

A New Day at the Department of the Interior & Implications for Tribal Lands

Fast Facts

Curriculum Area: Social Studies

Grade Level: High School

Suggested Duration: Four – Five 50-minute class periods

Stage 1 Desired Results

Established Goals

THE SOCIAL STUDIES CONTENT STANDARDS FOR NINTH THROUGH TWELFTH GRADE

(1) The civics and government content standards for ninth through twelfth grade are that each student will:

- (e) evaluate how citizens and institutions address social and political problems at the local, state, tribal, national, and/or international levels;
- (g) explain the foundations and complexity of sovereignty for federally recognized tribes in Montana.

(3) The geography content standards for ninth through twelfth grade are that each student will:

- (e) evaluate the impact of human settlement activities on the environmental, political, and cultural characteristics of specific places and regions;
- (f) analyze the role of geography on interactions and conflicts between various cultures in Montana, the United States, and the world;
- (g) evaluate the influence of long-term climate variability on human migration and settlement patterns, resource use, and land uses at local-to-global scales.

(4) The history content standards for ninth through twelfth grade are that each student will:

- (d) analyze multiple and complex causal factors that have shaped major events in US and world history, including American Indian history;
- (e) explain events in relation to both their intended and unintended consequences, including governmental policies impacting American Indians.

Understandings

- Students will develop an awareness and understanding of the unique relationship between the Department of the Interior and tribal nations.
- Students will recognize the historical significance of the appointment of Deb Haaland (Pueblo) as the first Native American Secretary of the Interior.
- Students will further their knowledge of the [Essential Understandings Regarding Montana Indians](#).



- Students will understand how challenging it can be for tribal governments and the US government to work through contemporary environmental issues.
- Federal Indian policies and treaties are constantly being interpreted and challenged as tribes exert their inherent sovereignty.

Essential Questions

- What is the relationship between the Department of the Interior and tribal nations?
- What is the significance of the appointment of Deb Halaand as the Secretary of the Interior?
- In general, how has federal Indian policy impacted tribal lands?
- What are some of the major environmental challenges facing tribal nations?
- What are some tribally specific examples of how these challenges are being met?
- Why is it important to look at issues from multiple perspectives?
- How have tribes navigated contemporary issues by using traditional belief systems?

Students will be able to...

- briefly describe the functions of the Department of the Interior and understand relevant Native American history and connections.
- summarize major current land issues impacting tribal nations.
- research and analyze a specific contemporary issue that impacts American Indian people.
- identify and use credible on-line resources to conduct their research.

Students will know...

- about the traumatic effects of shifting federal law and policy on land issues impacting tribal nations.
- American Indians have a unique legal and political relationship with the US Government.
- American Indian people face some unique challenges.
- traditional cultural practices and beliefs are incorporated into how tribes govern and manage their affairs
- Native language and cultural revitalization are essential components of how tribes solve the contemporary challenges they face.

Stage 2 Assessment Evidence

Performance Tasks

1. Students will research and analyze a tribally specific contemporary land issue that impacts American Indian people in Montana.
2. Students will increase their background knowledge regarding the Essential Understandings Regarding Montana Indians.

3. Students will gather evidence and present findings. Suggested assignments to gauge student understanding include a formal research paper, virtual poster presentation, participation in on-line discussion forums, or multimedia presentation formats such as a video or podcast.

Stage 3 Learning Plan

Learning Activities

Day 1

Provide an introductory statement about why the selection of Deb Haaland to lead the Department of the Interior as the first American Indian to do so, is a significant historical milestone in US history. Show the clip of the [Secretary of the Interior Swearing-In Ceremony](#).

Share the following article with the class and read the quotes from tribal leaders across the country expressing their thoughts regarding this historic moment. Have students read the quotes aloud and then discuss their reactions.

[‘Monumental day’: Indian Country reacts to Deb Haaland vote](#)

Next, pose these questions to the class and facilitate a class discussion. What is the Department of the Interior and what is the Department’s relationship with tribal nations?

Share the following with the students. Perhaps students could receive a printout of the Fast Facts to be shared as a jigsaw activity for increased student engagement.

Secretary of the Interior Fast Facts

About the position:

- Nominated by President
- Confirmed by Congress
- Established as a department March 3, 1849. In 1873 territorial oversight was transferred from Secretary of State to Department of the Interior.
- Statistics:
 - There have been 53 Secretaries of the Interior. Madame Secretary Deb Haaland is the 54th.
 - 50 have been men of European decent
 - 1 Latino
 - 2 women
 - 1 Native American
- Manages America’s land and cultural resources and oversees agencies:
 - Bureau of Indian Affairs
 - Bureau of Indian Education
 - Bureau of Land Management
 - Bureau of Ocean Energy Management
 - Bureau of Reclamation
 - Bureau of Safety and Environmental Enforcement

- Bureau of Trust Funds Administration
- National Park Service
- Office of Surface Mining Reclamation and Enforcement
- US Fish and Wildlife Service
- US Geological Survey

How does this relate to Native Americans?

- Treaties
- Executive Orders
- Length of time on this landscape for tribes: Millennia
- Length of time on this landscape for Europeans: 500+ years
- Unfortunately, almost all the 370+ treaties involving land have been compromised by the US government.
- Amount of reparations made to tribes for the land ceded, legally or illegally to the US government remains problematic

Land issues in Montana focused on in this lesson:

- Badger-Two Medicine
- Salish Kootenai (Kerr) Dam
- Bison Range
- Crow Hunting Rights

How could the Secretary of the Interior directly support tribes with these and other land issues?

- Honoring treaties: more than 370 treaties between the US government and sovereign American Indian nations remain in effect.
- Honoring tribal sovereignty
- As a member of the Pueblo Tribe, Secretary Halaand brings unique cultural knowledge and perspective, personally and professionally, to the agency.
- Supporting agencies to honor tribal knowledge for management on lands used by tribes for millennia.
- Listening to tribes and their needs for health, prosperity, safety, and sanctity.

Federal policies administered through the Department of the Interior

- Reservations
- 1887 Dawes Act and Allotment
- Assimilation and Boarding Schools
- Termination and Relocation
- Self Determination

Historical Facts:

- Indian Affairs Office was originally placed under the Department of War

- In his [1851 Report of the Interior](#), the then-Secretary of the Interior Alexander H.H. Stuart wrote in reference to the future of Native people, “The only alternatives left are to civilize or exterminate.” (Refer to pages 27-29 for a description of the 1851 Fort Laramie Treaty.)

To provide students with some context watch this short [video from KRTV News](#) about what the Blackfeet Nation is currently doing to preserve their lands.

Finally, share with the class that they will be conducting research into contemporary American Indian land issues, and they will gather and analyze evidence and present findings. Suggested assignments to gauge student understanding include a formal research paper, virtual poster presentation, participation in on-line discussion forums, or multimedia presentation formats such as a video or podcast.

Assign small groups tribal-specific topics to research using the Tribal Land Issues Timelines in the lesson appendix.

Have students use the following questions to help guide their research:

- ✓ What is the issue (redefine it in their own words)?
- ✓ What do you currently know about this topic? List out a brief answer (save to compare with information gathered as the lesson progresses).
- ✓ What are some particular questions you have regarding this particular topic?
- ✓ What are some of the multiple perspectives surrounding this topic?
- ✓ Has your perspective changed as a result of your research or do you feel more informed about this particular issue?
- ✓ What resources did you use to reach your conclusions?

Materials/Resources Needed for Background Information & Student Research

[Tribal Nations: The Story of Federal Indian Law](#) – Video provides a good overview of Federal Indian Policy

[History of The Department of the Interior](#)

[An Enduring Partnership: Interior’s Commitment to Honoring our Nation-to-Nation Relationship with Tribes](#)

[Broken Treaties with Native American Tribes: Timeline](#)

[Deb Haaland is One of the First Native American Congresswomen](#)

[Land and Treaties – Montana Tribes Video Interviews](#)

[Federal Indian Policy – Montana Tribes Video Interviews](#)

Contemporary Issues Facing Indian Lands in Montana - Bison

Confederated Salish and Kootenai Tribes and the Bison Range – 18,766 acres

Tribes: Salish, Pend d'Oreille, Kootenai

Reservation: Flathead Indian Reservation

Treaty and Subsequent Acts:

- 1855 Treaty of Hell Gate
- Agricultural Appropriation Act of May 23, 1908
- H.R. 133 - Consolidated Appropriations Act, 2021

Timeline of Federal Policy Periods affecting current issue:

1855 – Tribal leaders and US officials signed the Treaty of Hell Gate. Under terms of the treaty, tribal leaders ceded to the United States “title” to the vast majority of their lands west of the continental divide. Tribal leaders reserved 1.25 million acres for the Flathead Reservation, along with the “Conditional Bitterroot Reservation” for what the treaty said was to be for the tribes “exclusive use and benefit.” Tribal understanding of the boundaries of the Flathead Reservation was considerably different from what was actually written in the treaty, particularly the east, west, and northern boundaries.

1859 – Hell Gate Treaty of 1855 was ratified by US Senate and signed by the President.

1870s – Six buffalo calves survived a journey west to the Flathead Reservation. Łatati, -

Little Falcon Robe, brought the calves to the reservation. These calves eventually became the Pablo-Allard herd. Remnants of this herd sold to Canada made their way back to the reservation when the National Bison Range was formed.

1887 – The Dawes General Allotment Act was passed, mandating the breaking up of communal tribal homelands and setting a course for catastrophic land loss on reservations.

1904 – Congress passed the Flathead Allotment Act, setting the course for the loss of over 60% of the reservation land base. Heads of household were assigned 160 acres, while single adults received 80 acres. Two rounds of allotments were held. An enrollment and census were done to assign allotments. At this time, many names were altered, as the census workers insisted on each individual having two names. Upon completion of the census, 2,390 tribal members were eligible to receive allotments. Of the 1,245,000 acres, only 245,000 were secured by allotments. The remaining grazing and agricultural lands were opened up to homesteading.

1908 – National Bison Range established by President Theodore Roosevelt as first wildlife conservation land acquisitioned with tax dollars.

2020 – Bison Range Restoration legislation signed by the President on December 27, 2020.

2021 – Bison Range restored to Confederated Salish Kootenai Tribes via the Consolidated Appropriations Act, 2021.

Resources for further study:

[Bison Restoration](#)

[Secretary Bernhardt Signs Historic Secretarial Order to Transition the National Bison Range Into Tribal Trust for the Flathead Indian Reservation](#)

[In the Spirit of Ataticce: The Untold Story of the National Bison Range](#)

Contemporary Issues Facing Indian Lands in Montana - Water

Confederated Salish and Kootenai Tribes and the Seli's Ksanka Qlispe' Dam

Tribes: Salish, Pend d'Oreille, Kootenai

Reservation: Flathead Indian Reservation

Treaty and Subsequent Acts:

- 1855 Treaty of Hell Gate
- Salish and Kootenai Water Rights Settlement Act of 2016
- Senate Bill 3019, Public Law 116-260 – Montana Water Rights Protection Act of 2020

Amount of land involved in issue: The dam is 204 feet high, 450 feet long at the top, 100 feet long at the base, containing 85,000 cubic yards of concrete. The dam storage of water amounts to 1,217,000 acre/ft.

Timeline of Federal Policy Periods affecting current issue:

1855 – Tribal leaders and US officials signed the Treaty of Hell Gate. Under terms of the treaty, tribal leaders ceded to the United States “title” to the vast majority of their lands west of the continental divide. Tribal leaders reserved 1.25 million acres for the Flathead Reservation, along with the “Conditional Bitterroot Reservation” for what the treaty said was to be for the tribes “exclusive use and benefit.” Tribal understanding of the boundaries of the Flathead Reservation was considerably different from what was actually written in the treaty, particularly the east, west, and northern boundaries.

1859 – Hell Gate Treaty of 1855 was ratified by US Senate and signed by the President.

1887 – The Dawes General Allotment Act was passed, mandating the breaking up of communal tribal homelands and setting a course for catastrophic land loss on reservations.

1922 – The US Court of Claims found that the Flathead Allotment Act was a breach of the 1855 Treaty of Hell Gate. Compensation to the Tribes was determined in 1912 land values, totaling \$7,410,000, of which only \$1,783,549 had been paid. The balance of \$5,626,451 was paid a few years later.

1927 – After learning of plans to construct a massive hydroelectric power plant and dam on the lower Flathead River, a coalition of non-Indian reservation residents, the Rocky Mountain Power Company, the Bureau of Indian Affairs, and other profiteers attempted to take ownership of the proposed dam site.

1928 – Congress affirmed the Confederated Salish and Kootenai Tribes' ownership of the proposed dam site.

1930 – Rocky Mountain Power Company secured a license from the FPC to build the hydroelectric power plant on the proposed reservation site.

1933 – The Confederated Salish and Kootenai Tribes (CSKT) adopted a corporate charter. A first order of business was to address issues with Montana Power Company and their license at Kerr Dam. This included appropriate rental fees, preference hiring of tribal members in the construction work. The original annual rental fee was \$140,000.

1936-1938 – Kerr Dam was built.

1954 – House Concurrent Resolution 108, the Termination Act, targeted the Confederated Salish and Kootenai Tribes. Termination ended a tribe's sovereign status and relationship with the federal government as a political

entity. The Confederated Salish and Kootenai Tribes were at the top of the list of tribes to be terminated. Termination was considered “voluntary” and required tribal member consent, although pressure and coercion were not uncommon.

1954 – The Confederated Salish and Kootenai Tribes successfully resisted the US government’s attempt to terminate their tribes and reservation.

1965 – The Indian Claims Commission determined that Confederated Salish and Kootenai Tribes had not been compensated for the lands ceded in the 1855 Treaty of Hell Gate.

“...the Tribes had surrendered 12, 005,000 acres to the government which were worth \$5,300,000. The total payment to the tribes, however, had only been \$593,377.82.” After fees were taken out, the tribes received \$4,016,293.29 in 1967. The compensation was determined in 1855 land values. No interest was paid for the 112 years the Tribes had been deprived of the money.

1985 – The Tribes negotiated re-licensing of Kerr Dam, which secured the option to take control of the dam in 2015, and raised the fee from \$2.6 million to \$9 million annually, along with annual adjustments for inflation.

1985 – The Tribes secured minimum stream flows to protect fisheries.

2015 – Kerr Dam administration reverted to the Confederated Salish and Kootenai Tribes and was renamed Salish Kootenai Dam.

2020 – Montana Rights Protection Act: This act ratifies the CSKT-Montana compact passed by the 2015 Montana Legislature and settles remaining disputes over federal mismanagement of the tribes’ water, includes \$1.9 billion to settle federal damage claims and to rehabilitate the deteriorating Flathead Indian Irrigation Project, which supplies irrigation to approximately 127,000 acres of agricultural land, and returns the National Bison Range to the Confederated Salish Kootenai Tribes.

Further Research:

2016 Water Compact

[CSKT Water Compact Implementation](#)

[Salish and Kootenai Water Rights Settlement Act of 2016](#)

[Summary of the Compact and Ordinance for the Flathead Reservation Water Rights Settlement](#)

[Congress passes historic CSKT water compact with massive spending bill](#)

[Montana Water Rights Protection Act of 2020](#)

[President Trump signs the Montana Water Rights Protection Act](#) – Char-Koosta

[Daines and Tester co-sponsor CSKT water rights settlement](#), Montana Free Press

Contemporary Issues Facing Indian Lands in Montana - Hunting

Crow Tribe Hunting Rights

Reservation: Crow

Treaty and Subsequent Acts and Supreme Court Ruling:

- 1851 Fort Laramie Treaty
- 1868 Fort Laramie Treaty
- 1882 Act of the 47th Congress, 15 Statute. 649 – Reduction of Crow Tribal Lands
- Herrera v. Wyoming, 17-532, 2019
- January 27, 2021: Crow Tribe asks Federal court of Wyoming to Vacate 1994 Repsis decision regarding Crow Hunting Rights

Amount of land involved in issue:

- 1450 – Freely established territories as scouted by No Intestines and Red Scout
- 1851 – Fort Laramie Treaty of 1851 establishes Crow lands as 38 million acres
- 1868 – Fort Laramie Treaty of 1868 reduces Crow lands to 8 million acres
- 1882 – Congressional Act diminishes Crow lands by 5,650 acres
- 1891 – Congressional Act diminishes Crow lands by nearly 2 million more acres
- 1904 – Congressional Act diminishes Crow lands again, by nearly 4 million more acres leaving the reservation land base at 2.3 million acres.
- As of 2021 – Crow Reservation remains 2.3 million acres.

Timeline of Federal Policy Periods affecting current issue:

1450 - The Crow Migration west. Fourteen groups of runners were sent out in different directions to search for food. One returned with buffalo meat. The tribe set out in this direction. During this time, Crow Chiefs No Intestines (No Vitals) and Red Scout fasted and prayed to receive guidance for their journey. Both received instructions. Red Scout was given an ear of corn to plant and advised to settle permanently, growing corn for sustenance. No Intestines was told to travel west toward the mountains and was given a pod of seeds to plant there – they were sacred and their use would be revealed to them. When they reached the Missouri River country, they settled with the Mandan for some time. However, heeding First Maker's instructions, No Intestines decided to continue the journey west. According to Crow oral history, this journey first led them to the region around Cardston, Alberta. Determining that the winters were too long, the band headed south, possibly going all the way to the Great Salt Lake. The journey then continued east and south through land that is now Wyoming, Colorado, Oklahoma, Arkansas, and possibly Missouri. "Ancient lullabies and war songs mention an Arrow River (Red River of Oklahoma)." (Joe Medicine Crow. History: Crow. Ethnic Heritage Studies Program. Bozeman, MT: Center for Bilingual/Multicultural Education, College of Education, Montana State University, 1982., p. 2) Turning north and west again, they eventually came to the Big Horn country in southern Montana, which was to end up being their permanent homeland.

1825 – The first treaty, The Friendship Treaty, signed between the Crow and the US. Crow leader Long Hair was the tribal signatory, while Crow leader Sore Belly refused to sign.

1851 – The Fort Laramie Treaty with the Crow, Sioux, Cheyenne, Arapaho, Shoshone, Assiniboine, Mandan, Hidatsa, and Arikara. The Crow boundaries identified 38 million acres as the tribe's territory: "The territory of

the Crow Nation, commencing at the mouth of Powder River on the Yellowstone; thence up Powder River to its source; thence along the main range of the Black Hills and Wind River Mountains to the head-waters of the Yellowstone River; thence down the Yellowstone River to the mouth of Twenty-five Yard Creek; thence to the head waters of the Muscle-shell River; thence down the Muscle-shell River to its mouth; thence to the head-waters of Big Dry Creek, and thence to its mouth.” Article V, 1851 Treaty of Fort Laramie.

1868 – The second Fort Laramie Treaty reduced Crow lands to eight million acres.

1870 – The Crow were expected to move to the reduced territory as defined by the 1868 Fort Laramie Treaty.

1882 – Congressional Act diminished Crow lands. The land cession brought \$750,000 in compensation, to be paid out annually at \$30,000 by the Secretary of the Interior. Funds were to be used for homes and farming and ranching needs.

1885 – Chief Plenty Coups made his first trip to Washington, D.C., with demands for his people.

1890 – 1900s – Allotment Period

1891 – Congressional Act for cession of land on the western portion of the reservation – nearly two million acres. Compensation of \$940,000 was provided. The Secretary of the Interior directed expenditures of the money. Crow tribal members could hold allotments in the ceded portion.

1904 – Congressional Act diminished Crow lands again, in the northern part of the reservation. The reservation land base was now its present size, 2.3 million acres. No lump sum compensation was given, but funds provided for a variety of items – horses, cattle, sheep, irrigation, fencing, school buildings, etc.

1920 – The Crow Act sponsored by the Crow Tribe, allotted the remainder of the reservation into tracts to every enrolled member of the tribe.

1921 – Chief Plenty Coups died.

1962 – Court of Indian Claims awarded the Crow Tribe \$10,242,984.70 as just compensation for lands taken.

1987– The Crow Tribe filed dereliction of duties and breach of trust responsibility suit against the US government in regard to Section 2 of the 1920 Crow Allotment Act.

2019 – Crow Rights Hunting Case decided by US Supreme Court, *Herrera v. Wyoming*.

2021 - Crow Tribe asks Federal court of Wyoming to Vacate 1994 *Repsis* decision regarding Crow hunting rights.

Further research:

[1882 Act of Congress](#)

[Seventy First Congressional Action](#)

[Treaty rights prevail in Supreme Court](#), High Country News

[Crow Hunting Rights Case 2021 – Asked the federal court in Wyoming to vacate judgment from a case decided in the 1990s \(1994 Crow Tribe of Indians v. Repsis\)](#)

Contemporary Issues Facing Indian Lands in Montana – Badger Two-Medicine

Blackfeet Tribe and Badger Two Medicine Wilderness – 130,000 acres

Tribes: Blackfeet

Reservation: Blackfeet

Treaty and Subsequent Acts:

- The Fort Laramie Treaty of 1851
- Executive Orders of 1873 and 1874 diminishing Blackfeet lands previously named in Fort Laramie Treaty
- 1875 some lands restored to Blackfeet by Grant
- 1880 President Hayes takes back the Blackfeet land for the US government that had been restored in 1875

Timeline of Federal Policy Periods affecting current issue:

Time Immemorial Creation - “Napi,” Old Man, created the Rocky Mountain Range, the Sweetgrass Hills, and other geographic features in Montana and Canada.

1818 – The US and Canadian border was established. The 49th parallel would figure prominently in Blackfeet geography.

1851 – The Fort Laramie Treaty of 1851. While an estimated 10,000 Indians attended this treaty negotiation, the Blackfeet did not. Though they were not present, Article 5 defined their territory, using the Musselshell, Missouri, and Yellowstone Rivers and the Rocky Mountain Range as markers.

1855 - Lame Bull Treaty/Judith River Treaty. This treaty took place at the mouth of the Judith River with the Blackfeet, Nez Perce, and the Salish and Pend d’Oreille (language in treaty also refers to *Flathead* tribe). To make way for the railroad, Isaac Stevens was charged with negotiating a peace between the Blackfeet and the allied tribes - the Nez Perce, Salish, and Pend d’Oreille. A common hunting ground was recognized and designated for a period of 99 years. Lands reserved exclusively for the Blackfeet were identified and described. The treaty was ratified in 1856.

1865 – Unratified Treaty with Montana Governor Meagher and Blackfeet Indian Agent Gad Upson. Though this treaty that identified Blackfeet land cessions was not ratified, settlers began moving into the areas that would have been ceded had the treaty been ratified.

1873 and 1874 – President Grant issued Executive Orders diminishing reservation lands. The 1873 Executive Order diminished 1851 and 1855 treaty lands and established an undivided reservation for the Blackfeet, Gros Ventre, Assiniboine, and Sioux. This territory spanned land north of the Missouri and Sun River east to the Dakota border. The 1874 Executive Order moved the southern boundary north from the Sun River to the Marias River.

1875 – Under pressure, President Grant restored some of the lands taken by the 1873 and 1874 Executive Orders.

1880 – President Rutherford B. Hays issued an Executive Order taking back the land that President Grant had restored in 1875.

1887-1888– Sweetgrass Hills Treaty of 1887 was signed between the Blackfeet and the United States, ceding 17,500,000 acres of land to the US government, and dividing the remaining 6,000,000 into three separate reservations – The Blackfeet, Fort Belknap, and Fort Peck. Referred to as the Sweetgrass Hills Treaty following ratification by congress in 1888.

1896 – A 20-mile-wide strip of Blackfeet Reservation was ceded. This “ceded strip” is known today as Glacier National Park. The Blackfeet claimed the land was only provided for a 99-year lease.

1911 – Surplus lands to be opened for sale were estimated at 156,000 acres.

1982 – Hall Creek lease purchased (\$1/acre).

1993 – Hall Creek provided drilling permit.

1997 – Hall Creek lease suspended.

2016 – DOI cancels 15 additional oil and gas leases in the Badger-Two Medicine area of the Lewis and Clark National Forest in northwestern Montana

2020 – On June 16, 2020, a decision in the U.S. Court of Appeals in Washington D.C. confirmed a decision made by the U.S. Department of the Interior to cancel the final oil and gas lease in the Badger-Two Medicine.

For Further Research:

[Cancellation of Gas and Oil Leases – US Department of Interior](#)

[Final Oil and Gas Lease to be Relinquished in Montana’s Badger-Two Medicine Area - USDA](#)

[2020 Lease Cancellation Victory – Earth Justice](#)

[Tribe Seeks Permanent Protection – High Country News](#)

[Tribal Member Takes Action – Mountain Journal](#)