



Management of Tribal Wilderness, Primitive Areas, and Wilderness Lands Re-classified to Tribal Jurisdiction

This section of the Toolbox will provide examples of- Tribally managed wilderness, Tribally managed Primitive Areas, and areas that once held Federal wilderness appointment but have been restored as Tribal lands.

1) Tribally Designated Wilderness

Mission Mountains Tribal Wilderness

The Mission Mountains Tribal Wilderness ranges in elevation from 4,000 feet to nearly 10,000 feet at the mountain peaks. Approximately 34 miles long and averaging five miles wide, the wilderness extends from Moss Peak on the north end to the Jocko/Seeley Lake Road at the south end.

On the eastern slopes of the Mission Range, the U.S. Forest Service Mission Mountains Wilderness, established in 1975, covers approximately 75,000 acres. Both Mission Mountains wildernesses combine with the Bob Marshall Wilderness to the east to form one large ecosystem. Geographic features include forested slopes and high mountain valleys, rocky cliffs, rugged rocky peaks, sub-alpine and alpine lakes, creeks and some small glaciers.

In the past, campsites along these lakes were used when Indians hunted in the Missions, or as rest stops during journeys across the mountains to or from other traditional hunting grounds. For hikers able to make the climb, these high mountain lakes provide some of the most breathtaking and memorable sights on the Reservation. These lakes are also used as fishing sites and—for those who can handle it—swimming holes. Unfortunately, some of these mountain lake areas have been degraded by backcountry and wilderness users. Soil compaction and erosion, litter, multiple fire rings, and horse and human fecal contamination of surface waters has occurred.

Most trailheads for the major wilderness trails are located at the Wilderness boundary—some with campground facilities, others marked only by a trailhead sign. Many of the trails were built by members of the Tribes long ago, and others were built by the Civilian Conservation Corps (CCC) in the 1930s during the Depression. Trailhead/campground areas contain some facilities, whereas campsites usually consist of only fire rings.

The number of trails and trailheads has varied through the years. A CCC inventory in 1941 accounted for 26 trailheads and 40 trails; a 1963 inventory counted 20 trailheads and 20 trails; and a 1972 inventory counted 6 trailheads and 8 trails. Today, there are 9 developed trailheads and 12 major trails that are maintained and receive regular use, and an additional 8 trails that receive limited use or maintenance.

Primary use of the Wilderness and trails occurs from June to September, although higher trails and lakes aren't usually used until mid-summer because of snowpack. The trails

are all located in prime wildlife habitats. Grizzly bears, black bears, elk, deer, mountain lions, mountain goats, eagles, and other wildlife all use the area together with humans, creating special management concerns in the area. Most campgrounds and trailheads are located in the Wilderness Buffer Zone and fall under less strict management guidelines than within the Tribal Wilderness.

Numerous roads access the Wilderness along the foothills of the Mission Range. County roads, private roads, irrigation roads, power line access roads, and old tribal logging roads criss-cross the landscape. Many private and Tribal (BIA logging) roads run within the Buffer Zone and in some cases into the Wilderness itself. All roads within the Wilderness have been ordered to be closed, however some remain open simply due to logistics. These open roads are sometimes used for illegal activities within the Wilderness such as illegal wilderness access, Christmas tree and fuelwood harvesting, hunting by non-Tribal members and other vehicle use.

Mission Mountains Wilderness-Management Strategies:

The Wilderness is currently managed under the Mission Mountains Tribal Wilderness Management Plan, revised in 1990, for the “protection and preservation of the area’s natural conditions in perpetuity.” Management of the area enables the Tribes to monitor human uses and their influences, define limits of acceptable change, and undertake management actions to prevent degradation—or further degradation—of the area and its resources. It is an administrative guide for Tribal staff and the framework for determining allowable human uses.

The Tribal Wilderness Ordinance provides for various human uses of the Area as long as they are consistent with its primary purpose, i.e.: the protection and preservation of the Area's natural conditions in perpetuity. The integrity of the wilderness resource shall be dominant in all management decisions where a choice must be made between wilderness values and visitors or their activities.

Also inherent in the Ordinance is the recognition that, in addition to the benefits derived from the direct use of the Area as wilderness, there are substantial vicarious benefits to many tribal members.

That is, many tribal members may never visit or directly use the wilderness. Nevertheless, they draw spiritual and physical refreshment from simply knowing the Area, and the plants and wild animals it supports, are protected as wilderness.

Management is necessary to ensure an enduring wilderness in the Mission Mountains. The manager's job is to monitor human uses and their influences, to identify how they are affecting or changing natural processes, to define the limits of acceptable man-caused change, and then to act in a manner consistent with the purpose of the Wilderness. The policies contained herein help to define the limits of acceptable man-caused change.

The Ordinance recognizes that the wilderness has many elements and that management must take into account all of these elements and their functioning as a whole. Losing one or more elements of the Wilderness can seriously degrade the quality of the overall wilderness resource. Management then must treat the Wilderness as a whole and not as a series of separate, distinct parts.

The Wilderness will be managed so as to be affected primarily by the forces of nature with the imprint of man's work substantially unnoticeable. Management will strive to maintain or, in special cases, reestablish natural distributions and numbers of plants and animals to the Area. Except as specifically provided for in the Ordinance, natural processes, both physical and biological, will be allowed to continue without human influence.

Management will seek to preserve spontaneity of use and as much freedom from regulation as possible while preserving the naturalness of the Wilderness. The social qualities of the wilderness will be managed to emphasize solitude, physical and mental challenge, and freedom from the intrusion of unnatural sights and sounds. Indirect methods of distributing use will be favored over direct regulation. In addition, management will seek to provide visitors with a spectrum of wilderness recreation opportunities; opportunities will range from a good selection of well-maintained trails on one end of the spectrum to an area without trails on the other. Another objective is to prevent the further degradation of naturalness and solitude and to restore heavily impacted, substandard settings to minimum standards rather than letting all areas deteriorate to a minimum standard.

Management will be carried out in the least obtrusive manner. Tools used in the administration of the Area will be the minimum necessary to safely and successfully do the work. The tool, equipment, or structure chosen will be the one that least degrades wilderness values temporarily or permanently.

The Mission Mountains Tribal Wilderness will be managed as a Tribal resource; the needs and values of tribal members will take precedence over those of non-tribal members. A common thread through all management considerations will be the Tribes' own cultural and spiritual ties to the landscape.

Mission Mountains Wilderness-Planning and Policies:

The following plans, policies, codes and resolutions affect the Wilderness:

1. Ordinance 79A, Tribal Resolution 82-137, which approved the plan to protect wilderness as a valuable resource
2. Mission Mountains Tribal Wilderness Management Plan
3. Mission Mountains Tribal Wilderness Buffer Zone Management Plan
4. Grizzly Bear Management Plan for the Flathead Reservation
5. Mission Mountains Tribal Wilderness Fire Management Plan
6. Fisheries Management Plan of the Flathead Indian Reservation

7. Reservation Class I Airshed Designation (See Chapter 9, Air.)
8. Ronan municipal water supply lease (Middle Crow Creek)
9. Snow Survey Measurement Agreement (See Chapter 10, Water.)
10. Ordinance 44D subject to Joint Tribal/State Hunting & Fishing agreement

In addition to the policies established by the Tribes and BIA, other agencies involved in the management of similar resources adjacent to the Tribal Wilderness and Buffer Zone are making an effort to standardize their management policies with those of the MMTW. For example, the US Forest Service is attempting to adopt the Tribes' wilderness regulation limiting group size in wilderness.

In 1992, the Confederated Salish & Kootenai Tribes and USDA Flathead National Forest developed a joint wilderness map for the Mission Mountains wilderness complex. The purpose of this map was to increase visitor awareness of the tribal wilderness regulations, wildlife protection zones and to reduce visitor pressure at high use areas.

Mission Mountains Wilderness Management-Summary:

A number of Tribes are currently in the process of considering founding primitive and/or wilderness areas within their Reserves, such as the Yurok of Northern California. The following statement catches the very spirit of the clairvoyant Salish-Kootenai people, who had the insight and capacity to set aside areas within their ancestral lands to be preserved and managed in a wild state for future generations.

The first Salish and Kootenai Wilderness Manager stated: "Wilderness is, to a segment of the Tribal population, vitally important. It is one part of the Indian culture that remains as it was. Preservation then, expresses reverence for the land and its community of life, as well as respect for Indian culture."

[http://www.wilderness.net/toolboxes/documents/IFST/ Mission Mountains Tribal Wilderness Case Study 2005.pdf](http://www.wilderness.net/toolboxes/documents/IFST/Mission%20Mountains%20Tribal%20Wilderness%20Case%20Study%202005.pdf)

InterTribal Sinkyone Wilderness

With significant support from Lannan, the nation's first intertribal wilderness has been created on a 3,845-acre parcel of redwood forestland located along the Lost Coast north of Fort Bragg. The InterTribal Sinkyone Wilderness land is only a small portion of the original indigenous Sinkyone Indian territory.

From the mid 1800's to the early 1900's, the Sinkyone people were massacred and driven from their land. Some Sinkyone survivors became members of neighboring tribes. This land has great cultural significance for Indian peoples of the region who in the mid-1980's helped stop the further clear cut logging of the land's last old growth redwoods and then formed the InterTribal Sinkyone Wilderness Council to acquire and conserve the property.

Comprised of ten federally recognized North Coast tribes, the Council is a nonprofit land conservation consortium that owns and manages the InterTribal Wilderness land. The Council worked with TPL, the Pacific Forest Trust, the State Coastal Conservancy, and other conservation groups to reestablish indigenous peoples' control of the land and to place protections on it that ensure permanent conservation and stewardship of its sensitive cultural and ecological values.

The Council's management includes a preservation and restoration program focusing on stewardship of forest, salmon, and other culturally important resources. The Council has completed a plan for limited public access that calls for low-impact campsites and backcountry hiking trails linking to the Lost Coast Trail in the adjacent Sinkyone Wilderness State Park.

The Council collaborates with conservation organizations, local communities, and state agencies to address conservation and restoration needs for the InterTribal land, the Sinkyone State Park, and the aboriginal Sinkyone Indian territory at large.

<http://www.lannan.org/lf/ic/special-projects/-ntertribal-sinkyone-wilderness-council/>

http://www.wild.org/wp-content/uploads/2010/03/Rosales-Apr10-IJW-Vol16_no1-web2.pdf

2) Tribally Designated- Primitive Areas

Mission Mountains Primitive Area

The Salish-Kootenai People have not only set precedent by being the first American Indian Tribe to establish wilderness, but also are the first to establish Primitive Areas within their jurisdiction. See the Mission Mountains Case Study excerpt below, for more detailed information pertaining to Tribally designated Primitive Areas:

In 1974, the Tribal Council passed Resolution 4575, designating the area surrounding the South Fork of the Jocko River as a "Primitive Area," describing it as "one of the last vestiges of unspoiled land on the Flathead Reservation, where Tribal members can have the opportunity for solitude and an unconfined type of recreation." In October of 1979, the Tribal Council voted to put the resolution to a referendum vote so that the area could not be opened to development by the Council—but only by a vote of the people. On December 15, 1979, Tribal members approved Resolution 2-79, establishing the South Fork Primitive Area, and Resolution 3-79, establishing the Mill Creek Primitive Area in the northwest corner of the Reservation.

From the information offered in the Mission Mountains Case Study, it is apparent that the South Fork and Mill Creek Primitive Areas were established for three primary purposes. First, to provide a "Buffer Zones" for the Mission Mountains Wilderness. Second, to provide a contiguous piece of natural land for wildlife habitat and travel, and finally, to

provide an area within the Reservation where Tribal members have the opportunity to enjoy solitude and an unconfined type of recreation.

3) Federal Wilderness- Reclassified to Tribal Jurisdiction

Taos Pueblo- Reclassification

Federal re-classification and return of designated wilderness to Tribal Groups is rare, but has occurred. One example is the return of Blue Lake and the surrounding area, to the Taos Pueblo which was legislated through Bill - P.L. 91-550, on Dec. 15, 1970. The area, approximately 48,000 acres of USDA Forest Service land located within the Wheeler Peak Wilderness, was returned to the Pueblo as it was one of their most important Religious sites. However, legislation “required” the Pueblo to continue to manage the land as wilderness, with of course, some exceptions. See legislation extraction below:

"The lands held in trust pursuant to this section shall be a part of the Pueblo de Taos Reservation, and shall be administered under the laws and regulations applicable to other trust Indian lands: Provided, That the Pueblo de Taos Indians shall use the lands for traditional purposes only, such as religious ceremonials, hunting and fishing, a source of water, forage for their domestic livestock, and wood, timber, and other natural resources for their personal use, all subject to such regulations for conservation purposes as the Secretary of the Interior may prescribe.

Except for such uses, the lands shall remain forever wild and shall be maintained as a wilderness as defined in section 2 (c) of the Act of September 3, 1964 (78 Stat. 890). With the consent of the tribe, but not otherwise, nonmembers of the tribe may be permitted to enter the lands for purposes compatible with their preservation as a wilderness. The Secretary of the Interior shall be responsible for the establishment and maintenance of conservation measures for these lands, including, without limitation, protection of forests from fire, disease, insects or trespass; prevention or elimination of erosion, damaging land use, or stream pollution; and maintenance of streamflow and sanitary conditions; and the Secretary is authorized to contract with the Secretary of Agriculture for any services or materials deemed necessary to institute or carry out any of such measures."

Note in the latter section of the legislation excerpt shown above, references to the Secretary of the Interior and the Secretary of Agriculture’s Office, in regards to conservation management of the area. This constitutes that even though the Government has ceded this area back to the Pueblo, that both the Departments of the Interior and Agriculture remain involved in the overall management and administration of the Blue Lake Area.

Yakama Nation- Reclassification

Contrary to the co-management approach instituted for the Blue Lake area, the Yakama People of Washington State took an all-together different approach when they were returned a section of Forest Service Wilderness land that was ceded them through an 1855 Treaty land-return decision. Instead of retaining its “wilderness classification” Tribal policy makers decided they would re-designate this sector of Reservation land, which was located within the Mt. Adams Wilderness from 1964 to 1972, as a Tribal Recreation Area.

One rationale for deciding to withdraw its “wilderness” specification was in part to demonstrate the Yakama Nation’s total Sovereignty from the U.S. Government. The area is currently managed in a hands-off manner- somewhat like that of wilderness- and allows for unconfined and primitive recreation- somewhat like wilderness- but purposely carries a distinctly different designation. Review the following excerpts from the Yakama Nation’s- Forest Management Plan to better understand how their Recreation Area is managed:

Yakama Nation Forest Management Plan - Tract D. Mt. Adams Recreation Area

a. Program Scope

This section is intended to serve as a guide in planning and conducting activities within the Mt. Adams Recreation Area currently administered by the Yakama Nation, Department of Natural Resources, Forest Development Program. The Program is responsible for the maintenance of the area including issuing the entry, camping and fishing permits.

The Mt. Adams Recreation Area encompasses approximately 21,000 acres, located on the southeastern portion of the Yakama Reservation along the slopes of Mt. Adams. A predominantly natural alpine meadow environment at the base of Mt. Adams and rugged, steep glaciers along its slopes characterizes the area. Management objectives for this area will emphasize the maintenance and enhancement of the ecosystem present, and provide opportunities to visit and appreciate this unique ecological area.

b. Background

The ownership dispute of the area dates back to the Treaty of 1855. The Treaty contained a description of the Yakama Reservation and an original treaty map showing the ceded area along with the Yakama Reservation boundary supplemented the treaty description. Shortly after the signing of the treaty, this map became misplaced in government files.

In 1890, a survey of the south and west boundary of the Reservation was made by George A. Schwartz, U.S. Deputy Surveyor, under the direction of the Commissioner of the General Land Office. The original boundary line was many miles east of the main Cascade Mountains. However, the Commissioner of the General Land Office accepted the survey in Oct. 1891, although the boundary line did not follow the description contain within the original treaty.

The original treaty map was eventually found in 1930, signed by Governor Isaac Stevens, dated June 12, 1855. The map showed Mt. Adams and the Glenwood valley as part of the original reservation boundary.

The Yakama Nation had long maintained this land was part of the original Reservation and in 1968, the U.S. Indian Claims Commission determined that the Yakama's had legal jurisdiction over the 121,000 acres of land. However, over the years, 98,000 acres within the Glenwood valley had passed into private hands.

The remaining 21,000 acres around Mt. Adams was administered by the Department of Agriculture as part of the Gifford Pinchot National Forest.

The Yakama Nation eventually convinced the federal government to return Yakama lands back to their People; and, through Executive Order 11670, President Richard M. Nixon authorized the return to the Yakama Nation of the 21,000 acres around Mt. Adams, including the summit, on May 20, 1972.

c. Management Direction

The Tract D - Mt. Adams Recreation Area is a unique area of the Yakama Reservation in that it is the only area within the present boundary of the reservation which deals with non-Indians in a recreational setting. Basic campsites, trails and facilities are provided for comfort and convenience.

The normal season for the general public will extend from late June to October, dependent on weather conditions. The Yakama Nation will continue to keep this area open to the general public, subject to tribal rules and regulations.

Tribal Resolution T-13-71 states:

"Whereas, the Tribe recognizes the public interest in continued use of this area ... the Tribe will maintain existing recreational facilities for public use; will continue to recognize the dedication of that portion included in the Mt. Adams wilderness uses."

(1) *Permits*

Vehicles consisting of 7 people or more will pay an additional entry or camping permit fee. Tribal members and accompanying family are not charge a fee. Paid permits are issued on site while courtesy season permits, including fishing, are issued from the Yakama Agency.

Courtesy season permits may be issued to tribal or government employees or other individuals upon request and at the discretion of program personnel. Individuals entering the Reservation side of Mt. Adams via remote routes (i.e. "Around the Mountain" trail) will be issued an entry permit upon encountering the Rangers working in the area.

Entry permits may be subject to change based on changes in the use of the area. Permit fees will change only as authorized by the Yakama Nation.

(2) *Staff*

A staff of rangers will be stationed in the Mt. Adams area during the season and permits will be issued at various locations within the area. Living quarters for the staff will be made available in the area, usually at Bird Lake, and at least one ranger will remain in close proximity in the area during the season.

Staff will consist of one lead Resource Worker and 2 to 4 seasonal assistants. The lead Resource Worker will be responsible for the daily supervision of the seasonal assistants. All employees will be expected to maintain good public relations.

(3) *Trails*

Trails will be maintained to accommodate light to moderate travel and for resource protection. Where trails have severe negative impacts on the resource, and the trail system cannot be maintained to a level acceptable to the Yakama Nation, the trail system will be closed to the public.

Construction of new trails may be utilized when approved by the Yakama Nation.

(4) *Campsites/Facilities*

Campsites and outhouse facilities will be maintained for proper and safe use. Closure and/or relocations of campsites/facilities may be required to prevent localized resource damage. New campsites or permanent facilities, such as cabins for tribal employees, may be constructed but only when approved by the Yakama Nation.

Overnight camping will occur in the following areas:

- Bench Lake - 41 campsites.
- Bird Lake - 21 campsites.
- Mirror Lake - 6 campsites.
- Sunrise Camp - 12 campsites.

Limited evidence of remote camping in areas Avalanche Valley and Hellroaring Meadows exists and will be monitored for environmental damage. Areas may be posted for no camping if environmental degradation occurs, high fire danger, safety or other concerns.

(5) *Fishing*

Depending on the availability of funding, fish (trout) are usually planted once or twice a season in Bench Lake, Bird Lake, and Mirror Lake. Fish may also be planted in some of the remote lakes such as Heart Lake and Bluff Lake or in creeks such as Hellroaring and Crooked creeks.

The daily limit will be two fish per person per day. Children 10 years and younger will be allowed to fish free, with no permit required. The limit for children will be two fish.

6) *Roads*

A single lane unsurfaced road is used for access to the Mt. Adams Recreational Area. Maintenance of this road will be at a level sufficient for passenger car under dry, snow free conditions. A gate is located at Crooked Creek near Snowplow Mountain and use is subject to tribal regulation.

(7) *Fees*

Depending to the length of the season, approximately \$10,000 to \$15,000 in revenue is generated per year in the sale of entry and fishing permits. This revenue will be recycled back in to the area and will fund special projects, salaries, fish plants, and/or equipment. As with other tribal permit revenue, the Yakama Nation Tribal Council will grant budget approval.

(8) *Grazing*

Grazing in Tract D is currently restricted to lands south of the line between Townships 7 and 8 North. Fences will be constructed and maintained to prevent livestock from accessing the Recreation Area.

(9) *Mining, Minerals*

A shale mining claim situated on private property is the sole mineral development within the area. No additional leasing application is presently under consideration.

The Tribal Division of Natural Resources and the Bureau of Indian Affairs will review the environmental impacts of any proposed mining activity and supply recommendations for minimizing impacts.