



Tribal Wilderness Designation, Versus Federal Designation

The Confederated Salish and Kootenai Tribes of Central Montana have set National precedent, as they are the first Tribal Group in the U.S. to establish what is recognized today as “designated wilderness”, within lands surrendered to them, under governmentally sanctioned Treaty-decisions. The foresight of these Tribal leaders to make such a controversial designation and their abilities to accomplish this in a manner that meshes with their traditional ideology is nothing less than inspiring.

The following excerpts have been taken from a Case Study completed on this unique Tribally managed unit and will be used to present some of the variances between Tribal and Federally designated wilderness.

Case Study Excerpts:

Wildlands or wilderness areas have always been very important to the peoples of the Confederated Salish and Kootenai Tribes for the perpetuation of culture and traditional practices. However, after the Allotment Act, the once natural and primitive lands of the Flathead Reservation became congested by settlement and development. Many sacred, cultural sites were destroyed. The only wild and untamed areas that remained were away from so-called “civilization,” in the mountains where the bridge linking the past to present could be found. When these mountain lands became threatened by more development (logging, settlement, etc.), a movement was made to preserve the remaining untouched areas in their natural state.

The Mission Mountains Tribal Wilderness, along the eastern boundary of the Reservation, was designated in 1979 by the Tribal Council. In 1982, the Tribal Council approved Ordinance 79A and Resolution 82-173 to further define the Tribal Wilderness area and its management direction. This wilderness is the first in the nation to have been established by a Tribal governing body. Recognizing the potential impacts of activities outside the wilderness, in 1986 the Tribal Council established a Wilderness Buffer Zone adjacent to the Tribal Wilderness Areas to protect and preserve its integrity.

For the Confederated Salish and Kootenai Tribes, the primitive and wilderness areas provide hunting grounds and fishing waters, a sanctuary for cultural practices, recreation opportunities, scenic amenities, a place for educational and scientific study, and the economic benefits of various natural resources. The Tribal Wilderness Area’s goal is simply this: to preserve quiet and untamed areas for cultural and spiritual use.

The Tribal Council’s action in 1982 to approve Tribal Wilderness Ordinance 79A was historic. It was the first time that an Indian Tribe had decided on its own accord to protect a sizable portion of its lands as wilderness and provide policy and personnel to fulfill its propose.

The Tribal Wilderness Ordinance states:

“Wilderness has played a paramount role in shaping the character of the people and the culture of the Salish and Kootenai Tribes; it is the essence of traditional Indian religion and has served the Indian people and the culture of the Salish Kootenai Tribes; it is the essence of traditional Indian religion and has served people of these Tribes as a place to hunt, as a place to gather medicinal herbs and roots, as a vision seeking ground, as a sanctuary, and in countless other ways for thousands of years. Because maintaining an enduring resource of wilderness is vitally important to the people of the Confederated Salish and Kootenai Tribes and the perpetuation of their culture, there is hereby established a Mission Mountains Tribal Wilderness Area and this Area, described herein, shall be administered to protect and preserve wilderness values.”

The Federal 1964 Wilderness Act states:

Sec. 2. (a) In order to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition, it is hereby declared to be the policy of the Congress to secure for the American people of present and future generations the benefits of an enduring resource of wilderness. For this purpose there is hereby established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as “wilderness areas”, and these shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the preservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness; and no Federal lands shall be designated as “wilderness areas” except as provided for in this chapter or by a subsequent Act.

These two excerpts illustrate a major difference between Tribal Wilderness and wilderness designated by the 1964 Wilderness Act. The Tribe, in this case, places the basic rationale for wilderness on preserving culture and religion, while the 1964 Federal legislation focuses on preserving natural resources and providing unconfined recreation.

The Tribal ordinance describes Tribal wilderness land and its uses in similar fashion as the Federal Wilderness Act. The Tribal authors deliberated on the language in the Wilderness Act, but also, looked to cultural leaders for guidance and direction. As a result of this process, special considerations are given for Tribal cultural and religious activities, at the same time, valuing preservation of the area over human uses.

The Tribal Wilderness Ordinance 4 a. states: It is the principal objective of this Ordinance to protect and preserve an area of land in its natural conditions in perpetuity. This Wilderness shall be devoted to the purposes of recreational, scenic, scientific, educational, conservation, cultural, religious and historical use only insofar as these uses

are consistent with the spirit and provisions of this Ordinance. Human use of this Area must not interfere with the preservation of the area as wilderness.