

*The Early Years of the
Bitterroot Forest Reserve:
Major Frank Fenn Reports to Washington*

Transcribed from the original manuscripts in the National Archives.

Editing and introduction by Dennis W. Baird.

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Map source: University of Idaho Library Map Collection

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Introduction

In March of 1891, Congress approved what forest historian Harold Steen has termed “one of the most important legislative actions in the history of conservation,” the Forest Reserve Act of 1891 (26 Stat. 1905). This important law, just sixty eight words in length, allowed President Harrison to move quickly. Within one year, fifteen forest reserves with a total of 13 million acres had been set aside. All were administered by the General Land Office (GLO), a corruption-ridden agency mostly charged with disposing of the public domain.

Passage of this law was in part a reaction to the abusive forest practices seen in Michigan, Wisconsin, and Minnesota. By 1890, the country also had a small cadre of trained foresters who not only looked upon the cut and run logging of the Lake States as a tragedy, but also feared the spread of similar practices to public lands in the West. They also suspected that a timber famine might be the result if some kind of federal action were not taken. These men, led by Gifford Pinchot and others, were aided by western agricultural interests who saw harm to irrigation water sources if stream headwaters were logged. The Progressive Era politics of the time suggested that a system of federal reserves, administered by wise, well-trained scientists, would be the best answer to what many saw as a real crisis.

In 1897, the National Academy of Sciences released a report strongly recommending an enlargement of the system of reserves, which by then included 20 million acres. Acting faster than many expected, President Grover Cleveland chose Washington’s Birthday to add 21 million additional acres as Forest Reserves, including the 4.1 million acre Bitterroot Forest Reserve. This action produced anger from commercial interests in the West, especially among miners. There were immediate calls to shrink or eliminate the Reserves, especially in mineralized areas. Others argued that the GLO’s Reserves merely needed some management goals and guidance. This led to the enactment of the so-called Pettigrew Amendment, which became law in June of 1897. This law gave the GLO power to administer the Forest Reserves, especially for watershed protection, and allowed what became the agency’s Division R to hire rangers. This law was not repealed until 1960. It guided the work of early GLO forest managers like Frank Fenn, as well as those who succeeded him when the Forest Reserves, renamed “National Forests,” were transferred to the Agriculture Department in 1905.

Over 80% of the Bitterroot Forest Reserve was located in Idaho, but its inclusion in the new system of reserves was due to the work of a Montana resident, George Ahern. Ahern was a veteran of service in the frontier Army who later taught forestry at Montana Agricultural College in Bozeman. He had close personal ties to the Bitterroot Valley, where residents had long worked to set aside Lake Como as a sort of recreation reserve. Ahern also knew many leaders of the GLO, and had met Bernard Fernow, the Agriculture Department’s pioneer forester. In the summer of 1896, Ahern also met in Missoula with Gifford Pinchot and Henry Graves in their role as members of the National Academy of Science forest reserve special committee. The three men, two of whom would later lead the Forest Service, took a three week trip into the Bitterroots. This visit guaranteed that the Bitterroots would be included in the Washington Birthday proclamations of 1897. Ahern later became a pioneer in tropical forestry in the Philippines, and there is some

evidence that he helped bring Elers Koch into his long career with the Forest Service in Montana.

In 1901 Major Frank Fenn was given the political appointment of Superintendent of all of the Forest Reserves of northern Idaho (i.e., Priest River and the Bitterroot). He made his headquarters at Stuart, a town on the Clearwater River named after the great Nez Perce surveyor, James Stuart (the village was renamed Kooskia in 1909). A man of real integrity, Fenn was a perfect hire for the fledgling Division R of the Land Office. The GLO in general had a bad reputation, which it had worked hard to earn. A contemporary in this agency, Harold Langille (who worked in Oregon) has left us an account of the dual jobs of Division R managers: eliminating graft and promoting "a governmental policy that contemplated curtailment of the time-honored privilege of grab and take."

Frank Fenn was born in California in 1853, but moved with his parents to the Idaho Country mining settlement of Florence in 1862. He attended school there, and later at Walla Walla. Fenn's father was a store keeper, and at various times the family also lived in Warrens and in Lewiston. In 1869, he was given an appointment to the U.S. Naval Academy, which he left in 1872.

For the next thirty years Fenn lead a rich and amazing life, immersed in virtually every key event of frontier Idaho. He participated in the 1877 Nez Perce War at Whitebird and Cottonwood, served in the Territorial Legislature, was chief clerk of the Idaho State Land Board, and served as a militia volunteer in the war with Spain in the Philippines (earning his rank of Major). In June of 1901, President Theodore Roosevelt gave him his Division R appointment with the GLO in Kooskia, where he lived off and on until his death there in June of 1927. His obituary in the Kooskia *Mountaineer*, written by his son, tells us that "Major Fenn was one of the first Idaho citizens to take the lead in forest protection and reforestation policies."

Major Fenn faced many challenges in administering the Bitterroot Forest Reserve, the biggest being the efforts of mining interests to shrink or eliminate the new Reserve. These groups were led by Judge (and later U.S. Senator, 1902-12) Weldon B. Heyburn. Heyburn was a Silver Valley attorney and politician with financial interests not only in that valley's mining industry, but also to the south. The Idaho County mining regions of Newsome, Elk City, and the Buffalo Hump area were of special concern to Heyburn. As the petition that follows argues, Heyburn and his mining industry clients felt that the inclusion of mining districts inside the Forest Reserve meant that too many restrictions would be imposed on their operations.

In the end, Senator Heyburn won this skirmish. Both Elk City and Buffalo Hump (often shown as "Concord" on early maps) were withdrawn from the Reserve in 1904. Buffalo Hump was later restored to what became the Nez Perce National Forest, and in 1979 small portions of the old mining district were included in the Gospel-Hump Wilderness Area.

The second and third documents included in this publication represent early efforts by Major Fenn and his predecessor James Glendinning, to provide the Commissioner of the General Land Office with accurate and informed accounts of what was happening in the Bitterroot Forest Reserve. Glendinning's report is an early and valuable look at what was going on this Buffalo Hump mining region, then and now a tough place to reach and explore. The third document is a candid and incisive look by

Major Fenn at the economics and politics of the Clearwater Valley, its South Fork in particular. All three documents are published here for the first time. Original spelling and punctuation have been retained, and brackets are used for editorial clarification.

Further reading:

On the Bitterroot Forest Reserve and early forest policy:

Hartig, Louis F. *Lochsa: The Story of a Ranger District and its People in Clearwater National Forest*. Dubuque: Kendall-Hunt, 1989.

Written by a pioneer forester in the Clearwater Valley using mostly oral sources.

Leiberg, J.B. *The Bitterroot Forest Reserve* in U.S. Geological Survey. *20th Annual Report*. Part 5e. Washington: U.S. Government Printing Office, 1900.

A scholarly and reliable look at the Reserve, including several pioneering maps still used by fire ecologists.

Parsell, Neal. *Major Fenn's Country*. Two volumes. Kooskia: Upper Clearwater, Lochsa, Selway Chamber of Commerce, 1987.

Written by a member of a pioneering family from the Selway region, these two volumes are a key resource for students of forest history. Filled with maps and photos.

Rakestraw, Lawrence. "Forest Missionary: George Patrick Ahern, 1894-1899," *Montana: the Magazine of Western History*, Vol. 9, No. 4 (Autumn 1959), Pp. 36-44.

Steen, Harold K. *The U.S. Forest Service: A History*. Seattle: University of Washington Press, 1976.

The standard history of the origins of the Forest Reserves.

On the life of Major Frank Fenn and Division R:

Elsensohn, Sister M. Alfreda. *Pioneer Days in Idaho County, Volume 1*. Caldwell: Caxton Printers, 1947.

Reliable information on early Kooskia. The Fenn family contributed to the section (Pp. 469-71) on the origins of the town of Fenn.

Langille, Harold D., "Mostly Division 'R' Days," *Oregon Historical Quarterly*, Vol. 57 (December 1956), Pp. 301-13.

A witty and informed account of early Forest Reserve management.

"Major Frank A. Fenn." In Hiram T. French, *History of Idaho, Volume 3*. Chicago: Lewis Publishing Company, 1914. Pp. 992-94.

An informed account, probably written by Fenn himself.

"Hon. Frank A. Fenn." In *An Illustrated History of North Idaho*. Portland: Western Historical Publishing, 1903. Pp. 457-58.

A brief biography, written by Fenn himself.

"Major Fenn Goes to Missoula to Reside," *Kooskia Mountaineer*, 4 December 1914.

"Major Frank A. Fenn [obituary]," *Kooskia Mountaineer*, 22 June 1927.

On the Buffalo Hump mining region:

Fahey, John. *The Ballyhoo Bonanza: Charles Sweeny and the Idaho Mines*. Seattle: University of Washington Press, 1971.

Chapter 5 is a fine account of Heyburn's work at Buffalo Hump.

Shenon, Philip J. and J.C. Reed. *Geology and Ore Deposits of the Elk City, Orogrande, Buffalo Hump, and Tenmile Districts, Idaho County, Idaho*. U.S. Geological Survey Circular No. 9. Washington: U.S. Government Printing Office, 1934.

The key source on the geology and early history of this mining region.

Text 1: Judge Heyburn petitions to shrink the Bitterroot Forest Reserve (Summer 1898)

"IN THE MATTER OF THE BITTER ROOT FOREST RESERVE IN IDAHO.

To

The Honorable Commissioner of the General Land Office of the United States:

Your petitioners respectfully represent as follows:

The south-western corner, or portion, of said Forest Reserve, as indicated by heavy black lines upon the map attached hereto [inside back page] and made a portion of this petition is more valuable for the mineral therein than for forest purposes.

That the water flowing in the streams upon said portion of said Reserve flow into the Clear Water River which said river flows in a north-westerly direction emptying into the Snake River at Lewiston, Idaho; that the lands and country through which said Clear Water River flows are not arid or within an arid belt [a reference to the role of the Forest Reserves in promoting irrigation]; that the water-fall throughout said section of the country is sufficient for all purposes of irrigation and general supply; that the establishment and maintenance of said portion of the Bitter Root Reserve is not necessary for the purpose of insuring conditions favorable to continuous water flow.

That within said portion of said Forest Reserve there have been discovered and located a large number of valuable mining claims and there have been established several mining centers where towns are springing up which afford dwelling and business centers for persons interested in and engaged in and about said mining claims; that at Buffalo Hump Mountain there have been discovered and located upwards of 600 mining claims and there has been invested in these mining claims, in cash, more than \$700,000 within the past year; that a large number of men are employed in the working and development of these mining claims and the number of men so employed is continually increasing and will continue to increase as the development work continues; that the mines of this camp extend from the westerly boundary line of said Forest Reserve eastwardly to the easterly branch of the Crooked River, which flows northwardly into the South Fork of the Clear Water River' and said camp extends in length about ten miles; new discoveries of mining claims and new locations are being continuously made both to the north and south of said camp as the ledges passing through are traced out; that said ledges have been found to extend and continue across the South Fork of the Clear Water River into Newsome Creek and a new mining camp called "Newsome" has been established as shown upon said map and a large number of mining claims have been located in and about said Newsome Camp upon which there have been discovered valuable ledges of gold-bearing rock .

The town of Elk, commonly known as 'Elk City', as shown upon the map, is also within the portion of said Reserve which your petitioners ask may be opened. This was the second mining discovery in Idaho. The camp was established and the town started in 1863 and from the mines in this particular camp there have been taken several millions of dollars in gold, and while the Placer claims may possibly have been nearly exhausted, valuable ledges of gold-bearing rock have recently been discovered which were undoubtedly the sources from which the Placer gold was originally deposited. The town of Raymond, as shown upon the map, is also the center of a new mining district which is attracting well merited attention because of the valuable ledges which have been found in that vicinity which bids fair to become paying mines at an early date upon reasonable development. The town of Dixie, shown upon said map, is also the center of a mining camp in which are located a number of valuable mines, some of them already equipped with the machinery necessary for reducing the ores. Lake Crook is also a new mining district in which there have been recently located some very valuable mining claims showing large quantities of high grade ore.

This portion of the Reserve which it is proposed to open, is already known to be very rich in minerals, gold, silver, lead and copper. The ores are of a character that will require treatment by various processes which will necessitate the use of fuel in large quantities.

The work of mining ores in this section also requires the use of lumber and fuel in large quantities for buildings, mining timbers, and power purposes. There is already awaiting the construction of such roads as will enable it to be shipped into the several camps many thousands of dollars worth of machinery to be used for the purpose of mining and treating those ores. It is also necessary to construct roads throughout the entire section to enable those operating mining claims therein to bring in such machinery as is necessary in connection with the mines. It is the intention of those who are already operating mines in the camp, to have in place extensive plants of machinery ready for operating during the coming Autumn, and Winter, and in order to insure the successful

and economic working of these mines it is necessary that such supply of fuel should be prepared during the present Summer as would supply the camp during the coming Winter and thereafter.

In order that these mining resources may be developed without hindrance and to the best advantage it is necessary that that portion of the Bitter Root Reserve, marked upon the map attached hereto, as lying south of the 46th parallel and west of a north and south line intersecting said parallel where it crosses Clear Water River, should be vacated and that said section should be eliminated from Forest Reserve.

[signed] W. B. Heyburn
for himself and for all other persons who are
operating and developing mining claims within the
portion of the Bitter Root Forest Reserve which it is
asked may be opened by the especial request of
such persons."

Text 2: Bitterroot Forest Reserve Superintendent James Glendinning and Special Agent H.H. Schwartz Examine the Buffalo Hump Region in 1899.

"Lewiston, Idaho, June 26, 1899.

To the Commissioner of the General Land Office, Washington, D.C.

Sir:

By your Division "P" J.S.P. of April 13, 1899, you directed an examination of the South-western portion of the Bitter Root Forest Reserve in Idaho, and a report to show such facts as would permit of intelligent action upon petitions submitted by citizens of Idaho, praying that that portion of the Bitter Root Forest Reserve be segregated.

In explanation of this report it should be said that the petitions submitted to the Land Office, and the recommendation for favorable action by Senator George L. Shoup, were the result of numerous mineral discoveries made in the part of the Forest Reservation affected, late in the fall of 1898, and the part of the Forest Reservation in which these minerals have been discovered, and which embraces the territory sought to be segregated from the reserve will, when the Government survey is extended, comprise Townships 24 to 28 North, inclusive, Ranges 6, 7, and 8 East, Idaho.

We report thereon in detail, in the order in which you directed, as follows:

1. 'The density, character and size of the timber'.

In order to make an intelligent report in regard to the density, character and size of the timber, it will be necessary to refer to the topography of the country, as it appears upon the last Government map of Idaho, as follows:

Beginning at the Buffalo Hump and following Ten Mile Creek north to the Clear Water River, we report that there is no timber other than small black pine, and that this is sparsely scattered along the sides of the steams [sic]; much of it is burnt over, and the timber is worthless from either point of view as saw timber or as water conservative. On the ridge between Ten Mile Creek and Twenty Mile Creek, which ridge has an average

width of about ten miles, and extends from the South Fork of the Clearwater to the divide running West from Buffalo Hump, to the western boundary of the Reserve, there is quite a high and dense growth of pine, and some fir. This timber is of a size suitable for mining purposes, and there is but little of it that is large enough for saw timber. It also assists materially in holding back snow in the spring and summer, and at the date of this writing, June 26th, there is along this ridge an average depth of snow from three to 5 feet. Ten Mile and Twenty Mile creeks run through narrow canyons, and there is little or no arable land upon either of these streams. On the ridges between Twenty Mile Creek and John Creek, which ridge extends from the divide running West from the Buffalo Hump to the south fork of the Clearwater, and which has an average width of about ten miles, there is a reasonably dense growth of timber, very similar to that on the ridge between Ten Mile and Twenty Mile creeks. There is also at the Junction of American Creek and John creek, at a point about eighteen miles north-west of the Buffalo Hump an area of about four or five square miles of good yellow pine saw timber, the trees averaging about five logs to the tree, and running about eight logs to the thousand, board measure. John Creek runs through a narrow canyon. The western boundary of the Reserve as it is now made runs north and south along this ridge, between Twenty Mile and John Creeks, and the Government map recently issued is not correct in that particular. The line also runs through this body of saw timber just mentioned. The divide running east and west from Buffalo Hump to the Western boundary of the Reservation, being the divide between the south fork of the Clear Water and Salmon Rivers, is quite generally timbered with black pine, and some fir of good size for mining timber, but there is very little of it of a size for saw timber. There is also on this divide a considerable amount of small shrub timber, which materially assist in holding back the melting snow in the spring and summer. There is on this divide and all these ridges, at this time June 26th, from three to five feet of snow.

Beginning at Buffalo Hump and running East for a distance of about ten miles, along the divide between the Clearwater and Salmon waters, the divide is quite well timbered with pine and fir. Timber stands dense and has an average diameter of about twenty inches.

On the divide between the east fork of Ten Mile, and Crooked creek, running into the Clearwater (distinguished from Crooked River running into Salmon), which divide, when the Government survey is extended, will probably be found Range 8 East, there is likewise a dense growth of pine and fir, suitable for mining timbers, and some little saw timber. The timber is also dense enough to afford good protection to the snow, and prevents snow going off at an early season in the summer. This ridge is also covered with from three to five feet of snow at this time. On the ridge running north and south between Crooked River of the Salmon and Deer and Lake creeks of the Salmon, and which when the survey is extended, will probably be found in Range 8 East, there is likewise a fair growth of timber for mining purposes, but very little saw timber. Here again it should be said that the Government map last issued is not correct, in that it shows that Deer Creek runs into Salmon, whereas, as a matter of fact it runs into Crooked River, at a point five or six miles north of the Salmon.

Along Deer Creek at a point about six miles South-east of the Buffalo Hump, there is a flat containing about thirty acres of good saw timber, large pine and fir. There are about 400,000 feet board measure on this flat, and it was some time in the fall of 1898

staked out as a mining claim, and is now held under a bond by the parties who have bounded the Jumbo quartz claim, on the ridge immediately adjoining. There is no mineral on this claim that can be found at this time of the year, owing to the snow. This body of timber is practically good saw timber, that is within six miles of the hump.

At a point four miles south and a little east of the Hump, and in what is known as the 'Saddle', between the head waters of Sheep creek, and the head waters of Deer creek, there is a square mile of flat, which is heavily timbered with pine and fir, about eighteen inches in diameter, and which will make excellent mining timber, and is also a suitable size for house logs.

The section of country comprising about four square miles, of which the Buffalo Hump peak would be in the center of the north line, has practically no timber on it. The divide between Deer creek on the East and Sheep creek on the West, and running from Buffalo Hump South to Salmon River, is quite generally timbered, with a growth of pine and fir about fourteen to eighteen inches in diameter, and standing thick enough to materially protect the snow from early melting. Sheep creek and Deer creek both run through narrow gulches, from their source to the mouth, excepting that there is on each three or four flats of about twenty or thirty acres. Part of the ridge lying west of Sheep creek is within the present boundaries of the Forest Reserve, and it is timbered similarly to that between Deer creek and Sheep creek.

2. You next direct us to report upon 'the character of the land, whether it is steep rough or mountainous, and how much, if any, is susceptible, or adaptable to grazing.'

Speaking generally this entire tract of land is very rough and mountainous, and probably one-third of it displays the uncovered rock. The land within this part of the Reserve, which is capable of being cultivated, or adapted to grazing are the smaller flats along the streams, which in aggregate would not amount to exceed 3000 acres, and as snow is on the ground the greater part of the year, and the country by reason of its being so rough and mountainous is entirely inaccessible, except by bridle paths, or trails, it is not and never will be adapted to grazing. These few flats along the streams, and a small strip of table land comprise about four square miles, north-east of the point where John Creek and American Creek come together, and a high flat known as Squaw Meadows comprising about three square miles, and lying about five miles West of Buffalo Hump, would, if properly cultivated, produce good crops of hay, but the season is too short for general farming.

3. You further direct us to report 'the number of actual settlers on the land, and when they established themselves there, whether they are seeking permanent homes, or simply with speculative intent to obtain the timber, or some other prospective advantage, and whether any interests involved would be injured by the reserve of the lands'.

There are no actual settlers on this part of the Forest Reservation. Since the discovery of mineral on August, 1898, there has come into this part of the Forest Reservation several thousand miners and prospectors, and about one hundred men who are doing business of one kind or another, within the part of the Forest Reservation, and who are not engaged in mining or prospecting, and are presumably trespassers under the Forest Reservation Laws. The men who are there for purposes other than mining are in three camps one of them known as Lake City, at the head of Lake Creek, and at a point two and a half miles east of the Buffalo Hump. Here are found, in addition to the miners and prospectors, three saloons, two general stores, butcher-shop, restaurant and hotel,

lodging house, and a custom blacksmith-shop. The saloons are presumably closed by order of the Commissioner of the General Land Office, but it is supposed that they are selling liquor at this camp when the Government officials are absent. They have up to this time been permitted to leave their stock of goods and liquors at this place, for the reason that at the time they were ordered out, and since then, the depth of snow on the trails has been so rotten and soft, that it is a physical impossibility to move out the goods. This camp sits upon the Clyde and Andover quartz claims, owned by one Frank Harnett and others. Their mineral discoveries consist of a string of bull quartz, with no particular value of minerals of any kind. The second camp, where are found people not engaged in mining and prospecting, is at a point one mile south of Buffalo Hump, and upon the quartz claims known as the Trilby, Ajax No. 2, Texas, and Pirate. At this camp are two saloons and restaurants, a cabin occupied by the District Recorder, a general store and bakery. The saloons here have likewise been closed, but the owners have not been compelled to move out their stock because of the rotten condition of the snow on the trail. The third camp is at a point about three miles south of the Buffalo Hump, and the only party in this place not engaged in mining and prospecting, at the date of this report, is the postmaster. This camp lies in the center of the mining district, as it is at present known, and is on a quartz claim known as the Banker. There are absolutely no property interests or other legitimate interests on the lands discussed in this report, which will be injured by leaving the Forest Reserve as it is at the present time. The cause of the petitions being presented and the entire question, resolves itself around two points. One of them is, the desire of the saloon keepers and outfitters to acquire title to land for the purposes of building a town near Buffalo Hump. And the other point is the desire of the mine owners and prospectors to procure and cut the public timber under the old law, permitting the cutting of timber on mineral ground, without the necessity of purchasing the same from the Government. If it is remembered that the regulations issued by the Secretary of the Interior, for the purpose of enforcing the Forest Reservation Act, provides a suitable and speedy method by which anyone may purchase, cut and remove timber within a Forest Reservation, it will be seen that there is no good excuse for wanting land cut out of the Forest Reservation, in order to get the timber. As to the first point, the necessity for a town, we consider that it is premature. The camp is merely a prospect and there is at this time no legitimate demand for a town in the Buffalo Hump; and unless several good mines are discovered there, and are shown to be mines, there never will be a necessity for a town in the Buffalo Hump country. There is now and will be no demand in that particular section for anything except supplies of miners and prospectors, as these supplies must be brought in on the backs of pack horses from Grangeville, whether there is a town in the Hump or not, it is evident that a town there is not necessary. On the land where it is sought to start a town, immediately South of the Hump, there is at this date, the 26th of June, from eight to twelve feet of snow. This snow came on last September with a two feet fall, and increased in depth until it is about 20 feet deep. It will not go off until late in July at best. There are many old prospectors in this country who predict that it will not go off at all this season, and as this is about the normal condition of the weather in the Buffalo Hump country, it will readily be seen that there is no call for a town there for any other purpose than to supply miners with provisions and necessities.

4. Your further direct us to report 'whether the land is better adapted to forest uses than other purposes, that is, whether the preservation of the timber for present and future

use, and as a water conservative is the foremost consideration in connection with the land'.

In this connection we wish to say that it is admitted by every one, including the parties who have petitioned to have this country set out of the Forest Reservation, that its only future and wealth is its minerals and timber. It is not farming country, and it is not a grazing country, and it can never be made into either. As the Forest Reservation law gives to the miner and prospector every right within the Forest Reservation that he has on unsurveyed public land, and as practically the only timber within this territory is mining timber, we are unable to see why the land should be taken out of the Reservation. With the land in the Reservation, and the Forest Reservation law properly enforced, the mines, if any are discovered, will be compelled to cut timber under a system which embraces the piling of brush and the prevention of forest fires, and for that reason the timber will last longer, and the undergrowth will be preserved, with the result that the snow will go off gradually and lessen the increasing yearly flows in the Snake and Columbia rivers. Whereas, if the land is taken from the Forest Reservation, the mine owners will cut the timber, as they have done at other places, take what they want, and let the tops and culls lie where [sic] they fall, with the result that experience will repeat itself, and fires will run through the country and destroy more timber than is used in the mines. If one-half of the claims of this country are materialized in the matter of minerals the mining timber available would not last for ten years, if the land is taken out of the Forest Reserve. In view of this fact we think that it is particularly essential that this land be left within the Forest Reservation, and that there be a determined effort made on the part of the Land Office to see that parties who want to use public timber shall apply for it, purchase it, and cut it in accordance with law. Such a policy may cause grumbling on the part of the people who are developing mines there, and who are only looking out for the immediate present and their own interest, but as a matter of fact if the prospects do develop into mines, it will be practically in the miner's interest that the timber be procured under the very comprehensive and sensible rule laid down in the Forest Reservation Circular.

Further than this, it can be said without any contradiction, that mineral discoveries will be made from year to year in every part of the Bitter Root Forest Reservation lying South of the North Fork of the Clearwater and North of the Salmon, and extending from the western boundary of the Reserve to the Bitter Root divide on the East, and if the department will at once admit that it is a sufficient excuse to segregate part of the land from the Forest Reservation, because of valuable mineral discoveries, it will only be a question of a few years at most until the entire Forest Reservation will be wiped out. The timber on the ridges mentioned in the earlier part of this report is a thrifty growth, and while it is not generally large enough for saw timber, it is of very good quality for mining timber, and it also furnishes an excellent water conservative, and unless the miners and lumbermen are required to cut this timber as it is needed, with some regard for the danger of forest fires, more timber will annually be lost by fire than is consumed by the development of the country.

The matter of saving water for irrigation purposes, concerning which you direct us to report, is not of importance in this connection, for the reason that the water goes into the Snake river, which river when it gets into the irrigating districts is sufficiently large, and always will be, for all the demands made upon it in that direction, but it is of some importance that the water shall go off these immense water sheds gradually, in

order to save such cities as Lewiston and other towns along the Snake and Columbia rivers from disastrous floods. In this respect it would not be out of place to call the attention of the Department [sic] to the history of the Ohio valley, where in proportion as the forests have been removed from its water sheds, the floods on the Ohio river have, year by year, been more disastrous, doing an immense amount of damage at Cincinnati, and other large cities.

Referring now, and reporting upon the recommendation of Forest Superintendent Glendinning, under date of December 10, 1898, that certain adjoining townships be added to the Forest Reservation, we report as follows [sic]:

We recommend that there be added to the Forest Reservation townships 27, 26, 25, 24 and that part of 23 lying north of the Salmon river, range 5 east [this is the country that now makes up the heart of the Gospel-Hump Wilderness]. This tier of townships is quite generally heavily timbered, and in the north three townships embraces what is known as the 'Big Cove' which is a high, flat body of land, lying west of Mill Creek, and is quite heavily timbered with a very fine body of yellow pine, white pine and fir—large timber. The south three townships also contain large bodies of good saw timber, and some very excellent mining timber. There is in these townships but one actual settler, who staked out a ranch of one hundred and sixty acres, just outside of the Forest Reservation, at the Junction of American Creek and John Creek [the Gilmore Ranch]. He is a young man who is there for the purpose of making a ranch, has built him a log house, and has about fifteen acres plowed and put to crop this season. He staked out this ranch in March, 1899. There are also several placer claims being worked along American creek, and quite a few quartz claims have been staked out this year.

We attach hereto a diagram [not in the National Archives] showing the country covered by this report, which with the notes at the foot thereof, is self explanatory. All the facts stated in this report are learned by us from direct and personal examination of the land.

We have also made it a point to interview and consult with all the people who have interests of one kind or another near the Forest Reservation, and with the mining men who have claims in the Forest Reservation, and we have to report that with but little exception they are all opposed to Forest Reservations in general, and desire to see this land taken out of the Forest Reservation. At the same time we desire to state that they were with hardly an exception, misinformed as to the objects and purposes of Forest Reservations, and did not think that there were any rules and regulations by which any one could purchase, cut and remove timber in the Forest Reservation, and they also supposed a miner and prospector did not have the right to annually use an amount of public timber not to exceed one hundred dollars stumpage, free of cost. When the law was explained to them, and they were given copies of the Forest Reservation circular, a great many of them took the position that the Forest Reservation should be left as it is, but many of the mining men took the ground that it requires too long a time to procure timber under the law, that is, the law requiring a petition shall be presented to the Commissioner of the General Land Office, and shall be acted upon, and thereupon shall be advertised for sixty days. The mining man is always looking for a quick turn, and when he wants timber for a mine he imagines he wants it right away, and he wants to get it whenever it best suits him and whenever [wherever?] it best suits him.

The men who are active in circulating petitions, and who are still insistent upon having this part of the country taken out of the Reservation, are those business men and saloon keepers who are the controlling factors in the Grangeville Board of Trade backed up by other men who desire to organize a townsite in the Buffalo Hump country, and sell lots while the initial excitement in the camp is on. In this matter, if the Secretary of the Interior should rule that with the right to mine and prospect in the Reservation goes every necessity to enjoy that right, and should further rule that it was necessary for stores and saloons to go in there to supply the miners, it is probable that there would be no further attempt to reduce the boundaries of the Forest Reservation.

We might add that the Buffalo Hump excitement has received a number of very decided chills since the petition was sent in to the General Land Office, asking that it be taken out of the Reserve. In the first place the main stay of the camp was the Big Buffalo discovery which was bonded for \$500,000.00 at a time when the only development work was a ten foot hole and cross-cut showing a vein forty feet wide, and running \$26.00 per ton, free gold. Since that time this claim has been further developed, and at a greater depth the ore has fallen to \$12.00, and has changed from free milling to base, and the company which took the bond for \$500,000.00, and made a cash payment of \$25,000.00, has since thrown up its bond, and the property has reverted to the original owners and prospectors. Upon the strength of this first excitement some seven or eight other properties were bonded for fancy figures, among them the Jumbo, for \$65,000.00 and the Winslow for \$85,000.00, with ten per cent cash payment. Every bond in the camp that has come to the second payment, including the two above, with the exception of San Francisco, has been thrown up, and the property has reverted to the prospectors and original owners. In short the camp is hardly what it was expected, although it should be stated that fully five thousand men are now in the country, north and south of the Hump, and are following [sic] the snow line to the Hump. The entire section will be gone over with a fine tooth comb, and if there are any mines there they will be discovered in all probability.

In view of all the foregoing facts, we recommend that no land be taken out of the Forest Reservation, and that the townships recommended by Superintendent Glendinning, and set out above, be added thereto.

The prior correspondence, which has reference to this report, are your office letters as follows:

'P'. 1898-133, 179; 1899-20, 610; 1899-24, 088; 1899-32, 633; 1899-39, 167; 1899-40, 523.

Respectfully submitted.

James Glendinning.

Forest Superintendent."

Text 3: Major Frank Fenn Combats Further Efforts by Judge (soon to be Senator) Heyburn to Shrink the Bitterroot Reserve (September 1901).

“Stuart, Idaho Sep. 2, 1901

Hon. Commissioner
General Land Office, Washington, D.C.

Sir:

Referring to your letter R-JSP of July 13th 1901, relative to the petitions of W.B. Heyburn and others for the elimination of the South-west part of the Bitter Root Forest Reserve, I would respectfully report that upon receipt of said letter I at once communicated with Mr. James Glendinning and in due time received from him the joint report referred to, the other documents had been delivered to me some time previously.

As soon as possible thereafter I visited the locality described in the petition and thoroughly investigated existing conditions there. Because of my long residence in this section of the county I have been for years familiar with its natural conditions and characteristics and as a consequence much less time was required for the examination than would otherwise have been necessary. My investigations were largely confined to the immediate vicinity of the mining camps that have sprung up within the last three years and the existence of which was the primary cause of the petition for elimination.

Understanding that my reasons for whatever recommendations I might [missing words] should be ‘stated in full’ (letter P-J.S.P. of Oct. 31, 1900, to Mr. James Glendinning) and that my report should ‘cover all interests involved’ (letter P-J.S.P. of April 3, 1899 to Mr. James Glendinning) I have felt it incumbent upon me not only to report in detail on the special points stated in your instruction but also to call attention to some minor matters which have a direct bearings upon the main questions at issue. My report is therefore necessarily long, though I trust little of it is irrelevant.

A brief examination of the citizens petition will be instructive. Almost three fourths of the signers are from Grangeville and Kamiah and Harpster, towns far without the Bitter Root Reserve. These signers are only interested in the welfare of the mining industry on the Reserve and to the extent that it affects their commercial relations with the people interested in mining directly. Among the petitioners from the places named we find practically all the business men there, as well as many farmers and others. At the time the petition was circulated there was rivalry between Grangeville and the town of Stuart for the control of the trade of the new mining camps. These competitors were striving to get wagon road communication with the ‘Buffalo Hump Country’.

Grangeville, Kamiah and Harpster were at that time all business rivals of Stuart their expected to be terminus of the Clearwater Branch of the Northern Pacific Railway, and the three towns named imagined the Forest Officers located at Stuart were using their official positions to the advantage of Stuart as against the other competitors. In this connection I would respectfully refer to the official correspondence represented on the governments side by your office letters to Mr. James Glendinning as follows—letter P-L.M.S.-1899,-128, 126, of Dec. 20, 1899; letter P-J.B.S.-1900,-115, 640 of August 29, 1900; letter P-L.M.S.-1900, 125, 904 of October 24, 1900 [these letters are not in the National Archives], as furnishing valuable side light on this particular feature of the case.

It is well to remark that the wagon road, mentioned in the said letter of October 24, 1900 'from Badger to Lake Creek' was put through by the Buffalo Hump Syndicate and was directly in the interest of Stuart, while the application for permission to construct a road made by Henry Wax et al. was entirely a Grangeville proposition, and the Sherman [unclear] petition (letter of Dec. 20, 1899) was for the same purpose. In this business rivalry and the ill will toward the three forest officers consequent upon what was done there is regard to the various conflicting petitions is found the animus that prompted the procuring of the signatures from the towns named, found in the petitions for elimination. Whether or not the existence of the Forest Reserve was beneficial or detrimental to the development of the mineral resources of the region affected was in truth a matter of indifference to the signers. Business rivalry coupled with a desire to retaliate upon the men who were entrusted with the local administration of the Forest Reserve Law produced the signatures from Grangeville, Kamiah and Harpster, 372 in all.

There are eighty four (84) names from Elk City, a town within the limits of the Reserve. This place is one of the oldest mining camps in Idaho. Its inhabitants accustomed to the unbridled freedom long enjoyed in the western mining region apprehended an intrusion upon their fancied rights and they objected to the restraints imposed by the Forest officers, who, I believe, were overzealous in some instances early in the history of this reserve. In fact there is no doubt that in some cases officers were found to be too officious and occasionally they substituted petty annoyances and exactions for an intelligent and honest administration of the law in and about that particular locality. Herein is found the reason for the signatures from Elk City.

In considering the signatures appended to the petition for elimination it is especially worthy of note that there is not a single signer from any of the towns in the Buffalo Hump country nor one from Dixie, the two most prosperous mining districts on the reserve. And, too, none of the placer miners in the Newsome or Clearwater Districts is found among the petitioners. And these were the localities for the safeguarding of whose interests non-residents were so solicitous.

In the course of my investigations I took occasion to discuss the question of the proposed elimination with many mine owners and others immediately interested and I find that when the purposes of the Forest Reserve Law are understood opposition where it existed ceases. That portion of your instructions found in your letter P-J.S.P. of April 13, 1899 to Mr. James Glendinning at page 4 thereof and beginning 'You will endeavor to make it generally understood' &c when read to the people was particularly gratifying and satisfactory to them. As was said by one man in Elk City, a signer of the petition, 'That's exactly what we want. If the law is administered along those lines everyone will be its friend.'

One of the owners of the Jumbo Mine near Concord P.O. was especially emphatic and he voluntarily stated that if remonstrances or counter petitions against the one under consideration were desired he would prepare and circulate these in the mining camps.

The resident General Manager of the Buffalo Hump Syndicate in charge of the Big Buffalo Mine and the quartz mill at Callender, the largest property on the reserve is in favor of continuing the reserve as it is and he informed me that he would so report to the corporation he represents.

And such I found the sentiment to be among those who are engaged in developing their properties and whose financial welfare has impelled them to a careful study and investigation of the Forest Reserve question.

Every mine owner or manager with whom I talked on this subject was fully alive to the paramount importance of preserving the supply of timber in those sections of the reserve where mines are in course of development. Should these mines fulfill the anticipation of owners founded upon the prospecting and development thus far done, all realize that enormous quantities of timber will be required in their underground workings in the future. Timber for such purpose does not have to be choice 'saw timber', but trees that will make 'square timbers', 'stulls', 'lagging' &c are the most important. Such material can be obtained from the fir, tamarack and black pine now covering the mountains in the region affected. Mining men fully appreciate the fact that unless some adequate supervision be exercised over these forests they will be wasted within a very few years. Without such supervision and control the history of many other mining regions will be repeated in this part of Idaho, the bountiful supply provided by nature, left unguarded, will be squandered through unchecked and wanton extravagance. In such case in the near future timber absolutely necessary for the working of the mines will have to be imported and will be enormously expensive, whereas if the present supply in the locality affected be judiciously and economically used the timber will through natural processes of renewal be adequate for the needs of all for all time.

Not until recently has the matter of protecting and preserving the timber for local use been considered by the miners on the reserve. It is now understood and its importance realized. It is gratifying to me in this report to state that the energy and perseverance of Supervisor Chamberlain and the small force of rangers at his command, in fighting and overcoming the very serious fires in the Dixie Mining District, in August, which threatened the destruction of large bodies and valuable timber, very important to the economical working of the mines of that locality, were most highly appreciated by the people there and had a most beneficial effect in demonstrating the usefulness of the forest reserve force. The result of those struggles appealed to the self interest of the mining men there. It was an object lesson that could be understood. This lesson taught the people what could be done energetically by fighting fire, in a systematic manner and the benefits to be derived therefrom and as a consequence several instances have since been reported to me where private parties have themselves taken in hand fires that threatened damage and by adopting 'Forest Reserve' methods extinguished the fires and prevented serious damage without calling upon or reporting to the Forest officers who were busily engaged elsewhere. I mention these things to show that, at present, the inhabitants of the part of the reserve involved and the forest reserve officers are now working harmoniously and in concert for the accomplishment of the objects of the Forest Reserve Law.

It is true that some features of the law are criticised, but the good parts of the law so far outweigh the objectionable portions as to make public sentiment very strongly favor the system as a whole. The particularly objectionable feature is that which denies to companies and corporations the free use of timber enjoyed by individuals. This is regarded as making one suspect discrimination. It is argued that 'the mine consumes the timber, the owner does not', and that consequently in the working of a mine timber from reserve lands should be obtainable upon the same conditions and under the same circumstances whether the owner of the mine be an individual or a corporation. It is not

asked that the free use provision be indiscriminately extended but merely that all mine owners be placed on the same footing.

Another feature of the law that might be rescinded with beneficial effect is that requiring sixty days publication of notice of sale of timber. Whenever the sale is desired for speculative purposes and there is any probability of competitive bidding the provision as it stands is a salutary one. But when the application to purchase is made solely for the purpose of obtaining timber for the proper working of the mining property of the applicant and there is no likelihood of any competition as the sale, then the necessity for long advertisement can hardly exist. In such cases the procedure should be simple, expeditious and effective.

I would now respectfully refer to the representations of fact found in the petition for elimination and call attention to them in the order in which they are therein stated.

First; It is a mistake to assert that the entire tract described in the petition is 'much more valuable for mineral than for timber purposes.' Certain parts of it may be so. Probably there is not an acre of it that does not contain mineral, but most diligent prospecting has proven that only in a few localities is mineral to be found in paying quantities. As a whole, the tract is well timbered and even in those places where mineral is found in quantities to justify mining for it the mineral value would be greatly reduced even if not for the timber growing there because of the lack of convenient timber for the profitable working of the mines.

If by 'commercial value' the petitioners mean a value for lumber purposes alone, I will say they are measurably correct, but as even miners in the region will admit, the timber there is of incalculable value for the development of the mines and that its safeguarding is of vital importance to the mining industry.

Second; Many promising mining camps have grown up within the reserve since its establishment and it is possible that the Forest Reserve Laws through a defective local administration may have retarded the growth and development of those camps in the past, but I doubt if such was ever true. Certain it is that at present every 'prospect' is being exploited as freely and thoroughly, and every mine is being worked as uninterruptedly as if no forest reserve were in existence. And not in a single instance during the course of my investigations in these camps could I discover 'retarding,' and further, not a single complaint in that regard was made even though it was generally known I was in the country seeking information on the subject.

During the ephemeral excitement attending the first discoveries of mineral in any of those camps, 'boomers' desirous of making quick turns in property doubtless found the salutary restrictions of the Forest Reserve Laws and Regulations a hindrance to their schemes, probably 'the growth and development' of their boomlets 'were retarded,' but I have yet to find the first legitimate mining proposition that has been retarded or its development interfered with by those laws or regulations. Every prospect which development has shown to be a mine has been pushed ahead and worked as energetically and as successfully as if it had been off the reserve entirely.

The wholly abandoned town of Badger, the town of Buffalo, now called Frog Town, with not a single permanent inhabitant are samples of the 'promising mining camps' born of the wild mining excitement and at one time afforded an excellent field for the boomer's wild-cat speculation. The Forest Reserve Laws may have retarded that speculation but it was the absence of mineral in paying quantities that retarded 'the

growth and development of the camps' and caused them to be depopulated. The two towns named were among the most important when the petition was circulated and yet their present condition as above stated I observed during my recent investigation.

It must not be understood that I wish to say no mineral can be found in those places, on the contrary, I am firmly of the opinion that systematic legitimate prospecting will prove that some good mines do exist there and that they will ultimately be worked profitably. Such prospecting is now going on and has taken the place of the 'wild cat' speculator and the 'stake' locator of the past. While those undesirable people have made a great hue and cry about the hardships imposed by the Forest Reserve Laws, the legitimate, bona fide miner has pursued the even tenor of his way unaffected by that law and, in fact, in sympathy with its purposes.

Third; The mining districts named in the petition are within the portion of the reserve proposed to be stricken off, but as particularly noted above not one of those places or districts furnished a single signature to the petition. One of the signers, formerly a resident of Harpster, is now superintending the largest placer proposition in the Newsome District, and he is now convinced of the great benefit the law may be to placer miners.

In the petition great stress is laid upon the large expenditures of the Buffalo Hump Syndicate and the number of men it employs. The facts stated about that corporation refute the idea of its being retarded or interfered with in its work; and the statements recently made to me by its general manager and referred to above, prove that the resident representative of the corporation feels none of the apprehension of impending danger from the Forest Reserve Laws which so agitated the company's officers, volunteer friends, when, in Grangeville and Kamiah and other places, far from the Robbins Mining District they signed the petition for elimination.

Fourth; In making the statement that within the portion of the reserve in question there is 'some agricultural land that may be utilized for the raising of produce & supply the mining camps.' the petitioners are simply mistaken. There are a few 'bars' along the South Fork of the Clearwater River that might be used for the raising of vegetables were it not for the fact that they are all mineral in character and have been for years located and worked under the mining laws. The land is mineral not agricultural land by any means. Aside from these 'bars' there is no land along the rivers susceptible of cultivation.

Fifth; People who from personal examination are familiar with the region described in the petition can alone appreciate the error into which the petitioners fell when they made the fifth representation as a statement of fact. There are, 'tis true, a few mountain meadows along some of the streams, particularly along Big Elk Creek, American River and Red River, where wild swamp or slough grass grows in quantities sufficient to make hay. But these tracts are of small extent and what few are not held as mineral land have been for years occupied by bona fide settlers who are in no wise affected in the occupancy of their claims by the Forest Reserve Laws. Agricultural land, properly so called, that is lands capable of producing crops by tillage is almost absolutely unknown in the region under consideration. I venture to assert that in all the tract proposed to be cut off from the reserve ten acres of land have never been plowed or cultivated. The entire region, as indicated above, is to a greater or less extent mineral in character but in by very much the greater part mineral does not exist in quantities to justify working it as mining ground either quartz or placer. On the other hand vast acres

are covered with fine forests of fir, tamarack, spruce and pine. In many places yellow pine, tamarack, spruce and red fir grow to a size to furnish good saw timber while enormous quantities of timber of a size and quality to afford excellent material for 'stills,' 'lagging' and other uses incidental to mining operations are found in all parts of the territory affected.

I would here take occasion respectfully to say that the reconnaissance that furnished the data upon which the 'Reconnaissance Map-Idaho and Montana Bitter Root Forest Reserve,' found among the papers in this case, was founded must have been very imperfectly made so far as the region in question is concerned. Said map shows that on almost one third of this particular territory the timber has been 'consumed by fire.' If the parties responsible for that map had 'examined in detail' this section of the country they certainly would not have published such a libel upon the timber of the southwest part of the Bitter Root Forest Reserve. From a mere study of that map one would hardly imagine it possible to travel in a straight line over the 'area on which the timber has been consumed by fire' (see map) and yet be in good, green, growing timber all the way. And yet such could be done in many places without finding an 'opening' one hundred acres in extent. What few 'openings' there are, are along creeks or streams and they have generally been cleared for mining purposes. To be sure there are 'burns' where fires have destroyed the timber in the past but if five years have elapsed since a fire occurred the land burned over is today covered with a promising young growth of trees that a few years hence will be of a size admirably adapted to the use of underground miners.

To compare the agricultural and timber resources of this region is to contrast the Potomac with the Atlantic Ocean. To think of its mineral value without its supply of timber is like considering the Columbia without the Snake River, the chief tributary.

Sixth; While making this sixth representation the petitioners forgot the magnificent fruit farms all along the Snake River below the mouth of the Clearwater, that depend entirely upon irrigation and that their water supply, in part at least, is from 'the streams fed by the waters and snows falling upon said portion of said reserve.' And it should be remembered, too, that along the Columbia River below the mouth of the Snake there is a broad stretch of country now unproductive, which, in the future, as irrigation systems are improved will be reclaimed through the application of waters whose source is not entirely outside 'said portion of said reserve.' But disregarding the question of irrigation there is a present, local use for the waters of 'said portion of said reserve' that imperatively demands the conservation of the supply. Ever since 1861 this region has been the scene of very extensive placer mining. To the placer miner an adequate supply of water is the paramount necessity. Often very long ditches are constructed to convey water to a placer claim. To secure a sufficiency of water the miner must rely upon the supply found in the snowbanks of surrounding mountains. Whatever tends to an early removal of that snow operates to shorten the miner's working season by depriving him of a continuous adequate flow of water for the working of his property. It is a notorious fact that in some localities where formerly there was a working season of five or six months the destruction of timber on the mountains adjacent has shortened the working season to four or five months. It is safe to say that within the last thirty years the average duration of the placer miner's working season in the territory under consideration, has been reduced at least ten per cent by the denudation of the high mountains whence the water supply is drawn.

I will say that in the course of my examination of this subject, I interviewed numerous placer miners and I found them fully alive to vital importance for caring for the timber in order to conserve the water supply upon which their industry is so entirely dependent. Among placer miners this phase of the question when explained calls forth unanimous approval of the Forest Reserve System. The vast benefits they derive from the conservation of the water supply immeasurably outweighs any seeming inconvenience imposed by the restrictions governing the reasonable use of the timber, the conservation of that supply.

The petitioners are radically wrong when they assert 'that it would be to the benefit of all of said country could the snow be removed earlier in the spring.'

Seventh; The facts presented in this representation are not controverted but it is respectfully submitted that the Forest Reserve Law in no wise conflicts with the attainment of the objects stated. It is my understanding that the right granted by law to explore, develop, and work mines in the forest reserves carries with it by implication the grant of all those incidental rights and privileges necessary to the full and complete enjoyment of the principal grant. And such, unless I misunderstand the circulars and instructions issued on the subject, is the view taken by the Interior Department and followed in the policy announced for the administration of the Forest Reserve Law whenever it comes in contact with the mining industry.

Eighth; Touching this representation I will say that I merely refer to what is hereinafter contained as showing the actual conditions existing and respectfully leave the decision as to the applicability of the Forest Reserve Law to the territory under consideration, to the authority in whom Congress had lodged the right of determination.

I would now respectfully refer to the particular instructions on pages 3 and 4 of your letter P-J.S.P. of April 13th 1899 to Mr. James Glendinning and to the joint report of Messrs Schwartz and Glendinning made in pursuance thereof.

Respecting the matter of 'townsite and other privileges,' it should be remembered that the necessities of the mining industry require the construction of many buildings at central points in every district. Towns are as essential there as anywhere else. When a mining camp is demonstrated to be permanent through and by the richness of its mineral deposits there the legitimate demands of trade and industry must be satisfied or the mining, the primary industry will languish. In such cases a liberal policy must be adopted, else the purposes indicated by the law and regulations will not be accomplished, mining operations will be retarded and constant friction will ensue between the representatives of the government and the people directly and indirectly interested in the development of the mineral resource of the country included with the reserve.

A primary question in this regard is this; Has the owner of a quartz mine the right to locate a mill site off his claim or group of claims for the purpose of erecting thereon a mill for the reduction of the ores from his mine? In the majority of cases a suitable site can not be found within the limits of the claims. The mill is as necessary for the working of the mine as are drills and powder. The question above stated is of vital importance. As secondary to the matter of mill-sites the question of timber for the erection of the mill and fuel for its operation must receive attention though this is I believe adequately covered by existing regulations save that a more expeditious method of securing timber should be provided. In this respect there would be no trouble at all if ordinary business promptness

could be attained to in disposing of applications for sales. But here again the restriction of the right to free use of timber to individuals again obtrudes itself.

The history of the mining country demonstrates that towns spring up where the convenience of the people working the mines may best be subserved [sic]. A quartz mill is often the nucleus of a town. I would respectfully suggest that where as a consequence of discoveries of mineral a desirable site for a town has been indicated the Department of the Interior might well designate a certain area, around and including such site, whereon the privilege of occupying the land for legitimate purposes might be enjoyed without special application and permit in case of each individual occupant. Such course would avoid much delay and at the same time obviate the necessity for a multitude of applications and permits. Under the plan suggested the privilege should of course confer no rights—against the government nor against discoveries of mineral in the tract specified, the privilege should be a mere easement revocable at the will of the Department.

There are many people now living in the various towns or camps engaged in various occupations. In some cases, notably in Elk City, the people were legitimately on the ground pursuing their vocations when the reserve was established but the majority have come in since that time. Probably not one has a permit to occupy any part of the reserve. If such a permit is in existence on the Bitter Root Forest Reserve I have not discovered it. Some of these people have their buildings on patented mining ground, some on non-perfected mining locations, and some on reserve lands. The percentage of each class I am not able at this time to state.

A strict enforcement of the law and regulations involving the prosecution as trespass of all who are technically such in and about these mining towns would be a calamity. Not only would it gravely affect the mining interests there but it would entail a vast amount of profitless litigation and work impairable [sic] hardship upon many honest and industrious people. And too, the hostility to the Forest Reserve Law now happily abating would by such policy be revived and intensified.

It is respectfully submitted that some such system as that outlined for townsites above might be adapted to existing conditions and a very vexed question easily and justly settled.

I will now take up the points numbered and specifically stated in your said letter of April 13th 1899. But first let me say that the 'joint report' [the previous document in this publication], as it shows upon its face, refers alone to that part of the territory proposed to be eliminated which is in the Robbins Mining District. Some of the statements in the report while correct enough when applied to the Robbins Mining District are grossly incorrect when applied to the whole tract covered by the petition. Nothing is said in the report about Dixie, Elk City, Newsome or Clearwater Districts, each now equally important as the Robbins District. The report in fact covers probably one fifth of the territory embraced within the boundaries stated in the petition.

Regarding the conditions and interests of four fifths of the area involved the report is silent.

I. 'The density, character and size of the timber.'

On this point I can add nothing to the statements of the joint report so far as it relates to the part of the reserve it covers. I cordially endorse and approve said statements as applicable to the Robbins Mining District and refer thereto as part of this report.

Really the best timber within the tract asked to be eliminated is found in the Dixie and Clearwater Districts while in the North East corner of the tract in the Elk City District there is a large body of choice cedar and fir timber that in the future will be very valuable for commercial purposes because of its superior quality and its proximity to the Clearwater River down which it may be run to market. At present it is of little value except as a conservator to water supply and as a protection to other young growth coming on there. It is unnecessary to go into minute detail as to the timber on each small tract, defining the tract by local names. To make such a report giving size, quality, &c of timber would require a years cruising and a report that would fill a volume. Suffice it to say that the whole tract in question is timbered to a greater or less extent. The mountain meadows above referred to being the only parts not covered with timber save and except where in part of the Robbins District in the immediate vicinity of the rugged peak known as Buffalo Hump the base country rock is in places thrust to the surface and such places are barren of trees. Of course in spots the growing timber is young because the original growth has been burned over. In these high mountains the timber is quickly renewed after a fire though certainly it takes from twenty-five to fifty years for trees to attain a size suitable even for underground use in the mines.

Black pine which is the wood chiefly used for fuel and which affords excellent material for 'lagging' in mines is of rapid growth and may well be used when twenty-five or thirty years of age. Other woods take longer to mature.

II. 'The character of the land, whether it is steep, rough, or mountainous, and how much, if any, is susceptible of cultivation or adapted to grazing.'

The 'joint report' conveys a very erroneous impression when considered as applying to the entire section proposed to be cut off. It is fairly correct if restricted to the Robbins Mining District which is by far the roughest in this part of the reserve. It is a wild statement to say that even there 'one third of it displays the uncovered rock;' such is not the fact even in the Robbins District. Of the entire region described in the petition but a very small percentage, certainly not to exceed two per cent, 'displays the uncovered rock.' The country as a whole is a series of long, rolling ridges with spurs setting off toward the streams separated by the ridges. Very little of it approaches a precipitous nature. Many of the hills and mountains, to be sure, are high and steep, some are rough and rugged, but it is only at rare intervals one finds a place where timber does not grow naturally. Literally everywhere in the tract timber is found. It is truly one vast forest with trees in all stages, from the tender shoot just peeping from the ground to the mature and decaying trees. Such timber can not be found in a region which 'displays the uncovered rock.' As a prerequisite to such a forest there must be abundant soil adapted to the tree growth. And such there is in the south west part of the Bitter Root Forest Reserve. The greatest difficulty encountered by prospectors in that region is the excessive amount of 'dirt' covering and concealing the ledges. This fact is notorious and it has stood in the way of the mining development of that section far more than has the Forest Reserve Law.

I estimate that there are about 5000 acres within the tract under consideration whereon 'wild' hay might be cut and there is a considerable part of the tract that might be used for grazing purposes four or five months of every year. But this grazing land is more or less covered with timber and includes what is termed 'the breaks' or steep, partially open hillsides along the South Fork of the Clearwater River. Practically none of the tract is fit for cultivation, that is tillage. Proof of this is found in the fact that while the best

mountain meadows have been occupied by settlers who have cut wild hay therefrom for twenty-five years, still there has been no plowing or cultivation done in those meadows. On a few of the 'bars' along the South Fork of the Clearwater a few garden patches have been cultivated for the owners who were engaged in mining such bars. The mountainous character of the country, great snow-falls and the shortness of the season each year during which there is no frost all united to prevent agricultural pursuits in that territory proposed to be stricken from the reserve. I fully agree with Messrs Schwartz and Glendinning in the conclusion that this region is not and can not be made suitable for general farming. Natural conditions positively prohibit it.

III. 'The number of actual settlers on the land and when they established themselves there, whether they are seeking permanent homes or simply with speculative intent to obtain the timber or some other prospective advantage, and whether any interests involved would be injured by the reservation of the lands.'

There are some actual settlers on this part of the Forest Reserve. I personally know of a number of places taken up many years before the establishment of the reserve and which have been continuously occupied by the settlers from the date of settlement to the present time. They hold their places bona fide and expect to secure title when the lands are surveyed. The joint report is erroneous in this particular. The settlers are there and have been there for years.

Immediately after the discovery of valuable quartz mines, in 1898, near Buffalo Hump there was a rush of miners and prospectors to that district. Disappointed in not finding what they sought in the immediate vicinity, many of these people 'scattered' to different parts of the reserve but continued their explorations chiefly in the tract described in the petitions. They were closely followed by persons of all callings who established themselves in different places. The mining 'rush' has subsided when there were probably 4000 or 5000 people, when the petitions were prepared there are now scarcely as many hundreds as there were thousands, but those who engaged in occupations other than mining and prospecting have, many of them, remained where they established themselves. Their vocations are legitimate unless there be excepted the saloon business which is followed by about half a dozen men. These Saloon Keepers, however, almost if not all occupy places on patented mining ground. Reference is here made to what is stated above relative to 'Townsite and other privileges' as applicable to this subdivision of the general subject. And I would add that in cases where permits are required for the occupancy of any part of the reserve for purposes of trade or business, such permits should be transferable and 'run with the business' which is liable at any time to change hands and pass to new owners.

So far as my observation extended I found no one occupying lands within the reserve for purposes of obtaining title to timber or for purely speculative purposes. The character of the occupancy has been described. The towns now on the reserve are all needed to meet the legitimate demands of business immediate to the development and working of the mines.

Miners and prospectors like all other people wish to procure their necessary supplies at the nearest available points. Time and distance are elements of importance to them as well as to others. And it is at least strange that the 'joint report' should in substance recite that 'because supplies must be brought from Grangeville into the country in question, therefore no town is necessary there to meet the rightful demands of residents

for a local supply of the necessities of life.' Is it a good reason to say there should be no shoe stores in the mountains of Idaho simply because Lynn, Mass. is a source of original supply of that commodity? It would seem that 'to supply miners with provisions and necessities' (see joint report) is ample justification for the existence of a town in a mining country, though Messrs Schwartz and Glendinning seem to be of a different opinion.

Under a fair application of the law as indicated in the policy announced by the Department and in your letters of instruction I am firmly of opinion that none of the 'interests involved' will be injured by the reservation of the land. Every 'interest involved' will be either unaffected or else benefitted [sic] by a reasonable execution of the policy outlined.

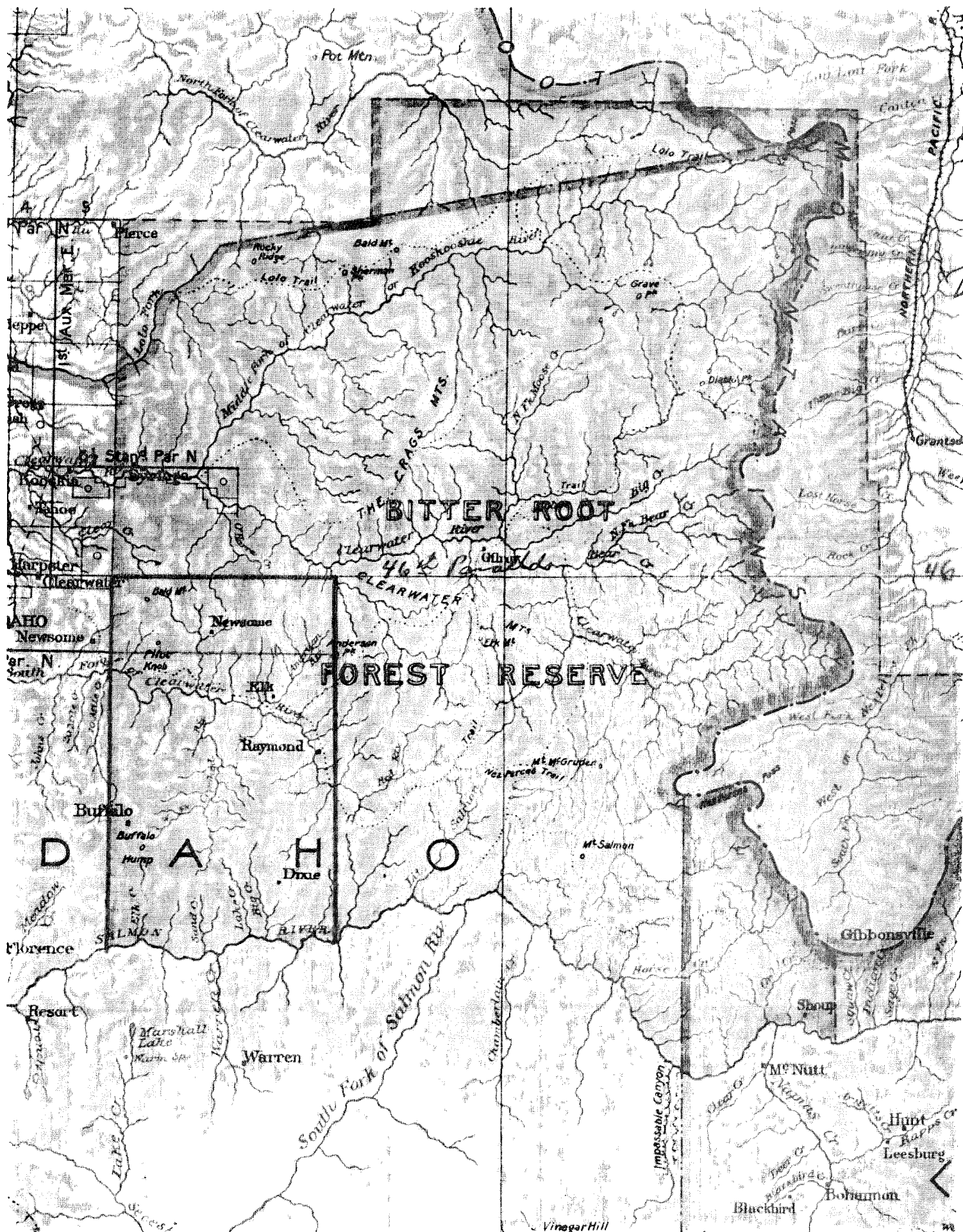
IV. As to 'Whether the land is better adapted to forest uses than other purposes, that is whether the preservation of the timber for present and future use, and as a water conservative is the foremost consideration with the land.' I unhesitatingly answer 'It is.' And I can but refer to what is hereinbefore stated in support of my opinion. I endorse and approve the statements of the joint report on this point but would in addition specifically refer to what I have before said relative to the importance of maintaining a permanent, continuous flow of water for the use of placer miners in the region affected. Mining in its various branches is the industry of this section. Without the timber, placer mining would be out of the question and quartz mining rendered so expensive, through the necessity of importing the fuel and timber products necessary to the extraction and reduction of the ores, that none but very high grade ore could be worked at all. The timber is the key which will unlock the mineral storehouses and open their riches to the world. Throw away the key and all that treasures will remain in natures vaults, inaccessible.

Touching the matter of extending the limits of the reserve I agree with Messrs Schwartz and Glendinning as to material facts stated by them. I believe, however, the townships mentioned by them are incorrectly numbered.

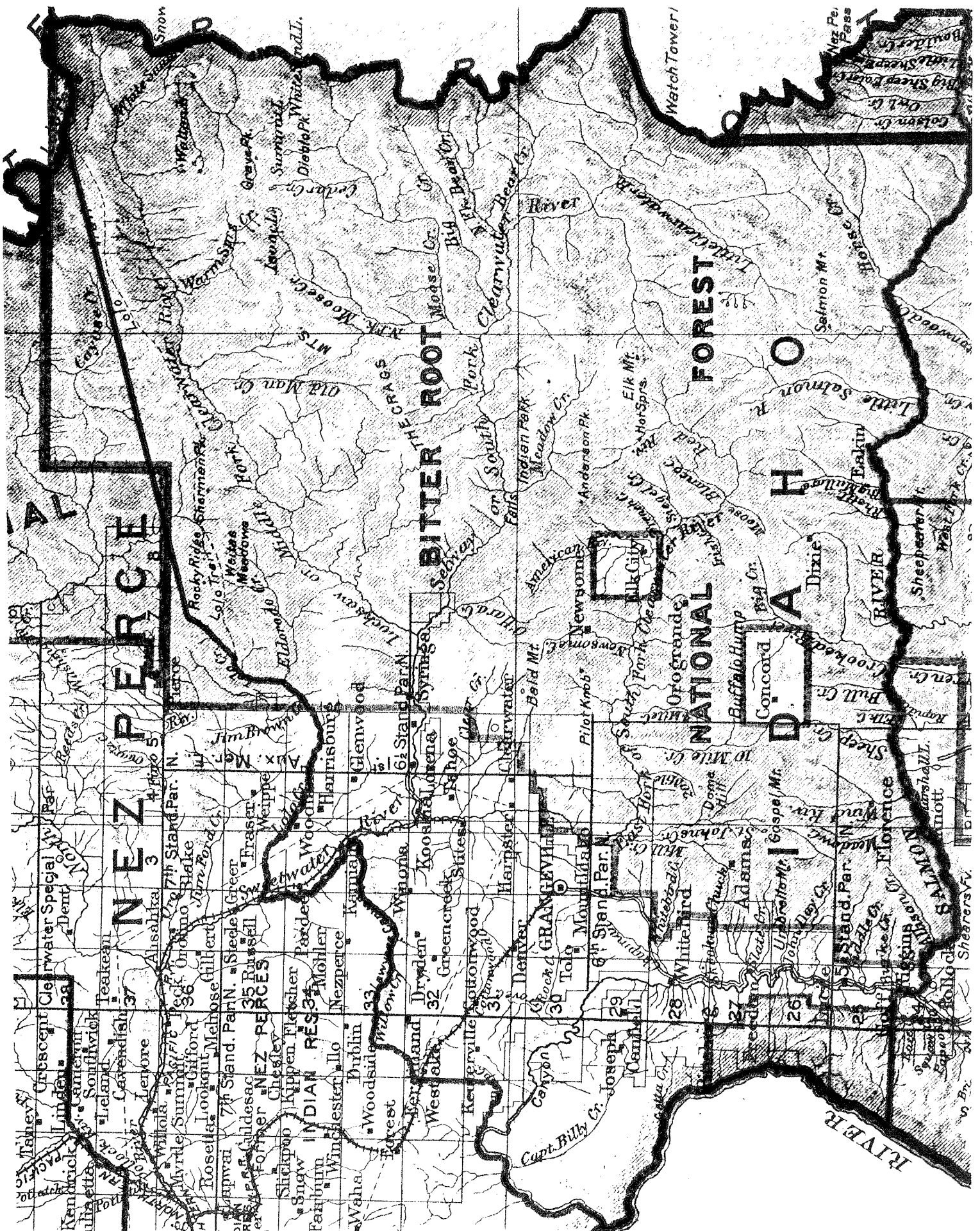
For the preservation of a fine body of timber and for the extension of fire patrol a few miles further from the mining centers where in the future a large supply of timber will be needed, I think the extension of the reserve so as to include all of Range 5 East lying between the Salmon River and the South Fork of the Clearwater Rive [i.e., the drainages of Wind River and Johns Creek] would be an act of wisdom. As I understand the maps and the country this part of Range 5 E. would include townships 26, 27, & 28 north and also that part of township 25 lying north of the Salmon River and the part of township 29, south of the South Fork of the Clearwater.

In conclusion I, therefore, respectfully recommend, that, the petitions herein filed praying for the elimination of the southwest part of the Bitter Root Forest Reserve be denied; that no part of said reserve be cut off or taken therefrom; that townships 26, 27, & 28 north, of Range 5 East and that part of township 25 lying north of the Salmon River and that part of township 29 lying south of the South Fork of the Clearwater River be added to said reserve.

Very respectfully
F. Fenn
Forest Supt."



The Bitter Root Forest Reserve as originally established.



The Bitterroot National Forest as it looked in 1907.