes. The federal government ratified an 1854 treaty with the Cow Creek Band of Umpqua Tribe of Indians that forced the Tribe to cede around 800 miles square miles of their own land (Cow Creek Indians). In effect, the Umpqua was landless. After many years of litigation and attempts to regain their land, Congress finally passed the Western Oregon Tribal Fairness Act of 2018 (H.R.1306, 2018). The Act transferred upwards of 17,000 acres managed federally by the BLM to the Cow Creek Band to be held in trust. Additionally, approximately 15,000 acres of BLM land were transferred to the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians--another Oregon Tribe--to be held in trust.

Current Efforts to Protect Indigenous Lands in the U.S.

From Hawaii to North Dakota there are measures being supported or implemented in an attempt to protect land that is significant to the native people of America. There are a few examples that underlie the importance of a new means of protecting culturally important areas. There are also a few examples of proposed land protections that focus more on legalese that would protect land in a similar way.

In the United States, there are many sites important to native people, and a number of their cultural areas are already protected in varying ways. The need for a new classification that would better facilitate the protection of an area of importance is mounting, and one proposed solution is a Cultural Heritage Area. This designation could provide a more viable method of protection and set a precedent for future legislation. The Badger-Two Medicine area could become the nation's first Cultural Heritage Area under the proposed legislation. This is important because it incentivizes a new protection measure for the area and a new opportunity for sacred areas in other parts of the country. Some existing important designations that protect Native American sacred, cultural, and ancestral lands include National Heritage Areas, National Historic Landmarks, National Monuments, within National Parks, and established wilderness areas.

Bears Ears National Monument is the closest example of an area being protected on the basis of cultural importance while also allowing tribal involvement. Initially, it was proposed to include tribal management, and some involvement would survive, but would not be as direct as initially proposed. This proposal could arguably have been the first time that the Antiquities Act was utilized by tribes for their benefit (ENZIE & RANDON, 2021). Initially, a group of five different tribes, advocating for the creation of Bears Ears, wanted to co-manage the area with the United States government. Obama's proclamation instead created the Bears Ears Commission.

While the tribes were not involved in the way originally proposed, they were still represented well under this style of management (CK ENZIE & RANDON, 2021).

Another action that can be taken to involve tribes in the protection of land is a designation under the National Register of Historic Places. According to the National Park Service, “A Traditional Cultural Property (TCP) is a property that is eligible for inclusion in the National Register of Historic Places (NRHP) based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community,” (National Park Service, 2021). When a historic site falls under either of these classifications, it becomes mandatory to consult with tribes about the impact of changes to these areas.

For example, a similar initiative to protect culturally important land is H.R 1884, which relies mainly on the NRHP designation for protection (Save Oak Flat Act.2021). Another potential way of protecting the Oak Flats area is the passage of the act “To repeal section 3003 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015, and for other purposes”. This act was introduced in response to the development proposed on an area known as Oak Flats (Save Oak Flat Act.2021). The bill would eliminate section 3003 of the original act that initiates a land swap allowing mining on sacred land. Without the passage of the act, the NRHP would be the only protection for this sacred site from mineral extraction.

Looking at indigenous land protection from an international perspective, the United Nations admits that “Indigenous peoples today, are arguably among the most disadvantaged and vulnerable groups of people in the world,” (Indigenous Peoples at the United Nations, 2021). The UN saw the opportunity to revitalize its previous action plan in 2020. Upon approval, their focus was to strengthen collective and coherent UN system efforts through a call to action on

building an inclusive, sustainable, and resilient future with indigenous peoples (Indigenous Peoples at the United Nations, 2021).

In Norway for instance, the Sami indigenous people have a process for identification of their cultural lands. Their lands are protected on the basis of “...the scope and content of the rights held by Same and other people on the bases of prescription or immemorial usage or on some other basis” (Ravna & Bankes, 2017). In other words, their land is being protected because of their cultural history and the land's long-standing value to the Sami that is recognized legally. The government of Norway established a special court to settle disputes concerning land rights in Finnmark.

In Canada, native people are also fighting for the protection of land. Canada was colonized during a similar timeline to the United States, and in a way that affected a previously solitary population. The colonization of the Americas, as well as many nations in the South Pacific such as Australia, could be better compared to the United States than European or Asian states.

Canadian indigenous people also can have similar belief systems to American native peoples, and some tribes traditionally moved between the two current countries. Like in the United States, there are also belief systems in Canada that think of animals and land as parts of society, and therefore a relationship to the land is more substantial than ownership in certain cultures. This can impact ideas, like sovereignty, that assert ownership of something. Some ideologies would prefer to think of sovereignty as acting out of the relationship between the individual and the environment (Hiller & Carlson, 2018). In Canada, like the U.S, it is hard to determine what should be considered cultural or sacred since large amounts of the land could be classified both ways. It is false to agree with the “[assertion] that in contexts of settler

colonialism, there was no empty land prior to its ‘discovery’ and settlement, and hence there is no ‘environment’ that exists outside of the histories of colonization and Indigenous resistance and resurgence” (Hiller & Carlson, 2018:60).

Legally in Canada, “There must be evidence of a strong presence on or over the land claimed, manifesting itself in acts of occupation that could reasonably be interpreted as demonstrating that the land in question belonged to, was controlled by, or was under the exclusive stewardship of the claimant group.” (Ravna & Bankes, 2017, 109). This evidence, as described by the Tsilhqot’in ruling of 2014 brought by the Supreme Court of Canada, reflected the desires of the indigenous community.

In Australia, there are similar problems between colonizers and colonized people. Indigenous people in Australia are trying to gain legal protections for their lands and cultural practices. Similarly, for native people in the United States and other countries in North America, there are many legal obstacles. For instance, the Wanjina people in the Kimberly region gained some legal protection near the turn of the century from the Australian government for a large area of the Kimberley region. This region was recognized because the tribes could provide physical evidence of their use of the land. The Ngarinyin, Wunambal, and Worora people believe that creation comes from the Earth. Rock paintings done by the Wandjina people, dating from pre-colonial to post-colonial times, proved that the people had been living traditionally in the area. (Graber, 2009)

Complicating the issue of land protection is that in Australia, indigenous sovereignty is a hard concept to define, and this is mainly due to a lack of a treaty with the government. Australia’s legal position on sovereignty is that “recognition of Aboriginal and Torres Strait Islander peoples in the Constitution as equal citizens could not foreclose on the question of how

Australia was settled. Nor should constitutional recognition, in general, have any detrimental effect, beyond what may already have been suffered, on future projects aimed at a greater place for customary law in the governance of Australia,” (Williams, 2012). The native people have never consented or ceded to the government of Australia, but laws made by the government still affect them (Williams, 2012). As a consequence of this, understanding the relationship between indigenous people and their land comes down to modern laws and understanding of property ownership (Graber, 2009). While successes like the protection of the Kimberly area are beneficial, they highlight the inconsistencies in protections across the country of Australia.

Cultural Significance and Protection

Everything about indigenous society is inextricably interwoven with, and connected to, the land. Culture is land (White, 2014). The cultural significance of something on the land can be defined as an Ethnographic Resource; “landscapes, objects, plants and animals, or sites and structures that tribal communities depend on for their continued cultural identity and way of life” (Scheld et al., 2014). The amount of cultural significance that a land holds to a certain indigenous tribe is dependent on these resources and the way that they are valued. Cultural values can be defined as “the shared meanings associated with people's lives, environments, and actions that draw upon cultural affiliation and living together” (Scheld et al., 2014). Cultural values are by far the best indicator of what people think and feel about the landscape. In addition to connecting people to their environment, cultural values can also be attached to objects, buildings, and landscapes through people having lived in a place for a long period of time, working in a place, and telling stories or myths about a place. These interactions generate a relationship between people and place, forming “cultural place attachment” (Scheld et al., 2014).

Culturally significant landscapes are places valued by indigenous groups because of their long and complex relationship with that land and its embodiment of traditional knowledge (Zeppal, 2010). While indigenous groups hold cultural values that connect them to the land, they also hold intangible, spiritual, and identity values (Zeppal, 2010). Intangible values are those that enrich the intellectual psychological, emotional, spiritual, cultural, and/or creative aspects of human existence and well-being. Spiritual values inspire humans to relate with reverence to the sacredness of nature. Finally, identity values link people to their landscapes through myth, legend, and history. These core values are what make a landscape and its ethnographic resources culturally significant to an indigenous tribe. An example that stresses the importance of culturally significant landscapes was quoted in White, 2014 by a tribal member: “The land and spirituality of indigenous people, our cultural beliefs or reason for existence is the land. You take that away and you take away our reason for existence. We have grown the land up. We are dancing, singing, and painting the land. We are celebrating the land. Removed from the lands, we are literally removed from ourselves.” This example stresses that the right of indigenous people to live on their traditional land as a community is not merely a lifestyle choice, it's an integral part of their identity. (White, 2014)

When exploring the definitive meaning of cultural significance to indigenous communities, it is also important to acknowledge and define cultural heritage. The concept of cultural heritage is totalizing because everything becomes, or is considered, culture. There are “material culture, ritual culture, symbolic culture, social institutions, patterned behavior, language-as-culture, values, beliefs, ideas, ideologies, meanings and so forth” (Blake, 2000). The identification of cultural heritage in an indigenous community is based on an active choice as to which elements of culture are deemed worthy of preservation and inheritance for the future

(Blake, 2000). The ownership of this heritage is vested in the sovereign nation-state and, in the more recent declarations, rights of protection and use, if not ownership, are given to the descendant communities (Hodder, 2010). Valuing cultural heritage means valuing the cultural rights of Native American tribes to protect their identity. Protecting cultural heritage does not mean merely protecting objects or items that are of value to the community but realizing that cultural heritage is more so connected to social justice and the overall well-being of an indigenous tribe. The majority of indigenous cultural heritage is not owned in the way that an individual or a corporation owns land. Heritage ownership is often collective, and is more spiritual than pecuniary, more about identity and less about control (Hodder, 2010). Cultural heritage is mediated through the built environment and landscape, which is why it is important to protect certain areas that hold cultural significance. For many Native American groups, identity and well-being have become very entangled in cultural heritage. In such a context, the past matters at the level of fundamental human rights (Hodder, 2010).

Indigenous tribes have a right to participate in and benefit from cultural heritage that is of consequence to their well-being, and others have a duty to respect that right (Hodder, 2010). This right, however, is often in conflict with the processes of cultural hegemony, which rank the ideas and values of one cultural group's ideas over another's. Usually, these values are controlled by middle- to upper-middle-class whites who maintain the definitions of what can be considered relevant to other cultural groups (Scheld et al., 2014). When looking at indigenous culture, it is important to acknowledge this wider social context of "whiteness" and the common-sense experience of white cultural practices as normative, natural, and universal (White, 2014). It is also important to note that most definitions of cultural heritage follow Western Values, which tend to evaluate cultural values in terms of quality, rarity, and diversity of things. Moving away

from these processes of cultural hegemony is one of the challenges that many indigenous groups face when defining cultural significance. It is of the utmost importance, then, to acknowledge these underlying influences when trying to protect land that is culturally significant and define what makes the land “worthy of protection.”

To more fully understand the historical and current aspects of contested lands regarding Indigenous communities, it is crucial to look at the current regime in place for natural resource management and how this differs from land managed for cultural significance. Many contested lands are in or adjacent to national, state, and provincial parks around the United States (McAvoy et al., 2003). Ecosystem management within these spaces tends to see humans as separate from nature, a trend that should be broken in order to better understand the cultural values of all groups involved in the management of an area. Sense of place describes the bonds that people develop with the land through long residence or frequent times spent in a defined place (McAvoy et al., 2003). The majority of contemporary place theories define place as a physical location that is made up of three components: physical activities, human activities, and the human psychological process relating to it. However, there are also emotional, symbolic, spiritual, and other widely perceived intrinsic values of the natural world that are inherent in the creation of a place (McAvoy et al., 2003). These values should be considered in both land and park management because not everyone sees humans as separate from nature and this needs to change.

Places embed environmental values and meaning in people. These meanings are then passed along by the traditions in indigenous social groups (McAvoy et al., 2003). Most indigenous groups hold these environmental values through a set of land ethics. These four land ethics help define what is culturally significant to an indigenous group and can be used in the

protection and management of this land. The four land ethics are: (1) the pervasive belief in the sacredness of life – “spiritual management,” (2) the belief that there is a clear, reciprocal, and interdependent relationship with all of creation and that humans are inseparable from nature, (3) the general view held by many Native Americans that a heightened sense of place or connection to the land is the result of the importance placed on the human/nature relationship and a long historical tie to the land, (4) the importance placed on the oral tradition and spoken word – tradition and stories passed down orally (McAvoy et al., 2003). These land ethics demonstrate how strongly indigenous people identify with the natural resources around them. If protected, these lands and parks can be places where indigenous communities fulfill their way of life as a part of the land on a level of co-existence which is not separate from these areas (McAvoy et al., 2003). If these indigenous tribes cannot live on their own terms with natural resources they historically used, then they cannot live fully. Understanding this means putting aside our pre-conceptualized ideas about cultural heritage and the values attached to them. We must seek to understand and acknowledge the misrepresentation of culturally significant land. It may be difficult to translate from one culture to another, but it is imperative that we try in order to protect culturally significant land for indigenous communities across the country.

B2M Today

The cancellation of the final oil lease in 2020 opened up an opportunity to permanently protect the Badger-Two Medicine. Senator Jon Tester (D-MT) built on this momentum by introducing legislation that would permanently protect B2M in July of 2020. Sen. Tester expanded on Sen. Baucus’ legislation by introducing the Badger-Two Medicine Protection Act (S.4288). The legislation was drafted in consultation with tribal stakeholders, paying special attention to treaty rights and preservation (“Permanently Protect The Badger-Two Medicine”).

The Act designates 127,447 acres within B2M as a Cultural Heritage Area, thereby recognizing the cultural and spiritual importance of B2M for the Blackfeet nation (S.4288). Recreational uses and traditional tribal uses of the land--including the exercise of treaty rights to remove timber from the land--are allowed. Mechanized vehicles, commercial harvest, non-essential development, and water sources such as dams are prohibited in the area in order to preserve B2M's ecological and cultural qualities. The Act also establishes the Badger-Two Medicine Advisory Council, consisting of Blackfeet tribal stakeholders. The primary purpose of the Council is to assist the USFS in creating an updated management plan for Lewis and Clark National Forest that enables the long-term protection of the B2M Cultural Heritage Area within three years as required by the Act. The legislation has garnered bipartisan support from recreationists and both Republican and Democratic politicians. (Randall, 2020) But the bill received no action during the 116th legislative session and must be reintroduced in the current 117th legislative session. Only about 2% of the more than 16,000 legislative measures in the 116th legislative session were enacted into law. (GovTrack.us, 2021) The bill is currently stalled by a disagreement between the US Forest Service and Blackfeet Tribal Business Council over how the proposed legislation would manage the protected land. Sen. Tester is waiting for the results of these discussions and until then, the bill will not be reintroduced, and it is effectively stalled (AP, 2021).

Effective Media and Outreach

When individuals have a desire to create change, whether that's in their communities or on a global scale, they often turn to civic engagement as their first avenue to create that change. Civic engagement is a broad term that encapsulates many types of engagement activities, but it can be broken down into a couple of key tenets. The first is civic action, which refers to change-

making activities such as volunteering or advocacy. Then there is civic commitment, meaning a desire to make positive change in society, as well as civic skills, which are skills that allow us to be a part of civic structures like democracy and society. Finally, there is social cohesion, which refers to a sense of collectivism and trust between individuals in a community (Youth.gov). Civic engagement is a way for people to connect to their communities and create real change.

One of the main avenues of civic engagement is advocacy, which can take many shapes. Advocacy toolkits often describe two different types of advocacy, lobbying or direct communication, and campaigning. Lobbying is when individuals reach out directly to stakeholders to try and influence them to make changes. Campaigning involves spreading a message on a large scale to try and gather community support. Some examples of this are writing an op-ed for a newsletter, sending a chain or mass email, getting celebrity endorsements, creating online content or forums, hosting events, or advertising campaigns. What campaign strategy will be effective highly depends on the audience, the message that is being conveyed, what resources are available, and cultural contexts (WHO, 2008). Environmental advocacy can be different from other kinds of advocacy, as often it is focused on convincing governments and other stakeholders to make structural changes, as opposed to focusing on individual social behavior change. Therefore, lobbying and campaigning strategies should focus on messages that will change the minds and actions of lawmakers and key stakeholders. Furthermore, as the Badger-Two Medicine bill seems to have fairly bipartisan support, advocacy should be focused on mobilization rather than belief or behavior change. The Citizens Climate Lobby suggests several different advocacy methods at different levels, such as group development (diversifying group membership, recruiting volunteers, promoting chapter communication), grassroots outreach (tabling, public speaking), lobbying congress (finding personal contacts, highlighting support

being built), and media outreach (writing op-eds, social media, radio, or TV interviews), (Citizens Climate Lobby). Grassroots efforts are found to be very effective in swaying green policy. Because grassroots efforts can be more easily shaped to suit the needs and contexts of the city they are in, they are more effective than national efforts. Furthermore, cities with longstanding grassroots advocacy groups were more likely to see green policy adopted than other cities (Portney and Berry, 2016). The significance of this to our project is that, as stated previously, grassroots level advocacy is a significant and effective strategy for encouraging green policy and creating meaningful change.

One of the methods of advocacy proposed by many groups is to reach out to local congress members as a means of encouraging them to vote for or propose policy that would be advantageous to the cause being advocated for. These communications can include personal letters, emails, or phone calls, or mass communication campaigns, which include form emails and scripted calls (Turner and Felkel, 2018). However, according to a report by the Congressional Management Foundation (CMF), there are many barriers to communication between congress members and their constituents (Goldsmith and Sinkaus, 2021). The first of these barriers is that there is not a sufficient amount of infrastructure to support the amount of communications that congress members are receiving, due to an increased popularity of mass communication campaigns and a decrease in congressional budget and staffing. This means that communication between congress members and constituents has become a bureaucratic item to check off the agenda, rather than an earnest attempt at communication from both parties. The research found that organizations or individuals that created relationships with their congress members were far more likely to have an impact on that member's decisions, regardless of the constituent's social connections or financial stake (Goldsmith and Sinkaus, 2021). It is also

important that these relationships be very local, as members of Congress tend to be uninterested in communications from voices out of their districts (Englin and Hankin, 2012). Another barrier to communication noted in the report by Goldsmith and Sinkaus was that congress members are not likely to be in communication with a diverse group of constituents. Congress members were found to engage more with those who either reached out to them or who the members thought might vote for them. This means that more marginalized populations may not have effective if any, communication with congress (Goldsmith and Sinkaus, 2021).

So, what works? According to the CMF, email has been used as the primary way for activists to connect with congress members, and 79% of advocacy groups say that they use mass form emails as a primary advocacy tactic. However, only 3% of congress members reported that this was an effective technique (Turner and Felkel, 2018). What seems to be most effective is when constituents create relationships and communicate directly with congress members. Grassroots organizations should use relationships with congress members as the main metric for political sway, but it can be used among other techniques, like personalized emails. Most congress members said that in-person meetings with constituents were the most important forms of communication for impacting their decisions (Fitch, Goldschmidt, and Cooper, 2017). These personalized communications can be very helpful to congress members, providing them with information on how bills would actually be affecting the people in their districts. This localized and personal information both betters communication and builds relationships that can be used for future advocacy.

There are many ways to advocate for areas of cultural importance, but every case should be approached subjectively, and in a mindful way. The Badger-Two Medicine is no different, and the history of advocacy this area has already seen is impressive. The threat of natural

resource extraction that has been present for the last few decades has been removed. This recent policy change opens the door for permanent protection of the land in the interest of the Blackfoot people, who have already been its caretakers for generations. These people's directive is ultimate as far as policy goes but furthering their directive can help secure their interests.

While we started our project exploring advocacy, we realized that it would be most sensitive and appropriate to take an education-based approach instead. We came to this conclusion based on our interview findings and the knowledge we gained through our research. We also feel that an education-based final project is more in line with our goal of this study, which is to better and more fully understand cultural significance and how it relates to the Badger-Two Medicine.

Research Questions

The purpose of this research was to investigate different advocacy strategies that could benefit areas in unique circumstances such as the Badger-Two Medicine. Advocacy for areas that lack protection was of particular interest to our group. Areas of significant interest for protection on the basis of cultural importance were explored using the Badger-Two Medicine area as a reference, but our group was able to broaden our research to a specific region of Spain. The purpose of including Galicia, Spain into our research was to explore the global context of cultural significance, make comparisons, and learn from different advocacy efforts and approaches. Our research focused on different strategies for protecting land, while being mindful of the people and resources involved. Initially, the effectiveness of different advocacy strategies was of particular interest, but during the process we also began to look into societal and cultural implications of land protection.

Methods

Step 1 - Interviews

Cultural significance possesses many different forms, interpretations, and perspectives. While the National Historic Preservation Act contains a statutory definition of cultural significance, indigenous people may have a contrasting view of the term. In order to best advocate for protection of the B2M, it is important to understand how stakeholders such as the Blackfeet Nation define “cultural significance”, while also exploring its policy implications in the past, present, and future. Each individual stakeholder or group provides unique insight into the management, advocacy, and policy complexities within B2M. We interviewed a diverse group of Badger-Two Medicine stakeholders that were identified through preliminary research. We developed our interview questions and chose a range of interviewees to explore different perspectives and gain a more well-rounded and full understanding of what is happening with the B2M.

After our initial research, we decided on interviewing members of five different groups: government agencies, advocacy groups, elected officials, tribal stakeholders, and academic stakeholders. While questions varied with each group, we started with our baseline questions which were: How do you define culturally significant land? What does the Badger-Two Medicine area represent to you?

Our first group is government agencies (USFS, etc). We asked about current challenges to engaging tribal members in B2M through existing mechanisms such as the NHPA. Although we ran into some roadblocks in reaching these agencies, we knew that getting a governmental perspective was important to understanding the B2M and its legislation.

Our second stakeholder group was advocacy organizations. We asked them about their work with the B2M and how they have collaborated with the tribes in their efforts. We also asked about what they thought the future of B2M as far as policy and management was and how they saw themselves involved in that future. These interviews helped us understand the place of non-tribal members in this discussion.

We asked Elected officials about potential legislative solutions and strategies in B2M moving forward. We also asked about the B2M Protection act, and what they thought of its stalling in congress. We knew it was important to interview elected officials to understand the policy side of the situation, and to understand the act from a lawmaker's perspective.

We tried to contact as many tribal members and stakeholders as we could, but unfortunately were not able to reach as many as we would have liked. We asked those that we were able to contact about their opinion on what's happening with the badger-two, as well as what they thought of the current and proposed co-management. This was the most important stakeholder group for us to contact, as the Blackfeet tribe has the final and most important say.

We also interviewed an academic stakeholder to get an academic and legal perspective on culturally significant land.

Finally, we interviewed natives of Galicia, Spain. We asked these interviewees about their ideas and experiences around culturally significant land. These interviews helped us get a more global perspective on the subject of cultural significance.

Our interviews were conducted in January-March 2020 and lasted 10-45 minutes each. We used Zoom for most of the interviews, but some occurred in person, over the phone, and via email. Each team member was roughly responsible for interviews within one category, but some

overlap occurred for ease of scheduling, and because interviewees often recommended us to other contacts. We ended up conducting ten interviews total.

Interviews were conducted in a semi-structured format. We had 3-6 prepared questions per category but allowed interviews to take their own course and continue as long as was necessary and comfortable. The questions varied per stakeholder group, but centered around their involvement with B2M, their experiences with the B2M protection act, and their definitions of culturally significant land. The interview guide and specific questions for each stakeholder group are presented in Appendix 1. With the permission of the interviewee, interviews were recorded, transcribed, and analyzed for use as qualitative data. If the respondent was not okay with being recorded, then the interviewer took detailed notes to refer back to when analyzing.

Our group obtained IRB approval for these interviews, and each group member completed a human subjects protection course. To ensure privacy and consent, we first asked each respondent if they were comfortable being recorded for our own use, as well as whether or not they would like to be named in our findings. All respondents were told that they may stop the interview at any time, and they did not have to answer any questions they were not comfortable with. All transcriptions and recordings were only shared with group members.

During our fall semester we considered multiple scenarios to complete our capstone project. We used stakeholder input to decide that an exploratory study would best support our capstone aspirations that focused on education rather than advocacy. Scenarios that we considered include: 1) an art event where our group would seek local artists who have a connection to the Badger-Two Medicine area and wish to express their connection through artwork. This artwork would then be showcased and sold at an art event where local stakeholders, legislators, and senators could come together to create meaningful connections

through this artwork that advocates for the protection of the B2M as culturally significant land. 2) a hosted discussion with legislators involved in the B2M Protection Act. In this strategy, our group would create a plan to talk to and connect with these legislators about the Badger-Two Medicine area and why it should be protected under cultural significance. 3) Collaborate with other grassroots efforts, such as the Badger-Two Medicine Alliance to assist in the efforts they are already implementing to advocate for the B2M area. And lastly, 4) an advocacy event that would have incorporated a global scale where we would have focused on global issues around protecting land that is culturally significant.

Step 2 – Discussion Panel

In the midst of conducting our interviews, our group had to determine what our final event, or deliverable, would look like. Broadly, we wanted our outcome to encourage dialogue, inform others, and respect the tribes and our position as non-tribal members. After consulting with an academic interviewee with advocacy experience in the area, we determined that a Zoom panel would be a sensible path forward. We chose a Zoom panel for several reasons. First, the online format would be readily accessible to our chosen panelists and the general public interested in learning more about culturally significant land and the B2M area. Secondly, panel driven dialogue could perhaps broaden the perspectives of panelists, helping to create mutual understanding where there had not been any previously. A podcast by Montana Public Radio assessing the current and future management possibilities summed up the need for such dialogue succinctly. “Nick Mott: So, on one hand, we have the Blackfeet Nation making this very concerted push to get the land back. And on the other, we have conservation groups saying the American public needs to say in how this land is managed, where do we go from here? Aaron Bolton: As of now, that's a bit unclear. The two sides aren't really talking” (MTPR, 2022).

We began gauging interest in panel participation after we determined that we would pursue facilitating a panel as a group. We first determined that the panel would take place April 20th, giving ample time to book panelists, plan out logistics, and market our panel to the general public. However, as we conducted outreach, we found that our challenges being experienced in the interview portion were equally applicable to the panel portion. We originally aimed to have the panel consist of one stakeholder from each group mentioned above, leading to five panelists in total. Some stakeholders declined due to time conflicts. One potential panelist was unable to attend, saying via email “I’m busy on April 20th with board meetings pretty much all afternoon and into the evening”. Others declined for similar schedule related reasons. Some declined to participate for reasons beyond schedule conflicts, similar to the hesitations mentioned above. One stakeholder we reached out to decline the panel invite, stating that “in the past, we’ve really tried to prioritize having Blackfeet Tribal Leadership take the reins on defining what they want from the landscape and how they want it managed, and we’d want to make sure they had someone available to speak as well.” We knew that tribal participation would be crucial to our panel, but we were unable to secure any tribal panel participants after extensive outreach -- primarily due to time conflicts. In the end, we were able to secure Peter Metcalf (Executive Director of the Glacier-Two Medicine Alliance) and Monte Mills (Co-Director of the UM Margery Hunter Brown Indian Law Clinic). While we obviously didn’t meet our panelist participation goals for the panel, our discussion was still informative and accessible like we had originally intended. Overall, the challenges we experienced are illustrative of the difficulties in navigating outreach for issues involving large groups of stakeholders.

Our Zoom panel discussion took place on April 20th from 3:30 to 5 pm; the flyer is presented in Appendix 2. These flyers were printed and posted in multiple locations at the University of Montana campus, and were included in several student newsletters.

Findings and Analysis

Throughout our interviews, among different stakeholder groups, we discovered some common themes relating to the protection of the area. Our interviews and panel discussion both yielded information that we sorted into the following themes: the importance of deferring to the tribes; uncertainty regarding the future of the B2M's management; the need for public pressure in order to pass legislation; hope for collaboration between stakeholders; difficulty defining cultural significance; the variation of individual stances on the B2M; and the importance of patience.

Our group was also able to investigate some similarities, and differences, between the Badger-Two Medicine and the autonomous community of Galicia, Spain. In Spain we found that some common themes were: a strong connection to place; the importance of public opinion; difficulty defining cultural significance; the importance of protecting areas of long standing significance; and the importance of deferring to the native people.

The findings from the interview and panel data are organized around the main themes; original quotes are presented to support the themes that have emerged from the data and analysis.

Interviews

Theme: Uncertainty

The first group of stakeholders that we interviewed are involved with policy making through legislation at the federal level. One of these interviewees stated that the reason for the

Blackfeet Tribe dropping support for the Badger-Two Medicine Protection Act was because “somebody got to [the Tribal Business Council] and told them to pull the bill.” When asked about the different co-management and LANDBACK approaches within the area, another federal policymaking respondent stated that future management in the area could be “more of a LANDBACK issue”, before adding “But I shouldn’t surmise because I really don’t know.” This statement reflects the uncertainty of how the area could be managed in the future, a common theme that we found throughout our interviews. One NGO interviewee also stressed the wait-and-see nature of where things currently stand, saying “I think we’ll keep doing projects that benefit the Badger through stewardship and like connecting folks to the land, both Blackfeet and non-Blackfeet...but as far as moving forward with anything outside of the Blackfeet asking us to, we won’t.”

Theme: Support for Legislation

This respondent underscored the essentiality of building widespread support for any legislation to be implemented, stating “I think in order to get [legislation] done, especially if it’s a land transfer, you have to have bipartisan support.” This stakeholder summed up where things stand by stating “I think there will be another [piece of legislation], we’ll see what that bill looks like. We’ll see what the buy-in is from the tribe, from Congress, and from other stakeholders, and then based on that it’ll either move forward or it won’t.” This statement contributes to the theme of uncertainty mentioned above.

Theme: Tribal Involvement

One federal policymaking interviewee underscored the importance of deferring to the Blackfeet Tribe for determining future management decisions, stating “the concept any of us

might have of “protection” isn’t necessarily what might be applicable to the Blackfeet Tribe...the meaning of any piece of land to me is completely different when I’m considering values and my own limited understanding of value compared to someone who holds their existence in the universe is directly tied to the same ground.” The interviewee went on to conclude that “It’s really a matter of respecting sovereign rights to defer to the Tribe on their timeline and desires for legislation....my conclusion on advocacy is limited and cautious, but deferential to Tribes”

Theme: Collaborative Approach

We interviewed a University of Montana faculty member familiar with land management decisions incorporating tribal entities. In reference to the B2M he said, “If there’s going to be a path forward it is going to be collaborative.” This is a common theme amongst all stakeholders we talked to. Effective land management decisions come from effective communication.

Theme: Difficulty Defining Culturally Significant

Additionally, that stakeholder added that cultural significance is difficult to define, a sentiment shared by many other stakeholders. The meaning is subjective and different across stakeholder groups. The term is largely used as a legal placeholder; the lack of a clear definition makes it important to clearly define what is being talked about when using the term.

Theme: Tribal Self Determination

One theme we noticed from our interviews was the importance of ensuring tribal members have the right to determine the future of the area. One tribal interviewee stated that “It’s important to have Blackfeet tribal input when making future management decisions in the

Badger-Two Medicine”. This interviewee also expressed support for the Badger-Two Medicine Protection Act introduced by Senator Tester, stating “it would be nice to see the B2M area, like the Tester bill, fully protected from those leases.” One tribal interviewee provided support for a management policy in the area, saying that “based on our input and the culturally sensitive nature of the Badger-Two Medicine, we are the ones that recommended that motorized travel be banned in the Badger-Two Medicine area.”

Theme: Recognizing Diversity of Tribal Viewpoints

But it’s important to remember that tribal perspectives are highly unique, and one individual’s perspective does not represent an entire indigenous population. We interviewed an enrolled tribal member with the Blackfeet Tribe who opposed Senator Tester’s bill and would like to see ownership of the land transferred entirely back to the tribe. He did not believe that anyone other than the Blackfeet Tribe had a “seat at the table.” He stated that the future of the B2M should be decided by the tribe. He also disagreed with the verbiage commonly used in reference to the B2M stating the ceded strip does not need to be “protected.” Again, relating to our theme that protection is difficult to define. This interviewee’s perspective in reference to the B2M area falls along views similar to the national “LANDBACK” movement.

Theme: Protecting B2M

One consistent theme was the desire to protect the B2M area. One of our interviewees from an NGO stressed the strong public support, saying that “There’s a strong public narrative that supports maintaining it in some sort of an undeveloped space, and that supports a role for the Blackfeet in the management of that area, whatever that role may look like.” Another NGO

interviewee stated that their organization has been “looking at some appropriate ways to protect [the area], whether that's [through] Wilderness [designation] or some other vehicle.”

Theme: Deferring to the Tribes

But again, this interviewee drove home the importance of deferring to the Blackfeet tribe during such discussions, stating “the Blackfeet are the closest to the lands. They have a vested stake in the Badger-Two Medicine since they've been around, so when and if they come to a place where they're ready to see if we're interested in re-engaging, I think that's when we would show back up.” Similarly, another NGO interviewee said that while there is “space for conservation to help lead in those conversations” it was up to the “Tribal leaders and how they want to engage the public.” This interviewee also pointed out that a big problem was a “lack of consistent involvement with the tribe”.

Theme: Recognizing Diversity of Tribal Viewpoints

A different NGO interviewee stressed the importance of not assuming that all Blackfeet tribal members have similar preferences for future management practices, saying “I think there's still elements within the Blackfeet, within and outside the government, that would see cco-management as a positive step for the Badger-Two Medicine. That being said, I think there are elements within Blackfeet that would like to see the land return to the Blackfeet control.”

Discussion Panel

Despite having initially planned to host a talk between three stakeholders there were only two speakers, Monte Mills and Peter Metcalf who were still able to have a very enlightening dialogue. Several of the themes that had emerged from our initial interviews were also touched

on by Monte and Peter. One particular theme we found in our research was that **protecting B2M**, and the concept any of us might have of “protection” isn’t necessarily what might be applicable to the Blackfeet Tribe. This theme was certainly reinforced by our panel’s conversation.

In our broadcasted discussion with Monte Mills and Peter Metcalf, Monte explained that there is pressure from stakeholders for congress to pass legislation that promotes new management practices aiming at something collaborative. However, he stressed that it can be hard to define how these systems should work legally, and to what extent they should be collaborative. Despite this pressure from stakeholder groups, Monte explained, there are significant hurdles to passing something at a national level. However, mounting national pressure could expedite the process. Monte emphasized the themes of **collaboration and the difficulty of defining culturally significant lands**.

Peter Metcalf is someone who works on the ground for the Badger-Two Medicine. His testimony was an important window into the eyes of a conservation group. Peter expressed some concern that the LANDBACK movement, if applied to the Badger-Two Medicine, could halt progress being made to find a solution. He was in favor of co management but stressed that deferring to the tribes’ wants and needs was important. Peter Metcalf expressed his support for legislation like the Badger-Two Medicine Protection Act, that gave tribes more opportunities to co-manage effectively. For instance, they would have more power to say no, and more power to make long standing decisions under the bill which ultimately did not pass-- partially, he explained, because the tribes did not think that the bill went far enough. Peter underscored the importance of deferring to the tribes and working towards a co-management solution.

Overall better understanding can only help ensure a more productive conversation for

stakeholders of the Badger-Two Medicine area. As Monte Mills said, “If there is going to be a path forward it is going to be collaborative”.

Global Perspectives

This semester, one of our team members has been living and studying abroad in Vigo, Spain, a town which resides in the autonomous community of Galicia. In Vigo, this person has been able to connect our team with local perspectives through interviews and Ponte... Nas Ondas (PNO!), a Galician culture and education organization. Through these connections in Spain our team has been able to learn about and connect with the idea of cultural significance in a completely different way. Bringing a more personalized global perspective to our project. From this individual's research and interviews, our capstone team has been able better understand the complexities of managing culturally significant land in the Badger-Two Medicine area and tease out some common themes that apply to both regions.

The autonomous community of Galicia, Spain has its own language called Galician, a mix between Spanish and Portuguese, as well as its own cultural traditions. The management and protection of Galician culture and their traditions is in many ways solely in the hands of the people who live there, speak the language, and know the heritage. In addition to the people of Galicia who aim to protect their culture, there is one organization in Vigo, called Ponte... Nas Ondas (PNO!), whose focus is on protecting culturally significant oral traditions, cultural practices, and knowledge. In our research we have been able to connect with this organization through email to learn about the ways in which they have been safeguarding Galician culture since 1995 (Troncoso, 2018).

As a Galician culture and education organization, PNO! focuses on protecting oral traditions and expression, performing arts, social practices, rituals, festivals, knowledge and practices concerning nature and the universe, and traditional craftsmanship. In 2015, they added another goal to their organization when they were accredited by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) as an Intangible Heritage Consultant. After gaining the title of Intangible Heritage Consultant, PNO! became the middleman between the people of Galicia and the United Nations to act on protecting and recovering Galician culture. Today the organization is mainly composed of teachers from different education levels who not only support schools in educating their students about the importance of Galician heritage but also host events, activities, and projects. They focus on connecting students with their shared cultural heritage, showing them how it survives in small elements of their everyday life. PNO! further emphasizes the cultural significance of Galician heritage by pointing out that “it should not be forgotten that culture is a capability which resides in the human brain” (PNO!, n.d). Meaning that to Galicians, their culture is “significant” in that it's a manifestation that takes many diverse forms and mentalities which define their capabilities to connect with and practice a shared heritage.

To gain a broader perspective on what it means to manage for that cultural significance in Galicia our team decided to interview some locals. Throughout the course of a few weeks, three locals from Vigo were interviewed in person by our team member living there. These individuals were asked questions pertaining to what the land of Galicia represents to them, the types of cultural traditions, the importance of protecting these traditions, and what should be done to protect them. When asked what Galicia represented to them, each individual explained the deep attachment they feel towards it as it represents both their culture and their home. One interviewee

stated, “it is the land that I miss when I am abroad and where I am moved by its landscapes, its music, and its language... it is the land I consider my own.” Each interviewee also made it clear that protecting Galician culture and language was important. Explaining that preserving these things is not only inherently valuable but also central to their identity. While talking about the important traditions in Galician culture, each individual was able to list a variety of examples. Some of these examples included the drinking of “queimada,” oral traditions, Carnival, and the music. One important addition brought up by an interviewee is that Galician “traditions are closely linked to Celtic culture. Many of them are related to magic (witches, goblins, devils), nature, water, both sea and rivers, and fire.” To preserve this culture and the language, all the interviewees stated essentially the same thing. They explained that to preserve Galician culture, Spain needs to promote the culturally significant traditions and language in schools and through the government.

While the cultural significance of Galician traditions and the Badger-Two Medicine area are significantly different, our team did find some common themes between them. The most predominant theme in both cases is that cultural significance is difficult to define. In both areas, land represents the long-standing connection between the people and their culture. Defining these lands and the traditions as “culturally significant” is more a term used for management and does not always align with how the Galicians or the Blackfeet Tribe describe their land or have described it in the past. To these groups, their land extends beyond the scope of cultural significance because of their longstanding connection to it, including the language and traditions that have existed there since time and memorial.

The importance of deferring to those who partake in the culture is another common theme between the Badger-Two Medicine area and Galicia. In both cases, recognizing the tribal

members or local Galicians rights and interests in the land is the best way to ensure protection of an area and its traditions. The more we ask them for their input and involve them in the decision making, the more they can incorporate their perspectives, connections, knowledge, and resources. Creating a better outcome for everyone. While there seems to be agreement across the board between the Badger-Two Medicine area and Galicia about deferring to those who partake in the culture, there is a small gap in action. In Galicia, they have the PNO! cultural and education organization who acts as an Intangible Heritage Consultant to the United Nations, therefore ensuring that decision makers defer to Galicians. However, in the case of the Badger-Two Medicine area there is no organization like PNO! to aid in the deference to the Blackfoot Tribe.

In both Galicia and the Badger-Two Medicine area, there is a strong public narrative around the protection of the region and its culturally significant traditions. While this final common theme may differ around each area's idea of protection, both have support from the public about protecting the land and traditions culturally significant to them. In Galicia, protection means teaching their children to speak the language and partake in cultural traditions, keeping the culture alive through generations. In the Badger-Two Medicine area, protecting the land and its traditions is an act that is still trying to be defined. In both, there is strong support for the area's protection and ongoing conversations about the best ways to do so.

The common themes that join these two regions together in their journey **to protect that which is culturally significant to them is; cultural significance is difficult to define, the importance of deferring to native peoples, and the strong public narrative that is currently around protecting these areas and its culturally significant traditions.** Finding these common themes between Galicia and the Badger-Two Medicine area has solidified the importance of

protecting culturally significant land globally. It has also made our group realize the important differences in the needs and wants of each group who wish to protect and manage that which is culturally significant to them. Each culture brings a unique knowledge about their landscape because of their current and historical connection to it and those of us who do not partake in that culture and its traditions should be open and willing to listen to that knowledge. A lesson that has helped us when working through our project about managing culturally significant land in the Badger-Two Medicine.

Recommendations

The future of managing culturally significant lands is collaboration. Through our conversations, interviews, and panel discussion with multiple stakeholders and tribal members about the protection of the Badger-Two Medicine area our team has found time and time again that the future should be a more collaborative approach. The Badger-Two Medicine area is a unique piece of land culturally significant to the Blackfeet Tribe, and as such it has its own special management needs. If this area is to be protected for cultural significance in the future, our team recommends taking a collaborative path. One that defers to tribal knowledge and involvement because of the unique connections the Blackfeet Tribe has to the land and their right to be involved in management decisions made on it. The question that non-tribal stakeholders need to be asking themselves is how they can best support and promote tribal knowledge as a basis for protection. This type of collaboration is an opportunity to rethink how public land management should be addressed elsewhere in the United States and the Badger-Two Medicine area could serve as an example of tribal involvement.

Future work on protecting the Badger-Two Medicine area under cultural significance should address other common themes found throughout our research. One of these themes is the uncertainty around how this area should be managed in the future. This creates a potential for the exploration of different management approaches in the B2M area, whether that be through legislation, collaboration, a LANDBACK approach or a culmination of all three. If a decision is to be made on the future management of the Badger-Two Medicine area, there must be further research done on the different types of land management and their ramifications. Another theme found in our research was that tribal perspectives are highly unique and individual; therefore, one does not represent the entire indigenous population. In order to understand and acknowledge the range of tribal perspectives around protecting the B2M area for cultural significance there must be further investigation into these perspectives. Some techniques that we recommend for further investigation may take the form of more interviews, a questionnaire, or a platform or meeting where these viewpoints can be expressed. The final common theme is that both cultural significance and protection are difficult ideas to define. The reason being that both have very different and complex ways that they can be defined depending on what is identified as valuable to the Blackfeet Tribe and possibly other stakeholders in the B2M area, depending on the management regime. To define these terms, our team suggested further exploration into what the Blackfeet Tribe and other stakeholders value in the area and from there create informed decisions about the protection.

As our team has learned, the protection and management of culturally significant lands is an issue felt across borders. As such, our team also recommends that further research be conducted on the protection and management of culturally significant land globally. While there is no “one size fits all” solution to protecting culturally significant land there are lessons to be

learned from other areas that have tried. Exploring this issue more deeply with the help of tribes and other cultures from around the world, like the Galicians of Spain, is the only way to protect their land and traditions in a way they see fit. Think of it as collaboration across borders. From this research and our recommendations, we hope the path forward is clear, leading us to a more hopeful future in public land management.

Conclusion

The lack of protection and exploitation of indigenous lands is a global issue spanning continents, countries, and the governments within. The Badger Two-Medicine reflects abuses of culturally significant lands seen on a global scale. In our research and exploratory study, the Badger-Two Medicine area has served as a case study of culturally significant land. The goal of our capstone was to educate the public and show how stakeholders are making land management decisions in the B2M while also identifying themes through our interviews across stakeholder groups that can help navigate land management decisions on culturally significant land across the globe. Throughout our capstone project, our group identified the historical and existing context of indigenous land protection, what cultural significance means, and how land management decisions are being made in the Badger-Two Medicine today. Moving forward, we hope our capstone project can be used as a resource in understanding culturally significant land.

Appendix 1

Interview Guide

Questions for all interviewees:

- How do you define culturally significant land?
- What does the Badger Two Medicine Area (B2M) represent to you?

Stakeholder group: Advocacy groups

- As a non-profit organization focused on conserving the B2M area, what advice do you have for a group looking to advocate for legislation that protects this culturally significant land?
- What kind of advocacy actions do you think would be impactful on the issue at this time?
- What advocacy strategies have you been using, and have they been effective?

Stakeholder group: Elected officials

- Do you think there is a feasible chance that the B2M area will gain permanent legal protection? If so, how do you think this might happen?
- How do you think non-Blackfeet members should advocate for policies that protect B2M?

Stakeholder group: Government Agencies

- What role does your agency play in the protection of the B2M? What about other culturally significant land?
- What are some current challenges your agency has faced in engaging with tribal members with your current mechanisms?
- How could these mechanisms be improved?

Stakeholder group: Independent Stakeholders

- Is your group in favor or against the protection of the B2M? Why?
- If against, what might change your mind?

Appendix 2

Interview Guide: Global Perspective in Spain

English Version:

1. Where are you from?
2. Do you speak Galician?
3. How would you define culturally significant traditions?
4. What does the autonomous community of Galicia represent to you?
5. As a local, do you believe it is important to preserve the Galician language and culture? If yes, why. If not, why?
6. What are some important cultural traditions in Galicia?
7. In your opinion, what should be done to preserve the Galician culture and language?
8. Anything else you would like to add?

Spanish Version:

1. ¿De dónde eres?
2. ¿Hablas gallego?
3. ¿Cómo definiría las tradiciones culturalmente significativas?
4. ¿Qué representa para usted la comunidad autónoma de Galicia?
5. Como local, ¿crees que es importante preservar la lengua y la cultura gallegas? En caso afirmativo, ¿por qué? Si no, ¿por qué no?
6. ¿Cuáles son las tradiciones culturales más importantes de Galicia?
7. En su opinión, ¿qué debería hacerse para preservar la cultura y la lengua gallegas?
8. ¿Desea añadir algo más?

Appendix 3

Discussion Panel Flyer

Photo by Troy Smith via Flickr
<https://flic.kr/p/2jwjkbx>

**“CULTURALLY SIGNIFICANT
 LAND”**: BADGER-TWO MEDICINE
A discussion on current and future management practices in the area

Featuring

Peter Metcalf **Zach Angstead**
Ex. Director, Glacier-Two Medicine Alliance *Field Director, Wild Montana*

Monte Mills
Co-Director, UM Margery Hunter Brown Indian Law Clinic

4/20
3:30-4:45 pm
Via ZOOM

<https://us06web.zoom.us/j/88261208043>

Appendix 4

Project Implementation Plan

Jan. 18-Jan. 21) IRB documentation was prepared and submitted for approval and a list of contacts was compiled for potential interviewees.

Jan. 24-Jan. 28) Inquired about tribal outreach permission and received confirmation of permission. Reached out to contacts and identified willingness to engage in an interview.

Jan. 31- Mar. 4) Started conducting interviews and continued to reach out to contacts.

Jan. 31 - Mar. 4) Transcribed interviews and started the process of interview analysis and synthesis, charting the next course of action. Decided to host a discussion.

Mar. 4.- April 19) Formed questions, prepared logistics and advertising for the hosted discussion.

April 20) Hosted a panel discussion with Monte Mills and Peter Metcalf.

April 20- 22) Analyzed findings from panel discussion and prepared for the UMCUR presentation.

April 22) Presented at UMCUR

April 23 - May 6) Prepared final report and wrap-up of the project.

References

- Barras, Leslie E. (2010). "Section 106 of the National Historic Preservation Act: Back to Basics." *National Trust For Historic Preservation*.
- Blake, J. (2000). "On defining the cultural heritage." *The International and Comparative Law Quarterly*, 49(1), 61-85. Retrieved from <http://www.jstor.org/stable/761578>
- Brubeck, Kimberly. (2017) "Press Release: Interior Department Cancels Remaining Oil and Gas Leases in Montana's Badger-Two Medicine Area: 2017." *U.S. Department of the Interior*.
- ENZIE, M., and B. RANDON. (2021). "Colorado Natural Resources, Energy & Environmental." *Law Review* 32.1 Web.
- Confederated Salish and Kootenai Tribes (CSKT). (2005). "Mission Mountains Tribal Wilderness: A Case Study." *Native Lands and Wilderness Council*
- DeSantis, Mark. (2020) "The Federal Role in Historic Preservation: An Overview." *Congressional Research Service*.
- Englin, S., & Hankin, S. (2012). (rep.). "The Advocacy Gap." *Climate Access*. Retrieved October 2021, from https://climateaccess.org/system/files/Englin_Advocacy%20Gap.pdf.
- Fitch, B., Goldschmidt, K., & Cooper, N. F. (2017). (rep.). "Citizen-Centric Advocacy: The Untapped Power of Constituent Engagement." *Congressional Management Foundation*. Retrieved from http://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf-citizen-centric-advocacy.pdf.
- Freedman, Eric. (2021). "When Indigenous Rights and Wilderness Collide: Prosecution of Native Americans for using Motors in Minnesota's Boundary Waters Canoe Wilderness Area." *American Indian Quarterly* 26.3 (2002): 378-92. ProQuest.
- Goldschmidt, K., & Sinkaus, B. J. (2021). (rep.). "The Future of Citizen Engagement: Rebuilding the Democratic Dialogue." *Congressional Management Foundation*. Retrieved October 22, 2021, from https://www.congressfoundation.org/storage/documents/CMF_Pubs/cmf_citizen_engagement_rebuilding_democratic_dialogue.pdf.

- Graber, Christoph B. (2009). "Aboriginal Self-Determination Vs the Propertisation of Traditional Culture: The Case of Sacred Wanjina Sites." *Australian indigenous law review* 13.2): 18-34. Web.
- Hiller, Chris, and Elizabeth Carlson. (2018) "THESE ARE INDIGENOUS LANDS: Foregrounding Settler Colonialism and Indigenous Sovereignty as Primary Contexts for Canadian Environmental Social Work." *Canadian Social Work Review* 35.1 45-70. Web.
- Hodder, I. (2010). "Cultural heritage rights: From ownership and descent to justice and well-being." *Anthropological Quarterly*, 83(4), 861-882. Retrieved from <http://www.jstor.org/stable/40890842>
- "H.R.1306 - 115th Congress (2017-2018): Western Oregon Tribal Fairness Act." *Congress.gov*, Library of Congress, 8 January 2018, <https://www.congress.gov/bill/115th-congress/house-bill/1306>.
- "H.R.3873 - 101st Congress (1989-1990): Badger-Two Medicine Act of 1990." *Congress.gov*, Library of Congress, 17 April 1990, <https://www.congress.gov/bill/101st-congress/house-bill/3873>.
- "H.R.4635 - 101st Congress (1989-1990): Montana Interim Roadless Lands Release and Conservation Act of 1990." *Congress.gov*, Library of Congress, 3 May 1990, <https://www.congress.gov/bill/101st-congress/house-bill/4635>.
- Indigenous Peoples at the United Nation. (n.d.) "Indigenous Peoples at the United Nations." *Department of Economic and Social Affairs Indigenous Peoples* Web.
- Marshall, Robert. (1930). "The Problem of the Wilderness." *The Scientific Monthly*, vol. 30, no. 2, American Association for the Advancement of Science. pp. 141–48, <http://www.jstor.org/stable/14646>.
- McAvoy, L., McDonald, D., & Carlson, M. (2003). "American indian/first nation place attachment to park lands: The case of the nuu-chah-nulth of British Columbia." *Journal of Park & Recreation Administration*, 21(2), 84-104. Retrieved from <https://search.ebscohost.com/login.aspx?direct=true&db=a9h&AN=32547366&site=ehost-live>
- Mills, M., & Nie, M. (2021). "Bridges to a New Era: A Report on the Past, Present, and Potential Future of Tribal Co-Management on Federal Public Lands." *Public Land & Resources Law Review*, 44(1), 2.

- MTPR (Montana Public Radio). (2022). "Who decides the future of the Badger-Two Medicine?" *Shared State*.
- National Historic Preservation Act of 1966, 54 U.S.C.A. § 306108
- National Park Service. (n.d.). "National Register of Historic Places." Web.
- Nie, M. (2008). "The use of co-management and protected land-use designations to protect tribal cultural resources and reserved treaty rights on federal lands." *Natural Resources Journal*, 585-647.
- Ore, Kathryn Sears (2017) "Form and Substance: The National Historic Preservation Act, Badger-Two Medicine, and Meaningful Consultation." *Public Land & Resources Law Review*: Vol. 38 , Article 7. Available at:<https://scholarworks.umt.edu/plrlr/vol38/iss1/7>
- PNO! (n.d.). "Ponte... NAS Ondas! Galicia." Retrieved May 3, 2022, from <http://pontenasondas.org/>
- Preso, Timothy. (2014, October 28). "Letter to Sally Jewell and Tom Vilsack Re: Oil and gas leases in Badger-Two Medicine region of Lewis & Clark National Forest." *Earthjustice* Web.
- Pueblo of Sandia v. Babbitt*, 231 F.3d 878, 879 (D.C. Cir. 2000)
- Randall, C. (2020). "New Bill Would Permanently Protect 130,000 Acres of Montana's Badger-Two Medicine." *High Country News*.
<https://www.hcn.org/articles/indigenous-affairs-wilderness-new-bill-would-permanently-protect-130-000-acres-of-montanas-badger-two-medicine>.
- Ravna, Øyvind, and Nigel Bankes. (2017). "Recognition of Indigenous Land Rights in Norway and Canada." *International Journal on Minority and Group Rights* 24.1. 70-117. *JSTOR*. Web.
- Ristroph, Elizaveta Barrett. (2014). "Traditional Cultural Districts: An Opportunity for Alaska Tribes to Protect Subsistence Rights and Traditional Lands." *Alaska L. Rev.* 31. 211.
- SCHELD, S., TAPLIN, D. H., & LOW, S. M. (2014). "The values-based approach for cultural-heritage preservation in U.S. public parks." *APT Bulletin: The Journal of Preservation Technology*, 45(2), 49-56. Retrieved from <http://www.jstor.org/stable/23799527>

- Senate. Rept. 107-285 - "TUF SHUR BIEN PRESERVATION TRUST AREA ACT." (2002) *Congress.gov*, Library of Congress, 26 October 2021, <https://www.congress.gov/congressional-report/107th-congress/senate-report/285>.
- "Statistics and Historical Comparison." *GovTrack.us*, <https://www.govtrack.us/congress/bills/statistics>.
- Subramanian, Divya. "Legislating the Labor Force: Sedentarization and Development in India and the United States, 1870–1915." *Comparative Studies in Society and History* 61.4 (2019): 835-63. Web.
- "S.4288 - 116th Congress (2019-2020): Badger-Two Medicine Protection Act." *Congress.gov*, Library of Congress, 22 July 2020, <https://www.congress.gov/bill/116th-congress/senate-bill/4288/text>.
- "S.853 - 103rd Congress (1993-1994): A bill entitled the "Badger-Two Medicine Protection Act"." *Congress.gov*, Library of Congress, 30 April 1993, <https://www.congress.gov/bill/103rd-congress/senate-bill/853>.
- The Cow Creek Story*. (n.d.) Cow Creek Band of Umpqua Tribe of Indians. <https://www.cowcreek-nsn.gov/tribal-story/>
- Thoreau, Henry David. (1862). "Walking." *The Atlantic*, Atlantic Media Company. <https://www.theatlantic.com/magazine/archive/1862/06/walking/304674/>.
- Troncoso, S. V. (Ed.). (2018, May 21). *Cultural and Educational Association "Ponte... NAS Ondas"*. ICH NGO Forum. Retrieved April 3, 2022, from <http://www.ichngoforum.org/cultural-educational-association-ponte-nas-ondas/>
- Turner, S., & Felkel, C. (2018, August 16). "Citizen engagement: What works and what doesn't." Congressional Management Foundation. Retrieved October 2021, from <https://www.congressfoundation.org/news/blog/1541>.
- "United States : H.R. 1884, Save Oak Flat Act." *MENA Report* (2021)Web.
- Watson, Alan; Murrieta-Saldivar, Joaquin; McBride, Brooke, comps. (2011). "Science and stewardship to protect and sustain wilderness values": Ninth World Wilderness Congress symposium; November 6-13, 2009; Meridá, Yucatán, Mexico. Proceedings RMRS-P-64. Fort Collins, CO: U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station. 225 p.
- Weaver, J. L. (2015). "Vital Lands, Sacred Lands-Innovative Conservation of Wildlife and Cultural Values Badger-Two Medicine Area, Montana."

- White, R. (2014). "Indigenous communities, environmental protection and restorative justice." *Australian Indigenous Law Review*, 18(2), 43-54. Retrieved from <http://www.jstor.org/stable/26423289>
- Wilkinson, Charles. "At Bears Ears we can Hear the Voices of our Ancestors in Every Canyon and on Every Mesa Top: The Creation of the First Native National Monument." *Ariz.St.LJ* 50 (2018): 317. Web.
- Williams, George. "Does Constitutional Recognition Negate Aboriginal Sovereignty?" *Indigenous law bulletin* 8.3 (2012): 10-1. Web.
- Youth.gov. (n.d.). "Civic Engagement." Retrieved November 28, 2021, from <https://youth.gov/youth-topics/civic-engagement-and-volunteering>.
- Zedeño, M.N. (2013). "Badger-Two Medicine Traditional Cultural District (boundary increase)." National Register of Historic Places Registration Form. Bureau of Applied Research in Anthropology, University of Arizona. Tucson, Arizona.
- Zeppel, H. (2010). "Managing cultural values in sustainable tourism: Conflicts in protected areas." *Tourism and Hospitality Research*, 10(2), 93-104. Retrieved from <http://www.jstor.org/stable/2374531>