

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
NORTHERN DISTRICT

FOREST SERVICE  
MAY 17 1937  
REFERRED TO  
RANGE AND TIMBER MANAGEMENT

ADDRESS REPLY TO  
DISTRICT FORESTER  
AND REFER TO



FEDERAL BUILDING  
MISSOULA, MONT.

G  
Fish & Game  
Policy

May 1, 1937.

U. S. F. S. RECEIVED  
TIMBER MANAGEMENT  
RANGE MANAGEMENT  
OFFICE OF THE CHIEF  
MAY 17 1937

Chief, Forest Service,  
Washington, D. C.

Dear Sir:

In Montana, despite years of effort, it is evident that retrogression is more rapid than progression in working out big-game-management problems on the National Forests.

Why? Chiefly because the directing heads of the state organization having to do with wildlife matters change with every administration, and those selected for the undertaking are so unqualified in basic training that little or nothing is accomplished before another new set-up comes in. Then, too, sentiment and emotion sway so many of the more active and vocal citizens in their approach to the problem that these factors keep the real issues always beclouded.

There was an abundance of encouragement in developments in Montana until the recent change in the Commission and the selection of the new Chief Warden. Now we are back on a basis, say, of ten years ago.

There are some bright spots. It is evident that there is a gradual building up of public understanding of the ecological aspect of the undertaking, and a growing indignation upon the part of some informed people against the recurrent upsetting of the state wildlife institution. It is still in the incubating stage; not yet out of its shell; however, peeps of dissatisfaction can be heard through the shell. Some day the creature will break forth, grow up into a fighting cock, and stage warfare against the system. May the day be speeded.

In Idaho, too, we were progressing well with the state in the development of a sounder approach to big-game

Reply 4/15/37

Archival research by  
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University of Idaho Library  
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management when "kerplunk" fell the "house of cards." "House of cards" because the organization was rooted on the shifting sands of cliques within partisan politics. A new Chief Game Warden now is at the helm. We must begin anew a laborious campaign of developing cooperative understanding and activity.

In that state, too, there is a material volume of budding dissatisfaction with such order of affairs - apparently more ready to burst forth into an active being than in Montana. It may develop into a potent force within the next two years.

It is not my purpose here to go into the organizational aspect of cooperative or noncooperative relationship. I write particularly to present the situation with respect to, (1) the establishment of state game preserves on National Forest land by State Fish and Game authorities and State Legislatures; and (2) the administration of those preserves by the state authorities.

First, I shall state a conclusion, then discuss the subject.

Conclusion: It is high time that some appropriate step or steps be taken, first to prohibit, if possible, the creation of state game preserves for big game on National Forest land without the consent of the Secretary of Agriculture; and, second, that ways and means should be searched out to set aside, directly or indirectly, such preserves as already exist if and when they become a menace to the proper management of the forest cover thereon.

Under the present regulations, the state is free to plaster such preserves on any or all National Forest land. It is free to retain such preserves irrespective of the damage to the cover resources and the land itself that follow from improper management of those preserves by the state authorities. This, in feature and in practice, places the state authorities in supreme control of the welfare, not only of the game therein, but also of the land and the forage resources. Forage resource can and does include young timber, conifers as well as broadleaf.

How illogical it is. What can be done about it? I do not have the answer. As to new preserves, would this help: A secretary's regulation to the effect that henceforth states shall be without authority to create, administratively or by legislative act, such a reservation on National Forest land. It appears to me that it might, since

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it would lay a foundation for enjoining a state (if the Federal Government would resort to such procedure) from invoking state game regulations on such land or taking any other action that may in any manner threaten the welfare of the cover resources on such land, or that in any manner would set up conditions or circumstances unfavorable to the Secretary's plan for the administration of such land.

As to the reserves already created, the same procedure might be invoked. In the Sun River Preserve, for example, the Secretary might seek an injunction against the State Game Commission from further invoking regulations which interfere with the proper protection of the land and the grass, brush and trees thereon or the soils thereof. Such an injunction, if granted, as I see it would estop the state from prohibiting hunting of elk within the preserve; thereby going just so far in contributing to estopping damage by overstocking of the area by elk.

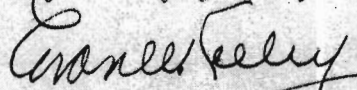
The Montana Legislature of 1937 passed an Act signed by the Governor, which prohibits the State Fish and Game Commission from interfering in any way with the boundaries of that preserve or any other that has been set aside for a period longer than two years. In other words, it makes permanent preserves of those having a life of two years or longer, antedating the signing of the Act.

Idaho, by Act of its 1937 Legislature, created a permanent preserve in the Myrtle Creek drainage, Kaniksu Forest; hence, inflammation sets in to develop another sore spot as the years roll along.

You might feel that I am all "het up" by what you may believe to be a "tempest in a teapot." I trust not. The sort of thing concerning which I write is serious business under current "double-headed jurisdiction" in wildlife affairs. It is serious business in the matter of resource management aside from big game. It violates sound principles of land management and principles which should govern the responsibilities of the Agricultural Department in handling land and its resources as intended by the Congress in its original enabling Act governing the administration of the National Forests.

I suggest that the matter be referred to the Solicitor for study, with the view of finding some way to cope with the situation.

Very truly yours,



EVAN W. KELLEY,  
Regional Forester.