

Tribes at Long Last Reclaim Control of National Bison Range

Indigenous people will take over the management of decimated herds.

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The Salish word for the modern-day National Bison Range translates to “the fenced-in place.” It consists of 18,800 acres in the heart of the Flathead Reservation that was [seized](#) by the government in 1908 for the establishment of the federal wildlife refuge.

But now the refuge is changing hands. An [attachment](#) to Congress’s last COVID-19 relief and government spending bills on December 26 initiated the return of the land from the U.S. Fish and Wildlife Service, which has overseen the management of the bison range for more than a century, to the Confederated Salish and Kootenai Tribes.

Herds of bison tens of thousands strong once stretched to the horizons of what would later become the state of Montana. Environmental [historians](#) estimate that there were upwards of thirty million bison in North America at the end of the eighteenth century, their range spanning from Northwestern Canada all the way to Florida like a great sash draped across the continent.

In less than a century, that number was [reduced](#) to less than 1,000, as overhunting by U.S. and Canadian settlers decimated the once-mighty herds. And then, around 1870, a member of the Pend D’Oreilles tribe named Latati was on a hunt and saw the decline of the mammals that were revered and relied upon by his people. He decided to bring a small group of orphaned calves from the hunting grounds east of the Rocky Mountains, and lead them all the way back to the Flathead Reservation.

Latati’s arduous trek over the Continental Divide with calves in tow was an astounding feat. This journey was foreshadowed by his father Atatice, who [suggested](#) bringing bison to tribal land years earlier but retracted his proposal when tribal leaders voiced concerns about tribal members becoming sedentary without the need to travel east to the hunting grounds.

“The return of this land is a chance for us as a tribe to showcase what was here, and tell the story of how Atatice and Latati started that herd,” Rich Janssen, head of the tribes’ Department of Natural Resources, tells *The Progressive*. “Educating the public is a big part of our management [goals](#).”

By the late 1800s, the herd on the Confederated Salish and Kootenai reservation had grown into one of the world's largest free-roaming bison herd. But the property was seized from the tribes by the federal government through a devious policy of allotment that was [commonplace](#) at the time, under the Dawes Act of 1887. It allowed the federal government to divide land between tribal members and sell off the surplus to homesteaders.

After allotment, settlers began flooding into the region and with them came fences. With the grazing land fragmented, the tribes had no choice but to [sell part of their herd](#) to an American rancher near Kalispell, Montana, and another part to the Canadian government. The U.S. government [expressed disinterest](#) in purchasing the herd from the tribes, even though the very same bison would be purchased less than ten years later from the Kalispell rancher to stock the new refuge.

As concern for the bison's plight grew throughout the country, a group called the American Bison Society [formed](#) to prevent the extinction of the iconic mammal. Appealing to President Theodore Roosevelt, the group spearheaded an effort that led Congress to establish the preserve by way of eminent domain.

While the tribes voiced opposition to the seizure of their land for the refuge, they were not recognized as U.S. citizens at the time and so their appeals went unacknowledged. Since 1908, the tribes have struggled to regain their rightful claim to the National Bison Range and what was left of its bison herd. In 1971, the U.S. Court of Federal Claims, [ruling](#) on a civil action filed by the tribes, found the bison range to be "private property taken for public use without just compensation," as the Fifth Amendment forbids.

But it wasn't until fifty years later that the process of returning the range was initiated, and it didn't come easy.

"There's always been pushback," Janssen says. "But now it's finally come to fruition."

The first agreement for the land's return was [signed](#) in 2004, but terminated in 2006 due to resistance from employees of the U.S. Fish and Wildlife Service. After the tribes challenged that termination, another agreement was reached in 2008 but again undone in 2010. The environmental assessment process for a third agreement in 2012 was delayed and never finalized.

Finally, in 2016, the Fish and Wildlife Service [got behind](#) the restoration of the National Bison Range to tribal management—though it took four more years for the initiation of the transfer process.

Still, a small but vocal minority continues to voice strong [opposition](#) to returning the range to tribal management. Local organizations like All Citizens Equal and [Citizens Equal Rights Alliance](#) [submitted comments](#) when the transfer was being proposed, and members cited racist, anti-Indigenous stereotypes when suggesting the tribes' incapability to manage the land and wildlife. The groups also claimed the transfer of the bison range would set a dangerous precedent for the delisting of public land.

In reality, the bison range will remain [open](#) to the public, under the management of the tribes. Indeed, restoring threatened or endangered species is nothing new to the tribes.

Janssen's department has [aided](#) the recovery of threatened and endangered species like trumpeter swans, northern leopard frogs, peregrine falcons, bull trout, and grizzly bears.

"This simply is not an attack on public land," says Janssen. "It's righting a wrong that should never have been done in the first place."

In 2017, the Trump Administration's Secretary of the Interior Ryan Zinke [publicly stated](#) that the Fish and Wildlife Service would continue to manage the National Bison Range, making sure to note his opposition to returning Indigenous lands. Now, with President Joe Biden's pick of **Deb Haaland**, an enrolled member of the Pueblo of Laguna tribe, set to fill Zinke's office, Janssen has hope that tribal land rights may be acknowledged and understood.

"Haaland understands the complexities of our history, and how we look at the landscape," Janssen says. "Once you lose that cultural connection, you lose a part of your being. I'm hopeful that she will have a better understanding of what that means."

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