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Official File Copy	
Project or File	
SOV #	
Date	<i>11-2-43</i>
Case #	
Docket #	

Forestry

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

APP 8 1958

Resources Development Association
Room 201 - Federal Building
Hoquiam, Washington

Attention: Wilfred Petit, Lt. Col. USA Ret.
Secretary, protem

Gentlemen:

Paul H. Petit has requested that his letter of March 22, 1958 be answered to your organization.

In Mr. Petit's letter, there appears to be a misunderstanding on the part of some of the members of your organization that Quinault Tribal matters such as the management of Tribal lands, hunting and fishing, etc., would be included in the duties of the organization you are now attempting to formalize.

The report of the Committee on Interior and Insular Affairs specifically states that your proposed organization should in no way supercede or infringe upon the present official governing body of the reservation, which is the Tribal Council. Your organization's interest and purpose should be to represent the allottees in the management of existing long term timber sales, and other activities affecting the management of allotments which might be of joint concern of the members of your organization. One of your major accomplishments, as pointed out by the Senate Committee, could be to give information and to receive it from this Agency which has the management responsibility for the allotted lands on the Quinault Reservation. Although the Federal Government, as trustee, cannot be bound to comply with directives of your organization, we want to assure you that your recommendations shall be given sympathetic consideration in determining the administrative actions to be taken.

After having read copies of some of your letters to Senator Neuberger and others, we realize that there must be a great difference of opinion among your members as to the intent and purpose of your organization, and we trust that you will carefully evaluate your role in representing the allottees.

Mr. Petit:

Page 2

You are to be congratulated on the sincere part you are playing in the development of a sound organization, which should, upon completion, greatly improve the understanding between the Indian Bureau and the allottees on matters of interest and responsibility. The further accomplishments of your organization can be very helpful to both the allottees and our office, and we wish you success in securing the cooperation and loyalty of your membership.

Sincerely yours,

(Sgd) C. W. Ringey,
Superintendent

C. W. Ringey,
Superintendent



Rehearsal draft fa 23

3377
Interim Com.

Superintendent, thru Forest Manager

Ass't. Forest Manager, Hoquiam Sub-Station

Interim Committee Meeting - September 27, 1958

Official File Sept 29, 1958

Enclosure
Date
Court of Claims No. 4253

On Saturday, September 27, 1958, at 10:30 A.M., I met with the Quinault Interim Committee in Room 312 in the Post Office Building. The Committee was represented by Anna Koontz, Claude Wain, Charles Wain and William Penn.

The main points discussed were (1) Financing of the Committee, their supplies, travel, etc. (2) Quarterly stumpage adjustments, (3) Crane Creek Contract Modification now pending and (4) Senators Neuberger and Jackson proposed field trip to the Quinault Indian Reservation.

(1) The Committee stated they should be provided with some fund in order to conduct their business as a Committee for the allottees. It was rather expensive to finance all of the travel, supplies, etc. from their personal funds. I could not answer their questions on how they could obtain funds, but that I would refer the matter to you for consideration.

(2) Quarterly stumpage adjustments are not due until the first of October. The quarterly log prices from the Pacific Northwest Loggers' Association are usually received in this Office the first week of October. Notices to the companies, Rayonier Incorporated and Aloha Lumber Corporation would be prepared shortly thereafter. However, it was emphasized to the Committee that these price changes were not the direct result of quarterly revaluation studies, but do reflect minor trends in the lumber market since the ratios arrived at as a result of our annual revaluation studies are used together with the past quarterly PNLA log prices in determining stumpage rates for each species for the ensuing quarter.

(3) I explained the main provisions of the recently proposed Modification of the Crane Creek Logging Unit Contract and our reasons for recommending the approval of the Modifications. The Committee felt that the Modification should be presented for their information and approval. They also expressed an opinion that the modification should have the approval of all of the allottees in the Unit and that the original power of Attorney's didn't necessarily grant consent for salvage operations.

(4) Mrs. Koontz stated that they were sending a letter to Senators Jackson and Neuberger, inviting them to visit logging operations on the Crane Creek and Taholah Units on the Quinault Reservation sometime during the middle part of October. I told them that we would certainly appreciate being informed of such a visit and would be very happy to participate in any way possible.

The meeting adjourned at 1:00 P.M. The Committee is planning to hold another meeting October 9 at 10:00 A.M. here in Hoquiam and asked that Mr. John Libby and yourself attend. The October 9 meeting would elaborate on the above mentioned topics. By that time, our quarterly adjustments for both the Crane Creek and Taholah Units should be completed.

Sgd. Don W. Clark

Don W. Clark,
Ass't. Forest Manager

COPY

Revised draft file 22

326 New U. S. Court House
Portland, Oregon

November 17, 1958

FILED Copy

Lieutenant Colonel Wilfred D. Pettit, USAF (Ret.)
Post Office Box 48
Bay Center, Washington

50-2-27
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
EXHIBIT NO. A-250
Court of Claims
Docket No. _____

Dear Colonel Pettit:

I have your letter of September 22nd, which was sent to Senator Magnuson, Murray and Jackson, relating to your problem on the Quinalt Reservation. I understand that a Bureau of Indian Affairs reply has gone forward to you from Senator Magnuson. Your problem developed from the right you granted the Bureau to sell timber on your behalf. I am sure you know how much effort I have personally devoted to bringing order out of the chaos created by the large long-term sales on this Reservation.

I do not understand why, knowing the existence of the Bayouler contract, you could want a patent-in-fee until some written assurance was given you that the contract would be set aside. I can see no advantage to your securing a patent with the contract, the 10% charges and Bureau administration continuing and your land entering the tax rolls. The only thing I do know is that some members of the Quinalt tribe, hoping that with a fee patent they could make a cash settlement with Bayouler, did get a patent-in-fee. On page 11 of Senate Report 971, issued in 1957, which you have, our 6th recommendation covered this point in some detail.

I am not sure how we can assist you in the light of the step you took to obtain a fee patent. Regardless of the question of whether the Bureau should deduct 5% or 10%, the fact is that they believe they still have a valid contract to administer on your behalf. There may be special factors which would warrant other conclusions in your case. If such is the situation, I would appreciate learning of these conditions.

For your information, I am enclosing a copy of our recent release of the report on Federal Timber Sales Policies, which covers some of the matters on the Quinalt Reservation, and the Department of the Interior response to our recommendations in Senate Report 971.

With best wishes, I am

Sincerely,

Richard L. Neuberger
United States Senator

CC: Mr. Robert Wolf.

Encls.

RLM:rla

RW

Rebulet draft for 22

Interim Committee

JAMES G. MURPHY, MONT., CHAIRMAN
 CLETON P. ANDERSON, N. DAK.
 HERBY M. JACKSON, WASH.
 ROBERT E. O'MAHONEY, WYO.
 ALAN BIDDLE, N.Y.
 EDWARD L. NICHOLS, OREG.
 JOHN A. GARNALL, COLO.
 FLORENCE GORUCH, IDAHO
 GEORGE W. MALONE, NEV.
 ARTHUR V. WATKINS, UTAH
 HENRY DUBOIS, IDAHO
 THOMAS H. KNOTT, CALIF.
 FRANK A. BARNETT, WYO.
 BARRY GOLDWATER, ARIZ.
 BORDEN ALLEY, COLO.

THOMAS L. GALLAGHAN, CHIEF CLERK

United States Senate

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS

June 27, 1958

Office of the Secretary
Enclosure
Subject
DATE
Court of Claims
Docket No.

Mr. Claude Wain
 Quinault Reservation
 Room 201, Federal Building
 Hoquiam, Washington

Dear Mr. Wain:

I have your letter of June 16, 1958, requesting legislation for financing a Quinault Resources Development Association.

In effect, what you apparently seek is to supplant the Bureau of Indian Affairs staff and organization with one of your own which will take over the management of the economic resources on the Quinault Reservation - thus terminating Federal control and supervision.

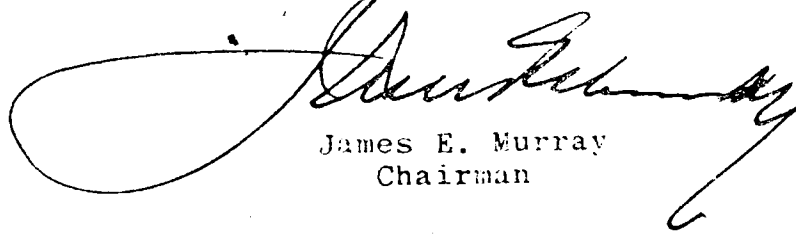
I am hopeful that you may be able to achieve this goal. For the present, in view of the trustee relation which the Secretary of the Interior has, I want to suggest to your group that you proceed carefully with the growth and expansion of your Interim Policy Committee. While I realize that the Bureau of Indian Affairs does not always measure up to your expectations, I would be hopeful that you will seek their cooperation and assistance in furthering your growth.

Ultimately, when you desire that the trustee relation be severed is fulfilled, you will have to finance your entire operation out of income. For the present, a substantial part if not all of your forestry program is offset out of the ten percent payment collected by the Indian Bureau. It would be my suggestion that you discuss the entire matter with the Indian Bureau and advise me of the results you achieve. At this point, I am inclined to think that the Appropriations Committee would not look with favor upon a request for funds to set up a parallel organization.

- 2 -

You are making good progress, and I hope you will keep up your fine work.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read 'James E. Murray'. The signature is written in a cursive style with a large loop at the beginning and a long tail at the end.

James E. Murray
Chairman

Keladae Draft 4. 29a

C. J. Curry
IN REPLY REFER TO:



UNITED STATES
DEPARTMENT OF THE INTERIOR

Forestry
339.7
Quinault

BUREAU OF INDIAN AFFAIRS
Western Washington Indian Agency
1620 Hewitt Avenue
Everett, Washington

*(copy: 1. Asst. Dir. (Res.)
2. Forestry)*

*HW
JPA
LGA*

File No.	
Serial	
Date	
Court or Office	
Docket No.	

H-261

Mr. Don C. Foster

APR 6 - 1959

Area Director, Portland, Oregon

Dear Mr. Foster:

Area Office letter of March 17, 1959 concerns a revised version of the Forest Management Plan for the Quinault Reservation as requested in Central Office letter of August 11, 1958. A copy of Central Office letter of March 11, 1959, requesting to be advised of the present status of work on this plan, was enclosed.

The plan referred to was submitted in 1955 but was never approved. Insofar as practicable, this plan has been followed but it has become obsolete because of rapidly changing circumstances. We made no attempt to revise the plan because we felt that such revision would serve no useful purpose.

Upon receipt of Central Office letter of August 11, 1958, Mr. Onnie Paakkonen, Forester, was assigned to review this plan and to attempt its revision in accordance with suggestions in the Central Office letter. He spent considerable time on the project but finally concluded that a workable revision of the plan was impracticable.

Consideration was then given to preparation of a new plan of management but here again, he encountered constantly changing conditions which indicated that any plan promulgated today would be obsolete tomorrow.

Several months ago, we found it necessary to assign Mr. Paakkonen to the job of handling timber trespass cases which have suddenly become a major problem throughout this jurisdiction. It was agreed to suspend further work on the management plan until the more critical trespass situations had been brought under control.

Upon receipt of Area Office letter of March 17, 1959, we asked Mr. Paakkonen for a report on the present status of the management plan. A copy of his memorandum of March 25, 1959 is enclosed.

We are forced to agree with his conclusion that a management plan for the Quinault Reservation is not feasible at this time. The area outside of the Taholah and Crane Creek contract areas can be expected to pass rapidly from our control. The management of the contracted units is largely governed by the existing contracts.

It will be feasible, after these units are inventoried to prepare a management plan governing the orderly harvest of the timber on them within the framework of the timber contracts covering them.

The only plans for the rest of the Reservation that appear possible are these:

1. An orderly harvest of the remaining old growth timber on those allotments whose owners elect to retain trust title.
2. Limited salvage of residual material on cut-over lands remaining in trust status where such salvage is practicable.
3. Provision for fire protection of trust lands as long as they remain in trust.

To illustrate the situation that presently exists, we have prepared a status map of the northwest portion of the Quinault Reservation. It is enclosed in duplicate. Most of the owners of the uncolored portions of the map have not been heard from. Those who have, have not yet made up their minds as to the action they wish to have taken on their allotments. It is anticipated that most of them will elect to take fee patent title or request supervised sale of their allotments.

A similar pattern is developing in the cut-over areas but not as rapidly. In these areas, the values represented are not as great but eighty's bearing good stands of twenty to thirty-year-old reproduction have sold for as high as \$8,000.00 and owners of similar lands can be expected to apply for fee patents or land sales rather than wait thirty years for a timber sale.

Recently an allottee requested a sale of the timber on a portion of his allotment located north of the Salmon River on the northern boundary of the reservation. The volume of timber on this

small area (less than 40 acres) was insufficient to provide for rather extensive development costs that would be entailed. Accordingly, we undertook to include four or five other allotments in a small unit that would result in an attractive timber sale offering. Ownership of five adjoining and nearby allotments was determined and letters were written to the owners. They expressed interest and we proceeded with preparation for a timber sale. The allotments were cruised and tentative minimum values established. Before this work could be completed, owners of one allotment changed their minds and requested a supervised sale. Owners of two others applied for fee patents. Another applied for a negotiated sale of her allotment to another Indian who plans to secure a fee patent and log the allotment himself after the sale is consummated. One of the owners of the other allotment died and no further action can be taken until his estate is probated. This left us where we started with one small parcel of inaccessible timber in our "sale unit". We had to advise the owner that a timber sale would not be feasible at this time and advised him to wait until roads had been developed into the area. He has now applied for a fee patent. Since he is a competent individual, there is no question but that the patent will be issued.

We receive frequent requests from owners of cut-over allotments for salvage sales or for sales of hemlock pulpwood. Inspection of allotments involved frequently reveals that no sale should be made. The value of the limited volume of merchantable material that could be recovered will not compensate for damage that would result to established reproduction, as the timber is immature and should not be disturbed for another thirty years. In most such cases, the owners apply for fee patents or for supervised allotment sales. They would rather have \$2,000.00 today than \$20,000.00 thirty years from now.

In considering this situation, it should be born in mind that the vast majority of the Quinault allotment owners are entirely competent. Most of them live away from the Reservation and are interested primarily in converting their reservation property to cash.

The above illustrations are cited to illustrate the impracticability of developing a formal forest management plan for the Quinault Reservation. Before any prepared plan could be submitted and approved, it would be necessary to call it back for revision. The status maps enclosed with this letter will probably be out-of-date by the time this letter reaches Washington. Even while it was being prepared, the color of one allotment had to be changed from orange to red.

PACIFIC BEACHES

MINERAL EXPLORATIONS & DEVELOPMENT CO.

to Helen Wright 35

Official File Copy	GRAYS HARBOR AND PACIFIC COUNTY WASHINGTON
Enclosure 100-100	
Letter of Transmittal H-295	
Court of Claims	
Docket No.	

July 6, 1959.

Rep. Thor C. Tollefson
House of Representatives,
Washington 25, D.C.

PHONE COPALIS 2161
OCEAN CITY, WASHINGTON

Dear Sir:

(2)

Enclosed please find a copy of a letter that I have recently prepared for Senator Russell Mack of our State, in which I have sought his aid in a problem that is confronting the Chinook Indian of Washington.

We would greatly appreciate any help that you can offer along these lines and we certainly will never forget the men who do aid us in our seemingly unending battle for recognition, we are constantly seeking ways and means to move our people up out of the second class citizen status but unlike the Negro, we do not cry out about a racial prejudice but ask only to be allowed the privilege of working the lands that are rightfully ours. To do this we desperately need the aid of men like yourself who are in a position to get us the go ahead signal from the Bureau or from Congress.

If you will confer with the Gentlemen in Congress from Washington and Oregon and see what you can do for us we will appreciate it from the bottom of our hearts, Thank you,

Sincerely yours,

Paul H. Petit Sr.

Paul H. Petit Sr.
Chairman of the Resources
Development Committee.

P.O. Box 332, Suquamish, Wash.

Official File Copy

Encl.
Serial
Date
Court of Claims
Docket No.

H-257

July 9, 1959

Memorandum

To: Commissioner--Bureau of Indian Affairs

From: Assistant Secretary--Public Land Management

Subject: Department's position with respect to Recommendation No. 6, Senate Report 971, 85th Congress, 1st Session

At the request of Senator Richard L. Neuberger a further review of this Department's position with respect to Recommendation No. 6, Senate Report No. 971, 85th Congress, 1st Session, has been conducted at the Secretarial level. As a result, the following instructions are appropriate and necessary for clarity and accountability of actions governing timber sale deductions.

To accomplish these ends the following directive shall be complied with as promptly as possibly by the Bureau of Indian Affairs:

1. Section 50, General Timber Sale Regulations, shall be revised to remove the percentage limitation imposed upon deductions from timber sale receipts. The present regulations prevent the collection of reasonable fees for administrative services exceeding 10 percent of gross timber sale receipts even when such a fee is desirable and within Indian means. I am informed that this action is being accomplished in connection with the preparation of a set of Standard Contract Provisions, to replace the present General Timber Sale Regulations.

2. The following general policy is to be observed in establishing the fees to be collected for services rendered in forest management and timber sale administration:

- (a) If forest administrative funds were expended at an Agency in years prior to the beginning of a timber sale program, no attempt will be made to recoup such expenditures through deductions from timber sale receipts in later years.
- (b) The expenses for which reimbursement is to be made are expenditures at the Agency level from funds appropriated for Branch of Forestry (previously

Branch of Forest and Range Management) activities, except funds appropriated specifically for fire suppression or pest control. Funds appropriated specifically for fire suppression and pest control are in the nature of disaster expenditures, similar to Federal appropriations for protection of State and private lands, and reimbursement therefor through timber sale deductions should not be required.

- (c) No attempt should be made to obtain a balance between expenditures and deductions in any one year, nor should an exact balance be expected over more extensive periods of time. An approximate and reasonable balance is all that can be anticipated. If an annual balance were expected, the deductions might absorb all or a major portion of timber sale income in the first years of a timber sale program. It is, therefore, of advantage to the tribe to strike a balance over longer periods.
- (d) At Agencies where timber species have low stumpage values, or where the volume of timber sales will remain at a relatively low level, no attempt should be made to balance expenditures and deductions. A deduction of 10 percent of gross income is currently the maximum that should be exacted.
- (e) Expenditures at the Central and Area Offices from funds appropriated for Branch of Forestry activities are not to be offset by deductions from timber sale receipts. Nor are expenditures from other funds at Agency, Area or Central Office levels to be offset by such deductions. It is not reasonable to make such offsets because these activities are in the nature of general overhead expenditures by the Federal Government as trustee of the Indian estate. It would be practically impossible to determine what portions of such expenditures are properly chargeable to forest administration at a particular Agency.

3. A revision of 25 CFR 141.25 to comply with the foregoing directives should be made. I understand that such a revision is contained in the proposed general revision of 25 CFR 141, now under consideration.

4. If not already accomplished, records shall be set up promptly for each reservation having a substantial timber sale program to provide cumulative comparative statements of expenditures and administrative deductions. The desired reasonable balance should be maintained through appropriate changes in the percent of deductions from timber sale receipts at the several reservations. At consolidated Agencies a separate record shall be maintained for each reservation, unless it is impractical to do so or unless there is reasonable evidence that the Indian interest on individual reservations will not be unduly affected by a consolidated accounting.

5. An analysis shall be made of Bureau costs involved in coding the present forest expense operating subactivity accounts (1801 and 1802) at the Agency level. Such analysis shall include the extent of costs and workload increases to the Branch of Finance that would be chargeable to the Branch of Forestry, and the extent of costs and workload reductions that would be effected in the Branch of Forestry by transfer of present informal accounting procedures to the Branch of Finance.

(Sgd) Roger Ernst

Roger Ernst
Assistant Secretary

*Pub Land
Quinalt Res*

PUB LAND
QUINALT RES

COPY

July 22, 1959

Official File Copy
Enclosure
GOVERNMENT
DEFINITION
COURT CASE
Doc No. 111

Mr. A. F. Hartung
International President
International Woodworkers of America
1622 N. Lombard Street
Portland 17, Oregon

Dear Al:

Many thanks for your letter of June 30th on the Quinalt situation.

I certainly agree that there are many problems in the conflict-of-interest field. In the case of Mr. Cleveland Jackson, one of the difficulties is that there is a relatively small amount of tribal property and, therefore, decisions by the Tribal Council have very little effect.

Our Committee went into this situation from one end to the other. We found that the Indian Bureau has not permitted democratic government to function on this Reservation, but rather permitted substantial numbers to be excluded from affairs affecting the tribe. We did get some corrective action on this by the Bureau, in the form of provisions for advisory groups and better information.

If there are specific problems - and if Mr. Jackson is currently employed by one of the companies that is actively procuring timber or land on the Reservation - and you have some positive evidence of wrongdoing, I shall, of course, have a further investigation made.

I'm sure you will agree that were we to prohibit all Indians from working for companies doing business on Indian Reservations we would close out a number of job opportunities for our Indian people. If there is chicanery or crookedness, we cannot solve the problem by destroying the good people with the bad.

With best wishes, I am

Sincerely,

Richard L. Neuberger.
United States Senator

RWR:rlc

R.Wolf

Richard L. Neuberger, 28



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

Official File Copy
Enclosures Files
90-2-20
DEFENSE ATTORNEY GENERAL NO. A-259
Court of Claims
Doclet No.

APR 15 1959

Dear Senator Neuberger:

This is in further response to your letter of January 19, 1959, concerning Mr. Claude Wain's criticism of logging operations on the Sophia Watchman Allotment, Quinault Indian Reservation.

The Bureau of Indian Affairs has completed a field inspection, as reported in the enclosed copy of a memorandum by Mr. Kephart, Chief of the Branch of Forestry. We consider the memorandum to be a factual statement, revealing the points of agreement and disagreement with Mr. Wain. It also outlines some of the problems encountered in harvesting timber from the cedar-type forest of the Quinault Reservation. The meeting with Mr. Wain was by prearrangement, so he was prepared to discuss the situation with our representatives.

It is a matter of deep concern to this Department that complaints have been registered against the administration of timber sales on this reservation. We are convinced, however, that the number of legitimate complaints is well within allowable limits under efficient administration. Other complaints, we find, reflect misunderstandings or are protests against conditions over which we have no control.

The newsletter and similar activities initiated as a result of the Senate committee hearings should eventually provide a better climate of understanding between the Indian owners and the Bureau of Indian Affairs, with a lessening of the tension that has existed. The Bureau is also considering a "come and see" trip, to invite the allottees on a tour of the sale areas. You will be notified if the trip can be arranged.

The fifteen snapshots sent to you by Mr. Wain are enclosed. They were very helpful.

A copy of the enclosed memorandum is being sent to Senator Murray, because he received a similar complaint from Mr. Wain.

Sincerely yours,

[Signature]
Assistant Secretary of the Interior
Roger Ernst

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

Enclosures

Richard draft for 296

CRW

OFFICE COPY Enclosure District Court No. <u>H-267</u> Court of Claims Docket No. _____
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Forestry 339.4
 Administration of
 Alienated Lands
 January 30, 1961

Mr. C. W. Ringey
 Superintendent

John W. Libby
 Forest Manager

Administration of Indian Lands - Timber Contracts

In accordance with your request, I shall attempt to present a resume of the administrative problems with which we are involved in the administration of timber contracts on non-trust land. They are many and complex. For the most part, they are confined to the two long-term contracts on the Taholah and Crane Creek Units on the Quinault Reservation.

Most of the problems have been set forth in correspondence with the Area Office and the Central Office during the past five years. Prior to 1955, no one appeared to be aware of the problem. It existed, but was ignored. Allotments with alienated interests were treated as any other. If a majority of the ownership signed a power of attorney authorizing a sale of timber, the allotment was included in the sale. A number of the allotments included in the Crane Creek and Taholah sales were in this situation. In such cases, the owners of the alienated interests signed the powers of attorney. Stumpage payments were collected and payments made to such owners just as was done for owners of the restricted interests.

In October of 1956, we received a memorandum from the Area Director, dated October 16, 1956, which gave instructions concerning these alienated interests. A copy of this memorandum is appended. We have subsequently proceeded in accordance with these instructions.

Starting in 1955 and continuing to the present, owners of restricted allotments in timber sale units have been granted fee title to their allotments upon application and proof of competency. The owners of 43 allotments in the Crane Creek Unit, which allotments were under the timber sale contract, have applied for and received patents in fee on such allotments. Of these, nine were able to sell their allotments to Rayonier, Inc., the purchaser of the timber under the contract. Following the purchase of these allotments by Rayonier, the contracts covering them were terminated by mutual consent. The other 34 are still under contract. Of these, a number have been sold to non-Indians, but we still administer the contracts.

The same situation has developed on the Taholah Unit, but not to the same extent. The owners of 13 allotments under contract have secured fee patents. Five of these have been sold to the Aloha Lumber Corporation, the purchaser under the contract. The contracts on these five have been terminated. We continue to administer the other thirteen.

In addition to the allotments that have been fee patented in their entirety, there are many allotments in both units in which fractional interests have been alienated through inheritance by non-Indians. As noted above, some of these interests were alienated prior to the execution of the contracts. Others have become alienated since. The administrative problems are the same in either case. There are at least two dozen allotments in this category in each unit, and there are probably others that have not been brought to our attention. It would require a complete search of the files to assure that all such interests are accounted for. From time to time a new one is brought to light as operations are begun on an allotment and current ownership has to be ascertained.

We no longer include alienated interests in allotments in our timber sales, but the execution of timber sales on allotments containing fractional alienations presents several problems. We have to determine the owner of the alienated interest and secure from him a declaration in writing that he will sell his interest to the purchaser of the trust interest under the same terms and at the same prices as those for the trust interest. We further require that he authorize the purchaser to withhold from his share of the stumpage ten percent of the stumpage due, and pay the same to the Bureau of Indian Affairs to reimburse the Government for its administrative costs. If he refuses to do so, we are unable, under present policy, to proceed with the sale of timber for the owners of the trust interests.

In most cases, the owners of the alienated interests have cooperated. In some, however, they have refused to do so and the trust owners have suffered. One such case involves three allotments in the Crane Creek Unit. A one-half interest in each was inherited by a non-Indian. These half interests were acquired by Cleveland Jackson prior to 1952, the year in which the Crane Creek Unit timber was sold. The half interest remaining in trust has been inherited by five Quinault Indians.

During the past ten years, efforts were made to partition the allotments to separate the trust from the alienated interests. Failing in this, efforts were made to include these allotments under the Crane Creek Contract, following procedures described above. This action was requested by the owners of the trust interests, but we were never able to secure Mr. Jackson's agreement to proceed.

The trust interests in the timber on these three allotments is conservatively valued at \$50,000. The five Indians who own these interests are in need of money and we can't dispose of their timber to get it for them.

To further complicate the picture, many of these fractional interests have been sold. Since we have no record of such transactions, we can only wait until the purchaser of such interests provides us with evidence of them, or at considerable expense, make a search of County records.

Two such cases are worthy of particular notice:

1. One Wilbur Wall, a white man, was married to Nellie Cultee, a Quinault allottee. When Mrs. Wall died, her husband was her sole heir and inherited all of her interests on the Quinault Reservation. Mr. Wall sold a portion of these interests to a man named Ivar Adams. Subsequently, Adams sold these interests to Pan-American Timberlands, Ltd., a Canadian corporation whose current address is P. O. Box 4024, San Jose, Costa Rica. Subsequently, Mr. Wall sold all of his remaining interests to this same company. Following is a list of the allotments and interests involved:

<u>Quinault Allotment No.</u>	<u>Subdivision</u>	<u>Description</u>			<u>Interest Inherited by Wilbur Wall</u>
		<u>Section</u>	<u>Township</u>	<u>Range</u>	
202	Lot 6 & SE $\frac{1}{4}$ SW $\frac{1}{4}$	31	22	10	All
718	E $\frac{1}{2}$ SW $\frac{1}{4}$	19	23	10	1/2
716	E $\frac{1}{2}$ SE $\frac{1}{4}$	19	23	10	1/2
200	Lot 2 & SE $\frac{1}{4}$ SW $\frac{1}{4}$	31	22	10	328/945
199	Lot 2	32	21	12 and	
	SE $\frac{1}{4}$ SW $\frac{1}{4}$	33	21	12	88/189
206	W $\frac{1}{2}$ NE $\frac{1}{4}$	25	22	11	88/189
204	W $\frac{1}{2}$ NE $\frac{1}{4}$	31	22	10	304/945
201	Lot 5 & NE $\frac{1}{4}$ SW $\frac{1}{4}$	31	22	10	304/945
46	NE $\frac{1}{4}$ SW $\frac{1}{4}$	33	21	12	16/63
348	Lot 4	29	21	12	34/63
471-T	SE $\frac{1}{4}$ SW $\frac{1}{4}$	12	22	12	4/21
205	Lot 3 & NE $\frac{1}{4}$ NE $\frac{1}{4}$	31	22	10	8/21
203	Lots 4 & 6	31	22	10	1/7
1051-T	SE $\frac{1}{4}$ SE $\frac{1}{4}$	12	22	12	1/21
1052-T	NE $\frac{1}{4}$ SE $\frac{1}{4}$	14	22	12	1/7
13-T	Lot 6	27	22	11 and	
	Lot 4	34	22	12	11/189
564	SE $\frac{1}{4}$ SE $\frac{1}{4}$	28	22	11 and	
	NE $\frac{1}{4}$ NE $\frac{1}{4}$	33	22	11	12/567
563	W $\frac{1}{2}$ SE $\frac{1}{4}$	28	22	11	2/189
1532-T	NE $\frac{1}{4}$ SW $\frac{1}{4}$	1	22	13	1/42
1500-T	E $\frac{1}{2}$ SW $\frac{1}{4}$	11	22	13	1/42

Note: 'T' indicates allotments under contract in the Taholah Timber Sale Unit.

Of the above listed allotments, it will be noted that six are under contract in the Taholah Unit. All of the others are in out-over lands and present no immediate concern.

Nellie Cultee died on April 21, 1956. Income accruing, from the above listed interests, prior to that date was paid to her or to her estate.

On January 1, 1958, Wilbur Wall deeded his interests in allotments 13 and 1051, and sundry others, to one Ivar Adams. Stumpage received from the alienated interests in these allotments during the period from April 21, 1956, to January 1, 1958, was paid to Ivar Adams upon presentation by him of satisfactory evidence of ownership.

On September 30, 1959, Ivar Adams deeded all of the interests acquired by him from Wilbur Wall to Pan American Timberlands, Ltd. Moneys accrued since that date from any of these interests are being paid to Pan American.

2. Mr. Cleveland Jackson, the late Chairman of the Quinault Tribal Council, during a period of years prior to his death, acquired a large number of these alienated interests. Mr. Jackson was operating under a Partnership Agreement with Mr. Arnold Polson, of Hoquiam, Washington, whereby Mr. Polson financed the purchasing of these lands and interests which were acquired in Mr. Jackson's name. The agreement provided that when the properties should be sold, the partners would share equally in the proceeds after Mr. Polson had recovered his investment in each. A partial list of these allotments, showing the alienated interest in each, is appended to this memorandum. It will be noted that a considerable number are under contract in the Taholah and Crane Creek Units.

These lists were supplied this office by Mr. Frank Beaulieu, former Realty Clerk for the Taholah Indian Agency, who has been employed by Mr. Arnold Polson since his retirement in 1950. These lists are not a complete record of Jackson's purchases on the Quinault Reservation, but should serve to give some idea of the situation.

The problems involved in the administration of the timber sales on these allotments were complicated enough prior to Mr. Jackson's untimely death. The situation subsequently can best be described as slightly chaotic.

Mr. Jackson's widow is Anna Jackson of Taholah, Washington. She is a Quinault Indian, and would appear to have heirship rights. There is also a living son and children of a pre-deceased son, whose rights must be considered.

At the same time, we have received notice from attorneys representing Mr. Polson, that all income from these properties is to be paid to Mr. Polson. We have been instructed to cooperate with these attorneys in furnishing information available in our files as to Mr. Jackson's interests. This we have done, and are doing, but we have notified them that we can pay money accruing to these interests only to the party that was the legal owner of record as of the date the income was earned.

We have tried for a number of years to resolve this situation. On the one hand, we are told that we cannot legally receive income from non-trust property. On the other, we are told that we have contractual obligations to continue to administer and manage the alienated allotments and interests that are under these timber contracts.

The Indians who have secured fee patents on these allotments have strenuously objected to our withholding of the ten percent fee for administering and managing their property. They have also objected to inclusion of all or parts of their allotments in reserve blocks, which prevents their logging for periods up to ten years, and possibly more. A number of them have threatened lawsuits to recover the ten percent withheld. At one time, it appeared certain that a suit would be instigated by some of those involved. This development now appears unlikely, as no mention of it has come to our attention in the last couple of years.

It is apparent that most of these fee patent allottees had expected that when they received their fee patents, they would no longer be subject to our jurisdiction. They anticipated outright sale of the allotments and the timber under contract, to the purchaser, in each case. Failing in this, they expected to deal directly with the contractors to accomplish early completion of their respective contracts. Most of them were disappointed in the first instance and we have had to disagree with their expectations in the second.

Many of us in the field had hoped that it could be ruled that the allottees were right in the second instance; that when a fee patent was issued, the individual allotment contract would become a contract between the allotment owner and the contractor, and no longer subject to our supervision. This would increase the problem of management on the sale units, but would certainly simplify the administrative problems involved.

We know that Rayonier, Inc., would oppose such a ruling, or at least we have been so informed by company officials. We suggest, however, that this opposition might not be as strong as some have indicated, in so far as the alienated allotments are concerned.

The fractional alienations are another story. In these cases, too, however, it is our opinion that the allotment contracts should be modified to provide for payment of stumpage by the contractors, directly to the owners of the alienated interests. I see no other way that we can be relieved of the untenable position in which we find ourselves of continuing to collect and disburse funds from non-trust property.

As stated above, this problem of alienated allotments and interests under timber contracts, has vexed us for the past five years. We have vainly endeavored to secure legal advice in the matter. Pending receipt of such advice, we can only continue in the cumbersome, time consuming, and legally questionable procedures described herein.

Before summarizing this memorandum and offering some suggestions for a solution to a part of the problem, I want to touch on one other facet of the situation.

A memorandum dated February 20, 1959, to the Administrative Officer and others, including the Forest Manager, signed by Acting Superintendent M. L. Schwartz, outlined fiscal procedures for disbursing funds from special deposit accounts of non-Indians, non-citizen Indians, and Fee Patent Allottees. A copy of this memorandum is appended, together with the excerpt from the manual upon which the memorandum is based.

We have followed these instructions, since the receipt of Mr. Schwartz' memorandum. Recently, and particularly since the problem of accounting for funds accumulating to interests acquired by Cleve Jackson has presented itself, we have had reason to question the prescribed procedure. I have discussed the problem with Mr. Schwartz, and Mr. John Vannetti, Realty Officer. I believe I can say that we agree in our thinking on this particular problem.

The branch controlling the transaction from which the income derives, (in my case, Forestry) can only distribute such funds on the basis of information provided by the Realty Branch. Once the money is deposited to the indicated accounts, the Forestry Branch, in the case of timber receipts, should be through with the transaction. From that point on, it should be between the records division of the Realty Branch and the I.I.M. Section as to how and to whom these funds are to be disbursed.

This is not an attempt on my part to shift an onerous responsibility. Rather, it appears only logical that Realty's record section is best equipped to maintain records of these alienated lands and interests.

Summary:

Problems in connection with administration of timber contracts on fee patent allotments and on allotments in which fractional interests have been alienated through inheritance by non-Indians are many and complex.

These problems are primarily confined to the Crane Creek and Taholah Timber Sale contracts on the Quinault Reservation. These are long-term contracts which run to 1986 and 1979, respectively.

A total of 43 allottees have secured patents on allotments under contract in the Crane Creek Unit. Nine of these were sold to the contractor, and the allotment contracts were subsequently terminated. We are still responsible for the administration of the contracts on 34.

On the Taholah Unit, 13 allottees secured fee patents for allotments under contract. Five of these were purchased by the contractor, and the allotment contracts subsequently terminated. We continue to administer the contracts on 13.

In addition to the totally alienated allotments under contract on these units, there are at least two dozen on each in which fractional interests have been alienated by inheritance.

We are informed that collection and disbursement of funds from non-trust property is not legal. At the same time, we are told that we have contractual obligations to do so.

In so far as the fractional interests are concerned, the problem is further complicated by sale of such interests to other parties.

The situation in connection with fractional interests acquired by Cleveland Jackson under a partnership agreement with Arnold Polson is particularly complex.

Comments:

It would resolve most of the difficulties inherent in the case of alienated lands and interests under contract if it should be ruled that upon removal of an allotment or a fractional interest therein from trust or restricted status, the Government is no longer a party to the contract in so far as the alienated allotment or the alienated interest is concerned. If a ruling on this cannot be secured, one way or the other, it would appear desirable to either get a test case into court or to secure legislation to clarify the situation.

Failing in all this, it might be worth negotiating with the Aloha Lumber Corporation and with Rayonier, Inc., with the aim of modifying the Taholah and Crane Creek Contracts, respectively, to provide for relieving the Government of the responsibility for these alienated allotments and interests.

I believe this suggestion has merit and should be given early consideration, together with other conditions that make an early modification of these contracts desirable. Both contracts should be modified at the earliest possible date, in any event, in order to provide realistic cutting requirements in line with volumes found to be on the units by recent inventories.

There are other contract changes that might be desirable. Early action toward this end is urgently needed, and it would seem to be worth an effort to resolve this problem of fee patent allotments and interests at the same time.

Concerning alienated fractional interests in lands not under contract, legislation is needed to make it possible to effect the sale of timber on these allotments when such action is requested by owners of the trust interests and when such sale is in their best interests, and in the interests of good forest management.

Such legislation might provide for sale of the timber, or of the allotment, upon the request of a majority of the ownership, with suitable provisions to protect the financial interests of all concerned. In cases where 50 percent or more of an allotment is alienated, it would seem desirable to provide for arbitrary partitionment or sale of the property.

It is my personal view that the requirement for collection of an administrative fee, from the sale of timber from the alienated interest, should be eliminated. I can see and appreciate some arguments favoring this procedure, but the amount of money collected by the Government is insignificant. In most cases, the fees so collected do not justify the extra paper work required to collect and account for them.

Furthermore, it is debatable whether we perform enough service for the owner of the alienated interest to earn this fee. We do not sell his share of the timber, nor do we collect his share of the stumpage. If it wasn't for the requirement that we collect the fee, we would not have to provide him with any service. We don't even provide him with fire protection. Under our protection agreement with the State, the acreage represented by these interests is deducted from the acreage for which we pay fire assessment rates.

Sgd. John W. Libby

John W. Libby
Forest Manager

Enclosures

Copies to:

Portland Area Office
Mr. Earle Wilcox, Forestry ✓
Mr. H. L. Moore, Fiscal
Mr. Harold Weaver
Hoquiam Sub-Agency

Revised draft fn. 31a

IN REPLY REFER TO:



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

Industrial
Development

JUL 5 1961

Hon. Julia Butler Hansen
House of Representatives
Washington 25, D. C.

Dear Mrs. Hansen:

<p>Official File Copy 1961</p> <p>Encl. 1</p> <p>90-268</p> <p>DEPARTMENT OF THE INTERIOR NO. <u>H-268</u></p> <p>Court of Claims</p> <p>Docket No. _____</p>

This will acknowledge receipt of your letter of April 20, 1961, addressed to former Deputy Commissioner R. Rex Lee, concerning the attached letter of April 11 from Mr. Maurice E. Powers, Governor's Representative, Interstate Indian Council, State of Washington. Mr. Lee was recently appointed Governor of American Samoa.

We appreciate your interest in the economic and social status of the Indians of the Quinault Reservation, which is in your district. Our Area Industrial Development Specialist, headquartered at the Portland Area Office, has been working with the tribal officials of the reservation, as well as those of the other tribes, to attract industries to locate manufacturing plants in the reservation areas. The primary purpose of our Indian Industrial Development Program is the location of industrial production plants in the vicinity of Indian reservations, which will provide job opportunities and thereby improve the economic wellbeing of the Indian people.

We might mention that we view the so-called "Indian problem" as a community problem, the solution of which must be worked out community by community (reservation). We do not believe that an equitable solution to the reservations' economic problems can be found without giving consideration to the relationship of the reservation to the overall economic community. We feel that the development of the area must be planned and the total resources utilized if the greatest economic potential is to be attained. Therefore, we seek to unify the efforts of the tribes, non-Indian communities, State and County industrial development organizations, and the Bureau of Indian Affairs. Understandably, since many of the Indian reservations are far removed from centers of population, planning for industrial development is more difficult than it would be for communities more favorably located.

We assure you that we are most anxious to be of assistance to the tribes in encouraging the establishment of plants on or adjacent to the reservations. The Department of the Interior and the Bureau are making every effort to see that the assistance provided for under the Area Redevelopment

Act (Public Law 87-27, May 1, 1961) is made available to Indian tribes. It is anticipated that most Indian reservation areas will be eligible for designation as redevelopment areas under the Act. We feel sure that the services provided under the Act will contribute to the success of our Indian Industrial Development Program.

It is indeed gratifying to know that the Governors' Interstate Indian Council adopted Resolution No. 5 in November 1960 which indicates the keen awareness of the need for economic assistance to Indian tribes in their endeavors to encourage the establishment of industries by private enterprise in the reservation areas.

Sincerely yours,

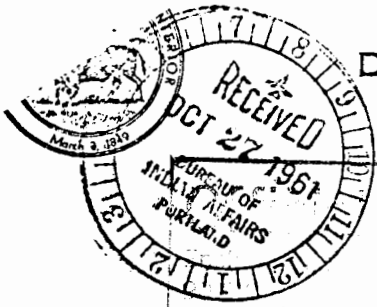
Fred H. Massey
ACTING Commissioner

*Copy to
Wilfred Peter*

Richard Hoff 30

Mr. Holtz

1. *Asst Dir / L.P.S.*
2. *Forestry*
EPW
J.P.O.



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

INDIAN Forestry
102-57



KWH
7/10/61

Oct 23, 1961
H-264

(cc: Forestry)

Dear Senator Jackson:

On September 20 I called at your office to discuss our recent correspondence regarding large timber sale contracts on the Gaiwault Indian Reservation. Mr. Kephart, Chief of the Branch of Forestry, Bureau of Indian Affairs, accompanied me. In your absence we met with Mr. Faulkner of your office and Mr. Wolf of the Senate Interior Committee staff.

Since these contracts are legal instruments, which must be honored, our discussion was confined to certain phases of contract administration by the Indian Bureau. I referred first to your letter of June 30, 1961. In it you noted that the Bureau's position with respect to stumpage ratio adjustments is contrary to a recommendation by the Senate Committee on Interior and Insular Affairs; - namely, that the price for timber under these contracts should be adjusted to represent as closely as feasible the true market value of the timber to be cut in a subsequent pricing period. From personal experience I believe the Bureau's position in this matter is sound. They use the proven record of the recent past as a basis for stumpage ratio adjustments, instead of depending upon predictions of future trends. Stumpage adjustments under these contracts are difficult at best, and would become more so if they were based upon attempted forecasts of the future.

Your letter also referred to the Bureau's refusal to defer action on a stumpage ratio adjustment, as requested by members of the tribe. You contrasted this action with the Senate Committee's recommendation that an appeals procedure be established. Pursuant to the Committee's recommendation an appeals procedure has been established (25 CFR 141.23), but it was not helpful in this case. The difficulty was the matter of timing, and the lack of a spokesman committee to represent the Indians. The contracts require that consultations on proposed ratio changes shall be accomplished within a 30-day period. In this case, the Indian Bureau publicized the fact that a consultation with interested Indians would be held on a certain date. The small group of Indians who appeared came as individuals, and not as authorized representatives of the several

For Signature

SEP 25 1961

To Secretary

CONGRESSIONAL

hundreds having legitimate interest in this matter. At the consultation it became obvious to Bureau representatives that, even with a reasonable extension of time for consultation, no truly representative group of Indians could organize, review the material presented for consultation, and submit additional information for consideration.

This lack of a committee authorized to speak for the allottees should be remedied if possible. The Indian Bureau keeps all of the allottees informed, through a newsletter and by personal contacts. But there has been no success in the attempts to form a committee to represent the allottees as a whole. I am asking the Commissioner of Indian Affairs to renew his efforts in this direction. Much time and effort will be required before the allottees can agree upon a committee to represent them, and there may be difficulty in financing such a committee. The question is sufficiently important, however, to warrant further effort.

Our discussion revealed a lack of common understanding as to the criteria used in measuring the need of surcharge ratio adjustments. I am therefore arranging to have this question reviewed, so that these criteria can be established and made known. You will be informed when this is done.

We shall welcome your continued suggestions for handling this difficult matter. I believe much can be accomplished through further conversations with you and your staff.

Sincerely yours,

John A. Carver, Jr.

Assistant

Secretary of the Interior

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

Copy to: Area Director, Portland, Oregon (2)

PRS 9533

Richardson draft Jan 31C

913 0 1962

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P. O. Box 1185
Taholah, Washington
January 31, 1962

*Call Hahn...
- Sept 11, 1961 - 1962 - 1963 - 1964*

Mr. John W. Cragun
Wilkinson, Cragun & Barker
Law Offices
1616 H Street, N. W.
Washington 6, D. C.

COURT FILED	
FILED	NO. H-272
COURT	
Docket No.	

Dear Mr. Cragun:

Enclosed is a copy of a resolution regarding the individual allotment monies held in escrow by Rayonier, Inc., and Aloha Lumber Corporation for reasons that they are not satisfied with the stumpage rates set forth by the Bureau. The people who believe they have funds coming to them from these 2 companies are very much concerned about it and would very much like to have that money made available to them.

We have mailed today copies of the resolution to Secretary Udall and channels through the Western Washington Agency. Could you be of assistance to us in this important matter?

Very truly yours,
QUINAULT TRIBAL COUNCIL

Signed - Fredrick Saux

By: Secretary

Enc.

cc: Congresswoman Julia Butler Hansen ✓

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February 6, 1942

Official File Copy

FILED IN _____

DATE _____

BY _____

H-273

Mr. Frederick Sear, Secretary
Quinault Tribal Council
P.O. Box 1147
Taholah, Washington

Dear Mr. Sear:

Thank you so much for sending me a copy of your letter regarding the stannum allotment monies being held in escrow.

Having determined the status of this matter by telephone I have sent the enclosed letter to Secretary Ushall to urge an early fabrication.

You will note that I also requested that full consideration be given to the rights and welfare of the Quinault allottees.

I hope this matter is resolved soon to your satisfaction.

Sincerely,

Julia Butler Hansen
Member of Congress

JBH/a:jc

Enclosure

Interior - Quinault

February 6, 1912

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Enclaves 1113

90 2-20

DEPARTMENT OF THE INTERIOR NO. 4-274

Court of Claims

Docket No.

Honorable Stewart L. Uhall

Secretary of the Interior

Dear Mr. Secretary:

Your attention has been called to a similar event. Individual allotment cases for Quinalt Reservation situated in the State of Washington are being held in excess by the Bureau of Indian Affairs pending a ruling on a price protest filed by the contractors involved.

I have been advised that this protest has cleared the Bureau and is now before the Assistant Secretary.

My purpose in writing is to request that a decision be reached as early as possible, and that this decision be based on full consideration of the rights and welfare of Quinalt allottees.

Your courtesy and assistance will be appreciated.

Sincerely,

Julia Butler Hansen
Member of Congress

JBY/a:jc

cc: John W. Cragun

cc: Frederick Sauz

Interior - Quinalt



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

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FEB 12 1957

OFFICE OF THE SECRETARY
Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Ladd
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Egan
Mr. Gurnea
Mr. Hendon
Mr. Pennington
Mr. Quinn
Mr. Nease
Miss Gandy
_____ H-415

Dear Mrs. Hansen:

This is in reply to your letter of February 6 concerning allotment monies from Quinault Reservation stumpage held in escrow by the Bureau of Indian Affairs pending decision on appeals by Rayonier, Inc., and the Aloha Lumber Company in connection with stumpage price increases.

I shall advise you promptly as to our final decision which should be reached in the very near future.

Sincerely yours,

(sgd) John A. Carver, Jr.

Assistant Secretary of the Interior

Hon. Julia Butler Hansen
House of Representatives
Washington 25, D. C.

April 2, 1962

Mr. John A. Carver, Jr.
Assistant Secretary of the Interior
Department of the Interior
Washington 25, D.C.

Dear Mr. Carver:

I am writing to inquire as to the status of consideration concerning allotment monies from Quinault Reservation stumpage held in escrow by the Bureau of Indian Affairs, pending a decision on appeals by Rayonier, Inc., and the Aloha Lumber Company in connection with stumpage price increases.

I was advised by your letter of February 12 that a final decision would be reached 'in the near future.'

Your courtesy in providing a current report will be appreciated.

Yours very sincerely,

Julia Butler Hansen, M.C.

JBH:al

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FILED IN
90-272
D. F. HANSEN, M. C. 11-272
Court of Claims
Docket No.

Richardson draft fu 31c

IN REPLY REFER TO:



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Forestry 040

Western Washington Indian Agency
1620 Hewitt Avenue
Everett, Washington

MAR 5 1962

February 28, 1962

Official File Copy	
Enclosure No.	90-250
DEPT. OF THE INTERIOR NO.	H-270
Court of Claims	
Docket No.	

Hon. Julia Butler Hansen
House of Representatives
Washington 25, D. C.

Dear Mrs. Hansen:

We are enclosing a copy of Quinault Newsletter No. 18
and will send you subsequent issues as they are written.

We trust you will find these letters of some value.

Sincerely yours,

Superintendent

Enclosure

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QUINAULT NEWSLETTER

No. 18

STUMPAGE RATES:

There was little change in the timber market during the last quarter of 1961. Spruce and Douglas-fir showed small gains. There were slight drops in the other species. Stumpage rates on the Taholah and Crane Creek Sales for the present quarter are listed below, with last quarter prices to show the changes:

<u>Species</u>	<u>Stumpage Rates per M Board Feet</u>			
	<u>Crane Creek Unit</u>		<u>Taholah Unit</u>	
	<u>Past</u> <u>Quarter</u>	<u>Present</u> <u>Quarter</u>	<u>Past</u> <u>Quarter</u>	<u>Present</u> <u>Quarter</u>
Western redcedar	\$10.30	\$10.27	\$ 8.87	\$8.84
Sitka spruce	14.09	14.22	15.61	15.29
Douglas-fir	34.69	35.31	32.65	33.16
Pacific silver fir	12.20	12.04	11.76	11.59
Western white pine	11.82	11.65	13.60	13.16
Western hemlock & others	9.18	9.13	9.43	9.38

Note: The above prices are based on ratios of stumpage to log prices established April 1, 1961.

REPORT OF FORESTRY ACTIVITIES:

The principal forestry activity on the Quinault Reservation continues to be the preparation and administration of timber sales. During 1961, a total volume of 120,206,000 board feet of timber was harvested and stumpage in the amount of \$1,344,367 was collected from the purchasers. Eighty-six percent of the timber harvested came from the Crane Creek and Taholah Units. The Crane Creek Unit produced 54,393,330 board feet of sawtimber for a stumpage value of \$586,054, while the Taholah Unit produced 43,127,710 board feet of sawtimber for a value of \$430,518. A number of small sales throughout the reservation yielded a volume of 15,448,000 board feet, with a stumpage value of \$265,724. Cedar and hemlock salvage made up the remainder.

Of the total volume of sawtimber logged during the year, 49.2 percent was western redcedar, 36.7 percent western hemlock, 7.7 percent Pacific silver fir, 5.5 percent Sitka spruce, 0.6 percent Douglas-fir and 0.3 percent white pine.

Trust lands within the Quinault Reservation boundaries supplied 29 percent of the sawlog volume scaled by the Grays Harbor Log Scaling and Grading Bureau for Grays Harbor markets in 1961.

SALVAGE OPERATIONS:

Salvage operators have been active in both the Crane Creek and Taholah Units. Operations were conducted on the logged-off blocks to salvage material left on the ground following logging. This material was in small pieces and chunks that were not merchantable as sawlogs.

Salvage production on the Taholah Unit amounted to 1,230 cords of pulpwood, 50 linear feet of small poles and 159,105 shakeboards. The stumpage paid for this material totalled \$5,170.00.

On the Crane Creek Unit, this production amounted to 244 cords of pulpwood, 10,230 linear feet of small poles and 289,220 shakeboards. The total stumpage value was \$5,470.00.

This makes a total of \$10,639.00 in stumpage payments for all material recovered in these salvage re-logging operations on the two units during 1961.

TIMBER CONTRACTS:

Five contracts for the sale of green and salvage timber were approved during the year, with an estimated volume of 3,867 board feet, and an estimated stumpage value of \$62,395. Five contracts were completed with a total cut of 8,689 board feet and a total value of \$151,134. Six contracts, including the Taholah and Crane Creek Logging Units, remained active at the end of the year, with an estimated volume still to be cut of 2,370,168,000 board feet. Seven small sales active during the year 1961 produced 15,448,000 board feet, with a total stumpage value of \$265,724.

PERMITS:

Twenty-seven free use and paid permits were issued during 1961. These permits produced 5,162 board feet, with a stumpage value of \$47,442.00.

TIMBER TRESPASS:

Four trespass cases were handled involving the cutting of 180,000 board feet of timber, with a value of \$2,652.00.

FOREST INVENTORY:

Forest inventories have been completed on the Taholah and Crane Creek Units. These inventories were made to secure up-to-date estimates of the timber remaining to be logged on the units. They do not provide estimates of the timber on any one allotment.

Reproduction surveys have just been completed on the cut-over blocks on the Crane Creek and Taholah Units. This survey showed that approximately 88 percent of the 1,488 cut-over acres sampled on the Crane Creek and 78 percent of the 2,600 acres on the Taholah Unit would benefit by some means of artificial regeneration, seeding or planting. Allottees interested in obtaining information on seeding or planting their cut-over allotments should contact one of the agency offices at Hoquiam or Everett and ask about applying for Federal Cost-Sharing Benefits under the Agricultural Conservation Program for planting and seeding forest land.

FOREST PROTECTION:

A. Fire:

The Washington State Department of Natural Resources continues to protect all restricted Indian forest lands on the Quinault Reservation under a protection agreement with the Western Washington Indian Agency. During the last fire season, five fires occurred for a total area burned of only 0.1 of an acre. Close liaison with State protection personnel was maintained throughout the fire season.

B. Predators:

A survey is now being conducted by our forestry staff to determine the extent of bear damage in the young hemlock and Douglas-fir stands. A 1961 Forest Service survey of the Quinault Indian Reservation showed an increase in bear damage.

C. Other:

A constant watch is maintained for diseased, insect-infested and windthrown trees. When these are found on areas under contract, logging plans are changed to provide for harvest of the damaged timber as soon as possible to prevent loss. If damaged timber is found on lands not under contract, owners will be notified so that arrangements can be made for its salvage.

OTHER ACTIVITIES:

A. Cruising:

Our forestry staff continued to secure timber inventories on allotments whose owners had requested supervised sales of allotments by our Branch of Realty. Twenty-seven allotments were cruised in 1961.

B. Check Scaling:

Ten percent of the entire timber production was check scaled.

LANDS SOLD AND FEE PATENTED:

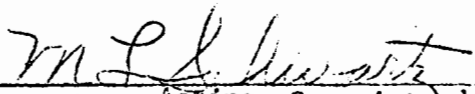
Since the last issue of the Newsletter, five allotments on the Quinault have been sold. Three allottees have received fee patents. The total area to leave the jurisdiction of the Bureau of Indian Affairs was 611 acres. Descriptions of these eight tracts are listed below:

<u>Subdivision</u>	<u>Acres</u>	<u>Section</u>	<u>Township(N)</u>	<u>Range(W)</u>
S $\frac{1}{2}$ NE $\frac{1}{4}$	80	15	23	12
S $\frac{1}{2}$ SE $\frac{1}{4}$	80	8	23	12
E $\frac{1}{2}$ NW $\frac{1}{4}$	80	13	23	12
S $\frac{1}{2}$ NE $\frac{1}{4}$	80	19	23	12
N $\frac{1}{2}$ NE $\frac{1}{4}$	80	19	23	12
SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SE $\frac{1}{4}$ SW $\frac{1}{4}$	80	6	21	11
Lot 2	51	16	23	13
Lots 15 & 16	80	1	23	13
Total Acres	611			

Prices received for the five allotments sold ranged from \$17,400 to \$54,100.

PROSPECTS FOR TIMBER SALES - 1962:

The timber sales program for calendar year 1962 will depend to a great extent on the market for western redcedar. An improvement in this market will be needed before we can hope to be successful in the sale of timber on lands where cedar is the principal species.



Acting Superintendent

February 27, 1962

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July 27, 1962

Official File Copy

Enclosure	
Date	7-28-62
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Control	

Mr. John Crow
Acting Commissioner
Bureau of Indian Affairs
Department of the Interior
Washington 25, D.C.

Dear Mr. Crow:

Thank you very much for your letter of July 16 relative to the status of the cost allowances for interest on advance payments which were provided in stumpage ratio adjustments on timber sale contracts on the Crane Creek and Taholah Logging Units, held by Rayonier, Inc. and the Aloha Lumber Corporation, respectively.

I appreciate receiving the latest information on this matter, and am forwarding it to the interested parties. I am disturbed, however, over the present reasons for delay. If the Bureau's doubts about the "administrative uncollectibility" of the amounts owing can only be resolved by making a further demand on the companies, specifying a time limit within which to make payment, I would suggest that this be done without delay.

However, if it can be determined that the Comptroller General's decision should stand, I would appreciate being advised of the next step in this procedure. I feel that it should proceed with the least possible delay.

With thanks for your consideration, I am

Sincerely yours,

Julia Butler Hansen
Member of Congress

JBH:ek

bc: A. F. Hartung
Horton Capoeman

Rickard draft for 31c

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COPYING OF THIS DOCUMENT.

AUG - 1 1962

CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Gentlemen:

We refer to your letters of April 4 and 10, in reply to ours of March 20, 1962, in which demand was made upon your company for the payment of sums found to be due under the Uncle Sam's Supply Store contract. Our letter of May 16 advised that further administrative action would be made as promptly as possible.

Our letter of March 20 set forth the basis for the demand for payment and we again refer you to the statements made therein. For your further information there is enclosed a copy of Senate Report 912, 86th Congress, 1st Session, "Higher Prices, Unpaid Inflation Compensation, State of Washington." Beginning at pages 60 and 72, respectively, are letters from the General Accounting Office, dated April 9 and August 13, 1957, addressed to the Secretary of the Interior. These letters set forth the basis for the demand for payment in greater detail.

Your replies did not specifically indicate a refusal to pay the sums found to be due except for the payment of an additional amount to rectify an error in storage rate determination during the period April 1, 1958 to March 31, 1959, inclusive. Since it was not clear that you were also refusing to make the payment for the allowance of interest on advance payments it is expected that the payment, or a satisfactory arrangement for same, requested in our letter of March 20 will be made within 30 days from the date of this letter. If such payment or arrangement for payment is not made the claim will be considered as administratively uncollectible and the matter will be reported to the General Accounting Office, Claims Division.

Sincerely yours,

(sgd) D. Otis Beasley

~~Assistant~~ Secretary of the Interior

Rayonier, Inc.
Box 537
Bogalusa, Washington

Enclosure

Official File Copy	
Unit	
SO-222	
DATE	11-23-62
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Packet No.	

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PERMISSION OF THE LIBRARY.

AUG - 1 1962

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Dear Mr. Smith:

We refer to your letter of April 11, in reply to ours of March 28, 1962, in which demand was made upon your company for the payment of sums found to be due under the Taholah Logging Unit contract. Our letter of May 18, advised that further acknowledgment would be made as promptly as possible.

Our letter of March 28, set forth the basis for the demand for payment and we again refer you to the statements made therein. For your further information there is enclosed a copy of Senate Report 971, 85th Congress, 1st Session, "Timber Sales, Quinalt Indian Reservation, State of Washington." Beginning at pages 68 and 72, respectively, are letters from the General Accounting Office, dated April 5 and August 13, 1957, addressed to the Secretary of the Interior. These letters set forth the basis for the demand for payment in greater detail.

Your reply to our letter did not specifically indicate a refusal to pay the sums found to be due. Since it was not clear that you were refusing to make the payment requested in our letter of March 28, it is expected that the payment, or a satisfactory arrangement for same, will be made within 30 days from the date of this letter. If such payment or arrangement for payment is not made the claim will be considered as administratively uncollectible and the matter will be reported to the General Accounting Office, Claims Division.

Sincerely yours,

(sgd) D. Otis Beasley

Assistant Secretary of the Interior

Mr. Paul R. Smith, President
Aloha Lumber Corporation
Aloha, Washington

Enclosure

Richardson draft Jan 30

Mr. George M. Felshaw, Superintendent
Western Washington Indi Agency
1620 Hewitt Avenue
Everett, Washington

RECEIVED
WESTERN WASH. INDIAN AGENCY
EVERETT, WASH.

Are you interested in forming a committee to represent the owners of allotments on the Quinault Indian Reservation? Yes 6 1962

(yes or no)

Are you willing to give your support to help organize and maintain such a committee? Yes

(yes or no)

REMARKS: This committee didn't have interest - it was a case of no cooperation from the BIA and the land being toward us by the Tribal Council -

Signature: James Elliott Kouty

Address: Rainier Wash

We will have all the records, letters and minutes of this committee.

Stamp area with fields for name, address, and phone number. Includes handwritten number H-265 and a small stamp with -4-.

GPO 998385

Mr. George M. Felshaw, Superintendent
Western Washington Indi n Agency
1620 Hewitt Avenue
Everett, Washington

RECEIVED
WESTERN WASH. INDIAN AGENCY
EVERETT, WASH.

AUG 17 1962

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(yes or no)

Are you willing to give your support to help organize and maintain such a committee? Yes

(yes or no)

REMARKS: I believe the complete indifference by the allottees, other than when monetary remuneration is concerned is appalling.

and that some effort should be made to organize this group for their own welfare

Signature: J. P. [unclear]

Address: 770 NE Hill St
Sheridan Oregon

Stamp area with fields for name, address, and phone number. Includes handwritten number H-266 and a small stamp with -4-.

GPO 998385

Richardson Jr. 22a

Forestry 040
Quinault Newsletter

Jm

Western Washington Indian Agency
1620 Hewitt Avenue
Everett, Washington

November 8, 1962

Original File Copy
Index
Serial
Date
Case No.
Docket No.

Mr. R. D. Holtz
Area Director, Portland, Oregon

Dear Mr. Holtz:

Quinault Newsletter No. 20, issued July 30, 1962, suggested a committee of allotment owners and requested responses from interested allottees. This Newsletter was mailed to approximately 1200 Quinault allottees and heirs. We received responses from twelve people.

One opposed formation of the committee. She stated, "Whenever I call on the so called committee for advice, they didn't know any more than I did." She was apparently referring to the interim committee that functioned briefly several years ago and tried unsuccessfully to organize an advisory group of Quinault allottees.

Two allottees favored the committee but said they would be unable to support it. Another favored it but made no commitment as to supporting its efforts. The other eight favored such a committee and offered their support. Some of the remarks that appeared on the answers to the questionnaire are of interest:

"Every allottee should be represented and should have been represented before."

"Would like to give my support but am not financially able."

"Not receiving any allotment from the agency for several years. I think a change may help."

"The Committee didn't lose interest - it was a case of no co-operation from the BIA and the bad feeling toward us by the Tribal Council. We still have all the records, letters and minutes of this committee." (This was from Anna Koontz who served on the above mentioned Interim Committee.)

"I believe the complete indifference by the allottees, other than when monetary remuneration is concerned, is appalling and that some effort should be made to organize this group for their own welfare." (This from a Bank Manager whose wife is an allottee.)

The next issue of the Quinault Newsletter, which will go into the mail next week, will carry a report to the allottees on the results of our questionnaire. In this report we are stating:

"Substantially more interest will be necessary if formation of this committee can be undertaken with any hope for success."

Unless this report to the allottees and heirs does stimulate the Quinault allottees and heirs into a more substantial show of interest, we propose no further action in the matter at this time.

Sincerely yours,

(Sgd) W. J. DeGeile

Superintendent

ACTING

cc: Hoquiam

JOHNWLibby:lt
subject ✓
chrony
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Xhr Copy

Richardson draft for 22 a

Forestry 040
Quinault Newsletter



Western Washington Indian Agency
1620 Hewitt Avenue
Everett, Washington

November 8, 1962

Mr. R. D. Holts

Area Director, Portland, Oregon

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Sincerely yours,

(Sgd) W. J. DeCeile

ACTING

Superintendent

cc: Hoquiam

JOHN Libby:lt
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Richard Hoff Jr 38

Official File Copy	
Enclosure 2-13	
90-240	
DEFENDANT'S EXHIBIT NO.	<u>H-309</u>
Court of Claims	
Docket No.	

P. O. Box 1185
 Taholah, Washington 98587
 August 22, 1966

Honorable Robert L. Bennett
 Commissioner of Indian Affairs
 U. S. Department of the Interior
 Washington, D. C.

Re: **TERMINATION - Quinault
 Oposition**

Dear Commissioner Bennett:

We are very thankful for the opportunity to express our views and concern regarding **TERMINATION** of federal trusteeship activities of our individual reservations and transferring same to other government agencies. Throughout the years we have given this matter a great deal of thought, therefore the following statements of facts are our reasons for opposing **TERMINATION** - - these are our problems, our conditions, our desires.

ITEM 1. We have repeatedly rejected any and all forms of legislation or policies when we believe it is leading towards **TERMINATION**. As results from the "compulsory process" as to Indian Affairs either by policy or legislation at the national level created mischief problems on our reservation. This is not to infer that we "just kind of like it the way it is", for that is not the case, but our problems are many and real. We did not create the problems and we firmly believe **TERMINATION** is not the solution.

TREATY

ITEM 2. We want our treaty (july 1, 1856, January 25, 1856; 12 Stat.

971-974) respected and remain intact for reasons that the 8th Amendment to the U. S. Constitution sustains that our treaty is the supreme law of the land. We want our reservation, created by Executive Order (November 4, 1873; 1 Kappler 923-4) remain in trust. Chief Justice John Marshall's decisions in regard to Indian lands and treaties have been binding and are being referred to today.

ITEM 2-a. To coerce TERMINATION onto us would by all means "break our treaty." May we inquire "What kind of a U. S. Senate do we have who will deliberately break a solemn agreement and convention?" The treaty was ratified by the U. S. Senate (two thirds of the senators present concurring), March 8, 1859. We also believe that our treaty and all the rights attached could not be sold. TERMINATION cannot safeguard our treaty.

ITEM 2-b. As far as the Quinaults are concerned the Indian side of what took place at the treaty negotiations have never been told. It is always the government's version that is in the history books. The minutes of our treaty are confined to the National Archives, perhaps never to be transcribed. My grandfather Chif Taholah II signed that treaty and I know what my forbears told me what took place. We are concerned about our treaty, and there is always just one side being told.

GENERAL ALLOTMENT ACT

ITEM 3. The General Allotment Act (Act of February 8, 1887, 24 Stat. 388) created havoc in the early 1900s (Act of Congress, 1911, 26 Stat. 1345) when allotments were first been made - - this would have been without argument for the intentions might have been right, but it ultimately led to the case of Halbert v. United States in 1930 (283 U.S. 753); these were suits for allotments on the Quinault reserva-

tion by Chehalis, Chinook, Cowlitz, Quits and Ozette members; this resulted in their acquiring 80 acre allotments, then it got out of hand to the point where allotments were issued to practically anyone who requested it. In most instances allotments went to people who were not entitled to one.

ITEM 3-a. Further disaster followed when issuance of fee patents came into being. Certainly we believe in the individual's right. However, it has always been our contention when an allottee acquires a fee patent he or she surrenders all reservation rights as to voting, hunting, fishing, razor clam digging, trapping and other activities. A perfect example would be: When a person belongs to a corporation, then sells out, the person is no longer a part of that corporation, excluded from participating in the corporation's business. Once an Indian acquires a fee patent he is no longer a ward of the government - his Indian identity is no longer recognized.

ITEM 3-b. In furtherance to the above statement where allotments went to people who were not entitled to it, at the Quinault Timber Sales Hearings before the Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs, U. S. Senate, April 12, 15, May 29, and June 3, 1957, at Washington, D. C., William H. Coburn, special counsel to the subcommittee testified: "We found there were 2,146 allotments divided among 1,928 persons of whom 52 are non-Indians; is that right?" Mr. Cleveland Jackson: "Yes; that would be about right. I think it was more allotments, but many of them were fee patented and not counted after." We firmly believe that this injustice should be corrected; that the lands returned to the tribe, including the timber if not logged, but if logged the tribe should be reimbursed. The proceeds would be used for educational purposes, tribal enterprises and resources development.

ITEM 4. Retaining one's allotment should be an inherent right. The sad part of those who sold their lands, timber and mineral rights - - in most cases their sales went to the first buyer that came along without the usual procedure of bidding; the end result of those sales was that there was just another landless Indian, and penniless. Lo, and behold! The predominate causes of their rapid deterioration were by going on a spending spree, drinking and gambling their money away, if they were not rolled by then. The fact remains that many of those who were declared competent were far from it. Most of them do not know the value of money nor property in the monetary sense.

ITEM 4-a. The great nations of the time set the pattern for what was then the New World and their dealings with the Indian. King Charles V of Spain and King George of England issued proclamations in 1763, and an ordinance enacted by Congress of the Confederation in 1887, in effect, said that the lands and property of the Indians in what became the United States should not be taken from them.

ASSESSMENTS

ITEM 5. When allotments were issued in 1930 as result of the Halbert v. United States decision, the Hoquiam Agency Superintendent assessed each applicant \$500, some were charged \$200, before they were granted an allotment. Now, whether that was a Bureau of Indian Affairs policy or a Federal statute is a question that should be answered and corrected if need be. A few of those allottees remain here at Taholah today.

ADOPTIONS

ITEM 6. From 1910 to 1928 the Quinalts adopted 283 individuals; these what we ourselves consider affiliated (Queets, Hoh and Quileute),

August 22, 1966

non-affiliated (Chinook, Chehalis and Cowlitz - this group were not parties to our treaty), and non-Indians (those who married into our tribe). (a) Approximately 40 moved to the reservation to live here permanently, built homes and some were given fishing locations, although some have passed on since. (b) Approximately 40 moved to the reservation temporarily, left and were never seen no more. (c) About 20 adoptees move in and out of the reservation from time to time, depending on the prevailing employment conditions - we know who these people are. (d) The remainder had nothing to do with the tribe's and reservation affairs - many of their names are completely foreign to us, and their Indian bloodline is so small in quantum they could never be recognized as an Indian. We do recognize as Quinalts those in groups (a) and (c) described above.

NON-TREATY TRIBES

ITEM 7. The Chinook, Chehalis and Cowlitz tribes are non-treaty tribes of Indians and are classified as such. They were successful separately in the claims cases before the U. S. Claims Commission being awarded several hundred thousand dollars. It has been mentioned, although we haven't attempted, to share in their awards. They have their own tribal organizations in which we do not share or have a vote.

ITEM 7a. There should be adjustments made because many of their members share both in our tribe's and their tribe's affairs and assets. They actively participate in their own tribal meetings and some are elected as tribal officers, then demand to participate in our meetings. We have always held that they either have to be one or the other, they cannot be members of two tribes Simultaneously. Moreover, we are of different linguistic stock or family as our

August 22, 1966

language being of Salishan, theirs of Chinookan. We did not reside close to one another in aboriginal times anymore than we do now, see United States v McGowan (C.A. 9th, 1933).

TREATY WITH GOV. ISAAC I. STEVENS

ITEM 8. When the Chinook, Chehalis and Cowlitz met with Gov. Isaac I. Stevens (Present were: Upper Chehalis, Lower Chehalis, Quinault and sub band of Kwehtsa, Lower Chinooks, Cowlitz) at Pilkington's claim what is now the city of Cosmopolis from February 27th to March 3, 1855, according to the minutes of that treaty conference those 3 tribes wanted to be satisfied with a small plot of land near their home country, and did not want to remove to the Quinault country. Then it stands to reason it is not the responsibility of the Quinaults that the Chinooks and Cowlitz are landless in their own area.

IDENTIFICATION CARDS

ITEM 9. A few administrations ago the Western Washington Indian Agency commenced issuing identification cards to Chinook, Chehalis, and Cowlitz members (ID cards were given to members of other tribes as well) identifying them as Quinaults while they are not. Assistant Regional Solicitor Leon R. Jourolmon rendered an opinion to that effect in May 1957, and copies of that opinion was mailed to every tribal governing body under the Western Washington Agency jurisdiction by Supt. C. W. Ringey.

ITEM 9-a. The Quinault ceded area does not extend southward to the Columbia river, far short of it. We Quinaults have our own hunting, fishing and razor clam digging places within our reservation and in ceded areas or usual and accustomed places. We only utilize the clam bed areas southward to the northern entrance to Grays Harbor, abiding by state clam digging regulations while out there.

August 22, 1966

ITEM 9-b. From time to time Chinook and Cowlitz hunters or fishermen are apprehended in their home areas by Washington State Game and Fisheries officials for either game or fish violations, then they in turn appeal to the Quinaults for assistance implying they are Quinaults by allotment. That implication is wrong.

ITEM 9-c. We believe the issuance of Quinault ID cards by the agency cease and that all ID cards issued by them should be cancelled and declared invalid to avoid further confusion we have been having with both the Washington State Game And Fisheries Departments. It came to our attention during our steelhead litigation at Olympia, Washington, that the Indian Bureau did not know who is and who is not a Quinault since we did not have a tribal roll. This is in no way meant as an affront to our present Superintendent for he testified on our behalf at the trial. Our Business Committee has been approving ID cards for years, and the two sources of ID cards causes a bit of confusion.

QUINAULT IDENTITY

ITEM 10. What behooves we Quinaults is that in the 1940 Quinault Census Roll the Chinook, Chehalis and Cowlitz (this includes other alien tribes too) are designated by the BIA as Chinook-Quinault, Chehalis-Quinault, Cowlitz-Quinault or vice versa - - there is no such thing, excepting in a few cases where there are inter-marriages. Perhaps we might be asked why we take this attitude? Well, we are very proud of our Quinault identity; we want to preserve our identity, and we highly resent any other groups of people infringing on the Quinault name. We might be asked why are not the Queets, Hoh and Quileutes mentioned? The answer is very simple - - the Queets are a branch of the Quinault speaking the same language; and the Quileute

August 22, 1966

and Hoh are inter-related to us by blood and language understanding.

CHINOOK PAYMENT

ITEM 11. The Chinook Tribe received payment in settle^{ment}/with the United States government under the Act of August 24, 1912, (37 Stat. L. 518-535). This very Act by Congress is and has been very disturbing to we Quinaults, for after they received that award they were then granted allotments through the Halbert v. United States case already mentioned. It appears as though the government is very liberal with our property; then followed their claims case.

KEEP TRIBAL RELATIONS

ITEM 12. By virtue of the U. S. Supreme Court's written opinion by Justice Van Devanter in the Halbert v. United States case the petitioners were duly advised by their counsel that "All persons . . . keep up their tribal relations and associations as much as possible and be recognized in every possible way as members of the tribes, by enrollment and by attendance at their tribal meetings." That advice was never followed through by those alien tribes except for a very few. Those alien tribes have their own tribal organizations and they have expressed themselves that they want to be recognized as members which they originally belong. Receiving an allotment does not make one a Quinault, far from it.

PUGET SOUND INDIANS

ITEM 13. Members of Squaxin Island, Nisqually, Skokomish and others from the Puget Sound country allotted on our reservation are duly recognized as Puget Sound Indians having taken part in the Medicine Creek Treaty of 1855, therefor they are not what is considered as Pacific Coast Indians as contained in President U. S. Grant's Execu-

August 22, 1966

tive Order. The usual customs and practices down through the ages that there was a distinct difference between Coast Indians and Sound Indians. This matter will have to be straightened out by the Federal Government, after all that was damages inflicted upon us when allotments were issued to those alien tribes; those very same allotments could have been held over a few years longer in order that more of our people may have had timbered lands.

ITEM 13-a. The fallacy of the matter is that those allotted alien tribespeople seem to want to have more authority than our landless younger generations have. Special Indian Agent Charles E. Roblin's hearings and report to the Indian Office January 31, 1919 and approved by the Secretary of the Interior November 13, 1919 verifies this statement. In re-examining many of the earlier adoptions he stated in effect that the Quinaults ^{were} just too kind hearted in approving those first adoptions. The degree of technical knowledge of those elder unschooled Quinault membership who acted on those matters was very limited, to say the least.

* * * * *

(Please note: I have mentioned time again the alien tribes, for they are alien to us; the reason is because we don't want their tribal name attached to ours in no way. In preparing our final roll we received commitments from the Chairmen of the Quileute, Chinook and Cowlitz tribes informing us that they had no desire in interfering with our enrollment. The Secretary of the Chehalis told us that they will remain away from our meetings. What we do want is a delineation between our tribe and theirs while their attachment to us is still in the Bureau's records. This is why I am going so much into detail.)

* * * * *

AMENDED QUINAULT BYLAWS

ITEM 14. We have our Amended Bylaws of May 22, 1965, first adopted August 24, 1922; said Bylaws are in lieu of a constitution. Basically, our Bylaws spells out requirements for enrollment, as to ownership of trust allotment, 1/4 quantum Indian blood, residence on or immediate vicinity of reservation, adoption procedures, voting rights, quorum, regular and special meetings, duties of officers and business committee. We have successfully operated under our Bylaws all these many years.

FINAL ROLL

ITEM 15. In preparing our final roll we were never given an ordinance or explicit instructions from the tribe to use as a guideline, however we were delegated authority to proceed as we saw fit; nor did we receive a directive from the BIA as to the procedure to follow in preparing a roll, although there has been a BIA official present working with us. After 3 false starts we finally made progress. However, we did use the doctrine that when the courts have consistently recognized. . . an Indian tribe has complete authority to determine all questions of its own membership, and of course following the power delegated to the Secretary of the Interior by Congress.

REJECTED WHEELER-HOWARD ACT

ITEM 16. We rejected Wheeler-Howard Indian Reorganization Act of June 18, 1934; although the BIA from time to time has maintained otherwise. At the time the tribe was voting on the Act and when the votes were tallied we accused the BIA of using subterfuge by sending some of their employees out into the field to solicit absentee votes, a practice we neither used nor recognized. Taken from Cohen's Handbook of Federal Indian Law, "The Act had no effect upon the substantive

August 22, 1966

powers of tribal self-government." We have been self-governing from time immemorial; however, the present day society is so highly competitive that we could not cope with the complicated laws without the assistance and guidance of the Bureau of Indian Affairs. Not that we are so helpless, but our interests must be protected. Again Cohen: "What is not generally known is that many Indian tribes have operated under written constitutions. The writing of Indian constitutions under the Wheeler-Howard Act is therefore no new thing in the legal history of this continent." Our Bylaws of 1922 fall in that very category.

QUINALTS CONTRIBUTION

ITEM 17. How much have the Quinalts contributed to the economy of Grays Harbor county and the State of Washington? We ceded what we consider a vast domain covering and including many natural resources in land, timber, untapped minerals, rivers and its fishery, ocean beaches with its magnificent scenic beauty and its sea foods, among other things. All those resources are developed and commercialized today. Within our 450 square mile reservation that was reserved for our exclusive use we have the same resources.

ITEM 17-a. Logging timber within our reservation began about 1910 by private operators cutting in units. The logging companies are all local firms employing hundreds of men the year round. Starting from the felling of the trees until the logs arrived at the mill, the work process begins out in the forest with the many different types of woods crews, camp personnel, hauling first by railroad and logging trucks came into being; the logs hauled to lumber, shingle, shake, plywood and pulp mills; then followed by relogging and salvage for shake and shingle boards. The Aberdeen-Noquiam city ports trans-

August 22, 1966

shipped the finished products to distant parts of the world over. The logging companies treat timber as a crop, which it truly is, and they harvest the timber on a sustained-yield basis. Therefore, we do feel emphatically that we have^{and}/are still contributing our fair share to our county and state. All of this while under the supervision of the Federal government through the Bureau of Indian Affairs. TERMINATION should not enter this picture.

ITEM 17-b. Our fishing and razor clam digging industries have continuously maintained employment seasonally since early 1900s in the canning and fresh market industries outside the reservation. Our Lake Quinault, rivers Quinault, Queets, Raft and Moclips all have contributed commercial and sports fishing fields, with the exception of the latter two rivers which we closed to all types of fishing for conservation purposes. These are perpetual economies since the runs annual by the seasons. We do not want to part with all this potential through TERMINATION.

TIMBER SALES

ITEM 18. From our timber sales there is an automatic assessment of 10% of the sale value from each 80 acre timber allotment when logged. We were being told when we opposed the 10% deductions that it is deposited in the General Fund; a recent source informed us that it is used for supervising cutting of the forest (Act of Jan. 14, 1920, 41 Stat. 415, 25 U.S.C. § 413). Presently, we have two long term logging contracts, the first with Aloha Lumber Corporation - now Evans Products and Rayonier, Incorporated, the latter contract covering what is known as the Crane Creek Logging Unit, No. I-101-Ind-1902, dated June 18, 1952, between the Superintendent and Rayonier, Incorporated, approved June 30, 1952. It is very disheartening, indeed, in the manner these

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those power of attorneys were solicited by the BIA; according to testimony before the Subcommittee on Indian Affairs on Quinault Timber Sales previously mentioned, that many of those powers-of-attorney were signed as far back as 1947, 5 years before the contract was let; the powers-of attorney were given to the Superintendent of that time. The Aloha Lumber Corporation purchased the what is termed "Taholah Logging Unit," the contract is along the same lines as Rayonier's.

ITEM 18-a. Now, were we paying veiled taxes on our timber without knowing it all this time? Under the supervision of the BIA I believe, not. However, in the event we have been, we have been paying the way for all the other tribes as well. One of the shadiest deals that was ever pulled over/^{us}was when our Agency was removed from Hoquiam to Everett, Washington, despite our protests which echoed and re-echoed in the halls of Congress. Both Rayonier and Evans contracts are cutting on sustained yield basis.

ITEM 18-b. To TERMINATE us through the "compulsory process" or through the device of Concurrent Resolution 108, 83rd Congress, would place us in the same precarious position that befell the Klamaths of Oregon and the Menominees of Wisconsin - another sad blot on the part of the U. S. government in its dealings with its wards. That hardly typifies fair play on the part of the Federal government where it is noted world wide for aiding the underdog. Perhaps the Indian race of people are set aside to be exterminated instead of being terminated. After-all it is difficult to be an Indian living in the present day society. Not only will we be TERMINATED, but every thing we have - personal and tribal property will be TERMINATED as well. We notice that the government does not go out of its way to inform the rest of the Indian population and the general public the progress the Klamaths and Menominees are making since their TERMINATION.

ITEM 19. I was at the Estes Park, Colorado, meeting a few years ago, you were present when a letter was read written by the Commissioner Glenn L. Emmons saying it would be up to the tribes to accept or reject termination. At various times and places, I am sure, then Secretary of Interior Fred L. Seaton spoke along the same lines. History also tells us when Vice President Charles Curtis made a speech at one time saying in effect that the Indians should remain in trust. We Quinaults want to remain in trust. There is nothing the State of Washington has that we want, be it TERMINATION.

QUINAULTS NOTED CONSERVATIONISTS

ITEM 20. We Quinaults are widely noted for conservationists for our fisheries - - we have an old saying, "Take only what you need from what mother nature has provided," and we continue to uphold that standard. Our commercial and sports fishing regulations recommended by Special Indian Agent Dorrington to the Secretary of Interior and approved January 3, 1917, supports the practice of conservation. Curs ^{Indian} is the only/fishing regulations that is highly regarded in the State of Washington. Our Business Committee is now in the process of updating our regulations in keeping with the times.

ITEM 20-a. Washington State Fisheries and Game statistics reveal for Queets river catches for chinook, chum, silver, sockeye and steelhead have remained at a constant level from 1935 to 1964. For the Quinault river catches for same species for same period all species sustained a steady yield with the exception of chums which dropped considerably which was due to the logging companies operating over the creeks and sloughs of the Quinault river where the chums spawn and their practice of dumping all types of debris - worthless logs, snags, branches and abandoned equipment, virtually

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destroying our chum spawning beds and almost wiping out our chum runs; but that is being remedied with our stream clearance program and our local agency instructing the logging companies to improve their logging practices. Our silvers made a slight drop over the 10 year period, but not enough to be alarmed about. We are confident that the building program we are initiating will improve our runs all around. There have been peak runs and there have been lean runs for all species in both the Quinault and Queets rivers.

ITEM 20-b. Raft and Moelips rivers are salmon producers too, but the tribe closed these two streams both to sports and commercial fishing the year round for spawning purposes and for future development of our fishery reservation-wide to a higher yield; actually the ones benefiting the most in this program are the sports and commercial fishermen on the high seas where the salmon spend the majority of their adult life.

ITEM 20-c. In 1941 attorney Edward G. Swindell from the Portland Area Office made an extensive survey of our reservation fishery and submitted a favorable report to the Secretary of the Interior, he had this to say, "This tribe probably observes more regulation of their fishing activities than other." We have often been accused through different sources of the state that we are depleting the salmon runs, but facts do not bear that out. In the newsprints throughout the state, periodicals such as Outdoor Life and Sports Afield tend to exaggerate the Indian fishery thereby causing a stigma against the Indians. The irony of it is that the Sportsmen want to eliminate all commercial fishing; with the dispute going on presently with the Sportsmen and the Indians the commercial fishermen are in the middle. The Sportsmen and the state claim that the best fishing

sites are within Indian reservations, but how to get at it? Is this where the pressure is originating from to accelerate the TERMINATION program? On our reservation logging companies have been the guilty parties as we have no other industries within or near enough that will endanger our salmon supply.

OCEAN BEACHES

ITEM 21. We own 24 miles of ocean beaches; 8 miles of beach we dig razor clams both for commercial and subsistence purposes to supplement our earning capacity; 16 miles have been indefinitely closed to all types of activities, with the exception of hiking by special permission granted by the Business Committee.

ITEM 21-a. Washington State Court decision January 2, 1935, proclaimed that, "The Quinault Indians have title to the clams on the tidelands to low water since the tidelands specified are part of the reservation." We are entitled to harvest our razor clams anytime we desire, however we close our beaches, both for commercial and home use, from time to time to give the clams a chance to mature and to spawn. Ours is the only beach on the Washington coastline where digging is permitted the year round. We have a ready market for our clams to the crab fishermen in season, and generally we ship them through interstate when the local canneries outside the reservation are shut down. The state casts an envious eye in this direction, therefore TERMINATION will all likely dispossess us of that valuable piece of real estate.

ITEM 21-b. We exercise our treaty right to dig razor clams at our "usual and accustomed grounds and stations in common with the citizens of the territory," meaning we observe the state's clam digging laws while digging in our ceded areas. However, TERMINATION will surely

cancel our rights in our ceded area, and our activities will be controlled or lost entirely to the state. We do not want that to happen.

* * * * *

(Note: A lot of attention in this portion of this statement has been devoted to fishing and razor clam digging. It is our way of life and has been since the dawn of history; and we are like any God-fearing people who cherishes things that are dear to our hearts.)

* * * * *

PROBLEM ON OUR BEACHES

ITEM 22. We are confronted with a serious problem on our beaches immediately south of Pt. Grenville. Realty companies, particularly from Seattle, when selling plats of land on fee patent property adjacent to the ocean shores they inform their clients that the beaches go along with the purchases, but that is not so. The state legal department supports the contention of the realtors. Our own tribespeople have a difficult time entering that location of our beaches even though it rightfully belongs to us. It is getting to a point now where we can't enjoy our own front yard. There should be relief in this matter somewhere. That is another example what we would have to contend with under TERMINATION.

LAKE QUINAULT CLOSURE

ITEM 23. At our 1962 annual meeting the tribe adopted a resolution aiming at the white man violating our sports fishing regulations at Lake Quinault, after repeated warnings the General Council unanimously voted indefinite closure of Lake Quinault. Noted northwest radio and news reporters and photographers covered that meeting. That was the second closure of the lake.

ITEM 29-a. In 1929 Lake Quinault was closed for 2 years for flagrant abuse of our regulations as mentioned above. Right now we are being faced again with the very same problem outright violations of our regulations at the lake. We have a patrolman there during the sports fishing seasons, and it is about this time - July and August - our blueback (sockeye) are lying idle in the water heavy with eggs; this area is at the upper reaches of the lake which is a closed area; the fish waiting their time to move upriver a short ways to the spawning grounds. This is where the problem arises when the sportsmen enter the closed area to snag our blueback as they do not take a lure nor bite a hook. The remainder of the lake area we permit various water activities to all who wish to use it. Our relationship with the general public has always been on the best of terms; however, we value our blueback, and we will continue to take steps to protect them, especially at the spawning beds.

EDUCATION

ITEM 24. In the education field we naturally are concerned about the future welfare of our children. In most respects it is debatable whether our Indian students are succeeding in public schools; where the fault lies is difficult to determine. We can witness many of our young Indian men and women finish Junior or community college only to return home unskilled to work in local logging camps, mills and other unskilled fields. But we are aware of many of our local adults who now have families, who finished high school vocational training in boarding schools - - these are the ones who graduated in the latter 1920s and early 1930s - - and put their training to the best advantage.

ITEM 24-a. Two years ago the tribe in its General and Business Com-

mittee meetings, local Parent-Teachers Association and Community Club conducted conferences, discussed and expressed the growing need for reactivation of boarding school off-reservation pre-high and high school program for the Indian population. Such a program is feasible when chosen academic curriculum is offered. Usually in boarding schools courses are taught to fit the Indian student; while in public schools courses are offered that do not meet the requirements of the Indian student.

ITEM 24-b. The question is often raised concerning segregation and civil rights, however, Indian law and Federal statutes provide that we have legal rights to remain in our tribal culture apart from others if we want to; and if it is segregation we, by our own choice want it designed that way.

LAW AND ORDER

ITEM 25. Law and Order on the Quinault reservation through Public Law 280, 83rd Congress is and has been a failure, for from 1958 to January 1965, at various times we were under jurisdiction of the State, and most of that seven years we were in a vacuum with no law enforcement protection whatever. We bitterly opposed state supervision in law and order, while at the same time the state attorney general exerted every effort to detain us in their jurisdiction. Certain departments of the BIA - not the present Western Washington Agency staff - dragged their feet in coming to our assistance, in fact they were assisting the Attorney General.

ITEM 25-a. We did not know that we were under state jurisdiction until an article appeared in the local Aberdeen Daily World. We immediately filed petitions to every branch of the BIA from the Commissioner on down, and to different branches of the Washington State

legal departments including Governor Albert D. Rosellini. One member of our tribe was involved in a shooting incident and was charged with assault; he challenged the state's right to arrest him and trying him in a state court, and claimed lack of jurisdiction on the part of the state. His case went before Judge Warner Foyhonen in Grays Harbor Superior Court and the case was dismissed for lack of jurisdiction. It was appealed to the State Supreme Court, then remanded back to Superior Court for rehearing. This time the case was heard by Judge Mitchell Kalin and he dismissed the case again for lack of jurisdiction, and of course reappealed to the State Supreme Court where that court held that the state had jurisdiction. This was not a tribal matter but an individual one; however the tribe throughout those seven years continued its fight to get out of state jurisdiction. Finally the last act Gov. Rosellini did upon leaving office was to rescind his proclamation therefor placing the Quinault reservation back under Federal jurisdiction.

ITEM 25-b. During June of 1960 a Fact Finding Committee which was organized mainly for the purposed of fighting against state jurisdiction, this committee circulated 125 questionnaires in the villages of Taholah and Queets and to families living in outlying areas of the reservation. Out of the 103 returned 103 voted against termination, and they all voted to remain in trust. In state law and order 97 were opposed while 6 were in favor; but prior to Gov. Rosellin's action those 6 changed their mind and were opposed to state jurisdiction. Of the 4 members of the Business Committee who signed the resolution permitting state jurisdiction into the reservation sometime before Gov. Rosillini's rescinding his proclamation 3 changed the^r minds and made a public apology before the tribe at our general meeting saying they were sorry for what they did. The tribe accepted.

ITEM 25-c. Today we have a very capable Indian law force, tribal judges operating under a United States Code of Indian Offenses. The difference between the state and federal is that the state offered very little in way of protection, while the opposite is true with our own Indian policemen.

STEELHEAD

ITEM 26. In 1930 the case of Pioneer Packing Co. v. Winslow came about when State Game Warden Jack Winslow seized 1724 lbs. of steelhead that were legally caught in the Quinault river, delivered to Aberdeen, Washington, for inter-state shipment to New York City. Pioneer Packing Co. challenged the state's action to seize the fish in Grays Harbor County Superior Court, Judge J. M. Phillips presiding, and was granted an injunction restraining the state from interfering with the right to purchase steelhead and shipping them out of the state citing an earlier equity case involving the Quinault Tribe in Mason v. Sams in District Court, Judge E. E. Cushman presiding. The State Attorney General appealed to the State Supreme Court and the upper court affirmed the judgment of the County Superior Court.

ITEM 26-a. In Mason v. Sams (W.D. Wash., 1925) 5 F. 2d 255, before Judge Cushman. This was a Quinault case holding that under our treaty we are entitled to fish the waters of our reservation without regulation by the Secretary of the Interior as to ownership of fishing locations or anything else. This was a suit to enjoin Supt. W. B. Sams from enforcing the regulations of the Secretary. Judge Cushman said, "The Quinault River rises in Quinault Lake, which lake forms part of the reservation boundary; the lake is fed by streams without the reservation. The Quinault River, throughout its entire course, flows through the reservation, emptying into the Pacific Ocean. . "

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Judge Cushman held, ". . . There is no analogy in this matter between the power of the Government, and the authority of the state over the fish in its streams. The state owns the fish and the game of the state, and may regulate or license the right to take them, or forbid it entirely. But the fish in the waters of this stream do not belong to the state, nor to the United States, but to the Indians of this reservation." The case was never successfully appealed.

ITEM 26-b. Two years ago the State Game Department through the State Attorney General's office stopped us from shipping our steelhead via inter-state commerce. We challenged the state's right to do so in Thruston County Superior Court at Olympia, Washington, before Judge Wright. We were ably represented by our tribal attorney, an Assistant U. S. Attorney from Seattle, an Assistant Regional Solicitor from the Portland Area Office and an Assistant U. S. Attorney from the Department of Justice who was specially out here to assist in the case. Our attorneys made repeated referrals to Pioneer Packing Co. v. Winslow and Mason v. Sams cases. Judge Wright upheld our right to ship our steelhead through interstate. This case was not appealed.

* * * * *

(Note: Much time and space has been devoted concerning our steelhead fishery. It seems that we contribute a great deal of our time in courts litigating. Our tax case in Squire v. Capoeman extended over a period of several years, and it affected practically every Indian household throughout the United States. We value as sacred all what we possess be it tribal rights, material things and our way of life. Truth prevails over the maxim might makes right.)

ITEM 27. In regard to Indian housing, health, disposition of our claims funds, and other matters pertaining to our reservation

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our programming in those fields are very well taken care of and are in capable hands. Our tribal leaders and the Western Washington Agency personnel are doing a wonderful job.

Therefore, Commissioner Bennett, I realize this message is quite lengthy and that the many problems we are faced with might be minor to an outsider, but to us it is very meaningful. This is the only manner that we can express ourselves fully in our own way, and trying to cover each topic which are of vital concern to us of the Quinault Tribe and reservation. It must be remembered that it was only a generation prior to our treaty that our people were living in the stone age untouched by white encroachment.

We Quinaults are very much opposed to any form of termination. We are not prepared for such a venture for it is too hazardous to all what we possess. We believe we are incapable to cope with anything the State of Washington might have to offer. We want our treaty and all its attachments remain unmolested. We believe in the doctrine set forth by the courts that ours is a quasi-sovereign nation.

In closing may I state positively that it has been only the past few years that we have been able to accomplish things to our benefit; this was brought about, I am sure, by Secretary Udall's efforts, first under President Kennedy then President Johnson. We are very fortunate to have in our local agency a Superintendent and his entire staff persons who are willing to sit down with us and assist us in working out our problems. We never had that opportunity previously.

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May we meet with you at your earliest convenience in order that we might present our version of TERMINATION and our opinion on it.

Thank you.

Respectfully yours,

Hannah Mason Bowe chop

Hannah Mason Bowe chop, President
Quinault Enrollment Committee

HLB:fws

cc: Honorable Stewart H. Udall, Secretary of the Interior
Mr. George L. Welshaw, Supt. Western Washington Indian Agency
Mr. Charles A. Hobbs, Tribal Attorney, Washington, D. C.
✓ Congresswoman Julia Butler Hansen
Senator Henry M. Jackson
Senator Warren G. Magnuson
Congressman Brockman Adams
President, National Congress of American Indians
President, James Jackson, Quinault Tribal Council

U.S. DEPARTMENT OF THE INTERIOR
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UNITED STATES DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
Bureau of Sport Fisheries and Wildlife
Division of Fishery Services
Olympia, Washington

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Enclosure File
Defendant's Exhibit No. H-287
Court of Claims
~~U.S. Court~~ DKT. No. 772-71-
90-220-926 775-71

Special Report

FISHERY MANAGEMENT PROGRAM

Quinault Indian Fishery and the Logging Industry
Grays Harbor County, Washington
September 28, 1966

Special Report
Fishery Management Program
Quinault Indian Reservation
Washington

The salmon and steelhead fishery of the Quinault Reservation is vital to the economy of the Indian population. It is the principal natural resource, under tribal control, on which the Tribe must depend for economic development and growth. In addition, the activities connected with fishing for salmon and steelhead trout have considerable cultural and religious significance and are the focal points of interest in the villages of Taholah and Queets.

In view of dwindling salmon production, coupled with heavily increased demands of the ocean sport and commercial fisheries, the Quinault Indian Tribe initiated a fishery program in 1961 involving numerous management techniques. The Bureau of Indian Affairs (B.I.A.) and Bureau of Sport Fisheries and Wildlife are working cooperatively with the Tribe in this effort. New fishery management activities include the construction of a fish hatchery, fish stocking, stream clearance, laddering of man-made barriers to fish migration, and installation and operation of a modern fish trap and study facility. Artificial spawning channels or ponds, rearing pond development and other possible habitat improvements are being studied. Formulation of policy and regulations governing human activities in or near the streams for protection of fish habitat is an important tribal objective.

The most apparent factor affecting the freshwater environment of salmon on the Quinault Reservation is the logging industry. It is evident that past and current logging operations have adversely affected the fishery resource. Application of other management techniques is futile unless this can be corrected. It is the purpose of this report to define the problems and recommend measures for solution.

Many other stream areas along the Pacific Coast are affected by logging, and the subject has received considerable attention by state and federal conservation agencies. State governments have laws which are enforced through fishery, forestry, and pollution control agencies to protect streams from adverse logging effects. Lands under control of the U. S. Forest Service and most federal agencies are managed so that streams and watersheds will be protected and preserved. Management of streams on the Quinault Reservation appears to have received little attention prior to the cooperative program with the Bureau of Sport Fisheries and Wildlife

beginning in 1962. Failure to recognize the magnitude and value of the reservation fishery resource in the past has been a primary cause of the problem. On the other hand, forestry and other phases of the timber industry on the Reservation have received active attention by B.I.A. employees. Basically, it is difficult to evaluate fish populations since they are not readily observed at all times, and foresters have not been made aware of the fishery resource value or the devastating effects of uncontrolled logging activities on watersheds. Further, there is little development on the Reservation to impress visitors with monetary value of the fisheries. Nearly all of the fish are transported for sale to canneries and fresh markets in distant metropolitan areas. Sport fishermen visiting the area must find accommodations off the Reservation. Canneries, motels, restaurants, and other facilities reflecting significant monetary expenditures which could be supported by the resource do not exist on the Reservation. Nevertheless, the fishery resource and its potential for substantial economic growth exist and are worthy of protection and development.

Salmon and Trout use of Reservation Streams

Large annual runs of sockeye, coho, chinook, and chum salmon use streams on the Reservation for natural production. Steelhead and sea-run cutthroat trout also use the streams and enter the sport and commercial fisheries. All of these species vary in time and extent of freshwater life, but all must use the streams for spawning and egg incubation. The streams also provide a continual rearing place for young sockeye and silver salmon and trout during the first one to three years of life. Clean, permeable gravel riffles and a good supply of clear, cool water is necessary to salmon and trout for success of all phases of early life.

The terrain of the Quinault Reservation is mainly slight or moderately sloped. Natural barriers in the streams are few except in the headwaters. Salmon use is extensive in all drainages. The spawning and rearing areas are usually in the upper portions of the streams; thus the rivers and tributaries must be kept clear of barriers to the upstream spawning migration of adults and the seaward migration of young fish. Table 1 illustrates the variety of life history activities of fish in the Quinault River as they occur throughout the year.

Effects of Logging on Fish and on Stream Habitat

Conflict with stream productivity on the Reservation may occur during almost every phase of logging activity unless it is closely regulated.

Trees are often felled into and across streambeds. Trimming, topping, and bucking of these trees is done in the streams, and the unmerchantable debris left to pollute the water, and form jams which block fish migration channels. Large amounts of logging detritus left in the streams rob the water of its dissolved oxygen supply and fish production is reduced, particularly in summer months during periods of high water temperatures and reduced flow. Stripping stream banks of their tree canopy and understory over large areas increases exposure of sunlight on the water and may cause high temperatures which salmon and trout cannot tolerate for long periods. Commonly logs are yarded through streams and across steep banks and slopes. This disturbs the stability of the streambed, often kills fish-life directly, and usually strips the vegetative cover from the banks, subjecting them to erosion. The soil layer may be lost following this activity and considerable time is required for reestablishment. Siltation of the stream caused by these activities probably has the most detrimental effect on fish production; salmon and steelhead must have clean gravel for the deposition of eggs and cannot use silt laden areas. Dissolved oxygen in the water is necessary to the life and development of eggs. Heavy silt loads in the streambed restrict permeability of the gravel and cause egg loss through suffocation. Clean gravel riffles are the important fish food producing areas and a silt cover also reduces the food supply. In addition, an excessive silt load carried by the stream water may affect the body functions of fish directly and cause losses.

Road construction and maintenance has affected fish production. Poor location, methods and timing of bridge and road construction and culvert installations cause excessive siltation and migration barriers. Operation of heavy equipment in and near the streams for road construction can cause damage to vegetative cover and the streambed. Until recently it was common practice on the Reservation for logging firms to obtain gravel for road construction and maintenance from streambeds, with little or no precautions being taken for the protection of fish life. Physical injury may occur to fish or eggs through direct contact with the heavy equipment used. Extensive damage may also occur to fish life if freshets occur during the egg incubation period, causing a shift of streambed gravel to the borrow area.

Stream Clearance

The Quinault Tribe recognized the need to clear streams of logging debris and included it in their Fisheries Rehabilitation Program proposed in 1962. The Bureau of Sport Fisheries and Wildlife inspected Quinault Reservation streams and concurred in the program. Accelerated Public Work Funds were appropriated and administered through the B.I.A. for the work which began in early 1963 and continued through much of 1964.

Indians living on the Reservation formed the work crews, and field operations were supervised by the B.I.A. Forestry Section. The Olympia Fishery Office provided technical guidance, determined the methods and extent of the work, and established stream priorities. About 50 miles of stream channel were cleared of logs and debris during the project, which was concentrated on the Moclips River and the southern tributaries of the Quinault River. These streams were badly choked with jams which resulted from logging operations conducted 35 to 40 years earlier. Moclips River, in particular, was so badly clogged with log jams that little habitat for salmon remained, and the Tribe had closed it to all fishing to protect the small remaining salmon population. Once logging debris had been cleaned from the river, other measures were employed to complete its rehabilitation; annual stocking of silver salmon from Quilcene National Fish Hatchery was undertaken to reestablish the salmon runs; a modern fish passage facility was installed at a mill dam on the lower river, and close regulation and protection of spawning escapement was undertaken by the Tribe.

Some work was accomplished under the Accelerated Public Works Program on Raft River, located in the northern part of the Reservation. A considerable amount of debris from recent logging operations was removed by the Esses Logging Company in Raft River. The cooperation of the Company was secured through joint efforts of the Tribe, the Olympia Fishery Office, and the B.I.A. Forestry Section.

Present Logging Problems

Present logging operations are north of the Quinault River and are divided into three major units, which are mostly under trust contract administered by the B.I.A. These are Taholah, Queets, and Crane Creek Units (see map). The southern boundary of the Taholah Unit follows the lower 9 miles of Quinault River, and the east and west boundaries extend six miles north. The Aloha Lumber Corp., a subsidiary of Evans Products Company, is the purchaser of the timber in this unit. The Queets Unit lies north of the Taholah Unit, extending to the north boundary of the Reservation, and includes the main stem of Raft River and part of the Queets River drainage. It is logged by a number of independent operators and a great deal of the land is under fee-patent ownership. The Crane Creek Unit lies east of the others, includes northern tributaries to Quinault River and upper Raft River, and Rayonier Incorporated is the purchaser. The B.I.A. has jurisdiction over logging practices in the Taholah and Crane Creek Units. Control also is exercised on trust lands within the Queets Unit, but the B.I.A. does not exercise jurisdiction on fee-patent lands.

10 miles on Q.R.

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10 miles on Q.R.

Examples of logging operations detrimental to fishery resources have been abundant on the Quinault Reservation. During the early phase of the stream clearance work several incidents of adverse logging and streambed gravel operations were called to the attention of the Olympia Fishery Office by tribal members. Most often these occurred in the northern portion of the Reservation on the fee-patent lands where considerable difficulty is experienced in obtaining cooperation of logging operators. While some stream clean-up was achieved through private operators, uncontrolled tree falling and yarding operations persisted in spite of efforts of the Tribe and the Bureau of Sport Fisheries and Wildlife.

A specific case which exemplifies many aspects of the fishery-logging problem occurred on Quinault River and its tributary, No Name Creek, in the Taholah Unit. Details of events pertaining to the operations, and meetings and field inspections which followed, are given below. These point out the lack of fishery resource awareness on the part of forestry interests which prevailed, and show the need for coordination of activities and information by the various groups involved.

In March, 1965, logging and stream gravel operations which appeared highly detrimental to fish habitat in Quinault River and No Name Creek were called to the attention of the Olympia Fishery Office by the Reservation Patrolman and a Tribal Councilman, and a joint field inspection was made. The Hoquiam Sub-agency Office of the B.I.A. was contacted promptly and a second inspection was made with representatives of the industry and the B.I.A. Yarding had been completed over most of the site; however, some falling was still in progress. Newly felled trees were lying in and across No Name Creek. Over much of the yarded area debris was so thick that the streambed was obscured. (See photos). Falling and yarding had been conducted with apparent disregard for the stream or its aquatic life and the vegetative cover was stripped from much of the adjoining banks and slopes.

Coincidental to the above free falling and yarding, gravel was being taken from two nearby areas on Quinault River without prior consent of the Tribal Council. These areas were near the mouth of No Name Creek and at Chow Chow Bluff, about a mile downstream. A major portion of the chum salmon population in the Quinault System spawn in the river at these sites. The gravel operations coincided with the spawning and egg incubation period and there was considerable concern for the safety of the annual run of fish. Large deep borrow holes had been scooped on bars along the river. There was evidence of heavy equipment operation in the stream which may have caused a direct loss of fish; however, a much greater loss could have occurred if commonly

high spring river flows had caused a shift of bed gravel to fill the deep borrow holes. Salmon nests would have been destroyed in the process and the annual production severely reduced.

The Hoquiam Sub-agency Office of the B.I.A. was notified of objections to the above activities by the Tribe. The gravel operations were stopped and the entire problem was discussed in a meeting on March 23. It was attended by the logging company's timber manager and two local employees, representatives of the B.I.A. Forestry Section and Fishery Management Specialist, and the Project Leader, Olympia Fishery Office, Bureau of Sport Fisheries and Wildlife. The Project Leader explained the impact of logging on the reservation fisheries and discussed salmon life histories and stream needs and the general value of the resource. It was agreed that improved coordination of resources management was essential, and the industry representatives expressed plans to gear operations accordingly.

In April another meeting was held in Hoquiam by arrangement of the B.I.A. Forest Manager for the purpose of reviewing the effects of logging on fishery resources for the entire B.I.A. Western Washington Forestry staff. At this meeting general working arrangements were formulated. Major results of this meeting were:

1. New logging areas to be contracted or sold would be reviewed prior to advertisement and provisions included to protect fishery resources. Provisions that would be considered included road locations, protective strips where needed, drainage structures, feasibility of logging away from streams, proper timing of operations, and revegetation.
2. Gravel operations in Reservation streams would be regulated by a permit system administered by the B.I.A. with approval and recommendations of the Quinault Tribe and Bureau of Sport Fisheries and Wildlife. This would be in accordance with the Tribe's resolution dated July 23, 1963.
3. General logging contracts of B.I.A. include some provisions for protection of Reservation streams. The Forest Manager instructed his staff to strengthen enforcement of these provisions in areas currently being logged.

The Tribal President and other Tribal representatives, the B.I.A. Associate Commissioner, the Area Director, the B.I.A. Western Washington Superintendent, and others, visited the No Name Creek area in May to observe the effects of current logging practices on salmon habitat.

In June the Reservation Patrolman reported that some stream clearance work had been conducted by the logging contractor. This was accomplished without first notifying the Tribe and the B.I.A., or obtaining guidance in the time and proper methods. On visiting the area it was found that a channel had been opened in the stream by operating a bulldozer up the creekbed and shoving logs and debris to each bank. This type of clearance work increased disturbance to the streambed and banks and may have caused additional direct loss of fish life. Large tree trunks and limbs were left along the stream banks where they might be moved back into the stream channel by normal high water (see photo).

Having been considerably provoked by numerous examples of apparent disregard for their fishery resources, the Tribe, at an annual meeting in July, 1965, voted to prohibit all gravel operations in Reservation streams. This placed a considerable hardship on some operators, particularly in the Taholah Unit, since dry land pits are scarce and additional expense is involved in hauling gravel long distances to construct and maintain roads.

Representatives of the logging firms and the B.I.A. Forestry staff expressed a need for better understanding of fishery needs and the degree of protective measures and cleanup work required. It was obvious also that communications between all entities (logging firms, the B.I.A., Indians, and Fishery Services) needed considerable improvement. By arrangement of the Olympia Fishery Office a meeting of all concerned parties was held in August, 1965, at Hoquiam for the purpose of considering the problems. Represented at the meeting were the Quinault and Makah Indian Tribes, seven logging firms, the B.I.A. Agency and Area Office, U. S. Forest Service, Washington Departments of Fisheries and Game, and the Portland Regional Office, Bureau of Sport Fisheries and Wildlife. Talks, movies, and slides covering salmon life histories, stream habitat requirements and management problems on the reservations and watershed protection and applicable state laws were presented by representatives of the Washington Department of Fisheries, U. S. Forest Service, and Fishery Services. A tour of selected logging problem areas on the Reservation was conducted by the B.I.A. Forest Manager. A tour of applied stream protective measures on adjoining lands in Olympic National Forest was directed by the District Ranger.

The meeting appeared to be successful in that the operators and the B.I.A. foresters expressed better appreciation of the value and need for protection of fishery resources on the Reservation. In addition, fishery workers became better acquainted with logging methods and economic limitations. Considerable improvement in coordination of

activities has been experienced since this meeting. Both Rayonier Incorporated and Evans Products Company have established stream clearance budgets and begun work to clear streams in their respective Units (photos). Logging managers of both firms expressed plans to lay out future logging blocks so that yarding across streams would be limited, to exceptional circumstances. Smaller operators in the northern portion of the Reservation expressed cooperative intentions, and some stream clearance work and improved yarding techniques have been observed.

Discussion

Numerous techniques are being employed to manage the fishery resources of the Quinault Indian Reservation. Until the last three to four years little attention was given to the effects of logging activities on the Reservation streams. Logging is the biggest single factor controlling fish production in the streams and when conducted poorly can have a devastating effect. In preliminary studies of the Bureau of Sport Fisheries and Wildlife it was obvious that poor logging practices would preclude successful application of many other fishery management measures unless proper controls were enforced. The Tribe recognized the need for stream clearance work and succeeded in its accomplishment during 1963 and 1964 in most of the old logged-over areas. The need for protection of fish life and the stream habitat has been expressed by the Tribe to the B.I.A. and to logging operators on the Reservation.

It was the opinion of the B.I.A. and industry representatives that their personnel lacked knowledge of salmon habitat needs, and they have requested additional assistance in orientation. Lack of knowledge about fisheries and failure to recognize fishery values on the Reservation appear to have been responsible for the lack of proper management in the past. Field trips with foresters in charge of the various Quinault Reservation logging units and with industry representatives have been conducted to the extent possible during 1963-1966. Since the meeting of the Indians, government agencies, and industry in August, 1965, and subsequent meetings and field inspections, considerable improvement has been observed in the attention given the problem by both foresters and logging representatives. Numerous requests have been received by the Olympia Fishery Office from the B.I.A. Forestry, the Tribe, the State of Washington, and the industry for assistance and recommendations concerning stream clearance, gravel removal, bridge construction and maintenance, stream channel alteration, culvert installations, and new timber sales. The Tribe has requested that review of all such matters and approval for procedure be accomplished through the Olympia Fishery Office. This office considers stream maintenance and protection of major importance in the total fishery program and has attempted to provide

assistance accordingly. Because of the limited funds and staff available, attention to other aspects of the fishery program are necessarily neglected. The full time of an additional fishery biologist would be required to provide proper assistance in stream protection matters to the B.I.A. and to the Quinault and other Indian Tribes in Washington.

Salmon and steelhead use streams throughout the Reservation. Extent of use by the various fish species in each stream is not precisely known and it is difficult to provide forest managers with satisfactory information regarding proper timing of logging activities in the interest of fisheries. Fish population studies for each of the Reservation drainages is a prerequisite to proper management.

Successful achievement of the work is complicated because of the absence of clear jurisdiction on fee-patent lands, lack of concise provisions for fish protection in B.I.A. standard timber contracts, and lack of a definite policy and procedural outline on the part of the Tribe. Primary efforts of the B.I.A. Forest Managers have aimed at stream clean-up following logging operations. This is an important step; however, the ultimate goal should be to protect streams from all destructive effects of poor logging practices. This would eliminate or minimize the need for stream clearance work. Operators who have done clearance work are aware of the high cost involved and are finding that, with proper logging block lay-out, the cost of clean-up can be significantly reduced.

Standard timber contracts of the B.I.A. dated April, 1920, and March, 1960, include provisions which give the Forest Manager authority to control logging for protection of streams and watersheds. Authority is specified to prevent obstruction and pollution and insure clean-up of logging debris in both flowing and intermittent streams as may be required in the judgment of the B.I.A. officer in charge. Provisions allow for leaving strips of streamside trees and other vegetation, for control of falling and yarding and use of heavy equipment to protect streambeds and banks, and prevent soil erosion during logging and road construction. In view of these provisions it is apparent that the B.I.A. is cognizant of the watershed value and need for protection. Lack of application of these provisions by foresters in the past perhaps is due to several factors, but mainly because resource managers have not been fully aware of the impact of poor logging practices on the reservation fisheries. Stream and watershed protection provisions probably are not given in enough detail to guide the foresters who have considerable authority to manage these mutually important areas. During late 1965 and 1966 the Hoquiam Sub-agency Office and the Olympia Fishery Office, together with the Quinault Tribe, have put extra effort into improving liason and coordination of these matters. Periodic meetings have been held with managers of the Evans Product Company in the Taholah Unit and Joint field inspections made to review progress and outline future fish protective measures. Other operators have been contacted and cooperation in stream clean-up is considerably

improved. Revision of Standard Contract Provisions and more training and orientation with fishery and forest managers would be beneficial to the achievement of ultimate stream protection.

The Quinault Tribe resolved in July, 1965, that stream gravel operations on the Reservation would be prohibited. In their fishery rehabilitation proposal in 1962, it was stated that dams and pollution would not be allowed to occur in Reservation streams and that logging debris clean-up was desired. A definite Tribal policy and implementation of specific regulations governing all activities in and near the streams is needed. This would facilitate the work of cooperating agencies, serve as guidelines for private firms, and assist in providing badly needed stream protection. It could regulate streamside activities such as tree falling, yarding, road location, bridge and culvert installations, stream channel alteration and obstruction, gravel operations, and other pollution. Permits could be issued to applicants through the Tribal office following review and recommendations by the B.I.A., the Bureau of Sport Fisheries and Wildlife, and approval by the Tribe. Enforcement of regulations and permit restrictions primarily would be achieved by the B.I.A.

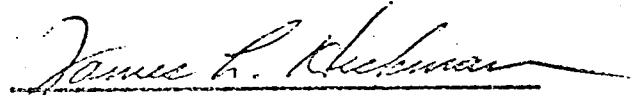
Recommendations

To insure the protection and improvement of fishery resources coincidental to timber harvest on the Quinault and other Indian Reservations in Western Washington it is recommended that:

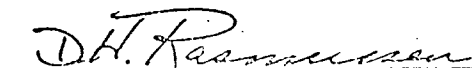
1. Standard Timber Contracts of the B.I.A. be revised or amended and provisions for stream and watershed protection be outlined in sufficient detail to minimize judgment decisions on the part of foresters in charge of logging units. Provisions should give protection during activities such as timber falling and yarding, road and bridge construction and culvert installations, and stream gravel operations. They should prohibit or restrict stream obstruction, pollution, siltation, alteration, and heavy equipment use in streams and in addition, protect watershed and streamside soil and vegetative cover.
2. During the interim, Standard Timber Contract Provisions be reviewed and maximum enforcement of items allowing protection of streams and watersheds be effected.
3. Funds be requested for contract with the Tribes to secure labor and materials for timely plantings of suitable vegetation to control soil erosion in areas where responsibility of individual contractors cannot be established.
4. The Quinault Tribe control all activities that will affect

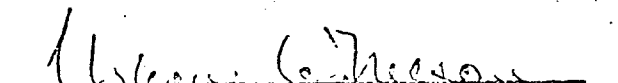
the stream habitat, by issuance of written permits following review of request by applicants, and recommendations of the B.I.A. and Bureau of Sport Fisheries and Wildlife.

5. Additional personnel be assigned to the Olympia Fishery Office so that necessary studies may be conducted and sufficient assistance be provided to the Tribes and the B.I.A. in matters of forest-fishery management.


James L. Heckman
Fishery Management Biologist
Date: September 28, 1966

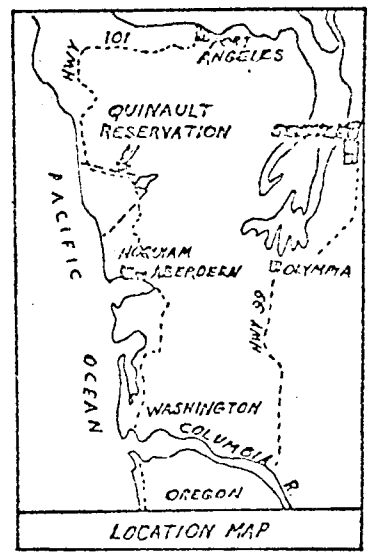
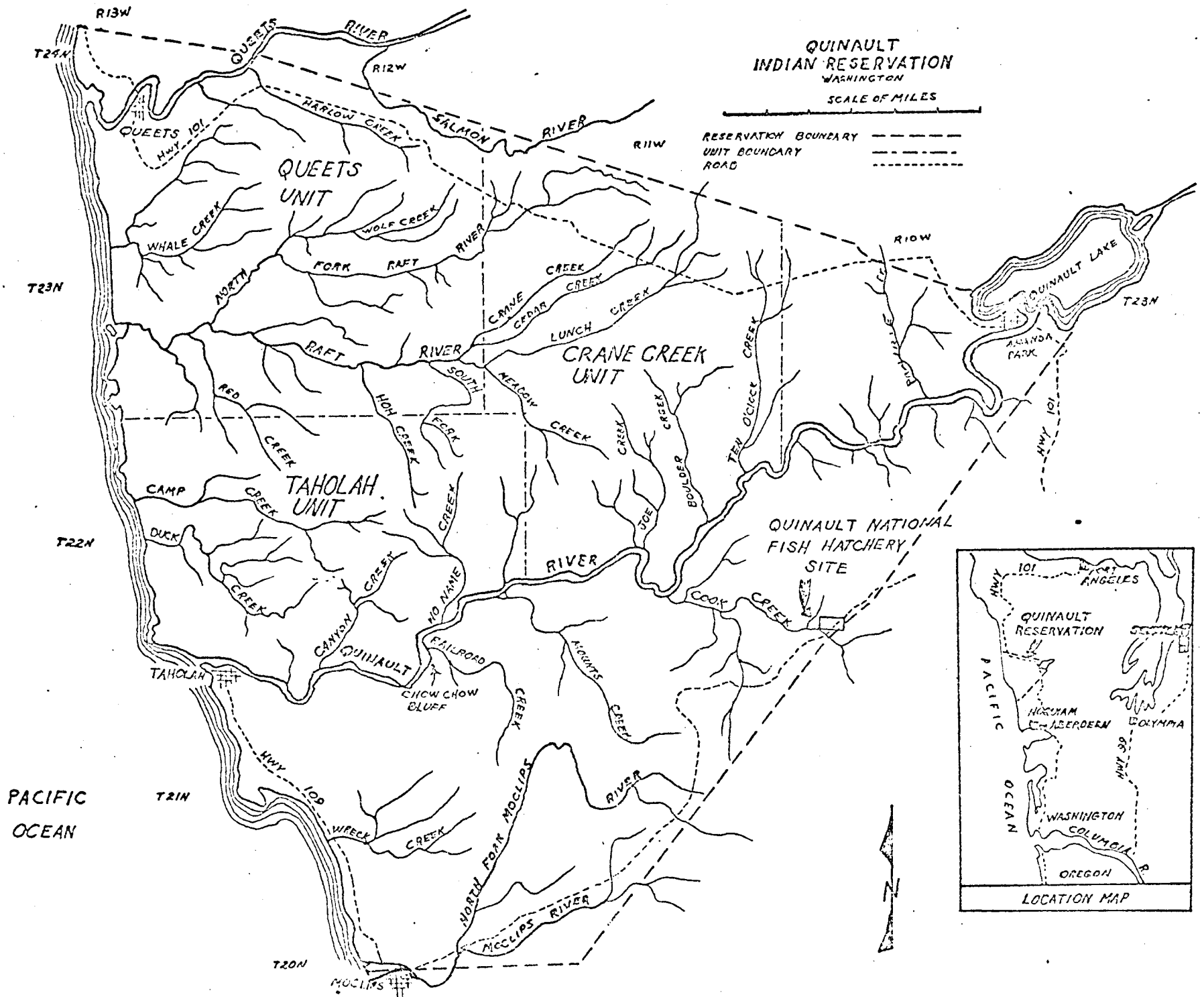
Approved:

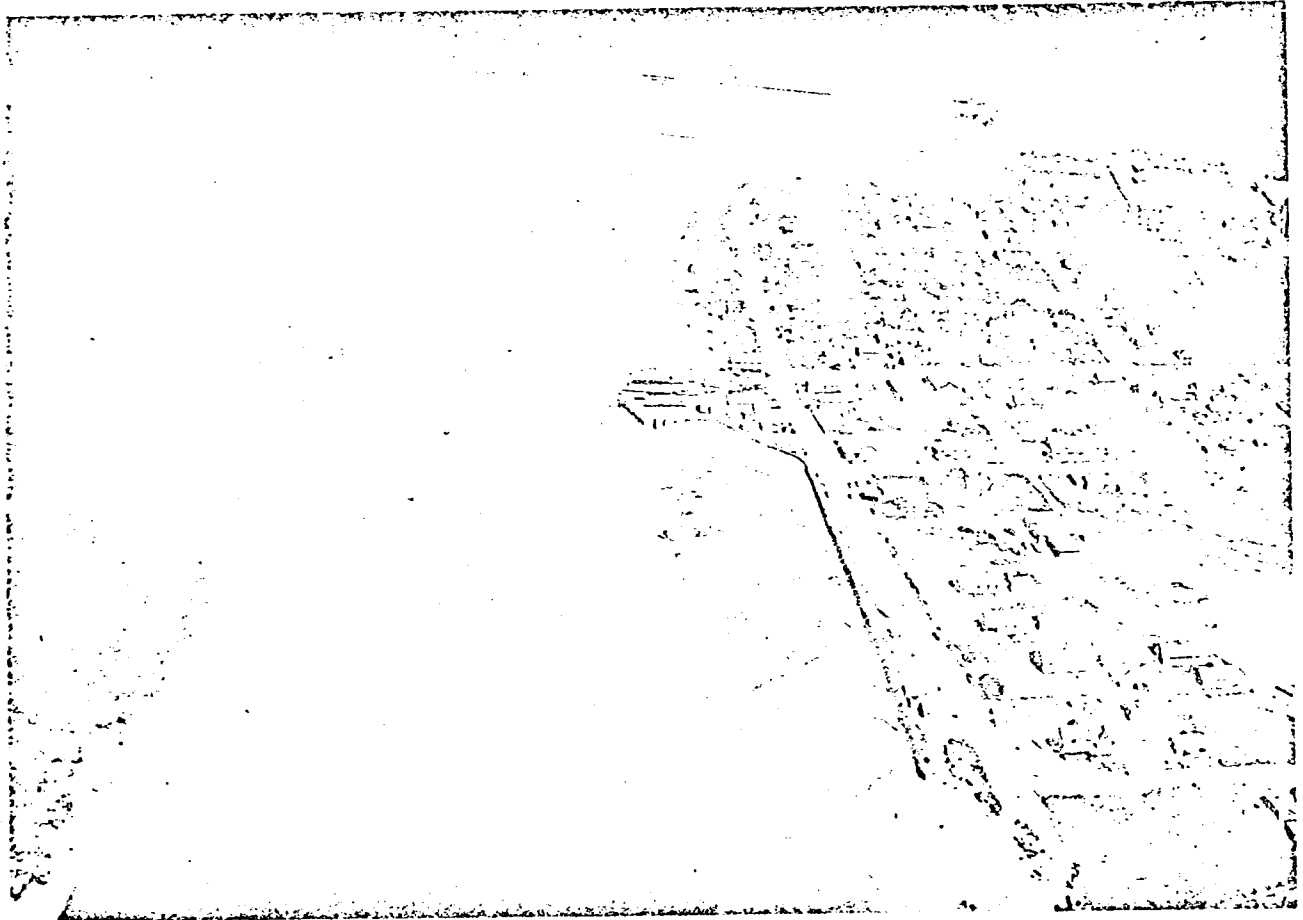

Regional Supervisor
Division of Fishery Services
Date: OCT 5 1966


Assistant Regional Director
Date: OCT 5 1966

Distribution:

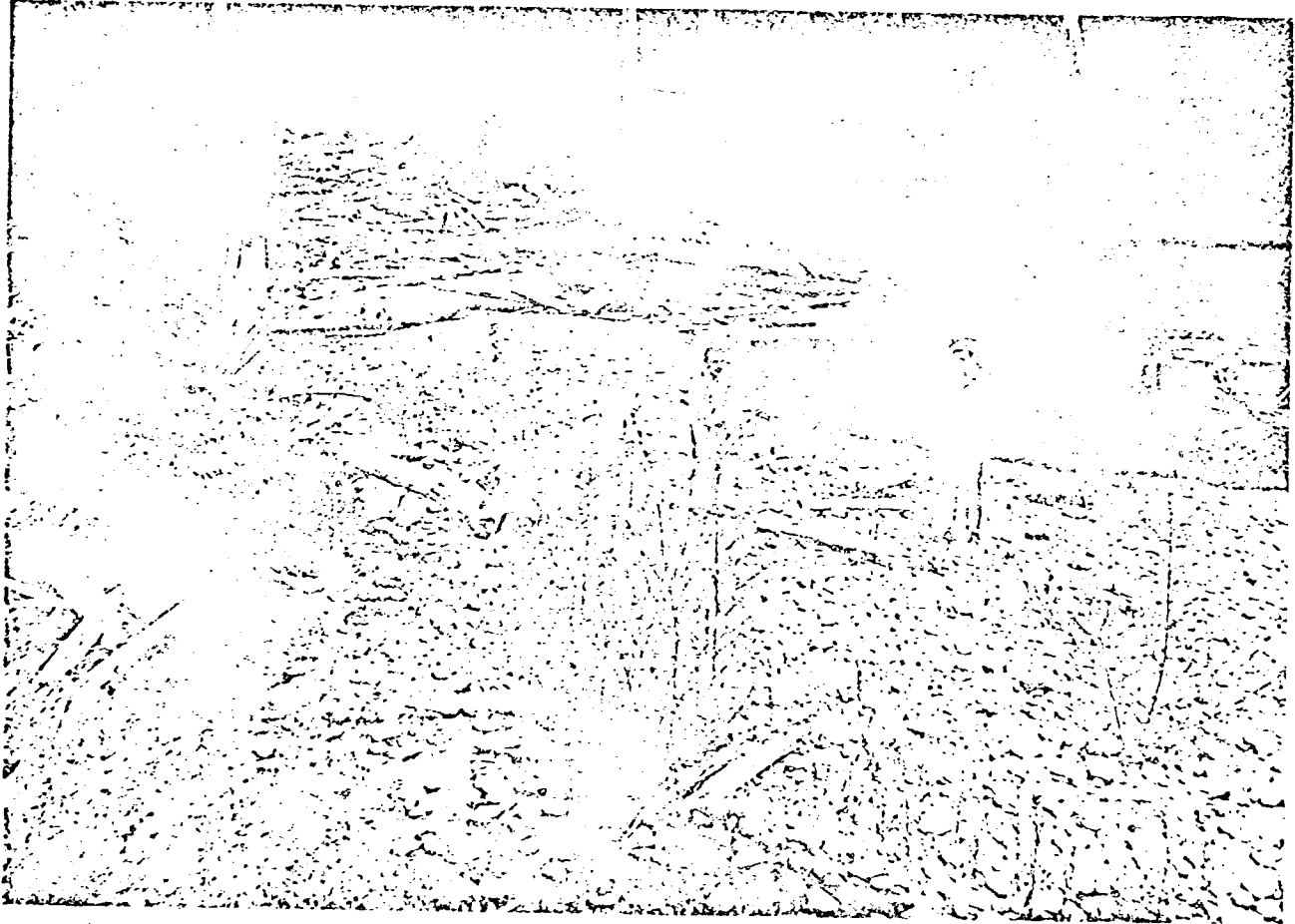
- 2 Central Office
- 4 Quinault Tribal Office
- 1 Makah Tribal Office
- 1 Portland Area Office, B.I.A.
- 1 Western Washington Agency, Everett
- 1 Hoquiam Sub-agency
- 10 Olympia Fishery Office
- 2 Regional Office
- 1 Washington Dept. of Fish.



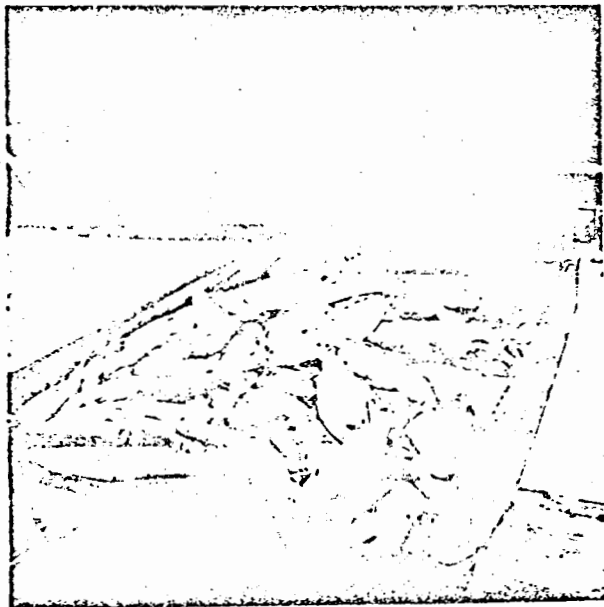


Indians in the village of Taholah depend on salmon runs into Quinault River and other Reservation streams. Ownership of net sites, visible in the above photo, are hereditary.

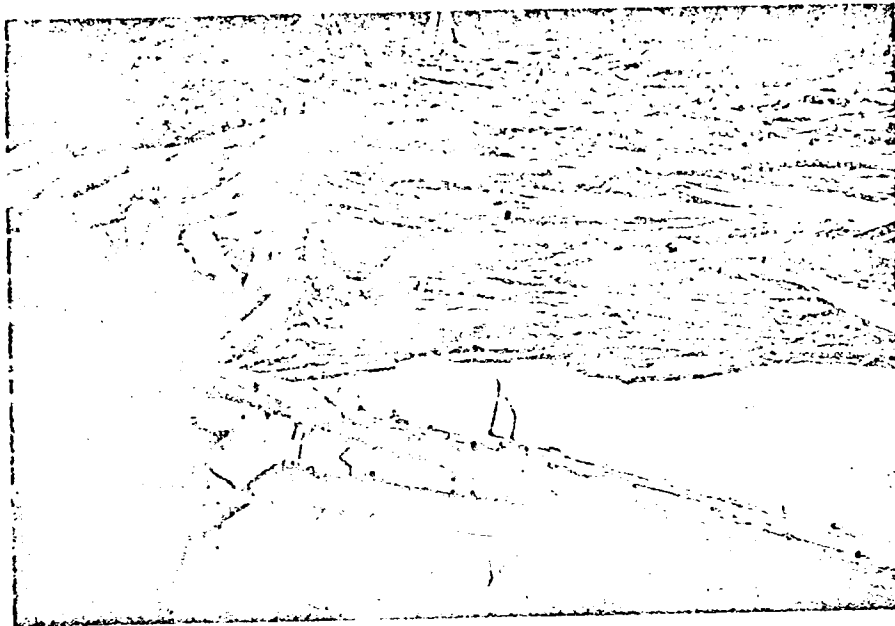
Plate I



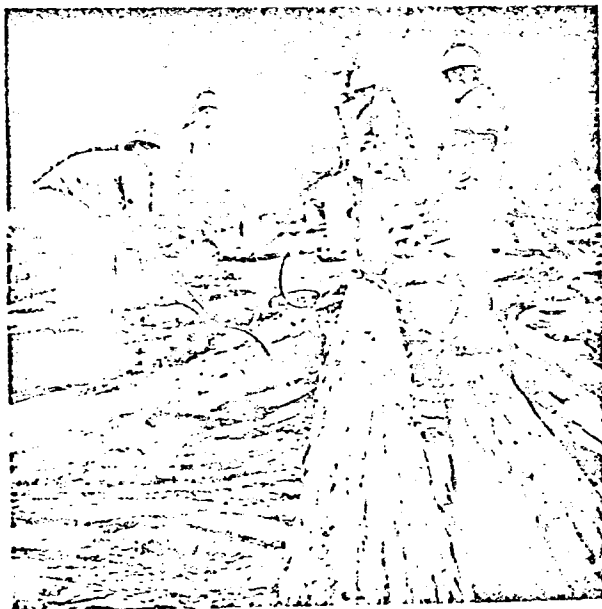
Tribal leaders view Quinault River tributary blocked from salmon use by log jams.



The fishing and marketing of salmon from Quinault Reservation streams is the major activity of Indians at the villages of Taholah and Queets. Above photos from Taholah 1966.



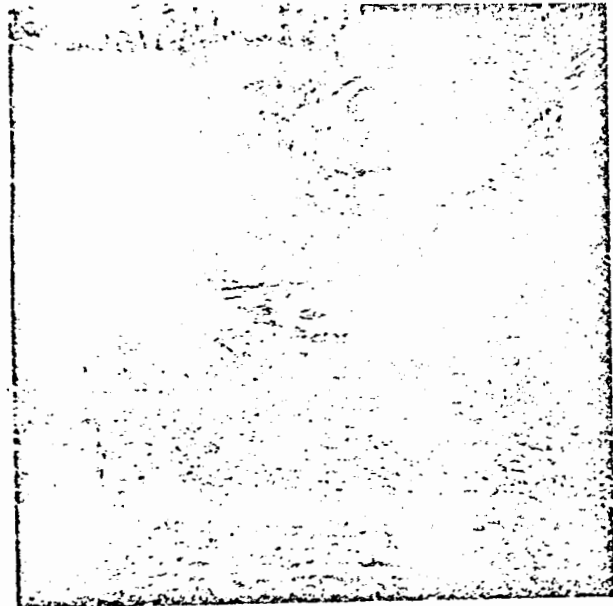
Removal of jams formed during logging 35-40 years before in the southern portion of the Reservation was a major step in the fishery program during 1963 and 1964. Above photo of Moclips River 1963.



Quinault Indians were employed in the stream clearance program. Most of the logs were winched from the streams by bulldozers, but other methods such as the clam shovel were used, as in the above Moclips River scenes.



Tribal leaders examine spawning gravel in No Name Creek which is inaccessible to salmon because of large jams developed during past logging operations. Jams in these photos are 150 to 200 feet long.



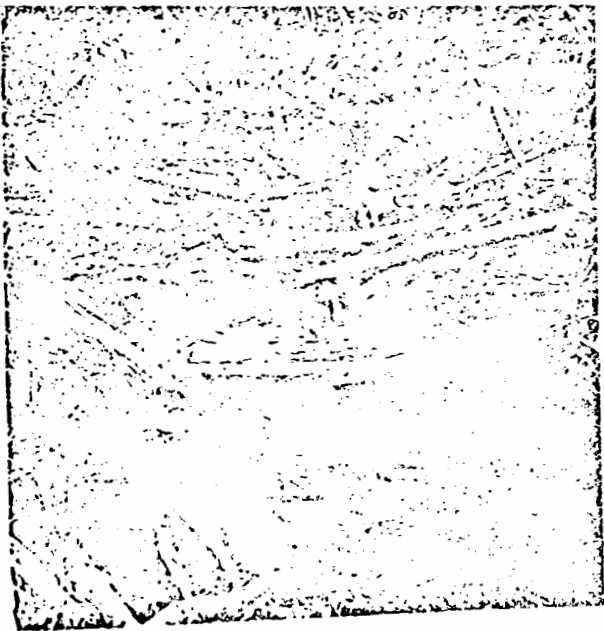
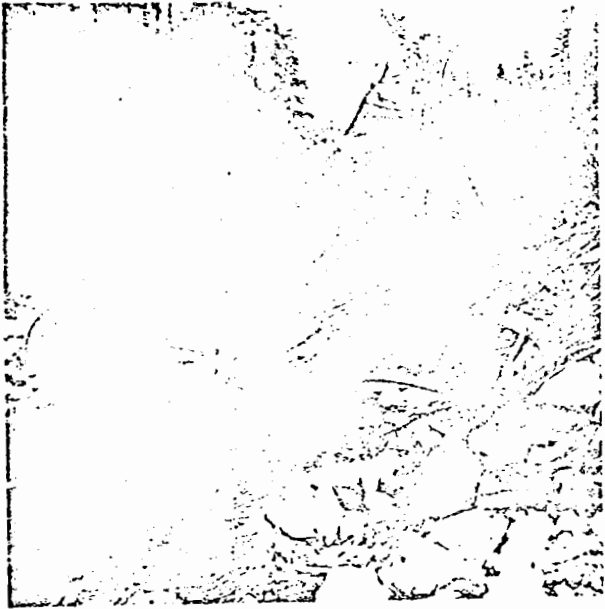
Duck Creek

No Name Creek 1966

Many present logging operations are accomplished without sufficient regard for streams. Channels are obstructed with debris and banks and slopes are exposed to excessive erosion.



No Name Creek was obscured by downed logs and debris over much of the area. Steep slopes and banks were denuded and scarred from logging activities. Excessive stream siltation may be expected to follow.
1965

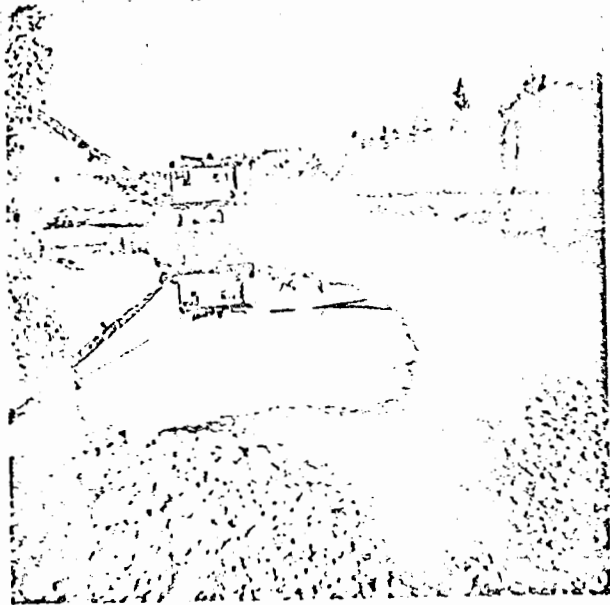


Without technical guidance, logging operators unknowingly may cause additional damage to fish habitat. Above photos show condition of No Name Creek following operators clean-up in 1965.

Plate VII

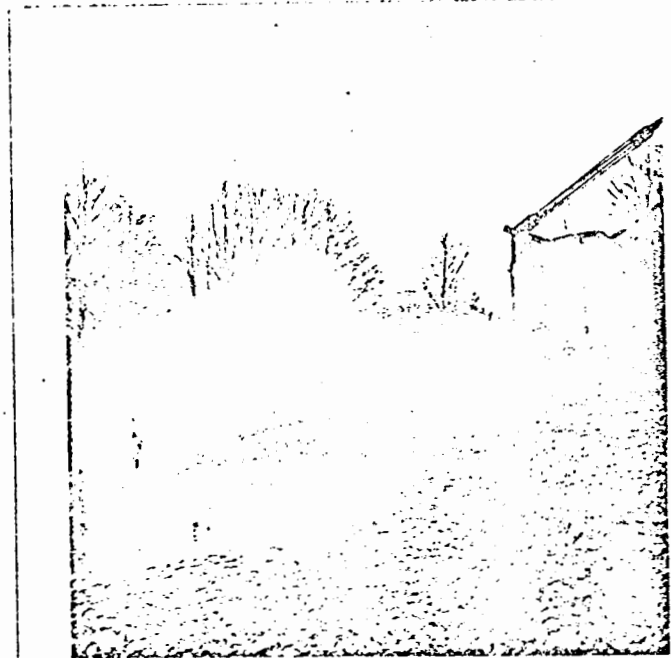


Gravel borrow pit near Chow Chow Bluff (background)

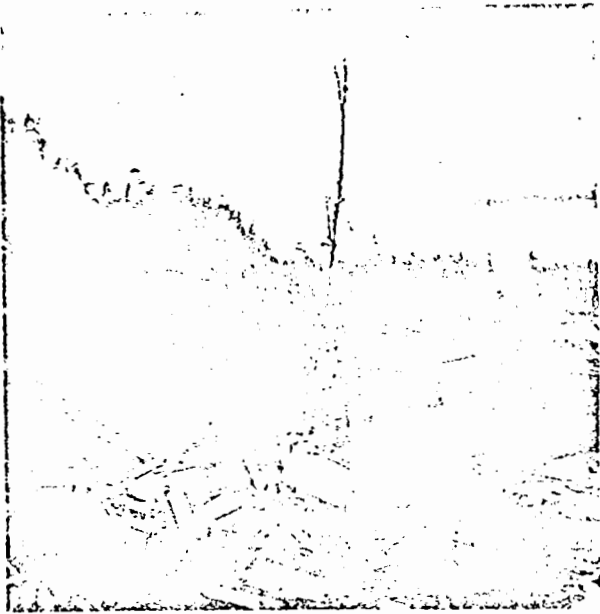


Near confluence of No Name Creek

Gravel operations on Quinault River during winter, 1965, coincided with chum salmon spawning and egg incubation. Some direct losses were probable. Potential losses from possible shifting of upstream gravel during freshets were considerable.



Gravel operations on Raft River (left) and Moclips River (right) were uncontrolled in 1963. Unrestricted methods and timing of operations can be highly destructive to fish life and habitat.



Companies contracted for the timber in the Taholah (left) and Crane Creek (right) Units established crews specifically for stream clearance during late 1965.



Even after clean-up a considerable amount of debris remains and often the banks are stripped of protective plant cover. Clean-up in the scene at the right (Duck Creek) was done in a manner which protected stream side vegetation. Erosion will be minimized and fish production less adversely affected as a result.



UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Western Washington Agency
Federal Building, 3006 Colby Avenue
Everett, Washington 98201

Enclosure in file for 3300
IN REPLY REFER TO:

EPW
Forestry-339.2
An.Rep.-Permits

PRK
Kwld

JAN 19 1967

Official File Copy

Enclosures Files
90-2-20
DEFENDANT'S EXHIBIT NO. H-318
Court of Claims
Docket No. _____

Mr. Dale M. Baldwin
Area Director, Portland, Oregon

Dear Mr. Baldwin:

In accordance with 53 IAM 5.2.8, we are submitting a summary of the Special Allotment Timber Cutting Permit Program for Western Washington for calendar year 1966.

A total of seven (7) permits were approved and issued to Indian owners to enable them to sell the timber from their allotments. All of the permits involved only timber on the Quinault Reservation.

The cruised volumes and appraised values by species are shown below:

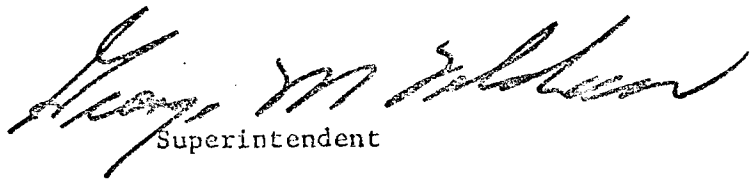
Species	Volume MBM	Value
Western redcedar	3,285	\$39,548.05
Western hemlock	1,668	28,131.05
Pacific silver fir	575	8,021.75
Sitka spruce	347	13,765.55
Western white pine	91	1,248.40
Douglas-fir	1	11.95
Total	5,967	\$90,726.75

In all instances, consultations were held in the Hoquiam Forestry Office with the permittees and the logging companies to thoroughly discuss and explain the provisions of the permits prior to having contracts or agreements prepared by private attorneys. Copies of agreements and/or contracts were furnished us by the Seller for our files. The consultations enabled us to ascertain if bona fide sales had been arranged.

In most instances the Sellers received as much or more than the appraised value of the stumpage. A large portion of the sales were made on a lump-sum basis. One-half of the agreed upon price was paid the owner at the time the contract or agreement was executed. The balance was paid on or before cutting took place. The allotments which contained heavy volumes of western hemlock and Pacific silver fir received prices substantially more than the appraised value. This was due to the demand from Japanese firms for hemlock and silver fir logs, particularly the No. 2 grade.

This program, we feel, continues to benefit the Indians concerned.

Sincerely yours,


Superintendent

BRANCH SUBJECT
BRANCH CHRONY
YELLOW CHRONY

Richardson draft *fm 36*

REU	
LAW	
VKT	
RUI	
TPO	
GAS	
ETW	

Assistant Area Director (Economic Development)

April 1, 1968

Area Forester

Annual Quinault Tribal Council Meeting

In response to an invitation from Quinault Tribal representatives, I attended the subject meeting held at Taholah, Washington, Saturday, March 30, 1968. The meeting started at about 10:30 a.m. Messrs. Gordon, Clark and Paakkonen of the Hoquiam Office staff were in attendance.

Prior to the start of the meeting, I was advised by legal counsel for the tribe (Jerry Straus and Charles Hobbs) that tribal representatives had instructed them to start action on a possible suit against the U. S. Government. The action is to be related to the administration of the Taholah Logging Unit Contract. I was advised that initial action on the part of the law firm would be to have a consulting firm review the history of the administration of the timber sale contract. At the conclusion of such a review a determination would then be made to either proceed with legal action or to drop the matter. I was also advised to anticipate a little "fireworks" when the subject came up for discussion in the meeting.

During the morning session, following reports by the Council members, Public Health Officer, Fish Biologist, Mr. Gordon and the Tribal Attorneys, the election of officers was held. I believe the entire Tribal Council was returned to office and general praise was expressed by tribal members for the action the Council had taken during the past year in their behalf. The session adjourned for lunch. During lunch (which was served in the meeting hall) Mr. Felshaw, accompanied by Messrs. Darrah, Norwood, Wilcox, Cannady and Smith arrived at the school. The entire group had lunch and they also had an opportunity to pay their respect to Mr. Jackson and to talk briefly with him.

Following lunch and before the afternoon session began, Mr. Jackson advised us that there would be no need for any BIA people to remain at the meeting. This action seemed to surprise the tribal attorneys and a few of the tribal members (who I advised of this decision in the process of making a strategic withdrawal from the gathering).

The entire BIA group then proceeded to Hoquiam where we met with Mr. Darrah. We spent a couple of hours answering questions presented by Mr. Darrah and Mr. Norwood. Mr. Darrah seemed quite interested in learning that government income (from the 10 percent administrative fees) greatly exceeded forestry expenditures during the past couple of years on the

H-296

Quinault. He asked what we were going to do about it and we indicated that a substantial item for reforestation had been included in the 1969 budget. Mr. Norwood indicated this had been knocked out by B.O.B. We further indicated that accumulated receipts of administrative fees will probably surpass accumulated expenditures within the next year or two unless something is done such as the proposed reforestation work.

Many other non-forestry items were discussed by the Superintendent and others. I assume any such items of significance will be reported by the Superintendent.

Kenneth W. Hadley

Kenneth W. Hadley
Area Forester

cc:
Branch Subject
Branch Chrony
Yellow Chrony

KWHadley:jb 4-1-68

Official File Copy

Enclosures Files

90-2-20

DEFENDANT'S EXHIBIT NO: H-296

Court of Claims

Docket No.

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SERIALIZED	FILED
APR 1 1968	

BRANCH SUBJECT
BRANCH CHRONY
YELLOW CHRONY

Assistant Area Director (Economic Development)

April 1, 1968

Area Forester

Annual Quinsault Tribal Council Meeting

In response to an invitation from Quinsault Tribal representatives, I attended the subject meeting held at Taholah, Washington, Saturday, March 30, 1968. The meeting started at about 10:30 a.m. Messrs. Gordon, Clark and Paakkonen of the Hoquiam Office staff were in attendance.

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Kenneth W. Hadley

Kenneth W. Hadley
Area Forester

cc:
Branch Subject
Branch Chrony
Yellow Chrony

KWHadley:jb 4-1-68

Submittal draft # 38

Real Prop. Mgmt.

Official File Copy
H-310

Western Washington Agency
Federal Building, 3006 Colby Avenue
Everett, Washington 98201

December 10, 1968

RECEIVED
WESTERN WASH. INDIAN AGENCY
HOQUIEM WASH.

DEC 11 1968

Mr. Dale M. Baldwin

Area Director, Portland, Oregon

Attention: Assistant Area Director, Ec. Dev.

Attn: _____

Dear Mr. Baldwin:

In October 1968 the Area Director received Special Task Force Report on Quinault Land and Timber Sales, dated September 19, 1968. When visiting the Area Office during the week of October 13 the Area Director verbally requested the Superintendent to review the Task Force Report submitting recommendations and comments. Accordingly the Superintendent called upon the Agency Branches of Forestry and Real Property Management to review the Task Force Report and make appropriate comments. Copies of these comments are attached for your information.

In summarizing the Agency's position and recommendations, we provide the following:

1. The Quinault Tribal Council has authorized the Quinault Tribal Business Committee to appoint a seven member committee commonly referred to as the Quinault Allottee Committee. The Committee is operating at this time without benefit of formal written guidelines, however, it is the intent of the Committee to become aware of transactions which has to do with the transfer of ownership of trust property on the reservation and the harvesting of timber on individual allotments as specifically related to the Quete Unit.

The Agency Superintendent has recognized the Allottee Committee as a medium for the Agency to work through in determining action to be taken regarding fee patents, gift deeds, negotiated sales, supervised sales of land or timber, special cutting permits, road use permits and sand and gravel permits.

2. In instances where the Quinault Tribe expresses an interest in acquiring ownership to timbered tracts or cut-over lands, the Agency proposes to work with the Quinault Tribe and the landowners in bringing about a satisfactory acquisition proposal. In this connection the Agency and Area staff have done considerable work, as of recent date, in opening up opportunity for the Quinault Tribe to obtain financing through local banking institutions.

3. As the Allottee Committee is receptive, it is proposed that specific guidelines and identification of actions of specific concern be identified in writing which then will assist the Agency in determining types of transactions which should be referred to the Committee for further evaluation.

4. The Task Force Report provides considerable comment regarding the needs for providing access to trust lands, particularly those lands with timber stands. It is acknowledged that the private road system, particularly on the Queets Unit, presents a problem and to a high degree creates a monopoly on the sale of timber in the Queets Unit. The Agency staff scheduled a discussion with the various road owners for November 26, 1968; minutes of this meeting are attached. At this writing it is not possible to make a positive expression regarding the road owners attitude about arriving at a cooperative and acceptable road use fee.

5. Recently regulations concerning the issuance of Special Allotment Cutting Permits have been amended authorizing Special Cutting Permits to be issued in multiple owner circumstances. This office recommends that further inquiry and opinion be provided which would permit the guardianship for a non compos mentis to request the issuance of a Special Cutting Permit when all other owners are in agreement.

6. The Task Force Report mentions Tribal concern regarding administrative fees withheld as result of timber sales. It is our understanding the Secretary has the authority to charge reasonable fees consistent with the services performed in managing Indian properties. Western Washington Agency has not made recommendations that less than the 10 percent be charged.

It is the Agency's recommendation that the 10 percent collected on cutting contracts and the 5 percent collected on Special Timber

*Cite this
CFR. to be
to amend*

Cutting Permits be eliminated with regulations established which will require the landowner to deposit an amount acceptable to the Superintendent to be used only for reforestation purposes.

On the Quinault Reservation, the reforestation procedure has been one of letting nature assume the responsibility. Consequently, the land is not reproducing to its maximum ability. Private timber interests throughout the country have, for many years, adopted the artificial seeding principle and are receiving second-growth results much faster than when relying on natural reproduction.

7. In searching Agency records we find one instance where the Superintendent, under 25 CFR 161.3(c)(1), issued a right-of-way for a period of 50 years providing for third party use sharing in the maintenance costs. This action has caused considerable concern and irritation to the Quinault Tribal Business Committee and the Allottee Committee. It is requested that the Area Office consult with the Solicitor concerning authority which may be exercised in reducing the period of time to 10 or 15 years.

8. The Task Force Report recommended that the Quinault Tribe be authorized to negotiate for land sales at less than fair market value. 25 CFR 121.18(b) line 4, following the word "family", should be inserted "or Indian tribe". As the regulations now stand the Tribe is not recognized unless special authorization is granted on each transaction.

Our main concern at this time is impressing the Quinault Tribe with the need for a land and timber management enterprise; the Tribe to follow through on existing opportunities for obtaining local financing; and ability of the Agency and Tribe to deal successfully with the various owners of the private road system in the Queets Unit. In our opinion considerable headway has been made concerning many of the various factors mentioned by the Task Force Committee.

Sincerely yours,

(Sgd.) George M. Felshaw
Superintendent

Attachments

cc: Acting Assistant Superintendent w/o attachments



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
Western Washington Agency
Federal Building, 3006 Colby Avenue
Everett, Washington 98201

February 12, 1969

Official File Copy

Enclosures Files

90-2-20

DEFENDANT'S EXHIBIT NO. H-319

Court of Claims

Docket No. _____

Mr. Dale M. Baldwin

Area Director, Portland, Oregon

Dear Mr. Baldwin:

The Secretary's task force report dated September 19, 1968, recommended "that the Bureau aggressively negotiate with the owners of access roads in the Queets unit to obtain third party use agreements which are as favorable to the Indian people as is possible."

In November 1968, a meeting was scheduled with the Quinault Allottee Committee, timber company owners and Bureau of Indian Affairs personnel for the purpose of the recommendation as spelled out above. Only one owner showed up resulting in the postponement of the meeting. A second meeting was scheduled at the Anderson & Middleton office in Hoquiam between the Superintendent, Agency Forest Manager and timber company owners. The results of the meeting are spelled out in the enclosed memorandum to the files.

On several occasions, the Bureau of Indian Affairs has been asked to declare all roads built on allotted lands held in trust be declared available for tribal use or to an authorized contractor of the tribe based on the following language.

1. Taholah and Crane Creek contracts, form 5-502 - General Timber Sale Regulation, Item 5. Other Sales:

"Other sales within a sale area may be made of products and kinds of timber not sold under a previous sale, provided such sales will not, in the judgment of the officer having authority to make such sale, interfere with the operations of the previous purchaser. RIGHTS-OF-WAY may be granted through portions of the sale area during the contract period, provided they do not interfere with the operations of the previous purchaser.

2. Standard Timber Contract Provisions, Form 5-610, Item 10

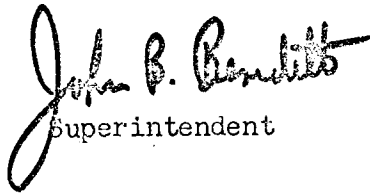
Copy enclosed.

It is the opinion of the Quinault Tribe that the approving officer has the authority to authorize their desired use and should do so without delay.

Unless there are regulations prohibiting this authorization, we recommend said authority be granted. This recommendation is based on the directive language in the Task Force Report, the desires of the Tribe and the apparent negative attitude of the timber companies.

If necessary, we request a Solicitor's opinion to use in advising the tribe of our legal position in carrying out the wishes of the Tribe and Task Force recommendations.

Sincerely yours,


Superintendent

Acting

Enclosures: Memorandum to the file
Standard Timber Contract Provisions

Rehaden draft fu 32a

IN REPLY REFER TO:
Land Operation



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
PORTLAND AREA OFFICE
POST OFFICE BOX 3785
PORTLAND, OREGON 97208

*Walt
Jim
JFB
LJ
PWA*

JUN 27 1971

Memorandum

To: Superintendent, Western Washington Agency

From: Office of the Area Director

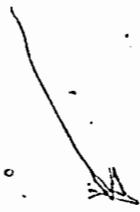
Subject: Raft River Fishery Investigations

In the special report of preliminary investigations of the Raft River system, prepared in May 1971 by the Bureau of Sport Fisheries and Wildlife, there are a number of suggestions for improvement of fishery habitat. The suggestions include measures to correct conditions that exist as a result of past logging practices such as clearing log jams, removal of debris, and controlling stream banks to prevent siltation of spawning beds. Also included are suggested preventive measures involving modification of logging methods and 100 foot wide buffer strips along each side of the streams.

Most of the measures needed to maximize fishery resources involve serious economic considerations, whether they be in reduced volume of timber removed, increased logging costs, or cash outlays to correct situations that have accrued over a long period of timber harvesting. It is possible that the desired result may be obtained only by some kind of zoning regulations, reservation "scenic river" ordinances, or some other technique that will meet the tribe's objectives. On the other hand, the tribe may have objectives and goals entirely different in mind.

Whatever goals are planned by the tribe for development and management of their reservation resources, financial considerations must be considered as a part of their proposals. Where economic conflicts exist, means of reimbursing landowners for loss of income should be considered, as well as additional funds needed if the tribe wishes to rehabilitate streams damaged by past environmental abuses. Also, if the tribe plans to manage their streams and exercise the control needed to do so, certain legal determinations must be made and steps taken to establish effective legal control of the streams. The services of the Solicitor's Office may be needed to assist the tribe in these actions.

*Purchase
Timber from
Allotment owners?
or get
Allotment owners
to subsidize
stream protection*



We suggest you review these matters with the tribe, pointing-out various alternatives, offering whatever assistance is desired in developing long range management plans. This office will be glad to assist in any way we can to implement any reasonable program the tribe chooses to undertake.



Assistant Area Director
(Economic Development)

Enclosure

cc:
Forestry--PAO

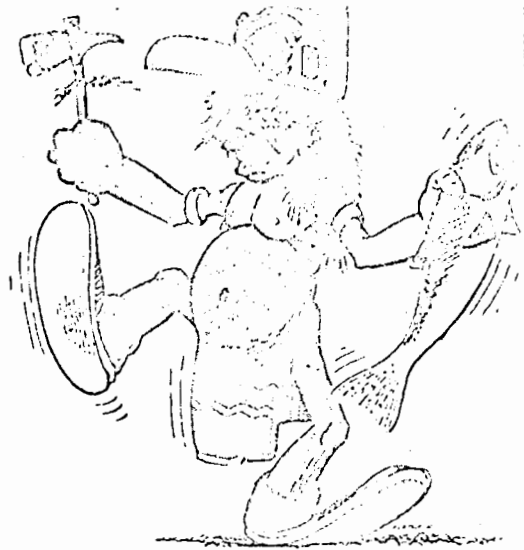
GRice/blr/6/16/71

1. Has the salmon harvest diminished
2. Has the change attributed to the last 20 years been the output of the timber alone. (It obviously is not).
3. Report credited to the amount 1,000. Appears unconcerned with the 89% non-resident.
4. Since forest owned predominantly by off-reservation & majority of employees is non-Indian however the future role of the forest holds such a high place.
5. Fish harvest record laid to road construction, report contains no such evidence.
6. Claims no benefit to timber residents, individuals from sale of timber (this is nonsense, the very money paying the salaries of the people making the report is from taxes from the business based on the timber harvest.)

page 13 - 89% of allotted land owned by off reservation

Richard M. Nixon 406
QUINAULT TRIBAL AFFAIRS

Quinault Indian Reservation
TAHOLOAH, WASHINGTON 98587



Office of the Secretary Bureau of Indian Affairs Department of the Interior Washington, D. C. 20500	4-317
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PHONE 276-5786

October 3, 1971

7897

President Richard M. Nixon
White House
Washington, D. C. 20500

Dear Mr. President:

We write you as the principal governmental figure with ultimate jurisdiction over our problems as American Indians, and because we have been frustrated in our efforts to obtain redress of our grievances from any other arm of the government.

We read with intense interest your recent order to your Secretary of the Interior that he "shake up the Bureau of Indian Affairs," and we join with thousands of other Americans, Indian and non-Indian, in applauding such a step.

Recent events at the Quinault Reservation in which the Bureau of Indian Affairs has been remiss in policing contracts with timber companies have been covered well by the public media, and we enclose some clippings for your files. For decades our timber resources have been decimated by unregulated logging that has left the land defoliated as badly as some parts of North Vietnam and impossible for us to reforest. This devastation of the timber lands has in turn affected our fishing resources adversely, and since timber and fishing are our chief income-producing activities, we are rapidly moving deeper into an impoverished condition because of BIA irresponsibility.

On September 9 last, the Quinault Tribe voted 100 to 1 to exclude logging companies under contract through the BIA to log our land which resulted in closure of logging operations of the Aloha Lumber Company in our Taholah logging unit.

We regret that this extreme measure has been undertaken by us, but we can obtain no satisfaction from the Bureau of Indian Affairs in regard to their role in the management of our reservation's resources.

A similar contract involving another unit of the reservation affected by the same closure brought about an agreement with the timber company concerned which allowed resumption of operations under former prices and with new conditions that take into consideration our resources.

The Aloha Lumber Company did not choose to negotiate, but entered into maneuvers through the courts, first in a court that had no jurisdiction in Indian matters (another important problem in Indian communities), and then finally in federal court on September 30, 1971. That court issued a temporary restraining order against the Indians and advised us that the Bureau of Indian Affairs officer in charge was the only authority that could close the logging operations.

We made the request to the BIA officer in charge of the area to close logging operations immediately following the federal court's restraining order. A partial closure was issued by Mr. Joe Jackson, officer in charge, but it was lifted the same day. We will make the same request tomorrow morning, and, if satisfactory responses are not made then we will do whatever we think is necessary to protect our people from being victimized by this bureaucratic treatment.

We have some recommendations to begin correcting the errors of the BIA in handling our affairs. They are:

- We would like you to send a personal representative to review the damage to the Quinault Reservation being wrought by the timber companies and the BIA.
- Request the General Accounting Office to immediately investigate the actual expenditures of the Portland Area BIA Office functions, with emphasis on travel and consultants, namely Paul Weston and George P. LaVatta. We need a complete itemized report on their expenditures so we can explain to our tribe how their money is being spent by the BIA and whether it is being spent in the tribe's best interests.
- Investigate the regional Solicitor's Office in Portland with emphasis on whether that office is fulfilling its duties to the Indians at this reservation and being responsive when requests are made.

7897

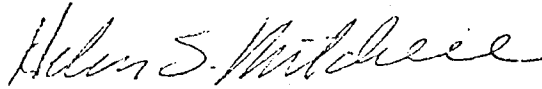
- Provide a means of removal of personnel that are not compatible with Indian interests and goals set forth in your policy statement to the Congress.

To help us overcome some of these problems, we have decided to institute a program of public information so the public can be informed of the significance of this development. In order to fund the public information program, we have created a "Save Quinault Foundation" as a vehicle for fund raising.

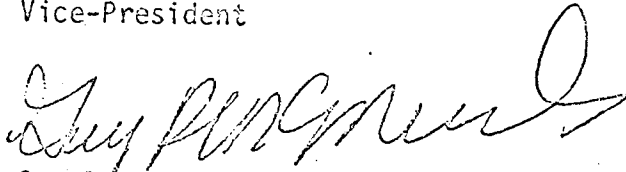
We do this because the BIA, which sits in the key administrative position in regard to our resources, is not likely to assist us in informing the public when the burden of our message must be that the BIA is derelict in its duty and is not living up to its sworn responsibility.

We, the Quinault Tribe, invite you to be the first honorary member of the "Save Quinault Foundation". We look forward with great interest to your response, and we hope that when you are in this area you will visit us and see for yourself the justice of our claims.

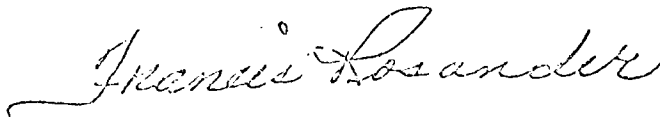
Sincerely yours,



Helen S. Mitchell
Vice-President



Guy R. McMinds
Councilman



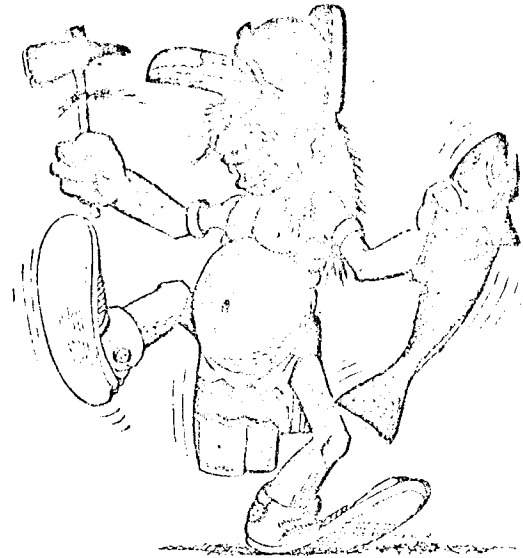
Francis Rosander
Councilman

Richardson draft 4.7.71

QUINAUT INDIAN AFFAIRS

Quinault Indian Reservation

TAHOLOAH, WASHINGTON 98550



Official File Copy
Enclosure Files
90810
DEFENDENT'S EXHIBIT NO. <u>H-316</u>
Court of Claims
Docket No. _____

PHONE 276-2710

October 3, 1971

Mr. Joe Jackson
 Forest Manager
 Bureau of Indian Affairs
 Box 120
 Hoquiam, Washington 98550

Dear Mr. Jackson:

On September 9, 1971 the General Council of the Quinault Tribe voted to close logging operations on the Crane Creek and Taholah Units of the Quinault Reservation due to the much discussed dissatisfaction over logging practices and the current inability of the Bureau of Indian Affairs to properly manage the timber resources in the manner specified by the Code of Federal Regulations governing timber practices.

We do not believe it necessary to recite the long list of contract violations. These, along with the negotiations with us which Aloha purportedly conducted "in good faith", resulted in the closure imposed by the Tribe. This closure is to stop the damage to our lands and to stop other losses being incurred daily. All alternatives to physical closure by our people was considered. The only other alternatives, appeals, etc., offer no protection to the Indian people and losses continue to mount while logging proceeds.

Aloha, after much legal maneuvering, finally on September 30, 1971 in Judge Goodwin's court in Tacoma, Washington was able to get a restraining order against the Quinaults, preventing further blocking of logging operations. During the presentation of Aloha's complaint, Judge Goodwin referred to the General Timber Sales Regulations and to the contract. He questioned where the officer in charge was on this date and why the officer in charge was not bringing the charges against Aloha as had been outlined by the Indians as the reason for the closure.

Mr. Joe Jackson
October 3, 1971
Page 2

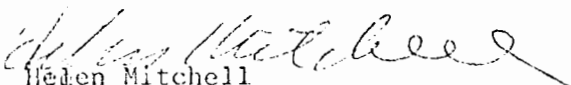
Another subject Judge Goodwin mentioned briefly was the arbitration which we have considered as completely futile in solving any of the problems under this contract and which we feel completely favored Aloha Lumber Corporation. The Judge did mention that logging practices should have been a part of the arbitration procedure, which, of course, they weren't. This was one of the reasons our people found the arbitration proceedings intolerable. Our representative requested to discuss these issues. The other two arbitrators would not allow it.

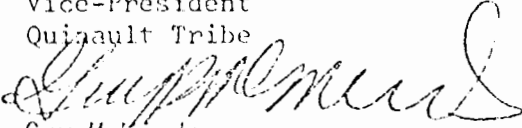
We cannot relate to you all of the disappointing factors involved in the arbitration but we felt strongly that the Secretary of the Interior could not accept this in the best interest of the Indians - - that he reserved that right in paragraph 4 of the letter dated August 7, 1970 which was signed by all parties involved.

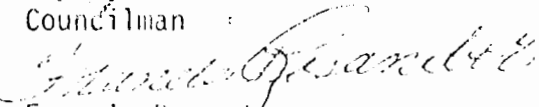
Looking back through the correspondence the only directive the Bureau of Indian Affairs acted upon were letters from Evans Products Company referring to the May 28, 1970 agreement. The letter of approval signed by Harrison Loesch supercedes the May 28th agreement and probably should have been read by someone in the Commissioner's office. Judge Goodwin, in issuing the temporary restraining order against the Indian closure, insisted that the officer in charge was the one in authority who could close this logging operation. A telegram was sent immediately to your office instructing you to close Aloha's logging operations at 6 A. M. Friday October 1, 1971.

In reviewing again the General Timber Sales Regulations which are made a part of the Aloha contract, we find the following regulations, under which violations have occurred regularly - Nos 3, 4, 5, 9, 10, 13, 15, 16, 17, 18, 19, 27 and 35. No. 27, unsatisfactory disposal of slash will be cause for the officer in charge to suspend all operations of the purchaser until the unsatisfactory condition is corrected. No. 35 states that streams will not be obstructed by felled trees, etc. We feel this alone provides sufficient ground for closure.

There are only eight years left to log under the Aloha contract. Remaining timber can easily be removed in this time. Losses to the Indians, monetary and otherwise, is much greater by far than any damage that could be claimed by Evans Products Company. We do not have time left to continue to suffer these losses. A complete and immediate closure is to be imposed and continued until such time as the differences are settled.


Helen Mitchell
Vice-President
Quinault Tribe


Guy McIndis
Councilman


Francis Rosander
Councilman

UNITED STATES GOVERNMENT

Memorandum

Official File Copy

Enclosures Files

90-2-20

DEFENDANT'S EXHIBIT NO. H-288

Court of Claims

Docket No. _____

DATE: _____

TO : Commissioner of Indian Affairs
Through: Assistant Commissioner, Economic Development

FROM : Chief, Branch of Forestry

SUBJECT: Quinault - Proposal for Bureau acquisition of private road rights

Serious problems encountered by the Quinault Tribe and by allottees, in the development of their lands, including timber harvest, stem from difficulties involved in obtaining use of privately-owned (non-Indian) roads in the Queets area of the reservation. Use of these roads at reasonable toll rates has been a source of dissatisfaction and continuing complaint from the allottees and tribal leaders. In a report dated September 19, 1968, the Special Task Force on Quinault land and timber sales, appointed by the Secretary, identified the difficulties encountered by the Indians because of the lack of "adequate Federally controlled access" in the Queets area. It was the opinion of the Task Force that these private roads have tended to discourage competition, resulting in the Indians receiving less than fair value in the sales of their land and timber. Timber sales at the request of the owners have virtually come to a standstill. The Task Force recommended that the Bureau "aggressively negotiate with the owners of access roads in the Queets Unit to obtain third party use agreements which are as favorable to the Indian people as possible."

While some improvements have been realized in isolated cases, negotiations with the road owners have generally not produced satisfactory results. While the Bureau may negotiate "aggressively," it lacks any real position of strength. As one employee expressed it, "It's like going into a rock fight with a pocketful of marshmallows." At best, the use arrangements can usually be worked out only on a case-by-case basis. While the Bureau should continue efforts to improve the use agreements, attention should also be directed toward a permanent solution.

To provide for orderly and reasonable-rate road use in the Queets area, I believe the Bureau should explore the possibility of acquiring, by purchase or grant, the key roads in the area.



Such an undertaking would involve the following:

1. Determination of legal authorities available to the Bureau for purchase and acquisition of existing roads.
2. Adequate engineering surveys to determine the transportation needs, and type and condition of existing roads.
3. Study and analyses of all rights-of-way granted in the Queets Unit by the Bureau.
4. Negotiations with owners of the roads to acquire by purchase or grant the private interests and rights-of-way.
5. Designation of the roads for public use as part of the Bureau reservation road system.
6. Provision for adequate maintenance of the roads acquired by the Bureau, with or without a use charge to timber haulers.
7. Possibly some construction to link some of the acquired roads, to improve access.

It is not possible to estimate the cost of acquiring the necessary roads until the surveys and analyses indicated above have been completed.

Construction costs for permanent-type timber roads in the area have been running from \$10,000 to \$35,000 per mile, with the average at about \$20,000. Negotiations for un-amortized private interests and outstanding rights-of-way may possibly result in acquisition for a fraction of the construction costs. With possibly 40-50 miles of existing key roads to be considered, the project could run to \$500,000 for acquisition alone.

The Branch of Roads would, of course, need to determine the engineering features and provide the expertise in the negotiations.

The Bureau has constructed very few roads on the Quinault Reservation. Most of the reservation roads are old, reconstructed logging roads, or old logging roads which received some Bureau maintenance services. The Bureau has constructed no roads in the Queets Unit. Limited funds have occasionally been expended for maintenance of a low standard, truck trail built by the CCC along the coast, south of the village of Queets.

It has been held that highway construction funds available to the Bureau can not be used for timber access. In keeping with this view, the GAO has kept a sharp eye on road expenditures in Indian timbered areas. The Bureau has accepted this limitation on construction funds; and, consequently, the Indians themselves have had to pay for timber harvest roads. This has been a key deterrent to development of Indian timber (BIM and Forest Service both get timber access money). Quinault, with the allottee situation, is a prime example of developmental difficulties due to the lack of access.

We believe there is more involved than just timber access in the case of the Quinault, especially in the Queets Unit. The tribe and allottees are restricted in the use, development, and enjoyment of their land tracts. If their lands were not timbered, there would be no question of the authority of the Bureau to build roads to serve them. The situation in the Queets area is now such that properly engineered and controlled roads are necessary for purposes other than strictly timber harvest needs. Land development and recreational demands are coming to the fore. The serious forest fire in 1967 (the worst in over 25 years) illustrated the need for better road management. The fire spread in slash along the private roads because of improper cleanup. Roads are also needed by the Bureau in carrying out its administrative responsibilities.

Perhaps most importantly, the Indian owners should have reasonable access to their lands. In the past few years, there has been a tremendous surge of interest on the part of the Indians on the Quinault in development of their lands. They should not be denied the opportunities to help themselves because of access problems. I believe acquisition of key private roads, with the Bureau providing reasonable road management, would do much toward solving the present predicament.

Perry E. Skarra

Perry E. Skarra
Chief, Branch of Forestry

cc: ✓ A D Portland - blue env.