

Forestry & Grazing  
Quinalt  
Attempt to sell timber  
NW Half Resn.

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Tabolah Indian Agency,  
Hoquiam, Washington.  
April 8, 1940.

Commissioner of Indian Affairs,  
Washington, D. C.

Official File Copy  
Enclosures Files  
90-2-20  
DEFENDANT'S EXHIBIT NO. H-124

Dear sir:-

We learn that a meeting was held last Saturday at Tabolah by W. E. Ackerman who was attorney for the Indians in the Harvey Eastman case, at which meeting he had two papers in the nature of powers of attorney to himself to negotiate sale of the timber of the North-west half of the Quinalt reservation and reserving certain emoluments to himself and heirs. How many have signed such papers we do not know. One of our informers tells that Mr. Ackerman claimed if he got a majority to sign he could begin action. We recall that immediately after decision of the Eastman case this attorney stated for publication that one step remained to completely emancipate these Indians, the removal of the Secretary's authority to disapprove the timber sales.

One of our informers says that a buyer for the timber is working with Mr. Ackerman. At this writing we know very little more than appears above. But dating back before decision of this case in February it was the rumor around Aberdeen that if the Indians won the case then Mr. Ackerman would be the one to consult in future timber selling.

It appears that we may, and perhaps quite soch, be defendants in another suit of some kind and now that Congress is in session, any needed legislation to checkmate this attorney's plans should be obtained.

Respectfully submitted

COPY

Seattle Federal Archives and Records H Philips,  
Center, GSA Superintendent.  
6125 Sand Point Way, NE  
Record Group No. 2 Regional Forester  
Additional Information Spokane, Washington.

Taholah Indian Agency  
Hoquiam, Washington  
November 30, 1939

Official File Copy  
Enclosures Files  
EXHIBIT NO: H-128  
DEFENDENT'S  
Court of Claims the State  
Docket No.

MEMORANDUM Re case of Eastman et al. v. United States  
pending in the United States District Court for the District  
of Washington.

Conference between Regional Forester, Frank E. Lenzie; Forest  
Supervisor, James Howarth; Logging Engineer, Patrick Gray; Senior  
Forester, MacKeever, and Superintendent Raymond E. Bitney

\* \* \* \*

Apparently, there are two questions involved in this case. The  
first attacks the authority of the Secretary of the Interior to  
promulgate or approve the promulgation of forestry regulations govern-  
ing the protection of Indian interests in the harvesting and handling  
of Indian timber.

The second point attacks the reasonableness and fairness of the  
regulations promulgated by the Department and approved by the Secretary  
in applying the selective method of cutting on a sustained yield basis,  
which provides for the removal of only a portion of existing timber  
values. This point is given particular stress in its application to the  
200' strip that is required to be left along highways, streams, etc.,  
under amended Sec. 22 of the General Forest Regulations as approved  
May 18, 1936, and amended Nov. 17, 1936.

In addition to the two definite points which are raised, the  
complaint questions the authority of the Secretary to regulate timber  
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Centering San Indian allotments, basing the contention on the premise that  
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Referred Group No. 251  
Additional Information  
to timber on individual allotments.

It is also pointed out that the timber sale regulations in effect at the time the original timber sale contracts on the Quinalt Reservation were approved definitely provided that logging would be conducted under the clear-cut method; i.e., the removal of all merchantable timber up to a specified diameter limit of 14" d.b.h. which procedure contemplated the removal of all commercial values existing under economic conditions obtaining at that time.

Selective logging as objected to in the complaint consists of removing a part of the merchantable stand of timber and leaving enough merchantable trees and young growth standing and undamaged by logging operations to maintain proper forest conditions and form the nucleus of a later cutting.

Selective logging falls into three classifications: Area selection, where certain areas are clear cut (usually single settings), and surrounding areas are left uncut for the time being; group selection, where small patches (from two to ten acres) are cut clean, tree selection, or taking individual trees from the stand. (See Sec. 10, Forest Practice Hand Book, by Pacific Northwest Loggers' Association).

The three methods described above take into consideration all physical factors within the area to be logged, such as topography, site and exposure, precipitation, density of stand, economic values involved, etc. It can readily be seen that the term "selective logging" is in

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itself a misnomer, in that it provides for the application  
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Principles of scientific forestry, looking to sustained yield  
Record Group No. 75  
Additional information \_\_\_\_\_  
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A partial analysis of the history of logging in the Pacific Northwest indicates that the sustained yield objective has been contingent to a large degree on the changes which have taken place in the logging industry. Extensive improvements and refinements in logging machinery, road building equipment, etc., together with the rapid development of excellent highways has played an important part in bringing about the logging practices now being followed generally throughout the west coast timber belt.

The early-day method of logging, which followed closely on the heels of the settlement of the country, was termed "hand logging", and consisted of taking only the most accessible timber, immediately adjacent to the various water courses, into which the logs were rolled by hand or animal power, for transportation by water to the mill. There being no shortage of timber and little or no restriction as to its use, only the best trees were selected and the finest logs from these trees removed. In reality, this was a form of economic selective logging, it being a selection based on the economic conditions of that time. As the country became more heavily settled and timber less accessible to water transportation the construction of logging railroads became necessary. This type of logging utilized steam power equipment and the heavy investment which was incurred in railroad construction, etc. necessitated the removal of all timber that had any economic value whatsoever to the operator.

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Center, GSA a result, the areas logged under this practice of logging  
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Record Group No. 25, overstated appearance and was subject to severe  
Additional Information

fires, which destroyed everything the logger may have left behind. The rapid development that has been made in truck, tractor, and heavy logging equipment within the past decade has revolutionized logging methods and made it possible to remove the timber from logging areas in such a manner that a satisfactory forest cover can be left on the ground.

Timber operators who still have heavy investments in railroads, donkeys and heavy logging machinery that have not yet been retired and which must be liquidated before it is economically possible for them to change over to new equipment and more modern practices are making this change as rapidly as possible. This change is being encouraged by all timber productive agencies and the loggers are cooperating to the fullest degree possible under the circumstances under which they must operate to remain in business.

A sample study plots were established on areas which had been selectively logged on the reservation several years ago. Sites were chosen which were representative of the different timber types within the cutting area. On these plots a careful study has been conducted, the original stand and that remaining after cutting being carefully measured and recorded. At specified times these areas were examined and the results are shown on the attached schedule.

It ~~could be~~ <sup>is</sup> considered the fact that the Quinalt timbered Seattle is ~~primarily~~ <sup>primarily</sup> for the production of timber crops and that Center, GSA 6125 ~~is a~~ <sup>is a</sup> ~~small~~ <sup>small</sup> isolated tracts which can be considered as Record Group No. 75 ~~Address~~ <sup>Address</sup> ~~information~~ <sup>information</sup> for agricultural purposes. For this reason,

it is imperative that every provision possible be taken to the end

that the Quinalt Forest will be perpetuated.

On November 17 and 23 Messrs. Ienzle and Patrie, of the Spokane Regional Office, visited Portland to discuss the sustained yield logging practices with members of the Northwest Forest Experiment Station, the Regional Office of the Forest Management of the National Forest Service and others interested in the problem. The following individuals were interviewed in greater or less degree: Mr. T.T. Munger, of the Forest Experiment Station, Messrs. Andrews, Aimes, and Wright, of the Forest Management office of the National Forest Service, Mr. E. T. Stumm, of the Crown Willamette Paper Company, and Mr. Bruce Hoffman. In addition the office of Mr. Axel Brandstrom, of the Forest Experiment Station, was visited and an informal discussion of the subject was held with a member of Mr. Brandstrom's staff. Mr. Brandstrom was at the time out of the city and could not be interviewed personally. It is now planned to interview Mr. Tom Murray, of the West Work Logging Company, and members of the West Coast Lumber Association staff during the early part of the week beginning Monday, December 4 and, if possible, arrange a field examination of the Quinalt timbered areas with Mr. Murray and one or more individuals from the West Coast Lumbermen's Association who are well qualified to pass upon the practicability of following selective cutting methods on the Quinalt Indian Reservation.

When this has been completed, a detailed memorandum, discussing

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Forestry  
19098-39  
4-32-40

May 7, 1940

Official File Copy  
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EXHIBIT NO. #126

The Honorable

The Attorney General

Sir:

Reference is made to your letter of March 9 (Enc. 2-20) in the case of Harvey Eastman, et al. v. United States, et al., No. 49, in the United States District Court for the Western District of Washington.

The decision of Judge Yankovich in this case was based on the contention that Section 406 of Title 25, United States Code, did not authorize the Secretary of the Interior to issue regulations governing the sale of timber on allotments upon the Quinalt Indian Reservation. Section 406 reads as follows:

"That the timber on any Indian allotment held under trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior."

The legislative history preceding the Act of June 25, 1910 (36 Stat. 835) indicates the intent of Congress with respect to Section 8 of that Act. On January 15, 1910, the Department submitted drafts of a bill to provide for the sale of timber on allotted and unallotted Indian lands to the Senate and the House of Representatives. This bill was introduced in Congress as S. 5802. The letter of January 15, 1910 reads in part as follows:

"There is no general law under which authority for the sale of timber on Indian lands, whether allotted or unallotted, can be granted, except the Act of February 13, 1839 (25 Stat. L., 673), under which the President may authorize the sale of dead timber, standing or fallen, on Indian reservations or allotments. The provisions of the Act of April 21, 1904 (33 Stat. L., 139), empowers the Secretary of the Interior to authorize the sale of timber on allotments in the State of Minnesota, and the President has authority under the Chippewa Treaty of September 30, 1834 (10 Stat. 1000) to authorize the sale of timber on allotments in the State of Minnesota."

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L., 1109) to permit Indians who received lands under the treaty to cut timber from their allotments.

"It is believed by this department that there should be a general law applicable to all Indian lands because in many instances the timber is the only valuable part of the allotment, or is their only source from which funds can be obtained for the support of the Indian or the improvement of his allotment."

The provisions of S. 5502 were incorporated as Sections 8 and 9 of H.R. 24992, 61st Congress, 2d Session, Union Calendar No. 224, Report No. 1135, dated April 26, 1910. Sections 8 and 9, with line reference, on page 7 of H.R. 24992, are quoted as follows in order to clarify the following amendments made by the House and which are shown in Sections 7 and 8 of H.R. 24992 in the Senate, dated May 12, 1910:

8 SEC. 8. That the mature living and dead and down  
9 timber on unallotted lands of any Indian reservation may be  
10 sold under regulations to be prescribed by the Secretary  
11 of the Interior, and the proceeds from such sales shall be  
12 used for the benefit of the Indians of the reservation in such  
13 manner as the Secretary of the Interior may direct.  
14 SEC. 9. That the timber on the allotment of any In-  
15 dian to whom an allotment has been or hereafter shall be  
16 made and a trust or other patent containing restrictions on  
17 alienation has been or hereafter shall be issued therefor,  
18 may be sold with the consent of the Secretary of the Interior  
19 under such regulations as he may prescribe, and the proceeds  
20 thereof shall be disposed of under regulations to be prescribed  
21 by him for the benefit of the allottee."

The following excerpts are quoted from the Congressional Record of May 11, 1910 (page 6302, et seq., daily issue) when H.R. 24992, the so-called Canibus Bill, was under consideration:

"The CHAIRMAN. The Clerk will read.

The Clerk reads as follows:

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proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as the Secretary of the Interior may direct.

Mr. BURKE of South Dakota. ... This permits, as I understand it, the selling of mature and dead and down timber upon unallotted lands and Indian lands, there being no authority of law now to dispose of it, and when I read the reasons for the legislation, which I hold here, and they are very brief, I think the gentleman will see that legislation is desirable.

Mr. MILLER of Minnesota. Now, it seems to me that this proposed law, which simply permits the cutting of dead and down timber under proper regulations by the Secretary of the Interior, is wise, and I would like to ask the gentleman if it would not be wise to have some law permitting the cutting of dead and down timber, because the gentleman well knows unless it is cut it furnishes a great opportunity for fire and for other devastating things that can come in, aside from realizing some gain and profit from the sale of it. Now, if the Secretary of the Interior here is instructed to place such restrictions about the operation of the law, would it not be a good and wise policy to enact this legislation?

Mr. MANN. I will agree with the gentleman that I think there ought to be a method of cutting dead and down timber, and also the mature and live timber, but I know of no facilities in the Department of the Interior for judging whether timber ought to be cut or not. It may be that they have these facilities. We supposed a few years ago, when we transferred from the Department of the Interior to the Agricultural Department the control of the Forest Service, that we were transferring an expert service in relation to the timber from the Interior Department to the Agricultural Department.

Mr. BURKE of South Dakota. I will say to the gentleman they have in the Interior Department now in connection with the Indian service men who are regarded as experts on timber, and I presume if this law is enacted, there will be no live timber, at least, cut until it has been inspected by the men who are competent.

Mr. MANN. I will say to the gentleman that there was a proposition ~~to~~ ~~be~~ ~~made~~ ~~in~~ ~~the~~ ~~last~~ ~~Congress~~. I said to the gentleman then in ~~charge~~ ~~of~~ ~~the~~ ~~bill~~ that, as far as I was concerned, I would ~~be~~ ~~glad~~ ~~to~~ ~~have~~ ~~the~~ ~~bill~~ ~~passed~~ ~~if~~ ~~they~~ ~~gave~~ ~~to~~ ~~the~~ ~~trained~~ ~~Center~~, ~~GSA~~  
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men of the Forest Service the determination of whether this timber should be cut or not.

Mr. BURKE of South Dakota. I will say to the gentleman that I do not believe he would favor any legislation that would provide that some other department of the Government should have anything to do with the administration, the management, and so forth, of property belonging to the Indians -----.

Mr. MUMF. Certainly; the gentleman is mistaken. ... What is the use of one government having one branch of the service specialized and not make use of it because it happens to be in another department and then proceeds to get up two specialized services in two departments of the Government?

Mr. MUMF. Mr. Chairman, I now to strike out, in line 11, page 7, the words "the Interior," and insert in lieu thereof the word "Agriculture."

The CHAIRMAN. The Clerk will report the amendment.

The clerk read as follows:

Page 7, line 11, strike out the words "the Interior" and insert in lieu thereof the word "Agriculture."

Mr. SAUNDERS. Mr. Chairman, I would like to speak in favor of this amendment. I agree thoroughly with the proposition that there ought to be some disposition of the timber that ripens on these reservations, because we all know that after timber reaches a certain age, it begins to deteriorate. So it is entirely proper that some provision ought to be made to the disposition of timber of that character, as well as the down-timber, and dead timber. I agree also with the suggestion that the amplest provision for the protection of the rights of the parties interested should be thrown around the conduct of operations relating to the removal and disposition of this timber. We ought to provide for the harvesting of this ripe timber, and the disposition of the dead and down timber in such a manner as to conserve the interests of the people on the reservations, ~~and the Indians~~. I also agree with the suggestion that if we have a specialized department in this Government, dealing with ~~the Indians~~ ~~and the Indians~~ are made the special objects of their care, and their consideration, the Government,

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as a whole, ought to use that department in such a way as to get the fullest benefit of its peculiar knowledge. I can not for myself see any objection whatever to using the Department of Agriculture in connection with making regulations for the harvesting, and disposition of this timber. In this use there is no necessary conflict between the two Departments. We merely utilize one department for the benefit of another, and while the Agriculture Department will provide the regulations under which this timber will be harvested, cared for, and disposed of, the use of the proceeds of that timber, will still be in the hands of the Interior Department which has the particular care of the Indians.

Mr. STEPHENS of Texas. Why mix these two departments in a matter of that kind?

Mr. SAUNDERS. Why should we not use two departments for the purpose of this act and have them work together for the highest interests of the people whose interests we are undertaking to promote? This act will make no necessary conflict between departments. ... We authorize regulations to be made for the disposition and cutting of this timber. These regulations would be the law for the future as to this particular subject-matter.

Mr. KETTER. I do not know that I can throw much light on this subject, Mr. Chairman, but I think primarily there is a great deal of trouble about the matter of cutting timber on these Indian lands. If there is not some very careful and close scrutiny made in the working of cutting the down and standing dead timber, they will destroy and ruin much fresh growing timber and injure the forests more than all the dead timber on the land is worth. I think that is the origin of the trouble that my friend from Illinois (Mr. BARN) complains about; that when they cut the dead timber in these forests they almost necessarily destroy and cut the green timber also. I do not think that it makes much difference which department has control of this matter, unless it is prepared to determine as to what forest should be cut; but we ought to have the right and power to supervise the cutting when it is done, vested by law somewhere.

Mr. SAUNDERS. The purpose is to have it supervised and scrutinized during the period of this operation by experts in the business.

Mr. KETTER. Are any provision in the bill regarding the forests, the cutting of the dead timber or the ripe green timber?

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Mr. SAUNDERS. The committee certainly thinks there is provisions that it shall be attended to and that the money shall be applied for the benefit of the Indians.

Mr. KEIFER. If that is to be taken care of in the bill, it ought to be very carefully drawn.

Mr. PARSONS. The Forestry Bureau attends to it, so far as the timber in the Nation Forest is concerned. They supervise the cutting, and if you put it under the Forestry Bureau they will supervise its cutting in the Indian reservation.

Mr. KEIFER. Is there any provision of law requiring that in this bill, or is there any other provision looking to that end?

Mr. PARSONS. If it is put under the Forest Bureau, it is presumed that there will be regulations under which the timber in the forests shall be cut.

Mr. SAUNDERS. The intantion of this amendment is to make it their duty, upon the idea that their knowledge will make them peculiarly fitted to discharge it.

Mr. HAMILTON. That it had resulted from the careful cutting of the timber year after year, selecting only the trees that were ripe and of a certain size and retaining the trees below a certain size, so that, by reason of the fertility of the soil and climatic conditions, their forests have increased and are far more valuable now than they were thirty years ago.

Mr. BURKE of South Dakota. There is no doubt in my mind about which would be preferable. I think the bill as drawn is much better than it would be to accept the amendment offered.

The CHAIRMAN.. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Sec. 2. That the timber on the allotment of any Indian to whom an allotment has been or hereafter shall be made and a trust or other ~~present~~ <sup>containing</sup> restrictions on alienation has been or

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Center, GSA

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hereafter shall be issued therefor may be sold with the consent of the Secretary of the Interior under such regulations as he may prescribe, and the proceeds thereof shall be disposed of under regulations to be prescribed by him for the benefit of the allottee.

MR. PARSONS. I move to strike out the word "he", in line 19, and to insert the words "Secretary of Agriculture."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 19, strike out "he" and insert "the Secretary of Agriculture."

Mr. BENNET of New York. Should the words "Secretary of the Interior" remain in line 19?

Mr. PARSONS. Yes: that is all right!

The question being taken, the amendment was agreed to.

Mr. MANN. I move to strike out the word "him", in line 21, and insert in lieu thereof the words "the Secretary of the Interior."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 7, line 21, strike out "him" and insert "the Secretary of the Interior."

The amendment was agreed to."

A letter dated May 26, 1910 to Senator Charles E. Curtis from Mr. R. A. Ballinger, Secretary of the Interior, stated in part as follows:

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"I am in receipt of your communication of May 21, enclosing Seattle Federal Archives and Records Center file in it to which this Department is opposed or believes should be appended. NE  
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"Sections seven and eight provide for the sale of timber on unallotted land and allotments. By letter of January 13, 1910, to Senator Clapp, this Department recommended legislation of this character. Your attention, however, is called to the fact that the bill as originally drawn provided that these sales should be made under regulations to be prescribed by the Secretary of the Interior. It was amended in the House to provide that the regulations should be prescribed by the Secretary of Agriculture (Congressional Record, May 11, 1910, pp. 3302-3-4-5). In my letter of May 21, to Senator Clapp, I called attention to this change and suggested that the matter should be left entirely to the control of one department and that the necessary changes in the bill as it passed the House be made to effect that. To divide the responsibility in this work between two departments would be to invite confusion, delay, and unnecessary expense without any compensating advantage. I most strongly urge that the language of the original draft be restored and retained."

Senate report No. 638, dated June 17, 1910 is quoted in part as follows:

"The Committee on Indian Affairs to whom was referred the bill (H.R. 24992) to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, having examined the same, recommended the following amendments: "Strike out all after the enacting clause and insert the amendments printed in italics."

The Senate committee amendments left out the sections authorizing the sale of unallotted and allotted timber. The bill then went to conference and the following is quoted from House report No. 1727 dated June 23, 1910:

"The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 24992, an act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

"That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

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"In lieu of the matter proposed by said amendment, insert the following:

"... Sec. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior, and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct; Provided, That this section shall not apply to the States of Minnesota and Wisconsin.

"Sec. 8. That the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior."

The conference report was agreed to by both the Senate and the House on June 25, 1910, and was approved by the President on the same day. The records show that the Congress adjourned on June 25, 1910.

It will be noted from the foregoing quotations from the Congressional Record that no one even suggested that timber on Indian allotments should be cut without being safe-guarded by regulations. In fact everyone seemed to be agreed that such timber should be cut under proper regulations. While most of the foregoing quotations from the debate in the House followed the reading of the section dealing with the sale of unallotted timber, yet there is no doubt that the members were discussing the sale of both unallotted and allotted timber. The first quotation of Mr. Burke refers to the sale of timber "upon unallotted lands and Indian lands." The only disagreement concerning unallotted and allotted timber seemed to be as to whether such regulations should be made by the Secretary of the Interior or the Secretary of Agriculture. It is clear from the record that the Congress intended that timber on Indian allotments should be cut under proper regulations. Before the House amended the bill to provide for regulations by the Secretary of Agriculture the bill provided that unallotted timber "may be sold under regulations to be prescribed by the Secretary of the Interior" and allotted timber "may be sold with the consent of the Secretary of the Interior under such regulations as he may prescribe." We have been unable to find one word in the record indicating that anyone claimed to have allotted timber sold

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without regulations, while on the other hand the record shows that it was the intent of Congress that allotted timber should be sold under regulations. For a period of thirty years the Department has sold allotted timber under regulations prescribed by the Secretary of the Interior in accordance with the clear intent of the Congress as expressed in the Act of June 25, 1910. Section 8 of the Act of June 25, 1910 (36 Stat. 857) provides that allotted timber "may be sold with the consent of the Secretary of the Interior." Obviously, the Secretary of the Interior would properly require that provision for the observance of suitable regulations as to the cutting of timber be prescribed before he gave his consent to such cutting.

Previous acts of Congress providing for the sale of Indian timber had contained provisions requiring that such sales should be made under proper regulations. See Act of February 15, 1889 (25 Stat. 673); Act of February 12, 1901 (31 Stat. 756), and Act of April 21, 1904 (33 Stat. 209). These acts specifically refer to the sale of timber on Indian allotments.

The foregoing information is submitted with the hope that it will assist your Department in the appeal of the Harvey Eastman case.

Very truly yours,

(Signed) OSCAR L. CHAPMAN

Assistant Secretary

cc: Taholah Agency  
" Lonzie, Regional Forester

JDL:gl

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Forestry  
&  
Grazing

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Taholah Indian Agency,  
Hoguen, Washington.  
May 13, 1942.

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Enclosures Files  
90-2-20  
DEFENDANT'S EXHIBIT NO. #151  
Court of Claims  
Docket No.

Commissioner of Indian Affairs,  
Washington, D. C.

Through-Regional Office

Sir:

Reference is made to your letter of March 23, 1942, notification of intention to raise the stumpage prices on the Quinaielt Lake Unit contract of the Ozette Railway Company in accordance with the contract provisions, and instructions to submit the matter to the Indians in general council for their action.

A notice was posted on March 31, 1942 of a meeting of the Quinaielt Indians in general council at Taholah, Washington for April 25, 1942. This meeting was held as scheduled and by a vote of 45 for and none against, a resolution approving the new schedule of prices to be made effective on July 1, 1942 was passed.

Enclosed are the following papers in connection with the meeting and action taken by the Quinaielt Indians:

1. Notice of meeting.
2. Minutes of meeting.
3. Certification of Secretary.
4. Resolution passed at the meeting.

A notice of the meeting was furnished the Ozette Railway Company but no representative was present.

COPY

Very truly yours,

cc - ~~Section~~ Archives and Records  
Center, GSA

Floyd H. Phillips,  
Superintendent

AG 145 Sand Point Way, NE  
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Additional Information Taholah

Concur:

W. H. [Signature]  
Regional Forester.

*Original and four copies sent to Wash. thru Regional Office*

ALOHA LUMBER CO.  
Aloha, Washington.  
May 26, 1942.

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Enclosures 20cs  
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DEFENDANT'S EXHIBIT NO. H-152  
Court of Claims  
Docket No.

Mr. Floyd H. Phillips, Supt.  
Taholah Indian Agency,  
Hoquiam, Washington.

Dear Sir:

We wrote you April 1st protesting the increase on stumpage rate on Mounts Unit effective July 1st, but have had no answer that our protest would be considered.

Since writing you on this we have found that this increase in stumpage on Hemlock is not warranted by returns from these logs. While it is true that market prices on logs have advanced considerably, all other costs have risen on the same scale until returns are about on the same basis they were two or three years ago. Our net returns last month on Hemlock logs were \$15.20 while our costs including stumpage were \$16.54. This is Hemlock alone, and returns of other species were higher or we could not exist.

It would indicate that any increase like 75¢ per M<sup>3</sup> would be entirely without justification.

We believe percentage increase on Hemlock, White Pine and White Fir should not be greater than Spruce and Fir which is about 15%.

Time is getting short and if we are to be relieved of this increase, it will be necessary to take prompt action.

Please advise us immediately.

Very truly yours,

DAK:LA **COPY**  
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Center, GSA C  
6125 Sand Point Way, NE  
Record Group No. 75  
Additional Information Taholah

ALOHA LUMBER COMPANY,  
(Signed) D. A. Kurtz,  
General Manager.

Indira Thomas  
President Taholah Indian Tribe

Taholah Indian Agency  
Hoquiam, Washington  
October 9, 1945

Commissioner of Indian Affairs  
Merchandise Mart  
Chicago 54, Illinois

Sir:

The Ozette Railway Company, purchasers of the Quinalt Lake Unit contract did not obtain the specified minimum cut of 25,000,000 board feet during the contract year ending March 31, 1945, but incurred a deficit of 3,095,570 board feet.

The contract stipulates that the purchaser will make an advance payment at the hemlock price covering a deficit in cut, unless this requirement is waived because of government imposed restrictions, shortage of labor or other reasons beyond the operators control. The advance payment due on the deficit at the hemlock price of \$2.25 is \$6,965.03, was paid under protest on October 3, 1945.

The Ozette Railway Company in letter dated May 7, 1945 was advised of the deficit in cut and were informed that they could under the contract make written application for relief from the requirements. Under date of July 14, 1945, a letter requesting relief was received from the Ozette Railway Company and under date of July 17, 1945, the application was submitted to the Company for proper signatures. Under date of August 24, 1945, the signed application for relief was returned.

In a meeting of the Indians in General Council held at Taholah, Washington on September 15, 1945, action disapproving relief on the cutting requirement was taken.

In connection with the above there are enclosed the following papers:

1. Copy of letter from Ozette Railway Company, dated July 14, 1945, requesting relief.
2. Copy of letter from Ozette Railway Company, dated August 24, 1945, with which was transmitted the signed relief on the cutting requirement.
3. Copy of letter from Ozette Railway Company, dated September 27, 1945.
4. Relief on the cutting requirement.
5. Excerpt from the Minutes of the Indians in General Council  
Seattle September 15, 1945 and Records  
66 Center participation and signatures of officials of the  
6129 State Parkways Company.  
Record Group No. 75

As set forth in the information from the Ozette Railway Company there has been a critical shortage of woods labor in the Quinalt area forcing the Company to reduce their

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90-2-20

DEFENDANT'S EXHIBIT NO. H-153

Court of Claims  
Docket No.

Ozette Railway Co.  
Relief on Cutting Requirement

production and to operate under a severe handicap with such organization as could be secured and maintained. Many of the experienced regular employees of the Ozette Railway Company were taken in the defense industries or were attracted by the high returns obtained from commercial fishing. While it may have been possible for the Ozette Railway Company to have put forth sufficient extra effort to obtain the required minimum cut it is presumed that with the urgent demand for logs they did their best to maintain maximum production.

In the action taken by the Indians in General Council, the representation at the meeting was not of the Quinalt Lake Unit allotment owners. The total number attending the meeting was 17. Of this number only 4 were allottees with their allotments within the Quinalt Lake Unit. Of these 4 allottees, the cutting on the allotment of one had been completed. In the vote of 10 disapproving the requested relief and 1 vote for, the 4 Quinalt Lake Unit allottees vote were cast as disapproving relief. The total number of allottees within the Quinalt Lake Unit on which the timber is not cut is 96. Since a majority of the Quinalt Indian Reservation allottees do not reside on the reservation it is not always possible to obtain a large representative attendance of the allottee timber owners at a general meeting. In view of these circumstances the general meeting which we called did not constitute a poll of the allottee timber owners and the action taken on this contract provision may prove detrimental rather than of benefit to the interests of the allottee timber owners.

Due to the difficulties under which the Ozette Railway Company have been operating the past year as set forth above, it is believed that the relief on the minimum cutting requirement requested is justified and is accordingly recommended.

Very truly yours,

George P. LaVatta  
Superintendent

agh/wm  
encl.

Concur:

Frank B. Ienzie, Regional Forester

COPY

Seattle Federal Archives and Records  
Center, GSA  
6125 Sand Point Way, NE  
Record Group No. 75  
Additional Information \_\_\_\_\_

Forestry  
&  
Grazing  
15619-42

Taholah Indian Agency,  
Hoquiam, Washington.  
May 18, 1942.

Commissioner of Indian Affairs,  
Washington, D. C.

Sir:

Reference is made to your letter of April 20, 1942 with enclosed copy of letter from W. E. Abel, of Montesano, Washington, D. C. in regard to certain matters as listed below pertaining to the administration of timber sale activities on the Quinalt Indian Reservation.

Reply has been withheld pending receipt of information on the status of the Company organization as enclosed. Following is presented information as requested:

1. As to voluntary liquidation of the Ozette Railway Company and whether payments for stumpage cut on the Quinalt Lake Unit, are by this Company or by some one else.

In reference to the voluntary liquidation of the Ozette Railway Company there is enclosed for your information the following papers submitted by Jones and Bronson, Seattle, attorneys for the Ozette Railway Company.

- (a) Letter of May 6, 1942, written by Mr. H. B. Jones.
- (b) Letter of May 11, 1942, transmitting a memorandum written by W.L. Grill.

In reference to the Quinalt Lake Unit, operation under the contract was performed and payments for stumpage were made originally by the Ozette Railway Company and continuing operation and payments for stumpage are done under the same Company name.

No information was furnished this office by the officials of the Ozette Railway Company in regard to the forming of a new corporation and as payments on stumpage were made under the same corporation name no question was raised in regard to the status of the Quinalt Lake Unit contract as to the contract requirements and fulfilling of the terms of the contract.

2. That stumpage prices on the Quinalt Lake Unit under contract to the Ozette Railway Company are not more than one half the prices received by the United States Forest Service for timber on land by National Forest lands.

6125 Sand Point Way, NE  
Seattle, WA 98148  
Records Office, 175  
Quinalt Indian Reservation including provisions for increase in price on stumpage as warranted by economic conditions. Under this stipulations price increases on the sales on the Reservation are to be put into effect on July 1, 1942. At the present time there are no active sales of adjacent National Forest timber.

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339.4 Sent

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90-2-20

DEFENDANT'S EXHIBIT NO. H-AC

Court of Claims

A small unit known as the "Cook Creek Unit", on the Olympic National Forest, was completed in 1941. This unit borders on the Olympic Highway and is located approximately three miles south of the southern extremity of the Quinalt Lake Unit.

A comparison of log grades and stumpage prices with the adjacent Quinalt Lake Unit is presented.

Log Grades.

	National Forest 1940-1941 (Bureau scale) Cook Creek Unit.	Quinalt Lake Unit. Quin. Ind. Res. 1936-1941 Log sales.
<u>Douglas fir:</u>		
Peelers	13.5 per cent	13.00 per cent
No. 1 logs	5.3 "	4.82 "
No. 2 logs	68.2 "	48.74 "
No. 3 logs	13.0 "	33.44 "
	<u>100.</u> "	<u>100.</u> "
<u>Sitka spruce:</u>		
No. 1 logs	24.7 "	8.75 "
No. 2 logs	60.7 "	38.95 "
No. 3 logs	14.6 "	52.30 "
	<u>100.</u> "	<u>100.</u> "
<u>Cedar:</u>		
No. 1 logs	42.6 "	31.40 "
No. 2 logs	57.4 "	68.60 "
	<u>100.</u> "	<u>100.</u> "
<u>Hemlock:</u>		
Camp run	100	100 "

Following is a comparison of stumpage prices.

<u>Species.</u>	<u>Cook Creek Unit</u>	<u>Quinalt Lake Unit.</u>
<u>Douglas fir:</u>	\$6.56	\$3.25
<u>Sitka spruce</u>	3.50	3.25
<u>Cedar</u>	3.85	3.00
<u>Hemlock</u>	.75	1.00

On the Quinalt Lake sale new prices in effect July 1, 1942 are as follows: Douglas fir \$4.25, Sitka spruce \$4.25, Cedar \$4.00, White pine \$4.00, Hemlock \$1.75.

In a comparison of the log grades of the two areas the Cook Creek Unit on all species presents a higher average quality. The Cook Creek Unit is also an exception in that it is cut by the Polson Logging Company main line road and is level ground readily logged by tractors. In regard to the Cook Creek stump price of \$6.56 for Douglas fir, the purchaser furnished information that this price was based on the appraisal estimate of 35 per cent of peeler and No. 1 logs. Additional information the grades as reported of the Quinalt Lake Unit the timber cut is from areas having generally the better quality stands.

*Forest Ranger Quinalt Lake*

3. That the remaining virgin timber on the Quinalt Reservation is accessible at the present time only to the Polson Logging Company, the Aloha Lumber Company and the H. R. Smith Shingle Company.

At the present time there are three main sales in operation, the Quinalt Lake Unit, under contract to the Ozette Railway Company and the Hall and Mounts Units which are under contract to the Aloha Lumber Company. From the location and area of these units they do not necessarily restrict any logging activity or create any right of way problems. Also it is presumed that necessary main trucking or railroad right of way would be granted purchasers of the units of remaining timber across any parts of the reservation for log transportation purposes. The Ozette Railway at the present time on its milage within the Reservation boundary is a common carrier. The Company have a "public landing" off of the Olympic highway approximately five miles northwest of Quinalt Lake, at which logs are received and loaded for rail road shipment. This landing is readily accessible to loggers hauling on the Olympic highway. The Polson Logging Company Railroad, continuing from the south boundary of the reservation to tide water on the Hoquiam River and the branch to Koclips are not common carriers but logs loaded on the Ozette Railway are shipped over these two branches of the Polson logging railroad.

4. That the Ozette railway shall be a common carrier and extend its lines to the Hoh River and be a common carrier railroad for its entire length.

The situation as to the present Ozette railroad is set forth in the preceding paragraph. The Company at the present time have an engineering crew on location of the extension of this line to the Hoh river. The present line terminates within the Quinalt Lake sale unit where they accept logs for shipment.

5. That there is a move on foot to bring pressure to bear to have the spruce on the reservation logged to fill war needs.

Application has been made recently, by the Aloha Lumber Co. for spruce and Douglas fir timber within a small unit north of the Quinalt River and across the river from the Mounts Unit which they are logging at the present time. Report has been made on this application and forwarded to your office under date of May 9, 1942. The unit was designated as the Quinalt River Bend Unit. The Polson Logging Company have made application for additional spruce and hemlock timber on parts of three allotments adjacent to their present Harlow Logging Unit contract. In addition to these two areas there has been no additional interest shown or applications for additional timber other than the letter of March 20, 1942 written by Mr. W. H. Abel, for the M & D. Timber Co. of Montesano, Washington to your office expressing an interest in selective logging of timber on the Quinalt Indian Reservation.

In reference to the organization of the Ozette Railway Company as outlined in the enclosed memorandum furnished by the Company, your advice as to the legal status of the ~~Scantabelfdenkh~~ ~~Indiwestant~~ ~~Records~~ ~~Instructions~~ on procedure as to the circumstance ~~of~~ ~~is~~ ~~requested~~, is requested.

6125 Sand Point Way, NE

Record Group No. 75

Additional Information *T. J. ...*

Very truly yours,

Floyd H. Phillips,  
Superintendent

cc-Frank B. Lenzie, *T. J. ...*  
Regional Forester.

2 encls.

AGH/100

Forestry  
&  
Crazing

Official File Copy

Enclosures: Files

2-20

DEFENDANT'S EXHIBIT NO. H-155

Court of Claims

Docket No. April 5, 1943.

Hoquiam, Washington

Commissioner of Indian Affairs,  
Chicago, Ill.

Through F. B. Lenzie,  
Regional Forester.

Sir:

There is enclosed herewith copy of a tentative plan received from the Ozette Railway Company of a proposed form of agreement covering logging and sale of logs on Scaling Bureau scale, for the timber on the Indian allotments within the remaining virgin timber area of the Quinalt Indian Reservation. The agreement as submitted by the Ozette Railway is roughly drawn and represents a plan under which they would be interested in logging this Indian timber.

In spite of the improved log market there have been no recent inquiries in regard to the remaining timber on the Quinalt Indian Reservation, either in part or as one unit, other than the enclosed tentative proposal as submitted by the Ozette Railway Company.

The remaining timber on the Quinalt Indian Reservation is all allotted with an estimated total of approximately two billion feet and a value of in excess of \$5,000,000.00. This stand contains considerable timber of poor quality, and is 50 per cent cedar, and 35 per cent hemlock and Amabilis fir. Much of the cedar is swamp type rough over mature and dead of poor quality with a high percentage of defect.

While this remaining timber is not as desirable as a logging unit as the other units that have been logged or are under contract, the additional factor, the large amount of money necessary for advance payments and including interest on the money over a period of years is an important contributing factor in making this timber unattractive to prospective purchasers.

In that the Ozette Railway Company are interested in this timber and would like a decision as to whether an agreement on terms based on a plan as submitted by them would be approved, advice at an early date is requested.

339 COPY

Seattle Federal Archives and Records  
Center, GSA

6125 Sand Point Way, NE

AGE/jer Record Group No. 75

encl. Additional Information Franklin

cc - Mr. Lenzie in charge

Very truly yours,

Vincent J. Keeler,  
Chief Clerk in Charge



OZETTE RAILWAY COMPANY  
Hoquiam, Washington.  
September 10, 1948.

Official File Copy

Enclosures Files  
90-2-20

DEFENDANT'S EXHIBIT NO. H-156

Court of Claims  
Docket No.

Mr. George P. LaVatta, Superintendent,  
Taholah Indian Agency,  
Hoquiam, Washington.

Dear Mr. LaVatta:

This letter is written as an explanatory supplement to our proposal for logging and marketing the timber remaining unsold at the present time in the Quinault Indian Reservation, north of the Quinault River. In passing, it might be mentioned that, while this proposal is written in a certain form, it is not intended to do more than present the proposal.

We believe that if this timber can be handled as one unit, on a fair basis, it will be possible to practice better forestry and give better fire protection than would be done by two or more operators working independently, without adequate interchange of facilities. The marketing could probably be much better handled by one agency than by two or more as, under adverse market conditions, there would not be two selling agencies, both competing for the same market; also, if the entire area is handled as one operation, it will be possible to carry a sufficient amount of construction and down timber ahead so that it will be possible to log to best advantage for the market. In this connection, also, adequate booming and storage grounds are available for log storage and sorting. It is contemplated in this connection that the boom and storage facilities of the Polson Logging Company could be made available in connection with the operations on this tract and that the present policy of sorting the logs to the best advantage for sale to the mills will continue. Also, it is hoped that it will be possible to continue the mills at Koclips and Aloha as customers. At the present time logs cut by the Ozette Railway Company in the Quinault Lake Logging Unit go to four sawmills, three shingle mills, one cedar lumber mill, one pulp mill and two plywood plants.

Logs are sorted according to specie and grade, and certain other specifications, so as to give the different plants purchasing them logs best suited for their requirements. This practice permits much closer utilization of timber, but would not be possible if the production was not large enough to make it practical from a logging standpoint, as well as to make it a large enough source of supply to the mills in order to make this connection desirable to them.

The writer has, in connection with other operations, experimented with the sale of logs to a shingle mill on a percentage basis and has found this procedure satisfactory. This has led to the removal of additional cedar chunks and slabs which, under present grading rules, are culled and unsalable. Also, experiments have been made to the utilization of wormy cedar for the production of rough lumber when, under present practices of log scaling and grading, the cedar takes a 50% cut in the volume allowed by the scaler, or are culled. **COPY** Seattle Federal Archives and Records Center, 6125 Sand Point Way, NE, Seattle, WA 98148. Record Group No. 75. regard it as a very successful operation. All of this will at times result in much cleaner logging and, consequently, greater reduced fire hazard.

Additional Information Taholah

Taholah Agency

Forest Products Division Files

The Ozette Company has, up to the present time, been successful through the cooperation of the Indian Service in being able to reforest most of their logged-off lands without burning, which has resulted in placing these lands in reproduction ten years or more before it would have been possible to do so if the slash had been burned as a safety measure.

We have also worked out a general cutting plan with the cooperation of the Indian Service covering the greater part of the Quinault Lake unit on which this Company is now operating and areas on which no definite plan has been arrived at have been handled after mutual cooperation and study.

We feel that the proposal for payment based on certain percentages seems a more radical departure from present practices than it actually is, when it is taken into consideration that readjustments of stumpage prices made to follow either a rising or a falling log and timber products market, are, in most instances, calculated on a percentage basis. Present practice involves a detailed study with a consequent lag of time between the period studied and the market under which operations are conducted. In a rising market, this is of considerable advantage to the Company and in a falling market this lag of time would cause a suspension of operations until the period studied and the existing market would be somewhat similar. Under a percentage arrangement this would not be necessary and it would give the Allottee the advantage of price increases when they occurred and would also give an advantage over present practices on a falling market, as sales would be made as long as a satisfactory price could be obtained.

Under present practice a decline in prices would close an operation until stumpage prices could be adjusted to fit the actual conditions. In the event of a declining market over a long period of time, it would mean suspending operations until the bottom had been reached, or the period studied, on which the stumpage prices were based, corresponded close enough to current conditions to permit logging operations to be resumed. This is not a bad practice from the point of view of the Allottee or the stumpage owner as he is assured of the best results of a close and careful study; however, it does at times lead to prolonged shut-down and does not give the timber owner the advantage of, what are at times, rapidly increasing markets. For that reason we are suggesting the percentage arrangement based on actual invoices of sales as it will, of course, more closely follow the actual log market.

The base period of 1941 was chosen as wages, and cost of supplies, had increased considerably over the low price prevailing in the middle thirties, yet we were not actually in a war boom and it does not represent the sellers' market as prevailed later in 1942 and 1943. Costs of labor, supplies and other items could be kept in such a way so as to be readily available for study, without a great deal of work.

There is a ~~copy~~ <sup>COPY</sup> on the part of the writer that a contract made on the basis of this ~~proposal~~ <sup>proposal</sup> ~~Federal Archives and Records work~~ <sup>proposal</sup>. It would, however, require close study to make ~~centered~~ <sup>centered</sup> ~~the~~ <sup>the</sup> ~~proposal~~ <sup>proposal</sup>, particularly at its inception, but it would lead to better forestry practice ~~and~~ <sup>and</sup> ~~the~~ <sup>the</sup> ~~market~~ <sup>market</sup> closer, and should be a more satisfactory arrangement for ~~the~~ <sup>the</sup> ~~land~~ <sup>land</sup> ~~owner~~ <sup>owner</sup>. It would not be necessary to scale the logs at the landing, ~~but~~ <sup>but</sup> ~~to~~ <sup>to</sup> ~~submit~~ <sup>submit</sup> ~~information~~ <sup>information</sup> to suggest that this not be done, or what safeguards should, or should not, be maintained or eliminated in order to keep a satisfactory check on production. ~~As~~ <sup>As</sup> ~~the~~ <sup>the</sup> ~~selling~~ <sup>selling</sup> ~~price~~ <sup>price</sup> ~~and~~ <sup>and</sup> ~~the~~ <sup>the</sup> ~~percentages~~ <sup>percentages</sup> would be determined on the basis of the Bureau scale, or other mutually satisfactory scale, after the logs had

been dumped and rafted, both the Allottees and the Logging Company would be interested in seeing to it that the logs were properly sealed. Logs have been sold on a percentage basis by individuals and corporations for a good many years and have proven a very satisfactory way of adjustment to meet varying market conditions, as the percentage due the stumpage owner is calculated on the price used in pricing the logs on the invoice. While it would probably be desirable, from your point of view, to check this to such extent as you feel necessary, yet it is a proven method and, I believe, a fair method when the percentage due the timber owner is taken from the invoice for the logs on which the sale is made.

It is contemplated that this will be a much longer contract than is generally entered into and for that reason provision is made for varying economic conditions. A provision requiring a certain amount of equipment to be earmarked and kept in readiness for this operation is our suggested method of meeting cutting requirements as, under the present method, a certain minimum amount is required to be cut each year with the provision that if, for some reason, this requirement cannot be met, the operator may ask and receive forgiveness of the deficiency. Earmarking of the equipment would make it desirable for the operator to operate when conditions were such as he could do so and the stop price suggested in the proposal should protect the timber owners in that it would set a minimum to be received by the owners for stumpage.

There is included in this proposal a stop price and certain provisions governing it, as it would seem that the logger should not operate under conditions that would give the Allottee a lesser amount so that operations should cease when his stumpage return resulting from his percentage of the log sales was less than this agreed figure. There is also included for the side of the operator, a provision wherein he would not be forced to operate under certain specified adverse conditions.

We have not attempted to work out anything with respect to forestry practices in this as we have based this proposal on present actual practices and we believe, if this proposal is acceptable, that that part should be written by the Forestry Branch of the Service. We have the consent of the Department to discuss this proposal with the representatives of the Indians and Allottees involved and they have given it their approval.

It is our understanding that the Allottees have under consideration a plan in connection with this proposal, whereby the Allottee will receive 50% of the funds received in payment of his timber and that 50% will go into a fund to make payments to Allottees whose timber will not be cut until a later date. We believe, if this plan is carried out, it will relieve the pressure for immediate liquidation of their timber by a good many of the Allottees who are now getting old, and would tend to encourage better forestry practices as it would eliminate this pressure to a great extent. While this income, probably, in a good many cases, would not be large, it would be split over a long period of time and most of the Allottees represented in this area would have something coming in.

Seattle Federal Archives and Records

Center, GSA  
6125 11th Ave. S.  
Some thing we would like to explore with you the possibility of doing  
Record Group 107  
Additional information is available to the Allottees and ourselves.

*Indian Affairs*  
*Portland, Ore.*

Sincerely,

Signed Arnold Polson.

MEMORANDUM

To George P. LaVatta, Superintendent  
Comments on Proposed Plans, Sale of Timber  
North Quinalt Area.

In response to a proposed plan submitted by Mr. Arnold Polson, of the Polson Logging Co. for the cutting and marketing of the timber from the North Quinalt Area, consideration has been given to the plan as proposed.

The following is estimate of the timber on the area:

Douglas fir	160
Spruce	200
Cedar	960
White Pine	20
Hemlock	520
Amabilis fir	140
Total	<u>2,000</u>

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 9072-20  
 DEFENDANT'S EXHIBIT NO. H-154  
 Court of Claims  
 Docket No.

The area is approximately 115,000 acres.

The Polson agreement is a proposal to act as Agent rather than as purchaser. This agreement disregards the established sale regulations of Indian timber stipulating sale on competitive bid.

Desirable provisions in the agreement as submitted could be incorporated in a regular contract form.

The proposed payment of stumpage by percentage payments of log values, with log values to be determined by Scaling Bureau scale and log grades and current Grays Harbor log prices is worthy of consideration. This would be a very fair arrangement to both the Indians and the operator.

In the Polson plan the scale and grades could not be made for each individual allotment by the Bureau scalars at the sorting boom. It would therefore be necessary to employ the regular landing scalars to make the scale for each allotment. Adjustment as between the difference in the total landing scale and Bureau scale would be necessary.

Sales made direct to the Aloha and Smith Lumber Companies would have to be by special scaling arrangement as these logs would not go into the Polson Boom and there would be no opportunity for scale by the Bureau scalars.

The Polson agreement proposes a cut of 100 million feet per year. As stipulated in the Regional Office plan the minimum cut is 40 million feet. The views expressed by the forestry Branch Officials are of a sustained unit operation with an annual cut of 40 to 45 million feet. This would maintain the operation for 45 to 50 years when the 2nd growth would begin to come into production. This would also be more in conformity with a sustained Federal cut for the Grays Harbor District, including all timber in Grays Harbor and Jefferson counties that would be cut for the Grays Harbor log market.

6125 Sand Point Way, NE

Record Group No. 57  
 This annual cut would determine the duration of the contract. A cut of 45 to 50 million would require 25 to 30 years, and a cut of 100 million feet would require approximately 25 years.

*Forrest...*

Under regular sale procedure 50% advance payment is made to allottees generally within period of 6 years from the approval date of the contract. In a contract extending over a period of 40 to 50 years the interest on the money tied up in advance payments would detract from the stumpage value.

The Polson agreement proposes no 50 percent advance payment.

In proposing the sale of this timber there has been some discussion for a plan to spread the receipts of the sale to all the allottees so that those in the more remote sections of the unit or the indigent Indians might benefit before their timber is cut. His plan as proposed is one whereby the allottee will receive 50 per cent of the funds due him for timber cut on his allotment and provides that 50 per cent will go into a fund to make payments to allottees whose timber will not be cut until a later date and with some plan of payment of the remaining 50 per cent due the allottee by partial payments as funds become available from continued operations on the unit. Within the area there are better than 1200 allotments, many in heirship status from whom this plan would need approval. It is believed that the regular procedure of 50 per cent advance payments is the logical means to afford benefits to all allottees within the area.

In proposing sale of the remaining virgin stand of timber on the Quinalt Indian Reservation there are several factors that should be given consideration.

1. In view of the generally stagnant and over mature stands the rate of liquidation and establishment of amount of annual cut.
2. The extent of clear cut and of selectively logged areas.
3. Necessary fire precautionary measures.
  - (a) Cutting of snags.
  - (b) Connecting of abandon spurs and truck trails.
  - (c) Reservoirs and water holes.
  - (d) Funds and organization for fire protection.
4. Reforestation measures.
  - (a) Provision for planting on burned areas or where reproduction does not come in naturally.
5. Participation in a Grays Harbor Forest Economic Unit.

In the event of the established of a forest unit, including area in Grays Harbor County and parts of adjacent counties, that is accessible to the Grays Harbor log market, the Quinalt Reservation would be within this economic unit. It is believed the cutting of the remaining timber that is accessible to the Grays Harbor market will take in the neighborhood of 30 to 35 years.

COPY

Future State or Federal laws may require definite reforestation or fire protection measures in connection with timber cutting

6125 Sand Point Way, NE  
Seattle, Wash. (40) 700-7  
Maximum log scaling length instead of 32 foot.

Additional Information Tab. 1-1  
Equiam, Wash.  
Sept. 22, 1943.

A. G. Hauge, Forest Supervisor  
L. C. McKeyer, Sr. Forest Ranger

Forestry  
&  
Grazing

Taholah Indian Reservation  
Hoquiam, Washington  
June 15, 1942 Enclosures: Files

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90-2-20

DEFENDANT'S EXHIBIT NO. #-109

Court of Claims  
Docket No.

Mr. Paul Coughlin,  
Special Attorney,  
655 Skinner Bldg.,  
Seattle, Washington.

Dear Mr. Coughlin:

Reference is made to your letter of June 11, 1942 in regard to stumpage prices on the Quinalt Indian Reservation.

In regard to hemlock the Aloha Lumber Company left hemlock in 1937 and 1938 because it would be logged at a loss. The Ozette Railway did not leave hemlock during these years. The hemlock stumpage price on these sales was \$1.00 per M ft.

In the modification of contract on the Quinalt Lake Unit, effective September 17, 1936 the stumpage prices were reduced. However the original bid prices for all species in this unit were higher than the prices on the other sale contracts on the reservation. During the depression years and including into the year 1940 because of poor log prices the contractors on the reservation, in line with lumber companies generally, operated on a curtailed basis and as a general rule with little profit or at a loss. The contract stumpage prices in effect through these years would be considered as equitable prices through more normal conditions rather than through the depression period.

Following are the stumpage prices that were in effect before adjustment and the present stumpage prices effective September 17, 1936 on the Quinalt Lake Sale:

Original Price    Present Price

Cedar	\$5.00	\$3.00
Douglas Fir	5.00	3.25
Spruce	5.00	3.25
Hemlock	3.00	1.00
Seattle Federal Archives and Records Center, CSA	5.00	3.00
6125 Sand Point Way, NE	5.00	1.00
Record Group No. 75		

Additional Information Taholah

✓ 339.4

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Effective July 1, 1942 the following prices will go into effect on the Quinalt Lake Unit and Mounts Unit (Aloha Lumber Co.)

	<u>Quin. L. Unit</u>	<u>Mounts Unit.</u>
Cedar	\$4.00	\$3.50
Spruce	4.25	4.25
Douglas Fir	4.25	4.00
White Pine	4.00	4.00
Hemlock	1.75	1.75
Amabilis Fir	1.75	1.75

Since establishment of these prices on appraisals made in February there have been improved log prices of some species and current appraisals indicate higher stumpage values especially of spruce and Douglas fir. While the price of hemlock logs has improved the increase in logging costs has more than off-set the gains and our opinion of the present indicated stumpage price for hemlock in the vicinity of the Quinalt Reservation is a price not in excess of \$1.00 per M.

Should you require additional information we will be glad to furnish it to you.

Very truly yours,

Floyd H. Phillips,  
Superintendent

ACE/jec

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Additional Information Tribal

Indian Affairs

F. H. Phillips

HEADQUARTERS  
NORTHWESTERN SECTOR, WESTERN DEFENSE COMMAND  
FORT LEWIS, WASHINGTON

The Honorable Arthur B. Langlie,  
Governor of the State of Washington,  
Olympia, Washington.

Dear Governor Langlie:

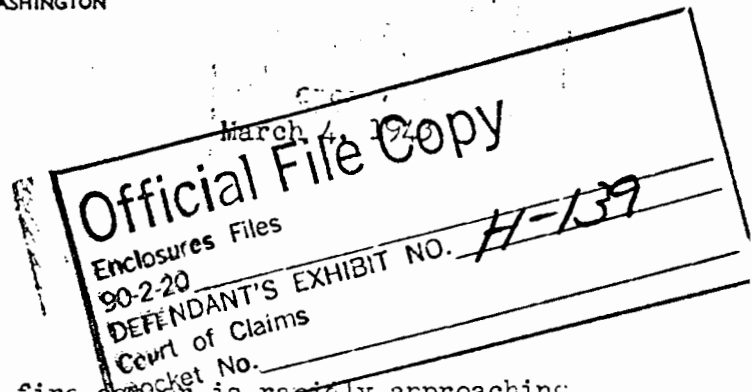
The season of great forest fire danger is rapidly approaching, and, in fact, with the present spell of dry weather, is probably existent in some localities. The possibility of forest fires during the spring and summer months and until the beginning of the 1943 fall rains, constitutes a definite menace to defense measures in the State of Washington, and is, therefore, a matter of serious concern to me.

Effective on May 15, 1942, at the request of this headquarters, the authorities of your state discontinued the issuance of burning permits within the limits of the Northwestern Sector and authorized no burning until some time late September. I believe you will agree that the resultant diminution of forest fires during the summer of 1942 was remarkable.

On September 9, 1942, an agreement was reached with the Washington Forest Defense Council relative to the manner in which slash and debris burning would be controlled when fall burning began. This control was designed to reduce forest fire hazard and to assist in compliance with dimout regulations. Operating under this control a tremendous volume of slash and debris was burned with very little accompanying fire damage.

1943 spring burning has been active for some time and the need for control, similar to that exercised last fall, is apparent. Further, consideration must be given to the necessity for a complete stoppage of the issuance of burning permits when dry weather arrives. It is, therefore, requested that you issue the necessary instructions to State Forest Service Officials and the necessary announcements to the people of the State to place in effect:

1. At once, a plan for controlled spring burning of brush, stumps, slashings and debris, generally as outlined in inclosure 1 to this letter.
2. When the situation demands, a prohibition of such burning, and a discontinuance of the issuance of burning permits, generally as outlined in inclosure 2 to this letter.

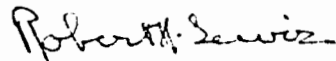




It is my belief that, to the extent consistent with forest safety and the safety and security of the Pacific Coastal Region from a military standpoint, land owners should be afforded maximum opportunity to burn slash and debris, and should be urged to do so under proper control; because if this material is permitted to accumulate year after year the forest fire hazard will be multiplied. Last year's control program produced splendid results. The attached plans incorporate the major provisions of last year's program, under which the State agency for the prevention and control of forest fires cooperated so admirably. I urge that you take the necessary action to renew this program.

A statement of your reactions to, and proposed action upon the plans as outlined in attached inclosures will be greatly appreciated.

Very sincerely,



ROBERT H. LEWIS,  
Major General, U.S.A.,  
Commanding.

- Incls/ 2: 1) Plan for Controlled  
Spring Burning
- 2) Plan for Discontinuance  
of Burning

cc: Mr. T. S. Goodyear,  
Wash. State Forest Supervisor.

Mr. Horace J. Andrews,  
Regional Forester,  
U.S. Forest Service.

Major O. A. Tomlinson,  
Regional Director,  
Nat'l Park Service.

## A PLAN FOR CONTROLLED SPRING BURNING

1. No burning at any time unless a permit has been first obtained from the State Forester or his duly authorized representative.

2. All burning to be safeguarded by adequate protection crews furnished by the permittee. Adequacy to be determined by the State Forester.

3. All burning with the Zone of Restricted Lighting to be so timed and conducted as to reduce to a minimum the "sky-glow" during hours of darkness.

4. No individual permits to be issued for longer than a five-day period in order to reduce the number of outstanding permits in case a cessation of burning becomes necessary.

5. No fires to be set within one mile of any military installation or other establishment vital to defense, except by written authority of the Commanding Officer of the military installation involved or, in the case of vital defense establishment, the Commanding General, Northwestern Sector, Western Defense Command.

6. No slash or debris to be burned during hours of darkness in areas visible from the sea except in those cases where it is necessary for the public safety and the burning cannot be accomplished otherwise.

7. All burning to be discontinued if, in the opinion of the Sector Commander, the military situation so demands, and the State--to require and enforce such a discontinuance at the request of the Sector Commander.

8. All burning to be discontinued when, in the opinion of the State Forester, dangerous forest conditions so demand, and the State, to require and enforce such a discontinuance at the request of the State Forester.

9. The Commanding General, Northwestern Sector, Western Defense Command, to be notified in case large areas (160 acres or more) of slash or debris are to be burned. Notification to be given to G-2 telephone: Tacoma--Lakewood 3671, Extension 302.

Inclosure 1.

## A PLAN FOR DISCONTINUANCE OF BURNING

1. The State Forester, to determine when forest conditions are such that burning is hazardous to public safety, and to so inform the Governor and the Commanding General, Northwestern Sector, Western Defense Command.

2. Upon such determination, issuance of all burning permits to cease, unless previously discontinued for military reasons, except that permits may be issued authorizing the burning of accumulations of cuttings, stumps and similar material which must be removed in that way to expedite clearing of land for Federal construction, ushc as cantonments, air fields, housing projects, etc., provided that:

a. The State Forest Service is satisfied that such burning can be done under conditions which do not constitute a dangerous forest fire hazard.

b. The permit is cleared with Sector Headquarters.

c. The permit definitely prohibits burning during the hours of darkness in areas visible from the sea.

d. At other points within the Zone of Restricted Lighting, the permit requires all burning to be so conducted as to reduce to a minimum the "sky-glow" during hours of darkness.

Inclosure 2.

March 8  
1943

Major General Robert H. Lewis  
Commanding  
Northwestern Sector, Western Defense Command  
Fort Lewis, Washington

My dear General:

I have your letter of March 4th in which you discuss the necessity of proper control of burning in the forested lands of Washington this summer, together with two inclosures outlining plans for spring burning and for a discontinuance of all burning when weather conditions indicate such action.

The proposals outlined are in accord with our agreement in force in 1942 which proved satisfactory. I have taken steps through the issuance of a proclamation dated March 5 to extend the closed season from that date to October 15 in order to more effectively control the spring burning in this state. Orders have been issued for enforcement by our forest protection agency to require permits for all future burning.

I shall instruct Mr. T. S. Goodyear, Supervisor of Forestry, to discuss with the Washington Forest Defense Council the matter of setting a date after which no burning permits shall be issued except for those cases noted in Item 2 of Inclosure 2. Every effort will be made to reduce the accumulated fire hazard through controlled burning before this date.

Mr. Goodyear will contact your representatives for the purpose of clarifying certain minor points of administration in connection with the two plans so that our efforts will

Major General Robert H. Lewis  
3-8-43 Page 2

be in complete accord with the military wishes.

Plans are now in progress for the recruitment of approximately 650 emergency fire fighters to serve on our protection crews this summer in addition to our regular forces. The results of last-year's protection work indicated the desirability of such crews which, I hope, will prove as effective this summer. Your representative at the meetings of the Forest Defense Council will be kept informed of the progress of the protection program for this summer.

Sincerely yours,

Abl:o

G o v e r n o r

Forestry and Grazing  
50006-43

Taholah Indian Agency  
Hoquiam, Washington  
June 12, 1944

Commissioner of Indian Affairs  
Merchandise Mart Building  
Chicago 54, Illinois

Sir:

Reference is made to your letter of May 19, 1944 requesting information in regard to the volume of timber cut under contract and under permit for the period July 1, to December 31, 1942, and to the volume of timber to be removed during the first cutting cycle and the volume that will remain. This data was requested for the Quinalt Indian Reservation. The information requested in the first part of your letter was furnished you in letter dated May 31, 1944. Following is information in regard to the cutting of timber requested in the second part of your letter.

In the cutting of timber on the Quinalt Indian Reservation, which is within the coastal strip, it has not been found possible to follow a plan of cutting under cutting cycles within an established rotation. Because of the type of stand and contributing soil, moisture and wind factors the areas on which tree selection cutting can be practiced are limited to restricted isolated areas. The volume to be cut in future sales will very likely be limited to conform to a total allowable cut under sustained yield principles. This matter was discussed with Mr. L. D. Arnold, Director of Forestry, on his recent visit here.

Very truly yours,

George P. LaVatta  
Superintendent

agh:m

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DEFENDANT'S EXHIBIT NO. H-131

Court of Claims

Docket No.

Forestry and Grazing

Taholah Indian Agency  
Hoquiam, Washington  
June 20, 1944

Pacific Northwest Forest Experiment Station  
U. S. Forest Service  
Portland 6, Oregon

Attention: Mr. Thornton T. Munger

Dear Sir:

Receipt is acknowledged of your report on the experimental cutting on Cook Creek, and am returning it herewith.

We have had an interest in your experimental cutting of this area and you furnishing of data in regard to the percentage of the total stand cut, and of the residual stand is greatly appreciated.

Generally, the results of our selective logging have not been encouraging, and while we have limited areas in which the residual stand appears to continue intact, the results of closer examination indicate considerable wind throw losses.

On other small selectively logged areas the damage was very serious with practically no damage in adjacent virgin timber. These losses, however, were caused principally by the December, 1940 storm. Since, the losses have been moderate.

A record of the effect of logging injury to hemlock should prove of great value and from your studies you will very likely secure conclusive data. As you complete some of the data later on, I would like very much to obtain figures available for release.

Thanking you for the data and the accompanying memorandums.

Very truly yours,

339.9

A. G. Hauge  
Forest Supervisor

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DEFENDANT'S EXHIBIT NO. H-129  
Court of Claims  
Docket No. \_\_\_\_\_

Memorandum to Mr. George P. LaVatta  
Superintendent

In response to a request from Mr. J. D. Lanont, Assistant Director of Forestry, Chicago Office, letter of May 19, 1944, for information in regard to the timber in feet, D.M., to be cut in the first cutting cycle, and amount of timber in the reserve stand, the following brief summary of some of the factors governing the management and cutting practices is herewith submitted.

Foresters who have had experience in the coastal strip timber type are familiar with the problems involved in following tree selection cutting. Because of the several factors, selection cutting on the Quinalt Indian Reservation areas has not worked out satisfactorily. A cutting plan providing for cutting cycles on a determined rotation has not been found workable. On some areas on which selective cutting was desirable where tractor logging was possible, modification was found necessary to the extent of approval of establishment of a minimum cutting diameter limit of 14" or 18" D.M.H. which meant the removal of all timber values.

As to the remaining virgin timber area of the Quinalt Indian Reservation which is north of the Quinalt River, certain factors enter which tend to eliminate tree selection cutting methods. The timber types involved are cedar, hemlock and arbutus fir or a combination of both with minor amounts of spruce, Douglas fir and white pine. The broken topography and including poorly drained swamp areas determine the necessity of donkey logging on a sufficient acreage to eliminate the possibility of establishing any extensive tractor logged tree selection areas. Broken topography leaves exposed, certain slopes, exposures, or draws, to variable wind currents. Because of the shallow top soil, high moisture content, shallow rooted and long boled trees, with the abundant rainfall and high winds, is a combination making clear cutting mandatory. The density of the stands also go to make tree selection impracticable. The density is such that in the falling of trees injury is done to some of the residual trees, and injuries are caused by tractor logging to both the tree bole and the root system. Tractor logging in loosening and digging up the ground and injuring the root system makes the trees more vulnerable to windthrow.

In regard to the maximum wind velocities along the coast within the Quinalt Indian Reservation, the U. S. Coast Guard informs us that the Tatoosh Island wind velocity records will apply to this area. This indicates that the wind velocities on the Quinalt Indian Reservation are comparable with the Makah Reservation where wind velocities to 75 miles per hour have been attained.

Several sample plots have been established on the Quinalt Indian Reservation on selectively logged areas which were cut in 1937 and one in 1939. Some of these indicate heavy wind throw losses but most of the loss was in the storm of December 21, 1940. However, there has since been a small percentage of windthrow each year. The evidence of these plots to date indicate that there is an annual loss factor to be given consideration.

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Court of Claims  
Docket No.



In new sales provision should be made to leave continuous reserved green blocks or strips. This could be accomplished through leaving of uncut blocks connecting where possible with prairie or lodge pole pine swamp areas. Cutting of snags should also be required.

In regard to the remaining virgin timber on the Quinalt Indian Reservation the following is the estimated amount: 2 billion feet. Cutting of 50 million feet a year would require a period of 40 years to complete the cutting on the reservation. This would work in with tentative plans for all ownerships that have been worked out for sustained cutting of timber within the Grays Harbor region based on a total estimate of 18 to 20 billion feet, and an annual cut of approximately 500 million feet. However, the Indians have expressed a desire that their allotments be cut so that they will obtain the benefits to be derived from the sale of their timber and have suggested an annual cut of 100 million feet per annum.

This memorandum is submitted as explanation as to the reason cutting plans have not been formulated for the Quinalt Indian Reservation providing for the establishment of cutting cycles within a rotation. It is believed that these conditions as herein set forth will apply to very nearly all of the uncut areas of the Quinalt Indian Reservation with the possible exception of some areas of comparatively small acreages and it is questionable if these could be worked out successfully if exposed by clear cut areas.

Respectfully submitted,

A. C. Hauro

aghs:m

June 5, 1944

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Taholah Indian Agency Staff Meeting

April 27, 1945

Staff Members

Miss Loope  
Mr. Hauge

Mr. Hopkins  
Mr. McKeever

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DEFENDANT'S

Court of Claims

Docket No.

EXHIBIT NO. Mr. Keeler  
Mr. LaVatta

H-15

Meeting was opened by Mr. LaVatta 1:15.

In response to Mr. LaVatta's request, Miss Loope said she was trying to ~~xxxx~~ make the Indians see their responsibility in reporting births and deaths. ~~xxxx~~ Mainly it is the registrar or relatives who report vital statistics. The Home Nursing class at Oakville is doing very good work. The women take a very active interest and ~~xxx~~ help to care for home patients and make necessary equipment. Next month will start a Girl Scout's group at Taholah. This last month worked with the County health department in assisting them in the immunization of school and pre-school children in Hoquiam, Oakville and Lockleys, ~~xxxx~~ plan to hold a pre-school clinic at Rochester and take the school children of Taholah to Tacoma for examinations.

Mr. Hauge stated that his biggest concern was getting organized for the fire season. Additional money has just been received so can start work. Cooperative plans with other organizations and the Coast Guard and Navy are being worked out as well as finding out how much equipment and personnel is available.

Mr. LaVatta brought up for discussion the plan Polson's have for securing ~~xxxx~~ the rest of the timber on the Quinalt Reservation without payment and to be cut by them ~~xxxx~~ within the next 30 or 40 years. The plan is to be explained thoroughly to the Indians to see if they are willing to sign Power of Attorney in order that Mr. LaVatta can ~~xxx~~ sell the timber.

In the discussion that followed Mr. ~~xxxx~~ Hauge asked if anything was mentioned about the method of payment, and Mr. Keeler didn't think the office should be connected in any way in a plan to help Polson's tie up all of the timber on the reservation. Mr. LaVatta explained we are just ~~xxxx~~ trying to clarify the situation, and find out what the Indians want.

Mr. McKeever said very little has been done on the roads because funds are lacking and the three men now working are doing small necessary jobs. Some forestry money will be used to get the truck trails in shape for the coming fire season.

As far as logging operations on the Quinalt reservation, Mr. McKeever said that Aloha was doing fairly well, but Polson's were loading everything they had cut and it would probably be 5 weeks before any more was loaded due to the shortage of fallers.

At Seah Bay, Mr. Hopkins reported the only timber being cut was on the right-of-way ~~xxxx~~ ~~xxxx~~ are doing construction work and it looks as if it will be a ~~xxxx~~ operation in the future. The roads and truck trails will be improved.

Center, GSA

6125 ~~xxxx~~ It was asked if supplies could be provided ~~xxxx~~ in ~~xxxx~~ Group used ~~xxxx~~ the ~~xxxx~~ doctor on the Indians. He is supposed to treat only ~~xxxx~~ Additional information written to the Surgeon General to see if he can also help at other times. The first parts for the chlorinator have arrived and it is hoped to have it installed before the summer months. The first Well Baby Clinic is to be held May 3.

Taholah Indian Agency  
Hoquiam, Washington  
May 28, 1945

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DEFENDANT'S EXHIBIT NO. H-158  
Court of Claims  
Docket No.

Commissioner of Indian Affairs  
Merchandise Mart  
Chicago 54, Illinois

Sir:

In two tribal meetings held recently to discuss the sale of timber of allottees for the remaining virgin timber north of the Quinalt River, Quinalt Reservation, the question was repeatedly raised as to the annual cut that would be approved under existing regulations and laws recently enacted by Congress governing the cutting of Indian timber. At both meetings it was requested that this information be obtained and available for the annual general council meeting of the Quinalt Indian tribe to be held at Taholah, Washington, after June 15th.

In cutting the timber on the Quinalt Indian Reservation the matter of the establishment of a sustained annual cut has been given much consideration during the past years, but no information has been received from the Office as to an approved annual cutting quota.

In reference to the views expressed by the allottees, they are very much concerned in that the timber is a mature virgin stand and should be cut so as to prevent further losses from deterioration, windthrow, diseases, insect infestation, or other causes, and to make possible the realization of some income and benefits, especially to the many elderly and indigent Indians represented in the ownership. These views were strongly expressed by the individual owners attending the meetings.

In considering the establishment of a cutting quota, the following brief summary is presented regarding the remaining timber resources of the Quinalt Indian Reservation:

Species	PerCent	Feet B.M.
Cedar	48	1,038,360,328
Spruce	10	222,554,235
Douglas fir	8	178,043,388
Hemlock	25	578,641,011
Amabilis fir	7	135,787,964
White Pine	1	22,255,424
	100%	2,225,542,350

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Very truly yours,

George P. LaVatta  
Superintendent

Forestry & Crazii

Taholah Indian Agency  
Hoquiam, Washington  
October 31, 1945

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90-2-20

DEFENDANT'S EXHIBIT NO. H-21

Court of Claims  
Docket No.

Mr. August Cloquet  
1243 South State Street  
Tacoma 6, Washington.

Dear Mr. Cloquet:

Reference is made to your letter dated October 29, 1945, requesting an estimate of fir timber on your allotment.

Please be advised that the cruise records for all the allotments in the immediate area of your holdings show very little Douglas fir timber. As a matter of fact, all the surrounding allotments have very little merchantable timber on them. It does seem strange that though your allotment is located in the fir belt, no fir has been reported on your allotment. This may be due to the fact that such little fir timber was found at the time of the cruise that it was not practical to report.

We sincerely hope that you understand that when these cruises were made, it wasn't the policy to estimate the timber stand on various allotments as a 100% estimate. The cruise was made with the understanding that the cruise would be below the actual stand, to eliminate the danger of overrun. As this is the case, they maybe and probably is some douglas fir timber on your allotment and there may be considerably more timber than as shown on the cruise. However, as all sales are based on either a 100% estimate and recruise or sale by actual log scale using Scribner's Decimal C Log Scale there is no cause for alarm.

Am sorry to state that there have been no plans made for the development of the timber in the area where your allotment is located.

Very truly yours,

George P. LaVatta, Supt.,

fgb

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By:

Vincent J. Keeler  
Chief Clerk In-charge

Taholah Indian Agency  
Hoquiam, Washington

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90-2-20

DEFENDANT'S EXHIBIT NO. H-138

October 3, 1946

Court of Claims  
Docket No.

District Director  
U. S. Indian Service  
Building 24, Swan Island  
Portland 13, Oregon

ATTENTION: District Forester

Sir:

Submitted herein is part of the information concerning the status of the cutover lands of the Quinalt Indian Reservation as requested by Mr. Patrie last month when he was working at this agency. This information has been derived from past records of cutting, and since these records were kept by amount cut rather than by area cut there has been considerable difficulty in arriving at what we consider to be the correct acreage cut by year.

To date only about 20 per cent of the cutover land has been covered by reproduction survey, so we cannot furnish an accurate breakdown showing class of stocking by age of reproduction at the present time. However, our records thus far show that where fires have been kept out of an area, the class of stocking of reproduction has been satisfactory to excellent. On areas burned after cutting, the following stocking of reproduction has been found in general:

Satisfactory (40% fully stocked or better)	-	20%	of area
Unsatisfactory (10%-40% fully stocked)	- - -	40%	of area
Unstocked (0%-10% fully stocked)	- - - - -	40%	of area

The above figures applied to areas not yet covered might be accepted as a temporary means of estimating future growing possibilities of our cutover lands. However, inasmuch as the area covered thus far has been only a small portion of the total cutover area and has all been located in the eastern portion of the reservation where conditions are somewhat different than they are in the western portion, conclusions drawn at present should be adjusted as more complete information is derived.

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not previously covered. Within two or three months we should have available information suitable for calculating the future growth of the reservation. However, since this first extensive coverage of cutover lands will not give adequate sampling to establish definite percentages by 40 acre subdivisions we are considering it as the initial

10/3/46

part of a more intensive survey plan which will require all available time during the next year to complete. As our information is obtained we shall forward the results to your office in order that plans of management can be altered accordingly.

Below is shown the cutover land divided into areas burned and unburned. The burned areas are listed by year that the last fire covered the area

<u>Year</u>	<u>No. of Acres Unburned Cutover</u>	<u>No. of Acres of Burned Cutover By Year Last Burned</u>
1923	182	
1924	556	
1925	773	
1926	1,460	
1927	843	
1928	1,807	770
1929	2,555	
1930	1,538	
1931	504	1,090
1932	182	740
1933	446	2,200
1934	579	
1935	460	260
1936	315	
1937	679	1,950
1938	113	240
1939	1,333	
1940	2,521	
1941	2,292	15,170
1942	2,445	
1943	2,129	
1944	2,036	
1945	1,235	
1946	775	
<b>TOTAL</b>	<b>27,363</b>	<b>22,420</b>

There are 1,200 acres of timber considered as unmerchantable and 9,469 acres of land remaining uncut within active timber sale units.

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Very truly yours,

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Vincent J. Keeler  
Chief Clerk In Charge

EW:wmm

D7

Taholah Indian Agency  
Hoquiam, Washington.  
November 13, 1946

Metzler, McCormick & Metzler  
Attorneys at Law  
607 Puget Sound Bank Bldg.,  
Tacoma 2, Washington.

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29

PLAINTANT'S EXHIBIT NO. H-159

Attention: Mr. Marshall McCormick

Gentlemen:

Reference is made to your letter dated October 21, 1946, regarding the allotment of Mrs. Betty Bright Hartsell and requesting information in regard to the possible sale of the timber on this allotment and the surrounding allotments if the owners are desirous to sell.

There is no doubt that the surrounding allotment owners are desirous of selling their timber. As a matter of fact, every allottee owner and the heirs to deceased allottees who have holdings in that section of the reservation which remains uncut, are most willing to sell their timber holdings.

Possibly we may be able to give you a better understanding of the situation as it exists at the present time by calling your attention to the attached allotment map of the Quinalt Indian Reservation. You will note that the south and east portions of the reservation have been sold and or logged. Of the remaining virgin timber, a large area has been blocked out for possible sale in 1947. This area embraces some 440 allotments and consists of approximately 1/2 a billion feet of merchantable timber of which 65% is cedar. The Quinalt Indian Reservation is under development and is limited to a yearly cut of 65 Million feet. This figure is the maximum quota which may be removed from the reservation in any one calendar year. With the portion of the reservation which has been sold and is now in the process of being cut, this quota is completely taken up. With several of the active cutting units now being completed, we hope to be able to offer this new area for sale and in doing so, the cutting quota will be taken care of for many years to come. You can of course see the advantage of blocking out a large area for possible sale rather than try to use up the cutting quota by offering many allotments, widely scattered. By offering a large block of timber in one sale, we find that the percentage of allottees participating in a sale is greater than by scattered small sales. Then, too, the log market for the timber cut from the reservation is situated south of the reservation at Hoquiam and Aberdeen, Washington and this helps the development of the reservation resources from the north to the south.

You will please note that Mrs. Hartsell's allotment, colored in red, is located within an area and is completely surrounded by virgin timber. You mentioned the fact that Mrs. Hartsell said that a one-third discount, in the event of sale to another Indian, was quite a bit. Possibly be explaining that should the logging of this allotment be allowed, the distance of haul to the market, approximately 65 miles, would greatly decrease the value of the stumpage, as stumpage rates are fixed by taking into consideration the costs of logging, trucking, roadbuilding, etc., and subtracting the total from the price received at the log market.

We cannot recommend a sale of any given block of timber in the area where this allotment is located. However, what we have to say about such a policy is not always final. If Mrs. Hartsell still feels that she should be allowed to have her allotment logged, we suggest that she write to the Commissioner of Indian Affairs for final advisement.

We are very sorry that your letter has not been answered sooner, but at the time of receipt an answer was not deemed necessary.

Very truly yours,

Melvin Helander  
Superintendent

By:  
Vincant J. Keeler  
Chief Clerk

fgb

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Forestry & Grazing

Taholah Indian Agency  
Hoquiam, Washington.  
January 31, 1947

Mrs. Mary Amelia Smith  
Star Route  
Ilwaco, Washington.

Dear Mrs. Smith:

Your letter of January 27th has been received and warrants a further explanation of the situation as now exists in regards to timberland on the Quinalt Indian Reservation.

Our letter of January 15th stated the amount of timber on your allotment and made brief comment concerning the one way in which we have been authorized to allow the sale of small tracts of timber such as yours. As we indicated, such a sale can be made from one Indian allottee to some other member of the Quinalt Tribe who will be willing to hold the timber as an investment until such time as it may be cut in the future.

The reason for not allowing the unrestricted sale and cutting of timber by allottees is based on sound forestry practice and not on a desire to deprive the allottees of the money they might realize from the sale of their timber. On the reservation we already have several active logging units involving many thousands of acres of timber. An additional unit composed of a large block of timber lying just north of the Quinalt River is being considered for sale in the near future. These commitments for cutting will probably be several years before any further sales can be made.

Our cutting quota has been established in order to insure that cutting may be maintained as a continuous operation in old growth stands have become large enough to be cut. This policy of forest management is based on sound economic principles and has been accepted by all forest-administrative departments of the government as well as many of the largest private timber land operators. We are very sorry that we can offer nothing further as encouragement to you in your desire to sell your timber.

Very truly yours,

COPY

Seattle Federal Archives and Records  
Center, G31  
ERX:lpd Sand Point Way, NE  
Record Group No. 75  
Additional Information \_\_\_\_\_

Melvin Melander  
Superintendent

Official File Copy  
Enclosures Files  
90-2-20  
DEFENDANT'S EXHIBIT NO. #132  
Court of Claims  
Docket

debits

Official File Copy  
Taholah Indian Agency  
Hoquiam, Washington  
November 14, 1947  
90-2-20

DEFENDANT'S EXHIBIT NO. # - 160  
Court of Claims  
Docket No.

Mrs. Genevieve Irene Nunes Callagher  
c/o Mrs. Ellen Amelia Nunes  
Rt. 1  
Cathlamet, Washington

Dear Mrs. Callagher:

This is in answer to your letter dated November 6 in which you seek further information concerning the cruise estimate of your timber.

The timber stands of the Quinalt Indian Reservation are not all of good quality. In fact we have some areas of very poor timber stand. In general, the land that has sufficient slope to be well-drained has a good to excellent stand of timber. However, there are large areas of very poorly-drained land in which swamp conditions prevail. Here, the timber is very poor to non-existent. Indeed, we have several good-sized areas of several hundred acres that are classified as prairie type, inasmuch as the only vegetation growing therein is swamp grass with a bordering of small lodgepole pine and scrubby cedar around the edges of large, prairie-like openings.

Accordingly, when the reservation was allotted, many allottees received tracts of land with little or no timber. Your allotment, being one of the last three to be allotted was such. As indicated in our previous letter, the portion of your allotment lying within the proposed sale area is shown as possessing "no timber" on our cruise charts. However, since the cruise was made approximately thirty years ago when only the best of timber was considered as merchantable, it may be possible that a small amount will be cut from your allotment under present standards of utilization. For this reason you and the other allottees with similar allotments have received power of attorney forms.

No advance payments will be made on these allotments, since such advances are based on our cruise figures. However, the money from any small amount that might be cut from your allotment when they log the surrounding area will be paid into your account and will be that much that you would not receive otherwise.

Seattle Federal Archives and Records  
Center, CSA  
6125 Sand Point Way, NE  
Record Group No. 75  
Additional Information \_\_\_\_\_

Sincerely yours,  
  
Vincent J. Keeler  
Acting Superintendent

orw

Forestry  
Quinalt

Forestry

Taholah Indian Agency  
Hoquiam, Washington

June 21, 1948

Official File Copy  
Enclosures Files  
90-2-20  
DEFENDANT'S EXHIBIT NO. H-160  
Court of Claims  
Docket No.

Mr. Edwin Scarborough  
1209 Puyallup Avenue  
Tacoma, Washington

Dear Mr. Scarborough:

This has reference to your letter of June 11, 1948 with which you enclosed letters directing you to this agency from the Indian Office and the Regional Director. You raise three specific questions concerning the development of resources on the Quinalt Reservation, as follows:

1. Can an allottee log his or her own timber?
2. Can an allottee drill for oil or mine for gold or silver on his own allotment?
3. What is the latest status of the boundary line case?

The development of the resources on restricted Indian lands by Indians as well as by non-Indians is conducted in accordance with the Regulations of the Department of the Interior. These regulations may be found in Title 25, Indians, Code of Federal Regulations.

In reply to the first question, your attention is invited to the Indian Service General Forest Regulations (Title 25, Indians, Part 61, Code of Federal Regulations). The objectives to be sought in the management of Indian forests are set forth in Section 61.1. One objective, Sec. 61.1 (b), is the regulation of the cut of Indian timber in a manner which will insure method and order in the harvesting of the tree capital. At the present time, we are not equipped to handle the logging of separate individual allotments, and it is proposed to sell the timber in the North Quinalt area in a logging unit which will insure method and order in the cutting operations. Scattered logging operations and sales destroy the "method and order in harvesting" required by the regulations. Furthermore, if one allottee is permitted to cut and log his own timber, there is no logical reason for withholding the same privilege from all other allottees. There are about 1,200 individual allotments within the proposed North Quinalt logging unit. If the logging of one of these were allowed requests might be made for scattered logging operations and records a large number of scattered operations could not be handled efficiently or at a reasonable cost. The cost of road development, site preparation, and other costs are much greater when logging small scattered allotments.

Additional Information

In reply to your second question, the development of oil and mineral resources on restricted Indian lands is covered by regulations of the Department

6/21/48

(Title 25, Indians, Part 180, Code of Federal Regulations). The manner in which the mineral development on Indian allotments would proceed would depend largely upon the type of exploration work planned, the effect such work would have on adjoining Indian allotments or tribal land, as well as the specific requirements of the regulations. Although there has been some small encouragement from oil prospecting adjoining and on the Reservation, the results thus far do not show oil in paying quantities. There are no reports of gold or silver on any of the Quinaielt allotments.

In reply to your third question, we have had no information to indicate recent progress on the boundary line case. We understand from a report by the Chairman of the Quinaielt Tribal Business Committee that efforts are being made to establish the extent and amount of the damages involved. Mr. Cleveland Jackson is Chairman of the Quinaielt Tribal Council at Taholah, Washington.

Very truly yours,

Melvin Helander,  
Superintendent.

PES/jw  
cc - Regional Director, Portland.  
- Indian Office

COPY

Seattle Federal Archives and Records  
Center, GSA  
6125 Sand Point Way, NE  
Record Group No. 75  
Additional Information \_\_\_\_\_  
\_\_\_\_\_  
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IN REPLY REFER TO:  
Law & Order

UNITED STATES  
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS  
Area Office

Building 34, Swan Island  
Portland 18, Oregon

RECEIVED  
OFFICE OF U.S. ATTORNEY

NOV 7 1950

Ref. to SEATTLE, WASH.  
November 6, 1950

FILE

Official File Copy  
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90-2-20  
DEFENDANT'S EXHIBIT No. H-194  
Court of Claims  
Docket No.

Mr. Vaughn Evans  
Asst. United States Attorney  
Seattle, Washington

Dear Mr. Evans:

In response to the conversation had with you at  
Seattle last week the following is a brief report of conditions  
among Indians on the Makah reservation at Neah Bay, Washington.

Reports have reached me from reliable sources,  
from people who live at Neah Bay, that moral conditions among  
Indians there are extremely bad. According to this information  
some of the prominent men, members of the tribal council, have  
illicit intercourse with Indian girls who are only 13, 14 and  
15 years old. One councilman has these girls come to his home  
on the pretext that they are baby sitters. On an occasion or  
two known to the informant, he has called one or two other Indian  
men to his home where they have gone into the bed room with the  
girls. There is a blood relationship between some of the girls  
and men involved, however, there are a number who are guilty of  
illegal cohabitation with girls to whom they are not related.

On other reservations, particularly at Lummi,  
Queets, LaPush and Tqholah, we have a continual problem  
involving Indians living together without going through a  
marriage ceremony.

If you are able to obtain legislation by  
acts of Congress that will confer jurisdiction on Federal  
courts over offenses referred to above it will have an  
astounding wholesome effect on the Indian people. Successful  
prosecution of a few cases would almost stop all illicit  
cohabitation, especially with Indian girls who are minors.  
With best wishes for your success.

Very truly yours

*Grant W. Magleby*  
Grant W. Magleby  
Area Special Officer

11  
11  
11

Office of the Director Department of Health and Human Services	H-224
--	-------



IN REPLY REFER TO:

Forestry  
10750-51

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
WASHINGTON 25, D. C.

REC'D MAR 26 1955

10750-51

Honorable Richard L. Neuberger  
United States Senate  
Washington 25, D. C.

My dear Senator Neuberger:

We have your letter of March 11, 1955, concerning the stumpage rates being charged in timber sales on the Quinault Indian Reservation. This reservation is on the Pacific Coast in Washington, north of the city of Hoquiam.

Before discussing the question of stumpage rates it is advisable to outline the conditions under which timber on the Quinault Reservation is being sold. There are, at present, four active contracts, each of considerable size, covering the sale of timber on this reservation and, in addition, small sales are made from time to time. The four large sales are the following:

<u>Timber Unit</u>	<u>Estimated Volume-M Ft. BM</u>	<u>Contract Approved</u>	<u>Contract Expires</u>
Quinault Lake	388,000	1-18-23	3-31-57
Boulder Creek	42,000	4-5-50	3-31-55
Taholah Unit	545,000	5-12-50	3-31-79
Crane Creek	614,000	6-30-52	3-31-86

The large size of these sales is primarily because of the land ownership pattern. Practically all of the reservation is subdivided into individual trust allotments of about 80 acres each, with the result that no Indian receives an income from timber sales until his allotment, or one in which he has an inherited interest, is sold. The most feasible method thus far developed, for providing a timber sale income to the greatest possible number of allottees, and at the same time keeping logging operations within the sustained-yield capacity of the reservation forest, has been to enter into long-term contracts for the sale of timber on relatively large areas, including many allotments. Such contracts call for a payment to each allottee of 25 percent of the estimated value of his timber when his contract is

executed, an additional payment of 15 percent three years later, and a further payment of 10 percent within six years of the execution of the contract. Within this six-year period the allottee therefore receives 50% of the estimated value of his timber even if actual logging operations are not begun on his allotment until some time later. The advance payments are credited against the value of timber when it is actually cut, and payment in full is eventually made as cutting on each allotment is completed. The contracts specify the volume of timber that can be cut annually, thereby providing a means of keeping the rate of cutting within the sustained-yield capacity of the forest.

Each of the four contracts contains a provision for adjustment of stumpage rates. The Quinault Lake contract, which was entered into in 1923, provided originally that stumpage rates could be adjusted once every three years, but never below the original bid prices. Any increase was limited to not more than 50% of the increase in log market prices of the corresponding species during the preceding three-year period. The rates originally bid for stumpage on this unit were \$3.00 per M feet for hemlock and \$5.00 for all other species. Unfavorable trends in the log market during ensuing years made it impossible to increase the stumpage rates and, in fact, by 1934 the existing rates were so high in relation to log values as to become prohibitive. The purchaser was successful in obtaining legislation by the Congress which authorized a modification of the contract and reduction of stumpage rates. The rates were accordingly reduced to \$1.00 per M feet for hemlock and amabilis fir, \$3.00 for cedar and pine, and \$3.25 for Douglas fir and spruce. The contract modification provided that stumpage rates could thereafter be increased, and subsequently increased or decreased, in accordance with lumber industry trends but, again, with a provision that they could not be reduced below the originally modified rates. Under this modified contract the stumpage rates have been adjusted twelve times, with the most recent adjustment being made effective on August 20, 1954. The current rates range from \$4.85 for hemlock and amabilis fir to \$13.35 for western white pine.

The three other contracts provide for automatic quarter-annual adjustments of stumpage rates in accordance with the trend of log prices. In these contracts there are stipulated the percentage relationships between the stumpage rates originally bid for each species and the corresponding log market values that prevailed shortly preceding execution of the contracts. Stumpage adjustments are accomplished automatically by applying these percentages to the log market values for the three-months period just ended, and the stumpage



rates thus determined are made effective for the succeeding quarter-annual period. There is a further provision that the Secretary of the Interior may change the stumpage-to-log-value percentages when he finds such action to be warranted.

The percentages in these three contracts have not been changed, but their adequacy is under continuing study. Advantage has been taken of similar provisions in contracts at other reservations to adjust the percentages.

The stumpage-to-log-value percentages in the three contracts are:

	<u>Boulder Creek</u>	<u>Taholah</u>	<u>Crane Creek</u>
Cedar	21.02%	20.09%	23.44%
Spruce	20.88%	18.27%	21.16%
Douglas fir	18.59%	18.50%	22.92%
Amabilis fir	-	9.71%	16.04%
Western white pine	-	14.80%	16.51%
Hemlock	15.13%	10.17%	16.16%

The quarter annual adjustments of stumpage rates in these contracts are calculated and made effective by our field personnel. For this reason we do not have a record in this Office of the current stumpage rates. A recent annual report on logging operations on the Quinault Reservation, under all contracts, indicates that the average stumpage rates received during the calendar year 1954 were:

Cedar	\$10.85 Per M Feet
Spruce	10.55 Per M Feet
Douglas fir	14.78 Per M Feet
Hemlock	5.35 Per M Feet
Amabilis fir	6.70 Per M Feet
Western white pine	8.13 Per M Feet

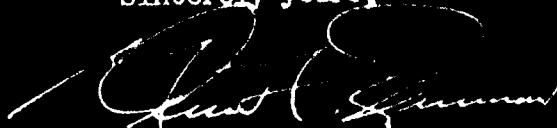
It has been standard practice, for many years, to make annual reviews of Indian Bureau timber sale contracts in order to test the adequacy of stumpage rates. The procedure is being followed this year, and such studies are being made to test the adequacy of stumpage rates on the Quinault Reservation. When the study is completed by Area Office and Agency personnel, they will report their findings to this Office.

As a part of these studies, information is obtained regarding the going stumpage rates in sales by private and other public agencies. To the extent possible a comparison of such rates with those in Indian Bureau sales is made. It is impossible to make absolute comparisons because of wide variations in timber quality and accessibility, and differences in contract requirements.

We have found, for example, that some timber sales are made for a "lump sum," based upon an estimate of the volume to be cut. The purchase price may be publicized as a certain rate per thousand feet. But the cost per thousand to the purchaser is often considerably less because the actual cut exceeds the estimate. In other cases, sales are made which call for payment of relatively high rates per thousand feet until a specified volume is removed. Thereafter the stumpage rate may be reduced very substantially. In contrast, the long term contracts on the Quinault Reservation are intended to provide a fair return for the stumpage over longer periods of time. The changing stumpage prices in these contracts will follow market trends, but the fluctuations will not be as exaggerated, either above or below the median, as in the short term sales and sales of the type outlined above.

Your interest in the timber sale procedure being followed by this Bureau is appreciated, and we shall be glad to furnish you with additional information upon request.

Sincerely yours,



Commissioner

# INTERNATIONAL WOODWORKERS OF AMERICA

*Affiliated with Congress of Industrial Organizations and Canadian Congress of Labour*

Local Unions in ROCKY MOUNTAINS  
PACIFIC COAST • CANADA  
ALASKA • SOUTHERN STATES  
CENTRAL STATES • LAKE STATES



PHONE BROADWAY 5687  
418 GOVERNOR BUILDING  
PORTLAND 4, OREGON

April 25, 1955

Official File Copy

Enclosed is

90-211

DEFINITION OF EXIST NO. H-220

Court of Claims

Docket No.

Mr. Hans A. Linde  
Legislative Assistant  
Committee on Interior and Insular Affairs  
United States Senate  
Washington, D. C.

Dear Mr. Linde:

This is to acknowledge your letter dated April 7th, in which you also enclosed a copy of a letter received from Glenn C. Emmons, Commissioner of Indian Affairs.

I think the material you received is proof that the Indians on the Quinault Reservation are being robbed of a fair price for their timber.

The Taholah Unit contract was entered into in 1950, two years later another contract was entered in covering the Quinault Lake area. Those Indians that entered into the contract in 1950 are receiving \$4.42, yet the contract that was entered into in 1952 was listed around \$6.50, I do not have the exact pennies, but I do know it is above \$6.00.

The hemlock is all of the same nature, yet one group received a little better than \$4.00, while the other gets better than \$6.00. This does not seem right because under the rules and regulations the timber is supposed to bring somewhere near the average price of surrounding timber at the time it is being cut. Hemlock in the surrounding areas is selling anywhere from \$10.00 to \$15.00 per thousand.

Proof of this can be obtained from the Commissioner of Public Lands for the State of Washington.

I still think that the only solution is for the Senate to demand a Senate Investigating Committee to investigate the entire setup.

With best wishes, I remain

Sincerely yours,

A. F. Hartung  
International President

AFH:lw  
liu-1699 cio

C O P Y

In reply refer to  
FORESTRY

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Indian Affairs  
Portland Area Office  
Post Office Box 4097  
Portland 8, Oregon

May 12, 1955

Mr. A. F. Hartung  
International President  
International Woodworkers of America  
418 Governor Building  
Portland 4, Oregon

Dear Mr. Hartung:

Official File Copy
Enclosures Filed
90-2-20
DEFENDANT'S EXHIBIT NO. <u>H-219</u>
Court of Claims
Docket No. _____

Reference is made to your letter of April 26, 1955, with which you enclosed some material which you believe indicates that the price for timber that the Indians are getting on the Quinault Reservation is far too low compared to prices received for other timber on adjacent areas.

For your information, on February 1 we instructed the Western Washington Indian Agency to make a detailed study of timber prices on the Quinault. Such studies have been partially completed, and on the basis of findings we have made certain recommendations to the Commissioner and the Secretary regarding price changes on the Quinault.

Sincerely yours,

s/ H. Moore

Acting Area Director

C O P Y

# COPY

May 19, 1955

Official File Copy

Enclosures: Files

90-2-20

DEFENDANT'S EXHIBIT NO. H-221

Court of Claims

Docket No.

Mr. A. F. Hartung  
International President  
International Woodworkers of America  
118 Governor Building  
Portland 4, Oregon

Dear Al:

It was fine to see you here in Washington, if only for a very brief time.

I also share the hope that something can be done about the absurdly low prices being received for timber being sold on the Quinalt Reservation. Will you please send to me, as soon as convenient, all the material and information which you have on this situation.

Please remember me to Ed Kenny and to Bruce Bishop.

Best wishes.

Sincerely,

Richard L. Neuberger

RHN:ajc

J. E. DICEY  
FIRST VICE-PRESIDENT

CLAUDE BALLARD  
SECOND VICE-PRESIDENT

WILLIAM BOTKIN  
SECRETARY-TREASURER

# INTERNATIONAL WOODWORKERS OF AMERICA

*Affiliated with Congress of Industrial Organizations and Canadian Congress of Labour*

Local Unions in ROCKY MOUNTAINS  
PACIFIC COAST • CANADA  
ALASKA • SOUTHERN STATES  
CENTRAL STATES • LAKE STATES



PHONE BROADWAY 5687  
418 GOVERNOR BUILDING  
PORTLAND 4, OREGON

HL.  
May 27, 1955

Hon. Richard L. Neuberger  
United States Senate  
Washington 25, D. C.

REC'D JUN 2 1955

Official File Copy  
Enclosures: 1  
90-2-20  
DEFENDANT'S EXHIBIT NO. H-222  
COURT OF CLAIMS  
Docket No.

Dear Dick:

This is to acknowledge your letter of May 19, 1955, in which you asked me to send you any additional material on the Quinault Reservation timber sales.

There is not much to add, Dick. The companies are still paying the Indians off at the rate that was written into the contracts in 1950, which rate is \$4.46 for hemlock and about \$13 for cedar, which are the two predominant species in that area. The record clearly shows that hemlock in surrounding areas is selling anywhere from a low of \$11 to as high as \$15 per thousand.

I have checked with the Commissioner of Public Lands for the State of Washington and he has placed me on his mailing list, showing all of the timber that they sell for each preceding month. As I have already pointed out, the prices for hemlock generally runs around \$13. However, because of the inquiries that I have been making, I received a letter from Mr. Moore of which I am enclosing a copy for you.

Walter Mattila, who used to be the labor editor for the Journal but has been removed from that position, is writing an article on the Indian setup for, I believe, the St. Louis Dispatch. Dick, they are scared to death of this investigation, and I am sure that the only way these people will get justice is for the liberal senators to get together and demand an investigation of the entire handling of all the Indian affairs. To me, the situation stinks and is a disgrace to our Government.

I wrote to Mr. Moore and asked him if it was permissible for the Indians to hire a check scaler to scale the loads over after they went through the Indian bureau scaler. I have not received an answer to that as yet. The reason I mention that is it has been reported to me that some of the truckdrivers, who haul the logs out of the woods by the thousand, have their loads scaled by the company scaler in the woods and that some of these loads that scale around 8 to 10 thousand in the woods generally come out of the Indian scale 2 to 3 thousand feet per load less. Now, I am not sure whether this is so or not; however, if it is, they are getting a double steal, first, on the price, then when scaled.

cc: Central Office (1)  
John Libby - Hoquiam Sub (1)  
Western Washington Agency (1)  
Branch Subject  
Branch Chrony  
Yellow chrony

Area Director

December 14, 1956

John W. Libby, Branch of Forestry, PAO

History of Crane Creek and Taholah Timber Sales - Quinault Indian Reservation and other related information.

I reported for duty at the Hoquiam Office of the Western Washington Agency on August 31, 1950. My knowledge of the background of the Taholah and Crane Creek sales has accordingly been gained from information available in the files and from discussions with the Indians and employees who preceded me at Hoquiam.

As early as 1930, serious consideration was being given to the sale of the timber on the area now included in the Taholah Crane Creek and Quarts timber units. In 1942 Mr. L. D. Arnold, Chief of the Forestry Branch of the Indian Bureau, met with representatives of the Indians at Hoquiam to discuss the matter. In 1943, Mr. Walter Woelke, Assistant to the Commissioner, also met with them at Hoquiam. During those meetings, a sale of a tract designated as the Taholah Unit was considered. The boundaries of the unit, as proposed at that time, were essentially the same as those eventually established for the unit of that name as it is today. Mr. Cleveland Jackson, Chairman of the Quinault Tribal Council, was present at those meetings and objected to the proposed sale. He insisted that no sales be made until a plan could be devised that would benefit all allottees who still had timber on their allotments. (See Exhibit A.)

The Bureau was reluctant to undertake sale of all of the remaining timber in one sale and continued to explore other possibilities. During this exploratory period, the enormous task of checking inheritance records and locating allottees and heirs was carried forward. This required checking some 1,500 allotments, most of which were of 80 acres, but some of which were smaller. A total area of approximately 107,000 acres was involved. Many of the original allottees had died and multiple ownership of their allotments had resulted in ownership of the timber under consideration being divided among some 2,500 individuals. These people were scattered throughout the United States, Alaska and Canada.

By 1946, most of them had been reached through correspondence or by personal contact and the vast majority favored early sale of their timber.

During 1947, a delegation representing the Quinault Indians met with representatives of the Bureau in a series of meetings to protest the proposed Taholah timber sale. (See Exhibit A and B.) The first of these meetings was with officials of the Taholah Agency on March 6, 1947. A similar meeting was held with District officials on March 10, 1947. Further meetings were apparently held at the Central Office level, but no record of such is found in our local files.

The principal objection of the Indians to the proposed Taholah sale was that it did not include all of the unsold allotments. The Indians wanted one large sale of all of the allotments. Chairman Jackson even suggested a "cooperative sustained yield unit" to include private, state, and other federal timber to enlarge the sale.

Because of the desires of the Indians that all of the allotments be included in one large sale, the Bureau gave serious consideration to the proposal. This resulted in tentative establishment of the "North Quinault Timber Sale Unit." (See Exhibit C.) The Quinault Tribal Council favored this proposed sale, but a group of Quileutes, led by William Penn, were opposed to it.

After due consideration the decision was reached to establish four units, namely the Taholah, Crane Creek, Queets, and Boulder Creek units. This decision met the objections of the Quinault Tribal Council and was in accord with the desire of the large majority of the allottees concerned.

These four units were advertised for sale in 1949. No bids were received on the Taholah, Queets and Boulder Creek units. One bid, at the appraised stumpage rates, was received on the Crane Creek from Rayonier, Incorporated. Rayonier subsequently forfeited its deposit with bid for failure to execute a contract.

A sale of the Boulder Creek Unit was later negotiated with the Wagar Lumber Company of Aberdeen, Washington. There were no tribal lands involved in this sale and the Quinault Tribe was accordingly not a party to the contract. The sale was made on the basis of the original advertisement at the appraised stumpage values. All allottees concerned had signed powers of attorney authorizing the Superintendent to enter into this contract. There is no record of any complaint registered by the Tribe or by any of the allottees concerning this sale.



A sale of the Taholah Unit, on the basis of the original advertisement, was negotiated with the Aloha Lumber Company of Aloha, Washington on May 12, 1950. (See Exhibit D.) The Quinault Tribal Council did not approve this sale. A resolution of approval was adopted by the Council on April 9, 1949 but was later repudiated. The Council's primary objection to the sale was still that it did not include all unsold allotments. There was also objection to the sustained yield provisions of the contract.

The Taholah Unit contained 416 allotments with 700 individuals having interests therein. A large majority of these favored the sale and eventually the owners of all but six allotments signed powers of attorney requesting that their allotments be included in the sale.

Accordingly the sale was made as being in the best interests of a majority of the Indians and in accordance with their wishes. The small area of tribal land was not included under the contract nor were the six allotments for which powers of attorney were not received. The contract, as written, provides for inclusion of the Tribal timber in the unit upon approval of the Council. The six allotments may also be included if the owners subsequently elect to have this done.

Complaints from the Indians concerning this contract have been few. The Tribal Council has registered none since the contract has been in effect. It has adopted the attitude that since no tribal land is involved, the contract is entirely between the individuals concerned, the Bureau, and the purchaser and is no concern of the Quinault Tribe.

The only serious criticism of the sale has come from a non-Indian whose wife has an allotment under the contract. His complaints were primarily registered in a labor publication and only came to the attention of Bureau officials indirectly. A brother-in-law of this party complained to me in person, not about the stumpage rates or conditions of the sale, but because only part of his allotment was included in a cutting block. After checking with the purchaser and looking over the operation, it was determined that the block could be enlarged. This was done and the allotment owner was satisfied.

Nearly all of the complaints registered have been of this nature. In most such cases, it has not been possible to alter the

cutting plans to satisfy the complaints but in nearly every case the complainants have accepted our explanations as to why the cutting plans have to be followed.

No purchasers were found for the Queets and Crane Creek timber during the year following their original advertisement. Accordingly, consideration was given to readvertisement of these units. In a resolution dated April 21, 1951, the Tribal Council resolved, "that the Commissioner of Indian Affairs, Washington, D. C. is hereby urgently requested to take immediate action whereby the sale of the timber in the Crane Creek and Queets Timber Sale Units will be expedited."

After due consideration, the Bureau came to a decision to advertise only the Crane Creek Unit for sale. The principle reason for eliminating the Queets Unit was a lack of personnel to handle the administration of more than one additional sale at that time. The Crane Creek Unit was accordingly advertised and sold to Rayonier, Incorporated, which was the only bidder. The sale was approved by the Tribal Council and the contract was executed June 18, 1952 with Cleveland Jackson signing for the Quinault Tribe. The contract was approved on June 30, 1952. (See Exhibit E.)

There have been a limited number of complaints from allottees concerning this contract. Most of these complaints, like those concerning the Taholah Unit, were the result of the requirements of staggered logging blocks. Each allottee wants his allotment cut first and in its entirety. In one such case where the allottee was in ill health and badly in need of money, we sacrificed forest management to accommodate her needs. An already large cutting block was enlarged to include a greater portion of the allottee's timber. Here, as in the Taholah Unit however, it has not been possible to satisfy every allottee.

One other complaint, registered by a leader of the Chinook Tribe, had to do with the amount of the advance payments. It was his contention that his allotments should be revalued and the advance payments based on the higher volume that would be shown. It was explained to him that this would not be possible if a sale was to be made anytime in the near future because funds were not available for such a cruise. We informed him that we were aware that the estimates of timber volumes on the unit were probably less than the volumes present but that the advance payments called for, while not representing, fifty percent of the actual timber value on each allotment, were reasonably equitable.

In the light of our experience with the Taholah and Crane Creek sales, we are still not prepared to state unequivocally that these sales have been or have not been justified. The evidence is clear that the sales were made in accordance with the wishes of a majority of the Indians. These large sales appeared to be the only feasible means of securing an early income to large groups of the Indians.

Some means of pooling the interests of allottees would have served the purpose. Proposals for such pooling of interest have met with little response from the Indians. A search of the records in the Hoquiam Office reveals numerous references to such proposals but no record of any action for or against any specific proposal. Some of these references may be found in attached exhibits:

Paragraphs 6 and 7, Page 2, Exhibit A, mentions a discussion by Cleveland Jackson, Chairman of the Quinault Tribe, with Mr. Woolke, Mr. Case, Senator Langer and Mr. Arnold as to the possibility of a loan from the Reconstruction Finance Corporation for large advance payments to allottees.

A statement by Mr. L. C. McKeever, included in Exhibit C, cites a proposal made in 1940 that funds be secured from the RFC for the establishment of a cooperative council. This proposal apparently found little support from the Indians.

On page 3 of Exhibit B is a reference to a proposal for a tribal land enterprise similar to that on the Rosebud Reservation. Tribal delegates indicated that allottees would not favor such a plan.

There are numerous such references to similar proposals in sundry reports. One such appears in a letter dated December 6, 1935, addressed to the Commissioner and signed by Mr. N. O. Nicholson, Superintendent. This was a letter transmitting a report on a proposed revision of the Quinault Lake Unit contract. The following is quoted therefrom: ".....Some months afterward the Office injected a plan for selective area logging into the contract revision with the proposition also that all of the allottees whose timber was not yet logged should pool their interests so that, regardless of where the logging should thereafter take place, they would all share annually in the proceeds of the logging each in proportion that the present value of the timber on his land as now estimated bears to the value now of the total remaining stand."

"This pooling of interest and annual sharing in proceeds seems an ideal plan but it is opposed by the majority of the Indians interested and therefore it cannot be worked out because all must consent before it can work." ( Underlining is as it appears in letter quoted.)

At one time, a proposal was made, reportedly by then Assistant Commissioner Zimmerman, that the government purchase the allotted timber. (See page 4 of memorandum for the files dated November 4, 1947 as a part of Exhibit C.) This proposal found no favor with the Indians.

NOTE: Further information relative to proposed pooling of interests can probably be found in various reports and documents not yet examined. A further report of such information as can be found will be submitted.

It is apparent that every reasonable effort was made to consult with the Indians and keep them informed in the matter of these sales. Exhibits submitted herewith support this statement and further search of the files will undoubtedly reveal more documents of like nature.

Exhibit C contains an information circular prepared in 1947 with detailed information concerning the proposed North Quinault Timber Sale Unit. Mr. Perry Skarza, who was Forest Manager at Hoquiam at that time, states that to the best of his recollection, this circular was mailed to every allottee whose address was known. This exhibit also contains a sample copy of a form letter used to transmit powers of attorney for the allottees' consideration.

Exhibit D includes a similar form letter mailed to allottees in the Taholah Unit.

Exhibit E includes a copy of a form letter which was mailed to allottees in the Crane Creek Unit. It also includes a form letter to inform the allottees as to the failure of the Kayenier Corporation to execute its contract following its initial bid for the timber on the Crane Creek Unit.

There is no record of the hundreds of individual conferences between Hoquiam officials and the allottees, but these conferences did take place. I personally spent many hours answering questions raised by allottees and giving them complete information concerning the proposed sales.

In a letter dated September 15, 1955, the Quinault Tribal Council declined to consider proposed stumpage adjustments under the Taholah contract on the grounds that it was not a party to such contract. This letter referred to a meeting held at the Emerson Hotel in Hoquiam in November 1951, "at which there was present among others, the Portland Indian Office Area Director, the Assistant Director, the Superintendent of Western Washington Agency, Everett, Washington, United States Senator Henry Jackson and several members of the Quinault Tribal Council and at that meeting, on behalf of the Indians interested, a protest was voiced against some of the terms, conditions and prices governing the supervision and operation of the timber cutting contracts."

I do not know the nature of the protests registered at this meeting or the particular terms or conditions referred to. We find no record of the meeting in our files. The Aberdeen World of December 6, 1951, reports a meeting held December 5, 1951, which is undoubtedly the meeting referred to.

It has a picture on its front page of Cleve Jackson and Senator Henry Jackson shaking hands. The story below the picture tells of their meeting at the Emerson Hotel on the preceding afternoon to discuss transfer of the Taholah Indian Agency from Hoquiam to Everett. Other Indian leaders, bank officials, and officials from the Area Office of the Bureau of Indian Affairs attended the gathering arranged by the Hoquiam Chamber of Commerce.

Senator Jackson said that the Indians had voted to have the office in Everett at a meeting in Seattle, and Cleve Jackson said that he got notice of the meeting on the morning that the meeting was being held in Seattle, and he could not possibly get there or send a representative. Practically the entire article was about the consolidation and how much would be saved by having the agency in Everett. Col. R. Morgan Pryce was quoted several times as saying that Olympia had been considered, but had no office space or building suitable.

Near the end of the article was a brief statement that the meeting lasted for one hour and forty-five minutes and included "discussions of sale of Indian timber and the possibility of issuing patents to the Indians freeing them from government wardship." The meeting was attended by approximately 16 people.

3 D

Apparently the purpose of this meeting was to protest the moving of the Agency office from Hoquiam and the discussion of the timber sales was incidental. It is probable that objections raised by the Tribal delegates were the same as those made at other meetings which were primarily aimed at management provisions of the contracts that restricted the rate of cutting. It is significant that the Crane Creek sale made in 1952, which the Tribal Council supported all the way, was patterned closely after the Taholah contract.

It is realized that the above information is only a partial answer to the questions raised in Office letter of December 5, 1956. Many of our files have been transferred to archives in Seattle, Washington. Other files have been moved from Hoquiam to Everett. There has not been time to search all of these records if this report is to reach the Central Office by December 17.

Information supplemental hereto will be compiled and submitted at the earliest possible date.

John W. Libby  
Forest Manager

PUBLIC LAND  
OFFICE: T  
QUINMIET

# COPY

December 31, 1937

Official File Copy	
Enclosures: Files	
90-2-20	
DEFENDANT'S EXHIBIT NO.	1-157
Court of Claims	
Docket No.	

Honorable Joseph Campbell  
Comptroller General of the  
United States  
General Accounting Office  
Washington 25, D. C.

Dear Mr. Campbell:

Enclosed is a copy of a report from the Secretary of the Interior on Senate Report 971, Timber Sales, Quinmielt Indian Reservation.

While the action contemplated of five of the eight recommendations made by the Committee is gratifying, I am not satisfied with the response to the basic problem of timber valuation.

The report filed by the Secretary of the Interior is apparently oblivious to the basic shortcomings that exist in the pricing procedure used by the Bureau of Indian Affairs. At almost each and every step, the Bureau has relied upon estimates which often lack any factual base.

As I view the Departmental reply, it reflects upon both the Committee report and the audit report you made to the Congress in November 1936.

I wish to recommend that the steady spotlight of your office be trained upon this operation with the expectation that necessary procedural improvements will be more speedily effected. Your audit review should include a study of how timber quantity and quality is ascertained and the soundness of the work methods and data. The results obtained in cutting the timber should be measured against the estimates. Average product selling prices and costs successfully used in pricing other adjacent timber should be measured against those used upon this timber. In particular, your audit should disclose the manner in which road cost

Hon. Joseph Campbell **COPY** December 31, 1957

estimates are made, as well as line running and scaling costs. To the extent that other production costs may be varied to reflect what the Bureau refers to as "substantial differences ... in species composition, timber quality, topography, land status, and other factors" -- these should be catalogued. In our review we were able to detect, for example, that the Federal agencies do take timber quality into effect in setting weighted log selling values. As your audit showed, the grade of timber cut was substantially different from the estimate. We were also able to discover that provision is made for the cost of running allotment lines, and, based upon informal information from the Bureau of Land Management, the allowance appeared excessive. However, we were unable to ascertain from any material furnished by the Bureau of Indian Affairs that the other factors listed have ever been evaluated by it.

The interest allowance which you ruled illegal, as well as the Bureau's manipulation of the profit and risk allowance are also in need of further review.

In sum, I would like you to concentrate your attention on each of the procedural steps listed in points 1 and 2 of the Background Study of Senate Report 671, primarily to determine the sufficiency of the quality and quantity of the work performed as measured against reasonable standards of operation. Secondly, your review should point out the extent to which the Bureau has developed procedures superior or inferior to those utilized by other Federal agencies.

I trust it will be convenient for you to schedule this work on an annual basis until you are in a position to advise the Congress that improvements have been made which render the level of performance satisfactory.

Sincerely yours,

Richard L. Neuberger

REW/mc

bc: Glen Wilkinson

Hon. Hatfield Chilson

cc: James H. Gamble



*Richard L. Neuberger, 18*

# COPY

*Pub Land  
Quinalt*

September 6, 1957

Official File Copy	
Enclosure Class	
SO 2-30	
DEFINITION	NO. <u>H-236</u>
Court of Claims	
Docket No.	

Mr. Albert F. Hartung  
 International Woodworkers of  
 America  
 AFL-CIO  
 Governor Building  
 Portland, Oregon

Dear Al:

Because I know of the great interest of Mrs. Hartung and yourself in working out policies on the Quinalt Reservation which will provide better prices for Indian owners of the timber, I am certain you will be interested in this report which we have just prepared following our extensive hearings of May and June on this question.

This is the most thorough and comprehensive report on this question. If it cannot prod the Indian Bureau into finally representing the Indians rather than in favoring the timber companies which desired to buy the Indians' logs at bargain basement prices, I do not know what can do the job. I regret greatly missing the Woodworkers Convention, but it is such projects as this that have held me in Washington following the belated adjournment of Congress.

With good wishes to Mrs. Hartung and yourself, I am

Sincerely,

Richard L. Neuberger  
 United States Senator

RLN:cag  
 Encl.

*Rebates draft Jan 18a*

Forestry  
339.4

Portland Area Office  
Post Office Box 4097  
Portland 8, Oregon

Official File Copy

Encl. \_\_\_\_\_  
90 \_\_\_\_\_  
DEF. \_\_\_\_\_  
Court of \_\_\_\_\_  
Docket No. \_\_\_\_\_

H-237

JAN 16 1958

Mr. C. F. Wells, Regional Manager  
General Accounting Office  
Room 208, U. S. Court House (Old)  
Portland 4, Oregon

Dear Mr. Wells:

Recommendation No. 3 of Senate Report 971, 85th Congress, 1st Session is as follows:

"3. In order to achieve a sound accounting basis for an accumulation of facts relative to the value of the forest products and the cost of manufacture, the Secretary of the Interior should consult with and obtain the advice of the Comptroller General on the accounting procedures and systems that will best portray the situation."

On January 13, 1958, a meeting was held to discuss the above referred recommendation. Those attending the meeting were Messrs. C. F. Wells and Charles Perry of the General Accounting Office, Portland; and Messrs. Perry E. Skarra, Herbert L. Moore, Harold Weaver, John P. Drummond, Lynn E. Hatch and Donald H. Dirr of the Bureau of Indian Affairs, Portland.

It was mutually agreed that a letter should be written outlining the fields in which the General Accounting Office could be of assistance, the objectives desired, and the priority of activities to be considered. It was also agreed that the General Accounting Office, Portland, Oregon, would act as consultants in connection with the devising of any methods which will further the recommendation made by the Senate Committee.

Items discussed at the meeting were as follows:

1. Compiling, tabulating, and analyzing facts relative to the total cost of producing forest products.

Although the above referenced Senate Report deals with timber sales in the Quinault Indian Reservation, we feel that priority should be given to the accumulation of facts relating to east side operations in the Ponderosa pine region. The majority (72% in calendar year 1957) of timber cut in the Portland Area was in

Indian Reservations lying east of the summit of the Cascade Range whereas only 28% of the volume cut was made in Indian Reservations lying west of the Cascade Range. Timber sales in the Quinault Indian Reservation are confined to two operators. One of these operators conducts extensive operations in which the end product is other than lumber. Therefore, it is necessary to cooperate with other Bureaus in order to obtain representative costs of manufacturer.

Our first step in conforming with the Senate recommendation will be to develop forms on which the cost of manufacturer and other essential information relative to east side timber operations will be reported and tabulated. Your office will be consulted in connection with devising these forms and methods for compiling and tabulating the data in its most useful form. We also plan to discuss these forms with the U. S. Forest Service and U. S. Bureau of Land Management.

New forms and methods relative to compiling and tabulating cost of manufacturing data on timber from the Quinault Indian Reservation will receive our consideration at a later date. Meanwhile, we will continue to cooperate with the U. S. Forest Service, Region VI, and the Experiment Station in accumulating cost of manufacturing data applicable to the general area of the Quinault Indian Reservation.

2. Compiling, tabulating and analyzing facts relative to the value of forest products.

At the present time, information relative to the value of forest products is obtained from the Western Pine Association, Pacific Northwest Loggers Association, U. S. Forest Service and trade magazines. Also, the Bureau of Indian Affairs, Bureau of Land Management and the U. S. Forest Service are continuously cooperating with the Pacific Northwest Forest and Range Experiment Station in seeking methods of determining the most reliable and realistic value of forest products.

We shall be very pleased to have you review our present method of compiling and tabulating this information in order to determine whether the data is in its more useful form.

3. Maintenance of timber scale and money records.

The Branch of Forestry has started a thorough study of the present procedure used in keeping these records at the Indian Agencies in

this Area. Consideration is being given to the use of bookkeeping machines in maintaining these records in order to simplify the recording and reporting of this data as well as to provide a better control over the accuracy of the records.

Will your office be able to act as consultants in the establishment of new forms and procedures relative to the maintenance of the timber scale and money records?

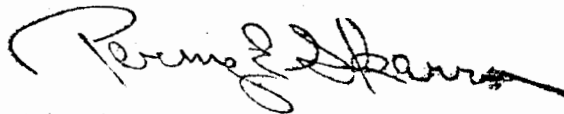
4. Compiling, tabulating and analyzing operators financial statements in order to set standards that may be used to determine whether the financial status of future prospective timber purchasers is adequate to allow them to satisfactorily execute the provisions of timber contracts.

We shall appreciate any assistance that you may give us on this subject. We hope that the forms that we are developing to compile and tabulate the cost of producing forest products will provide the desired information.

You will recall that it was mentioned that any new forms and procedures devised at this level must receive the approval of our Central Office. Also, the appraisal procedure committee consisting of the U. S. Forest Service, Bureau of Land Management and Bureau of Indian Affairs must be kept in mind. This committee is concerned with devising and adapting uniform procedures for the accumulation of basic data for use in appraisals. It also provides the opportunity for cooperation between the Bureaus on a compilation of data which can be used jointly.

We are very pleased to have General Accounting Office act as consultants in connection with the devising of any methods which will further the recommendation made by the Senate Committee.

Sincerely yours,



Acting Area Director



*Pub. Lands Inventory*

COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

B-118601

January 23, 1958

Official File Copy

Enclosure Slip

90-2-20

DEPARTMENT OF THE INTERIOR

Court of Claims

Docket No.

*H-235*

Honorable Richard Neuberger  
United States Senate

Dear Senator Neuberger:

Reference is made to your letter dated December 31, 1957, acknowledged January 6, 1958, submitting a copy of a report from the Secretary of the Interior on Senate Report 971, Timber Sales, Quinaliet Indian Reservation and your December 31 letter to the Acting Secretary of the Interior.

Your letter requested this Office to review on an annual basis the progress by the Bureau of Indian Affairs on recommendations contained in Senate Report 971. In accordance with your request we have discussed our proposed action in this matter with a representative of your office. Our proposed action follows.

We are now working with the Bureau of Indian Affairs both in Washington and in Portland in connection with recommendation 3 in Senate Report 971. As a result of your letter we are expanding our work to include a periodic review of the Bureau's progress on all recommendations in Senate Report 971. Our next audit of Bureau of Indian Affairs, Portland Area Office is scheduled to begin shortly after July 1, 1958. As a part of that audit we will make a complete review of the Bureau's progress on the matters covered in the Committee report.

We will keep you advised of any significant progress or lack of progress noted during our review. Upon completion of our next audit we will furnish you with a complete report on the status of corrective action by the agency on matters included in Senate Report 971.

*John Kennedy  
has copy*

Sincerely yours,

Comptroller General  
of the United States

Official File Only

Enclosure 2

90-2-20

DEFENSE

Agency of Claims

Bucket No.

Field Service  
Western Washington Agency  
Hoquiam Sub-Station  
Hoquiam, Washington

January 21, 1958

Mr. James Duree  
Attorney at Law  
P. O. Box 552  
Raymond, Washington

Dear Mr. Duree:

Your letter of January 16, addressed to Superintendent Ringey, has been referred to me for reply. We shall be happy to cooperate with you and Mr. Wain and other allottees, in connection with the forming of Advisory Boards. We are presently working to compile as complete a mailing list as possible for the portions of the reservation named in your letter, with particular emphasis on the three still bearing commercial timber.

The second issue of the newsletter will include the mailing lists insofar as we have been able to complete them, and Mr. Wain and the other allottees concerned will receive copies thereof. We hope to be able to get this newsletter in the mail by the end of this month, and in any event, not later than the first week in February. I am sure that Mr. Wain will make this list available to you.

Please do not hesitate to write if we can be of further service.

Sincerely,

*Sgd. John W. Libby*

John W. Libby,  
Forest Manager



Official File Copy

Enclosure  
90-2-20  
DEFENDANT  
Court of Claims  
Docket No.

H-9-2

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

WASHINGTON 25, D. C.

IN REPLY REFER TO:  
Forestry  
4101-55

CONFIDENTIAL

1. See file (see) RD  
2. See file (see) RD  
FEB - 6 1958

(Continued with  
forwarded to Forestry  
2/11/58)

Hon. Emory H. Jackson  
United States Senate  
Washington 25, D. C.

Dear Senator Jackson:

Your letter of January 31, 1958, enclosing a letter you have received from Mr. James E. Drees, refers to the lack of an accurate list of quinault Indian Reservation allottees. The difficulty is not one of maintaining a list of allottees, and of those having a beneficial interest in trust allotments. Instead, it is the problem of maintaining a mailing list of those individuals.

Unfortunately the situation is not confined to the quinault Reservation alone. This is not surprising when it is recalled that many Indians do not live on the reservations and are often transient. There are many cases where a man's address is unknown even to members of his family. Attempts to find these men through their last known address may be fruitless.

When an allottee dies, probate proceedings may determine that an individual whose address is completely unknown is an heir to the estate. The heir, himself, may not know that he has inherited a beneficial interest in the estate.

At some Indian Agencies, per capita payments have been made with fair regularity for many years. These Agencies are holding in special deposit the per capita funds of tribal members who cannot be located. One would expect the Indians themselves to keep the Agency officials informed of the address to which their per capita checks should be mailed, but this is not always the case.

It was in recognition of this situation that Superintendent Ringey appealed to members of the tribe, in his newsletter, for assistance in revising the mailing list.

Copies of your letter and of Mr. Drees's letter are being sent to Area Director Foster and to Superintendent Ringey, with the

request that they report to the Commissioner of Indian Affairs if they have further information on the subject. In that event we shall inform you further.

At your request, Mr. Duree's letter is returned herewith.

Sincerely yours,

(Sgd) John D. Crow

ACTIVE ASSISTANT Commissioner

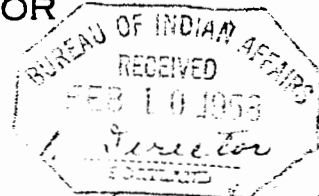
Enclosure

✓ Copy to: Area Director, Portland, Oregon (2) w/ copy of Mr. Duree's letter for action as indicated.





UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON 25, D. C.



**CONFIDENTIAL**

Enclosure  
90-2-20  
DEFENSE H-238  
Court of Claims  
Docket No. \_\_\_\_\_

FEB 4 - 1958

1. Director
  2. Asst. Dir. (Res)
  3. Forestry *HW*
- JSD*

INTERIOR DEPT.

JAN 30 1958

ASST. SECL.

Dear Senator Neuberger:

We were pleased to receive your letter of December 31, 1957, commenting on our statement of actions taken and contemplated in connection with recommendations made in Senate Report No. 971, "Timber Sales, Quinalt Indian Reservation." We expect that all of the procedures contemplated in our statement will be in effect by July 1, 1958.

The over-all policy of this Department is directed towards eventual termination of Federal trusteeship for Indian property, and this guiding policy is constantly in mind when considering questions affecting the Quinalt Reservation forest. The present policy which favors granting patents in fee to allotted lands, at the request of competent Indians, also affects our timber management plans. In the circumstances, it is not planned to make any more long-term timber sales on the reservation.

The position we have taken with respect to 25 U.S.C. 413 is, of course, based upon our analysis of reservation-wide conditions as they exist today. As conditions change we may find it advisable to recommend amendatory legislation. A further review of the adequacy of the present statute will be made at the Secretarial level.

With respect to Quinalt timber prices, we have received from purchasers of both the Grand Creek and Taholah Logging Units urgent requests for a downward adjustment of stumpage-to-log ratios, effective April 1 of this year. In compliance with contract terms their requests for review will be honored. The Bureau of Indian Affairs has recently added to the forestry staff of its Portland Area Office a man previously employed by the General Accounting Office. We have also, as indicated in our reply to Report No. 971, begun

Copy mailed to Supt., W. Wash. Agcy., Everett, 2-12-58.

negotiations with the General Accounting Office to determine what assistance it can provide in setting up procedures for assembling and analyzing selling price and cost data.

We will not be able to obtain an up-to-date estimate of the over-all timber volumes by July 1, 1958, and the data used regarding quality and quantity of timber to be cut during the next pricing period may not be in the detail you apparently contemplate. Nevertheless we expect to have available the information necessary to determine what adjustment of ratios, if any, is indicated by the terms of the contract. We are in correspondence with the Comptroller General regarding action to be taken in connection with the so-called interest allowance in stumpage rate adjustments under these contracts.

We have noted that you do not foresee the need of scheduling further hearings on this question during the present session unless overriding issues are presented which require review by your committee.

Your interest in the Indians' welfare is appreciated, and we shall continue to give your constructive suggestions careful consideration.

Sincerely yours,

(sgd) Hatfield Chisom

Under Secretary of the Interior

Hon. Richard L. Neuberger  
Chairman, Indian Affairs Subcommittee  
Committee on Interior and  
Disular Affairs  
United States Senate  
Washington 25, D. C.

Copy to: Area Director, Portland

Official File Copy

Enclosure

90-2-20

DEFENDANT

Court of Claims

Docket No.

11 2 45

*Forestry JPD*  
*Forestry 339.5*  
*Helps*  
*PEH*  
*Copy to Area Office (Res)*

Field Service  
Western Washington Agency  
Hoquiam Sub-Station  
Hoquiam, Washington

FEB 5 1958

The Honorable Richard L. Neuberger  
United States Senate  
Washington, D. C.

Dear Senator Neuberger:

Thank you for your letter of February 3, concerning reported difficulties of Mr. Claude Wain in obtaining a complete list of the names and addresses of persons allotted on the Quinault Reservation.

Since we issued our first news letter December 2, 1957, we have had numerous requests for these mailing lists. Mr. Durac requested them on behalf of Mr. Claude Wain in a letter dated January 16, 1958. A copy of that letter with our reply is enclosed. In view of our assurance that Mr. Wain would receive the mailing lists in the news letter which we hoped to have in the mail not later than the first week in February, we are at a loss to understand his complaint.

It may interest you to know that, at the request of Mr. Paul H. Petit of Suquamish, Washington, we are meeting with a group of the allottees in Hoquiam on February 16. Mr. Petit has informed us that he expects forty or more people at this meeting, which is scheduled as a preliminary step to formation of the proposed advisory group.

I am sure you can appreciate the magnitude of this undertaking. There are several thousand persons who own allotments or inherited interests on the Quinault Reservation. They are scattered from Alaska to California and Washington State to New York. Every time one dies, new names are added to the list. We have not been able, in the limited time since this program was adopted, to compile a complete mailing list. The list being published will contain enough names and addresses to permit those interested to proceed with the organization of the advisory boards on the three timbered portions of the Reservation.

We have, as a matter of policy, restricted our mailing of the news letter to Quinault allottees and their heirs. The issue now in preparation will contain thirty one pages, and will be mailed to approximately 1,000 addresses. Mr. Wain should receive his copy early next week.

Sincerely yours,

2 cc - Area Office

C. W. Ringey,  
Superintendent



IN REPLY REFER TO:

Forestry  
4101-55

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

WASHINGTON 25, D. C.

Official File  
Enclosure  
90-2-20  
DEFENSE  
Court of  
Ticket No.

4-2-58

TRIBAL PROGRAMS

*Tribal Programs*

FEB - 3 1958

Hon. Henry M. Jackson  
United States Senate  
Washington 25, D. C.

Dear Senator Jackson:

Your letter of January 31, 1958, enclosing a letter you have received from Mr. James E. Durso, refers to the lack of an accurate list of Quinault Indian Reservation allottees. The difficulty is not one of maintaining a list of allottees, and of those having a beneficial interest in trust allotments. Instead, it is the problem of maintaining a mailing list of those individuals.

Unfortunately the situation is not confined to the Quinault Reservation alone. This is not surprising when it is recalled that many Indians do not live on the reservations and are often transients. There are many cases where a man's address is unknown even to members of his family. Attempts to find these men through their last known address may be fruitless.

When an allottee dies, probate proceedings may determine that an individual whose address is completely unknown is an heir to the estate. The heir, himself, may not know that he has inherited a beneficial interest in the estate.

At some Indian Agencies, per capita payments have been made with fair regularity for many years. These Agencies are holding in special deposit the per capita funds of tribal members who cannot be located. One would expect the Indians themselves to keep the Agency officials informed of the address to which their per capita checks should be mailed, but this is not always the case.

It was in recognition of this situation that Superintendent Ringey appealed to members of the tribe, in his newsletter, for assistance in revising the mailing list.

Copies of your letter and of Mr. Durso's letter are being sent to Area Director Foster and to Superintendent Ringey, with the

PRS 5867

request that they report to the Commissioner of Indian Affairs if they have further information on the subject. In that event we shall inform you further.

At your request, Mr. Duree's letter is returned herewith.

Sincerely yours,

(Sgt.) Jenn O. Grow

ACTING ASSISTANT Commissioner

Enclosure

Copy to: Area Director, Portland, Oregon (2) w/ copy of Mr. Duree's letter  
(For: Supt. Ringey for action as indicated.  
Western Washington Agency  
Everett, Washington)

Martin:

Thought that you and Mr. Foster should see this.

This criticism by Senator Jackson and Mr. Thune of the inability of the Western Washington Agency to maintain current mailing addresses of the Quinault allottees is unwarranted and unjust.

We know by experience gained at Klamath and Western Oregon judgment how impossible it is to maintain current addresses and also the Siletz and Grand Ronde for Capitol. In many instances addresses are not good for even a week. It's a shame to create the impression that Western Washington is inept, lazy and willing to use lack of mailing addresses as an excuse for not performing duties.

Senator Jackson and Mr. Thune  
have no right to criticize

As to the number of houses who  
might miss small notices  
in these allotments and  
whose address it would be  
necessary to have.

See to it that  
Jackson and Mr. [unclear]  
get a copy of the [unclear]  
[unclear] [unclear] [unclear]

### Amplifying Beech's Statement —

At Klamath where three per capita payments are  
mailed each year, we have almost an impossible  
task of keeping current address. Our experience in sending  
each designation of electors and notices to electors and that  
of the management in sending out informational material is  
that fully 10% were not delivered by first mailing. It is  
permissible to add, however, that these were sent out certified mail,  
Return Receipt requested, addresses only and the individual  
first didn't take the initiative of picking it up —

M. H. [unclear]

## Office Memorandum • UNITED STATES GOVERNMENT

*1. Asst. Dir (Res)*  
*2. Forestry Div*  
(original to Director)

TO : Don C. Foster, Area Director

DATE: March 14, 1958

FROM : Louis Breuninger, Acting Supt.

SUBJECT: Comments on Timber Sales Program

Official File Copy	
Enclosure	
SO-229	
DEFENSE	H-256
Court of Claims	
Docket No.	

Your memorandum "Some Thoughts on the Timber Sales Program of the Bureau of Indian Affairs in the Pacific Northwest" has been read with much interest.

It has been our thought for many years that long term contracts were not advantageous to either the Indian Service or the contractor.

As mentioned in your paper economic changes are rapid and resulting stumpage adjustments are unsatisfactory to the operator and Indian timber owner, whether it be tribal or allotted, alike. Also technological changes and diversification of the manufactured product are inevitable. At times this leads to contract modifications to include species of timber not included in the original contract; also large volumes of so called inferior species which the contractor is not required to log are sometimes desired by another operator and nothing can be done because the area is already under a contract sale.

It is believed that the benefits derived from a short term contract will far out weigh any disadvantages.

With the development of new contract procedure it should be a simple matter to expedite the approval of the contract form so that the prospective purchaser, and seller, would have no complaint over the time element.

Acting Superintendent





IN REPLY REFER

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Forestry  
339.4**Official File Copy**

Enclosures Files

90-2-20

DEFENDANT'S EXHIBIT NO. H-25B

Court of Claims

Docket No. \_\_\_\_\_

Portland Area Office  
Post Office Box 4097  
Portland 8, Oregon

MAR 1 1959

**Memorandum**

To Area Director

From: Area Forester

Subject: Field trip to the Quinault Indian Reservation,  
March 2-5, 1959

On the above dates, I again visited the Quinault Indian Reservation, this time in company with Mr. George Kephart, Chief, Branch of Forestry. Mr. Kephart wanted to further acquaint himself with West Coast logging conditions and methods and to inspect logged and unlogged portions of the Sophia Watchman and Claude Wain allotments in company with Mr. Claude Wain, the sole owner of these tracts.

We proceeded to Hoquiam, Washington by Government car on March 2. On March 3, we visited the Tabolah Logging Unit in company with Mrs. Louise Greenstreet, Secretary-Manager; and Messrs. Cleo Logan, Woods Superintendent; Monroe Eppers, Bullbuck; and Richard T. Sterling, Forester, all of the Aloha Lumber Corporation. These people, together with Mr. James Ross, Forester, Bureau of Indian Affairs, in charge of the sale, showed us the felling in progress in large western redcedar timber, skidding and loading and various salvage-logging operations. Also accompanying us were Messrs. Clarence W. Ringey, Superintendent; John Libby, Forest Manager; and Don W. Clark, Assistant Forest Manager.

The morning of March 4 was spent on the Sophia Watchman and Claude Wain allotments, in company with Mr. Claude Wain and Messrs. Ringey, Libby and Clark. The afternoon was spent with Mr. Robert Torheim, District Ranger in charge of the Quinault Lake District, Olympic National Forest. Mr. Torheim accompanied us on a tour of logging operations on national forest and State of Washington lands in the Salmon River and Mathany Creek drainages and discussed with us the various problems involved. He also accompanied us on a brief tour of a portion of the completed Quinault Lake Unit on the reservation.

On the morning of Thursday, March 5, we visited the office of Rayonier Incorporated in Hoquiam. There we discussed with Mr. Wilton

Vincent the possibility of salvage-logging and prelogging on the Crane Creek Unit. In the afternoon we returned to Portland.

It is my understanding that Mr. Kephart will report on results of inspection of the Sophia Watchman and Claude Wain allotments and on discussions with Mr. Claude Wain concerning conditions and problems involved. He also will report on results of the discussion with Mr. Wilton Vincent.

I offer the following comments to supplement the discussion of West Coast logging methods in my memorandum of March 6, 1959, reporting on the February 17-20 trip to the Quinault. Also, the clear and partially clear weather of the trip herein reported on enabled me to take additional photographs that help to illustrate the various conditions and methods of West Coast logging.

#### Prelogging

In further conversation concerning this subject, Mr. Monroe Etters indicated that his objections to prelogging are based in part on experience of the Aloha Lumber Corporation during railroad logging days on the Mounts Logging Unit south of the Quinault River on the reservation. There the company logged and skidded the smaller western redcedar poles before the large cedars were felled. A considerable number of these large trees were damaged by striking the stumps resulting from the prelogging. He explained that cedar is such soft and brittle wood that it is difficult to precisely direct the felling of large trees. For such reason, direction of fall may vary from desired location and the tree is frequently damaged by striking windfalls, stumps of other trees, etc.

He further indicated that, despite toughness of wood, large Douglas-fir trees would likewise be severely damaged by striking stumps from prelogging. He asked if I knew of any place where prelogging is practiced. I replied "Yes, on the St. Helens' Tree Farm of the Weyerhaeuser Timber Company." Mr. Etters then expressed the belief that Weyerhaeuser prepares a "lay" before felling the big Douglas-firs. In such process a large tractor with bulldozer is used to level the ground preparatory to felling. In such process, stumps from prelogging, windfalls, rocks, etc., are rooted out. The volcanic soils of the Mt. St. Helens area would enable such preparation. From what little I can recall, from a very brief inspection in 1955, Weyerhaeuser does use extreme care in felling the large Douglas-firs.

As I recall, Mr. Etters expressed the opinion that there are few areas on the Quinault Reservation where it is practical to use tractors in preparing a "lay" before felling the big cedar trees.

Subsequently, at the Quinault Lake Ranger Station, Ranger Torheim indicated that prelogging is practiced on his district. It is confined to utilization of cedar windfalls for taper shakes and shake boards on the limited areas of western redcedar type on the Quinault Lake District. Also, it is practicable only in the near vicinity of access roads. Small tractors are sometimes used to skid the shakes and boards to the roads. Mr. Torheim expressed the opinion that removal of the cedar windfalls does save breakage and waste when the large cedars are subsequently felled.

The Forest Service does not permit tractor logging, except in rare situations, on the Quinault Lake District. Mr. Torheim explained that soil conditions are such that tractor logging results in severe erosion and soil compaction. For similar reasons, large tractors would not be permitted in prelogging.

#### Slash Burning

Mr. Richard Torheim verified that the Forest Service is anxious to return the land promptly to production following logging. For this reason, slash is burned at earliest opportunity following logging and the burned areas, or settings, are promptly planted. He indicated that the primary purpose for slash burning is reduction of fire hazard. Exposure of mineral soil is a secondary benefit. Burning also facilitates planting since it removes the limbs and debris that would interfere with the planters.

Not all areas are burned. Areas of poor site with shallow soils are not burned. Also, weather conditions sometimes prevent burning. If natural reproduction becomes established in the meantime, such areas are never burned. The natural reproduction may or may not be supplemented by planted stock on these areas.

One of the principal reasons for slash burning on the reservation would be for exposure of mineral soil on the debris littered cedar settings.

#### Planting

The Forest Service plants Douglas-fir for the purpose of assuring that this valuable species will be a component of a mixed

stand. Wild seedlings of western hemlock, with some Sitka spruce and western redcedar, usually fill in between the planted stock. In event of a series of poor seed years of these associated species, the planted Douglas-fir stock assures prompt regeneration and prevents capture of the site by the ever present red alder, salal and salmonberry.

Planting is conducted under contract at a K-V charge of 50 to 55 cents per M. Part of pre-sale preparation is the estimation of planting costs and the necessary K-V charge.

The Forest Service is experimenting with helicopter direct seeding which can apparently be conducted at a total cost of about \$8.00 per acre, a big saving over present hand planting. Success will depend on discouraging rodents such as chipmunks, mice and the birds from eating the seeds. Emphasis is on repellents, rather than on poison. With success in helicopter seeding the Forest Service will continue to use Douglas-fir.

Robert Torheim indicated that planted stock of Douglas-fir made excellent growth during 1958. On better sites, particularly in the Humptulips River drainage, terminal leader growth of 72 inches was common for the dominants. This rivals fastest growth of the Southern Pine Region and certainly justifies the policy of planting Douglas-fir.

#### Conclusions

Prelogging, as it relates to cutting of smaller trees, was practiced on a limited area of the recently completed Quinalt Lake Logging Unit. It is provided for in the modification of the Taholah Logging Unit contract. Thus far, however, as has been explained, it has not been practicable to try it on the Taholah Unit.

Prelogging, as it relates to cutting of cedar windfalls for tapered shakes and for shake boards, is practicable in the near vicinity of established roads. We do not believe that it is practicable on most of the areas to include the skidding of windfalls suitable for saw logs because of the steep ravines and because the heavy machinery required would cause damage to the standing trees. Heavy tractors would cause excessive damage, both to the standing trees and to the soil.

The cutting of windfalls for tapered shakes and for shake boards would require very careful supervision, including a determination of the windfalls that are chiefly valuable for saw logs and inspection to assure that the shake cutters leave this material.

If the prelogging is to be conducted by someone not connected with the timber contractor, there will be required, besides the careful supervision, a legal determination of the rights of the parties to the timber contract.

As has been previously indicated, we hope to burn more of the slash on the cedar settings following salvage operations. As has also been previously indicated, it would be of advantage to plant on certain sites. We have no funds for such purpose and there is no statutory authority for us to withhold a portion of timber sales receipts.

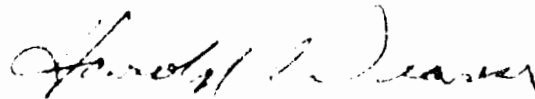
#### Personnel

I met the following people during my February 17-20 and March 2-5 trips:

Mrs. Louise Greenstreet, Secretary-Manager-Aloha Lumber Corporation  
Cleo "Blondie" Logan, Woods Superintendent, " " "  
Monroe Eppers, Bullbuck, " " "  
Richard T. Sterling, Forester, " " "  
Wilton Vincent, Manager, Lands Dept., Rayonier Incorporated  
Claude Wain, Quinault Reservation Allottee  
Robert Torheim, District Ranger, U. S. Forest Service  
Robert Persky, Forester, Timber Sales, U. S. Forest Service  
George Kaphart, Chief, Branch of Forestry, Bureau of Indian Affairs  
Clarence W. Ringey, Superintendent, Western Washington Agency, B.I.A.  
John Libby, Forest Manager, Bureau of Indian Affairs  
Don W. Clark, Asst. Forest Mgr., Bureau of Indian Affairs, and Mrs. Clark  
George Sevey, B.I.A., Quinault, Fire Suppression & Purchasing  
James Ross, Jr., B.I.A., Quinault, In charge - Taholah Unit  
Kenneth Miracle, B.I.A., Quinault, In charge - Small Sales & Salvage  
Harold Wing, B.I.A., Quinault, In charge - Crane Creek Unit  
Onnie Paakkonen, B.I.A., Quinault, Trespass & Sales Preparation  
Rainier Heikel, B.I.A., Quinault, In charge - Inventory  
Ben Ellwanger, B.I.A., Quinault, Check Scaler  
Vernon Halbert, B.I.A., Quinault, Small Sales  
Louis Willcox, B.I.A., Quinault, Inventory  
Richard Geier, B.I.A., Quinault, Inventory  
Donald Collins, B.I.A., Quinault, Inventory  
Morton Brann, B.I.A., Quinault, Crane Creek Unit  
James Bryson, B.I.A., Quinault, Salvage Sales  
Josephine Warjonen, B.I.A., Forestry Clerk, Quinault  
Kay Filyaw, B.I.A., Quinault, Clerk-Stenographer

I appreciate the many courtesies extended by Aloha company officials, by the Forest Service and by the Superintendent and his forestry staff.

Attached are twelve photographs taken on my most recent trip.



Harold Weaver  
Area Forester

**Enclosures**

Copy to: Commissioner, BIA (Branch of Forestry)  
Supt., Western Washington Agency  
Hoquiam Substation, Hoquiam, Washington  
State Department of Natural Resources, Olympia, Wash.  
District Ranger, Quinault Lake District, Quinault, Wash.  
Aloha Lumber Corporation, Aloha, Washington  
Harold Weaver, BIA, Portland, Oregon

*Subscribed by H. G. 18a*



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON 25, D. C.

RECEIVED  
SEP 15 1958  
BUREAU OF LAND MANAGEMENT  
PORTLAND, OREGON  
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*Official File Copy*

ECopy  
90-2-20  
DEFENDANT  
Court of Claims  
Docket No.

H-243

*26*

May 19, 1958


Dear Mr. Stans:

This letter responds to yours of October 25, 1956, requesting our views on the following reorganization recommendation carried in House Report 2960, 84th Congress, entitled "Federal Timber Sales Management".

"1. We recommend the consolidation in the Forest Service of the forestry functions and the surface resource management responsibilities for commercial forest land under the jurisdiction of the Bureau of Land Management and the Bureau of Indian Affairs."

This Department has given careful study to the pertinent report, to the transcript of the hearings which resulted in the report, and to other available information. We have held numerous discussions with Department of Agriculture in an endeavor to reach a meeting of minds on the subject recommendation. It is our conclusion that nothing would be gained in improving forest management, in reducing the costs of its administration, or in improving the economies of the industries and communities affected by Federal land management, if this recommendation were adopted. Conversely, we are convinced that it would adversely affect the national interest including the interest of industries and communities involved.

At the outset, it should be pointed out that the Committee Hearings, on which this report is based, were concerned primarily with timber sale policies. The possibilities of transfers of functions and major government reorganizations were not explored during these hearings. The recommendation thus, has little basis in the evidence developed during the hearings.

As you know, many proposals have been made during the past quarter century to consolidate some or all of the functions of the Bureau of Land Management, the Bureau of Indian Affairs and the Forest Service. This latest proposal to transfer to the Forest Service the forestry and other surface resources management functions on com-

Copy to: Supt., Warm Springs Agency, by Inter-Office Transmit. 9-17-58.

mercial timber lands now under the jurisdiction of the two Interior bureaus has even less merit than some of the earlier suggestions.

None of these previous studies have led to a recommendation to separate the forest management functions from the Bureau of Indian Affairs. Most of the studies have recognized that the Indian forest lands are private property. It is but a part of the entire Indian estate held in trust by the Federal Government through the Department of the Interior for the use and benefit of the Indian owners. We do not see how exercising the trust responsibility for these lands could be separated from the trust responsibility for all other Indian property.

It is the announced policy of the Congress eventually to terminate Federal responsibility over Indian affairs and property. Significant steps in that direction are being taken. Transfer of management authority over the forest property of the Indians would complicate termination planning and actions for the Government and the Indians.

The effect of the proposed transfer as it affects public domain lands presents a different type of problem. Four agencies, the Bureau of Land Management, the National Park Service and the Bureau of Sport Fisheries and Wildlife of this Department and the Forest Service of the Department of Agriculture have extensive Federal forest lands under their jurisdiction. The Bureau of Land Management and the Forest Service manage forest lands as a source of timber, while the National Park Service and the Bureau of Sport Fisheries and Wildlife are concerned primarily with the preservation of forests in their natural environmental setting or as habitat for wildlife.

Over half of the public domain is non-forested range land whose primary surface use is grazing. This land is an important factor in the prosperity of the western States and figures prominently in watershed conservation and development.

Unquestionably there would be advantages in placing the administration of the forest and range lands of the public lands, including the O&C lands in one executive department. These advantages would accrue not primarily from a possible consolidation of surface resource management in one bureau, but rather the common supervision of the public lands with their various resource programs within one executive department. In some areas the Forest Service and the Bureau



of Land Management operate adjacent or intermingled Federal land areas under different statutory and administrative policies despite the similarity of the adjacent grazing or forest resources. Although specific and continuing efforts are being made to bring the two bureaus into a better coordinated and more uniform administration, and with considerable success, and organizational transfer with perhaps modifications of existing authority would contribute materially to a well-rounded, integrated program of resource management of the public lands.

The basic fallacy which is reflected in the Committee's recommendation, is an assumption that more effective, efficient management of the commercial forestry resources in the Federal lands can be achieved even though the total management of these land resources is split between two departments having different missions and outlook. We do not believe this is possible. Thus, the Bureau of Land Management now has responsibilities for the protection, development, coordinated utilization, and to some extent disposal, of all of the resources of more than 450,000,000 acres of the public domain, including Alaska. This enables the Bureau to achieve unified management, not only as regards the forest and range resources, but also other surface resources as well as the subsurface mineral resources, which in total dollar value and importance probably exceed those of the surface. This unified management also enables the Bureau to perform effectively important auxiliary functions including land classification, sale, exchange, cadastral surveying and maintaining the basic public land records.

This unified management would be impaired seriously if part or all of the surface resources management responsibilities were transferred to another department. Coordinated resource management as embodied in the public domain land law philosophy developed by Congress over a century and a half would be negated. This philosophy is based on development of the public lands for their highest use and in some cases for land disposal. On the other hand the Congress has permanently dedicated the national forests to Federal ownership and management.

Many Federal agencies make extensive use of the public lands. Reservations for these uses are in a constant state of flux. New reservations are being made, existing reservations are being cancelled, and lands restored to unreserved states. The administration of such a program can be achieved successfully only by a department with an objective viewpoint having knowledge and interest in all of the present and potential uses of the subject lands.

Separating the responsibility for one of the surface resources from all of the others on these two different types of public land would cause many administrative difficulties and duplications. In the case of the detailed public land records, for instance, it would require maintaining two complete sets of records.

Efficient, coordinated use of all of our natural resources, consistent with sound conservation principles, is imperative. The inevitable demands to be made upon these lands and their resources by explosive increases in population, revolutionary technological developments, and corresponding economic changes are apparent.

It is our firm conviction that our needs now and for the future can best be served through the retention in this Department of all the functions now exercised by the Bureau of Land Management and the Bureau of Indian Affairs. Any separation of the resource management functions of these Bureaus would not be in the best interests of the future economy of this Nation nor could it serve to meet our responsibility for the trustee function. Further, in order to meet these challenges of the future it is our considered opinion that all related resource management activities should be placed in the Department of the Interior. This would require the transfer of the Forest Service to this Department.

The management of the national forests by this Department would be consistent with its existing conservation policies. The National Park Service and the Bureau of Sport Fisheries and Wildlife are outstanding examples of natural resource protection and management activities on lands which are permanently withdrawn and removed. Congress has recognized the natural kinship that exists between the Forest Service and the resource agencies of the Department of the Interior. It treats the Forest Service as one of the related agencies whose appropriations are made under the Appropriation Acts for the Department of the Interior. To move in the opposite direction and attempt to split off the commercial timber lands and transfer them to the Department of Agriculture would be a serious mistake.

Sincerely yours,

Edg. Hatfield Chilson

Under Secretary of the Interior

Hon. Maurice H. Stans  
Director  
Bureau of the Budget  
Washington 25, D. C.