

# The Wind River Indian Tribes

BY DON ARAGON

*[Editor's note: This paper was presented during the first Native Lands and Wilderness Council that convened at the 8th World Wilderness Congress in Alaska, 2005.]*

## Indigenous Knowledge

The World Wilderness Congresses (WWCs) have always operated on the principle that indigenous knowledge and perspectives must be included in any wilderness discussion to ensure a full understanding of the wilderness concept. This is an excellent approach to the development and



**Don Aragon at work on the Wind River Reservation, Wyoming, USA. Photo courtesy of Shoshone and Arapahoe Tribes.**

preservation of wilderness areas, especially those areas that are under the control of Native American Indian Tribes.

The Shoshone and Northern Arapaho tribes of the Wind River Indian Reservation, at Fort Washakie, Wyoming, both through their tribal religion and their cultures believe that everything is connected and related, and that the world's environment is one. The

land, the water, the air, the wildlife and animals, and humans are all related and are one in the eyes of the Creator. What happens to anyone happens to all, be it good or bad.

## Nearby U.S. Federal Agency Wilderness Areas

The Wind River Indian Reservation is surrounded by wilderness areas that are designated as part of the National Wilderness Preservation System. To the west is the Popo-Agie Wilderness, which is 101,870 acres (41,243 ha) and was created in 1984. To the southwest of the reservation is

the Fitzpatrick Wilderness Area, which is 198,525 acres (80,374 ha) and was created in 1976. To the northwest of the reservation is the Washakie Wilderness, created in 1964. It is the largest wilderness area in the state of Wyoming at 704,274 acres (285,131 ha). The Washakie Wilderness Area is named after the historical leader of the Shoshone tribe, Chief Washakie. Beyond the Washakie Wilderness is the Teton Wilderness, which was also created in 1964 and totals 585,338 acres (236,979 ha).

## Indian Reorganization Act

The Indian Reorganization Act of 1934 (IRA), also known as the Wheeler-Howard Act, provided the tribes of the United States the opportunity to self-govern and reduce the influence of and the dependence on the Bureau of Indian Affairs (BIA) and the U.S. Congress. The act gave to the Indian tribes the power to control their own resources, to incorporate, and to hold final power of approval over the disposition of tribal monies and income-producing holdings. Even though the Wind River tribes rejected the federal government's IRA terms, the IRA program has meant continued gains in the strength of tribal governments, as well as a larger voice in dealing with the federal government. Many of the reforms in the IRA, such as tribal courts, have been adopted by the Wind River tribes, even though they rejected the constitutional option of the Wheeler-Howard Act.

## Shoshone and Northern Arapaho Tribal Governance

The business council system has replaced the chief/council systems in both the Shoshone and Northern Arapaho tribes at Wind River, leading to the formation of the BIA-instituted



Land management on the Wind River Reservation includes intensive resource use as well as wildlands. These two photos show exploratory drilling for gas and oil, and large scale farming. Photo courtesy of Shoshone and Arapahoe Tribes.

Tribal Councils. Each tribe currently has a General Council composed of all members of the tribes and a Business Council of six members who deal with individual political and business affairs. The Joint Business Council of the Shoshone and Northern Arapaho tribes is made up of the six Shoshone council persons and the six Northern Arapaho council persons from each tribe.

The body of the whole in each tribe, the General Council, is considered by the tribes as the sovereign political power within the tribal governments. Through the late 1920s and early 1930s, governmental agents sought to make the smaller representative councils, especially the Joint Business Council, the more influential. This effort to deemphasize the importance of input from the whole tribe was encouraged as part of an overall detribalization effort by the U.S. government, intended to disengage Indians from their traditional forms of government and to adopt the representative democracy of the larger culture. In some cases, this erosion of Indian culture and government may have been well-intentioned or a result of simple ignorance of tribal values. It has been extensively noted that

detribalization was a conscious effort on the part of federal officials to eradicate traditional Indian ways in order to gain control over the tribes and to access the valuable resources and land owned by the tribes.

Over a period of years leading up to 1934, the tribes resisted the pressures of assimilative procedures instituted by reservation agents and embraced their own as they saw fit and which met their needs. For many years the federal agents continued to pressure the Wind River tribes to adopt the IRA and form a constitution. Time after time, the two tribes' General Councils voted the IRA down. This was extremely frustrating to the federal agents, but they could do nothing about it. To this day, neither tribe has adopted the IRA, and both continue with their General Councils as the supreme body of the tribes.

### **Creation of a Roadless Area**

In the earlier part of the 1900s, the Shoshone and Northern Arapaho tribes saw a lot of activity on the Wind River Indian Reservation. In 1905 and 1906 they saw the reservation opened up to homesteading by non-Indians. This happened in the northeastern part of the reservation, where the fed-

eral government opened what they called surplus reservation lands for homesteading.

The so-called surplus lands were open areas left over after the Dawes General Allotment Act of 1887 divided up reservation lands into individual land tracts for individual Indian families. The Dawes Act did much more than simply divide tribal lands among individual Indians. It also played a role in determining how much land the tribes would keep and how much would be open to acquisition by others, what citizenship rights Indians would have (because the bill tied land ownership to citizenship), what authority would be vested in the tribe and what in the individual, whether treaties would be honored or broken, and other similar and far-reaching policy issues. Not all of these questions were explicitly stated in the Dawes Act. But, because they were implicit in the terms of the act, the Dawes Act has had a greater impact on the history of the tribes and Indian culture than almost any other single piece of legislation.

Also, at this time in the history of the state of Wyoming, the federal government was seeking ways to open up passageways from the southern



Two views of the Milky Lakes, located high in the Wind River Range in the tribal wilderness/wildland area, and site of alpine water quality testing. Photo courtesy of Shoshone and Arapahoe Tribes.

parts of the state into the Yellowstone Park area. The eastern governmental administration felt it was important for the rest of the U.S. population to be able to travel to and see the greatness of the Yellowstone Park area and the grandeur of the Teton Range. The opening of this area would bring tourists, and the Wind River tribes were worried about their land and the invasion of tourism.

The federal government surveyed and planned a roadway over the mountains from the Wind River Reservation's northwest corner. From the small town of Dubois, Wyoming, this northwesterly roadway would pass over the Rocky Mountains at the Togwotee Pass area and drop down into Teton Park. The tribes witnessed this activity and felt that if they did not pass some kind of legislation to protect their wilderness areas, the government would build roads elsewhere over the Rocky Mountains, going through their lands. The tribes' concerns were presented to the governmental agents in the 1930s; the agents then worked with the tribes' wishes in creating a roadless area on the Wind River Indian Reservation. The creation of a roadless area set aside more than 188,000 acres

(76,113 ha) of mountainous alpine areas and, to this day, the tribes still strongly protect it and do not allow any kind of motor-vehicle access. No roads or trails have been built in this area and none are planned.

Ironically, the same kind of concerns and activities were happening on other Indian reservations, and their activity created 12 such roadless areas and four wild areas on 12 Indian reservations across the country. The stated purpose was as follows:

"If on reservations, where the Indians desire privacy, sizable areas are un-invaded by roads, then it will be possible for the Indians of these tribes to maintain a retreat where they may escape from constant contracts with the white man."

The overall goal was to preserve some untouched land for future Indian generations. In most cases, the federal government established these areas without the consent of the tribes, and the affected tribes petitioned to have the areas declassified and redesignated as wilderness areas. The Wind River tribes did not have their roadless area declassified, nor has it been redesignated as a wilderness area; they left it the way it is, and they do not plan any kind of action in this

area. At this time, the roadless area on the Wind River Reservation is classified as a Class II airshed (under the Federal Clean Air Act as amended in 1990), and the tribes have investigated the possibilities of having the airshed reclassified to Class I, which may happen in the near future.

The Wind River tribes worked with federal governmental officials and had the roadless areas set aside in 1934 and affirmed by the U.S. Congress in the same year. The Wind River tribal protection was taken well before the Wilderness Act of 1964, and the roadless area has been neither touched nor changed since the 1934 preservation by the tribes.

### **Industrial and Energy Development**

In the state of Wyoming, the industrial development of the coal bed methane (CBM) gas and the development of ordinary natural gas drilling are serious threats to all the wilderness areas because of air pollution. The tribes have expressed their concerns about this energy development in Wyoming, and on the Wind River Reservation. The tribes have asked Devon Oil Company to complete a comprehensive environmental impact statement (EIS) to show the potential impacts of

CBM gas development on reservation lands. The EIS was being developed and was scheduled to be made public in 2006.

For the past 60 to 70 years, the Wind River tribes have depended on the extraction industries of oil and natural gas development as their bread and butter. This continues today on the reservation; the individual members of the two tribes share in the royalties that are derived from the oil and gas development. Since this is the main economy of tribes, they

want the oil companies to be good partners and to protect the tribal lands the same way the tribes themselves have done. The most recent request for an EIS is the second time the tribes asked an oil company to provide one on the reservation, which shows good stewardship by the tribes.

### Conclusion

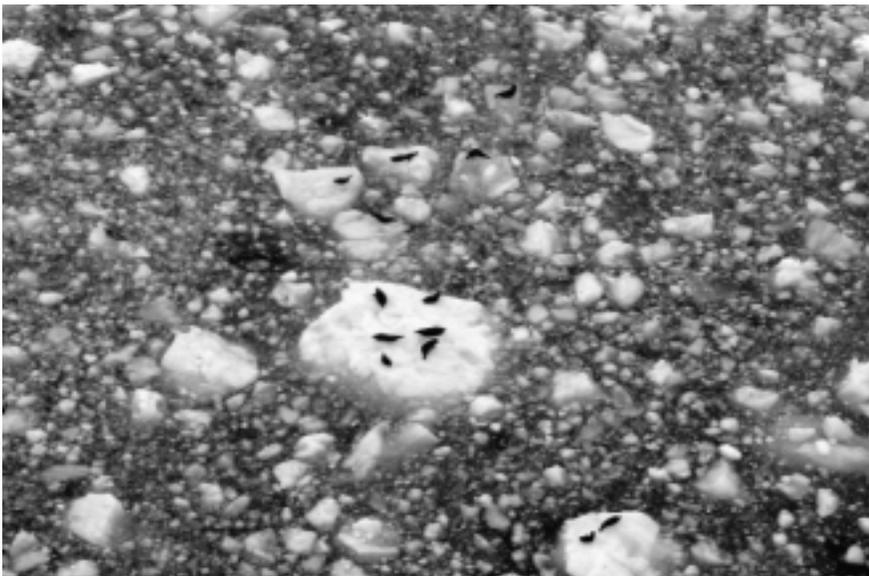
The Shoshone and Arapaho tribes of the Wind River Indian Reservation have stood up against the federal government requests for them to adopt a

tribal constitution and become IRA tribes. The two tribes still govern themselves, as they have for hundreds of years. Their General Councils, made up of all enrolled members of the two tribes, still make the decisions and develop the pathways for Tribal Councils to follow. **IJW**

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**Figure 9—Harbor seals congregate on ice in LeConte Bay to bear pups in relative safety from sea lions and orcas. Photo by Mark Hummel.**

Analysis plots. The second proposal would allow helicopter hovering during a four-day period to establish a detailed vegetation inventory scheme for managing and monitoring wilderness character.

### Conclusion

Stikine-LeConte Wilderness managers must continue to maintain the area's wilderness qualities defined by the 1964 Wilderness Act, while pro-

viding for established traditional uses allowed by ANILCA. As issues evolve, flexibility, innovation, and public involvement will continue to be crucial in mediating the ongoing tension over how to interpret and apply ANILCA's provisions in the Stikine-LeConte Wilderness. **IJW**

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