



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2025 SPF:002

URGING AN AMENDMENT TO THE WILDERNESS ACT TO RECOGNIZE TRIBAL RESERVED RIGHTS

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** many Tribal Nations across the United States face challenges to their reserved rights within federally-managed lands once those lands are designated as wilderness under the Wilderness Act of 1964 (Wilderness Act); and
- WHEREAS,** the Wilderness Act established the National Wilderness Preservation System and authorized Congress to designate wilderness areas as such lands which, "are untrammeled by man, where man himself is a visitor who does not remain... without permanent improvement or human habitation... [so that] the imprint of man's work [is] substantially unnoticeable;" and
- WHEREAS,** in places like Everglades National Park, Steens Mountain Wilderness Area, Glacier National Park, Superior National Forest, and El Malpais National Conservation Area, among others, the wilderness designation has been made on top of lands which were recently subject to the eviction of Indigenous peoples, and which still contain places of cultural significance and areas important to sustaining our cultural lifeways; and
- WHEREAS,** in cases like U.S. v. Gotchnik (8th Cir., 2000), federal appellate courts have upheld felony charges levelled against Tribal citizens exercising their reserved treaty rights within wilderness when their means of access did not accord with the wilderness "minimum requirements test," and found that this did not amount to a taking of reserved rights, but rather an inconvenience to their exercise; and
- WHEREAS,** the federal government has now proposed a new wilderness designation in Big Cypress National Preserve, where the Miccosukee and Seminole Tribes jointly exercise traditional and continuing "use and occupancy" rights "subject to the reasonable regulation of the Secretary," maintain fifteen active traditional villages, and have many sites of cultural significance; and
- WHEREAS,** an inter-Tribal coalition, which includes the Eastern Band of Cherokee Indians, Mississippi Band of Choctaw Indians, and Catawba Nation, has announced their support for the rights of the Miccosukee and Seminole Tribes of the Big Cypress and to halt the wilderness designation in the Big Cypress National Preserve; and

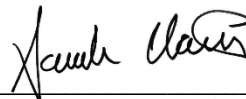
- WHEREAS,** while the Wilderness Act includes carve outs for mining activities, power projects, transmission lines, conditional road construction, livestock grazing, and commercial recreation, among other activities, it fails to contemplate or accommodate Tribal reserved rights, even when recognizing the treaty or statute which codifies those rights remains in effect; and
- WHEREAS,** an amendment to the Wilderness Act is required to codify continuing recognition of Tribal Nation rights, as well as those of our citizens, and recognize our means of access to fully exercise these inherent rights in wilderness designated areas, notwithstanding the restrictions of Act; and
- WHEREAS,** until Congress enacts such an amendment to the Wilderness Act, the Department of the Interior and the U.S. Department of Agriculture, which are the primary federal agencies responsible for the National Wilderness Preservation System, must rescind the proposal to designate portions of the Big Cypress National Preserve as wilderness; and
- WHEREAS,** in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it
- RESOLVED** that the USET SPF urges the Department of the Interior and the U.S. Department of Agriculture to cease proposal of wilderness areas atop areas in which Tribal rights to use, access, or occupancy are recognized, until Congress amends the Wilderness Act of 1964 to accommodate these inherent rights; and be it further
- RESOLVED** that Congress must pursue an amendment to the Wilderness Act of 1964, in particular to 16 U.S.C. 1133(d), to accommodate the exercise of recognized inherent Tribal rights notwithstanding the restrictions applicable within a wilderness area which would otherwise apply.

CERTIFICATION

This resolution was duly passed at the remote USET SPF Annual Meeting at which a quorum was present on October 8, 2024.



Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes
Sovereignty Protection Fund



Vice Chairwoman Sarah Harris, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund

Because there is Strength in Unity