



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Western Washington Agency
Hogiam Service Center
Post Office Bldg., P.O. Box 120
Hogiam, Washington 98550

Forestry - 926

[Signature]

[Signature]

[Signature]

[Signature]

November 17, 1975

Mr. Dave Marshall, Attorney
Indian Claims Section
Lands & Natural Resources Division
Department of Justice
Washington D.C. 20530

Dear Mr. Marshall:

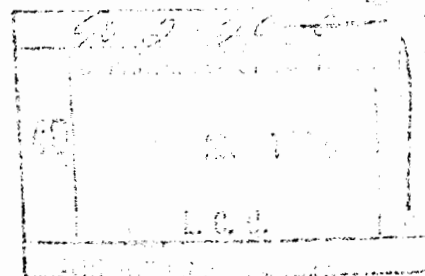
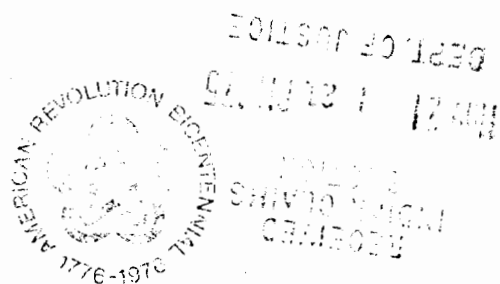
Attached is a copy of the critique prepared by my office concerning
the Briaglob Report.

Sincerely yours,

[Signature]
J. S. L. AND ST

Enclosure ✓

926



Forestry-339.7
Quin. Mgmt.-
Briegleb Report

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

AUG 31 1973
RECEIVED
WESTERN WASH. INDIAN AGENCY
HOQUIAM, WASH.

SEP 5 1973

Memorandum

To : Area Director, Portland

From : Superintendent

Attn: _____

Subject: Briegleb Report - Quinault Reservation

The following comments on the Briegleb Report were prepared by the Branch of Forestry in response to your memo of July 3, 1973. The comments reveal that substantial corrective action has taken place in areas where recent environmental issues have received greater emphasis. The comments are arranged in relation to pages that contained material which seemed to require a response.

Pages 7 & 12 - Granting relief from the provisions of Sections 25 and 26 of the General Timber Sale Regulations should be made subject to regulations by the Forest Officer in Charge. It is possible that some slash burning may be required after cedar salvage is completed. In the hemlock type, it is entirely possible that residual mistletoe infected areas will be burned as a control measure. The decision to burn slash is hazardous and fraught with liabilities involving such elements as millions of board feet of down timber and hundreds of acres of salvageable cedar. Spall piles and landings are targeted for controlled burning.

Page 9 - Damage to the land would be that caused by road construction on the two units or deposition of debris in the streams or erosion due to logging. The statement on roads, page 42 of the report, confirms the belief of Forest Officers that no appreciable damage is done by road construction in reference to standards. Roads which will remain and be maintained in the units after logging will be an asset to the properties which they traverse. A study is in progress to determine which roads will be maintained by the BIA after logging.

In respect to streams, the emphasis has been greatly increased in the last several years to prevent debris from being deposited in them. Plans developed prior to logging in any area are made to prevent or decrease damage to streams. Procedures used to do this are the leaving of buffer strips, better tree falling and yarding practices, yarding away from streams and using streams as boundaries of cutting blocks. Participants in the development of the procedures are Tribal representatives, Bureau of Sports Fisheries & Wildlife assisting the Tribe, purchaser's representatives, and the BIA. The above procedures generally prevents the avoidable damage. The unavoidable is that which happens regardless of attempts to eliminate damage. With greater emphasis on these items, and with the assistance from Tribal representatives and Fisheries Specialists, the outlook for proper stream habitat management is encouraging.

Page 10 - Removal of non-merchantable material presents a decision making problem because the Scaling Bureau rules define merchantable limits for reporting volumes, but the contract stipulates that material removed from the woods would be charged for. The practice in force is to charge cordwood rates for logs too small to meet minimum volume specifications and \$4/MBM, gross scale, for logs considered cull for defect. The companies object to the charge for defective logs because the cedar chip market is extremely poor or non-existent.

Page 16 - Land management objectives on Indian trust lands are difficult to explicitly define because of the considerable variability of land use patterns and the involvement of several land management offices within the BIA. However, the forest management policies and objectives are fairly well guided in CFR 141.3(a) for Tribal lands and CFR 141.3(b) for allotted lands, and in 53 IAM 1.2 Policy. On the Quinault Reservation, the present and future financial needs of the owners and his heirs are of paramount significance when developing timber harvest schedules. Although it is a general policy to secure the allottees permission to perform forestry activities on his land, there are extenuating circumstances when exceptions are granted by the Secretary.

Management objectives on the Crane Creek and Taholah Logging Units provide for an orderly removal of timber from the many allotments. Provisions were made to adjust stumpage rates in accordance with price indices or economic conditions. Both contracts were modified to assure that all the timber would be removed within the contract period. Scheduling of logging is heavily influenced by the financial needs of Indians certified as genuine hardship cases.

In recent years the written logging plans have become more complex due to the stress on environmental protection, and especially protection of fish habitats. Assistance from other Government agencies provide the special expertise concerning fisheries and soils; however, efforts now being exerted will add this type of personnel to the Forestry staff in order to better expedite the work output.

Preparing logging plans several years in advance has merit except that Indians in dire need may suffer needlessly while awaiting income from the pre-arranged timber harvest. Road plans enjoy more flexibility; however, it is now estimated that all mainline roads have been constructed, leaving construction only to access spurs to new cutting blocks.

Road locations are approved by the Forester in Charge after a reasonable inspection is made of the on-the-ground centerlining. The Bureau Forest Engineer will examine the construction while in progress to assure compliance with prior instructions which relate to gradients, grubbing, ballasting, drainage and location. Approximately 500 miles of logging road has been constructed on the two large active units. Much of this mileage is still under some form of useage system because of the staggered block system of cutting, and the many salvage operations going on throughout the entire year.

It is obvious that more manpower is needed to administer the two large units. This is presently being met by diverting a substantial amount of manpower from other Forestry operations to timber sale administration. An alternative is to reduce the annual cut, which would not be very acceptable to the Indian people. The Branch of Forestry is submitting a request for four additional timber sales personnel.

Page 20 - Fire protection on the Quinault is performed by the Washington State Department of Natural Resources under a Cooperative Agreement in effect since 1959. This action gave some workload relief to an already overburdened Forestry staff. Mr. Briegleb suggested some speculation was deserving when one notes that the area burned was five to ten times greater on the reservation than on adjacent jurisdictions. A review of the fire history (1951-71) on the reservation reveals that about 90 fires occurred, with a reported total acreage burned of approximately 4,864 acres. During this period, about 20 fires were caused by logging, 4 by lightning, and the rest by campers, smokers and miscellaneous.

The Raft River fire of 1967, which was started by logging equipment, accounts for 3,836 acres of slash burned and 673 acres of standing timber. Indian owned land totalling 1,615 acres (composed of all slash) was burned and was promptly replanted. Loss to the Indians affected by the burn would predominately be in terms of cedar salvage and growth, although some salvage had already taken place, and growth loss of two to three years was largely offset by planting. Some down timber was damaged but salvaged. The remaining 19 years indicate 17 acres of slash burned, no standing timber burned and 239 acres of non-timberland burned. Damage was negligible.

Fire occurrence on the Olympic Peninsula is mainly attributed to human activity, and this is very obviously true on the Quinault Reservation. The degree of activity on the reservation can be appreciated when one considers that over 2,480,000,000 board feet of timber has been removed from Indian lands alone over the 20 year period (1951-71), and it can be safely assumed that over 1,000,000,000 board feet has been removed from the non-Indian lands in the Queets area during that time. Approximately 20,000 acres of non-trust land in the Queets is logged.

The combined amount of annual harvest activity would require a tremendous number of persons and equipment units to produce approximately 170,000,000 board feet yearly. In addition to the logging personnel, there is the heavy influx of cedar salvage operators, local Indian traffic, as well as incidental tourists and travellers.

The measured mileage of roadway on the Crane Creek and Taholah Units amounts to 490 miles, and leads one to estimate that over the entire reservation there must be over 800 miles of road.

Considering the above, it may be appropriate to commend these people and the fire protection organizations for holding the fire occurrence and acreage burned to that reported for the cited 20 year period.

There are continuing efforts to promote schemes to reduce the amount of cedar slash through better utilization during initial logging, closer utilization by shake and shingle cutters, and finally by encouraging any small business cedar utilizer to examine the residue for possible manufacture into products such as rails, stakes, posts, cut-up stock and decorative material. It is encouraging to note that today the small waste material is being purchased under permit, and occasionally stolen.

FIRE HISTORY - QUINULT INDIAN RESERVATION

Year	Number	Area Burned (Acres)			Cause *	Damage
		Cut-Over	Uncut	Other		
1951	4	1	3		C, S, Lo	0
1952	0	0	0		---	0
1953	5	0	0	127	S, Li	0
1954	2	0	0	2	S, C	0
1955	0	0	0	0	---	0
1956	1	0	0	3	S	0
1957	2	0	0	1	C	0
1958	3	0	0	1	C, Li	0
1959	5	0	0	37	S, C	0
1960	4	0	0	26	Lo	0
1961	5	0	0	1	S, C	0
1962	1	0	0	0	M	0
1963	4	0	0	0	C, E, Li	0
1964	3	0	0	0	C, M	0
1965	7	0	0	10	E, C, M	16
1966	8	0	0	20	E, S, Li	0
1967	6	3,836	673	0	E, C, Lo	600,000
1968	2	1	0	0	S	0
1969	7	0	0	3	C, M	0
1970	16	15	0	8	E, S, M	75
1971	4	0	0	0	Lo, M	0

89	3,852	673	239		\$600,091
----	-------	-----	-----	--	-----------

* C - Campers	= 11
S - Smokers	= 9
Li - Lightning	= 4
E/Lo - Logging/Equipment	= 9
M - Miscellaneous	= 6

Volume harvest comparison between Quinault Ranger District, State Department of Natural Resources and Quinault Indian Reservation between 1950-71 (volumes in MBM):

Year	QIR	USFS	
1950	51,471	80,546	
1951	68,149	55,744	
1952	73,875	69,371	
1953	96,924	64,676	
1954	97,398	71,647	
1955	141,329	82,921	
1956	109,528	49,194	
1957	66,970) Lumped Together	
1958	76,495) No Work	
1959	113,928) Sheets	
1960	99,669	61,524	
1961	112,969	73,422	
1962	102,828	67,739	47,027
1963	112,483	97,703	69,809
1964	130,654	106,086	111,890
1965	147,996	88,185	100,631
1966	135,895	61,737	99,107
1967	142,454	57,986	138,819
1968	170,909	127,019	172,346
1969	139,796	33,982	175,781
1970	127,197	81,430	153,275
1971	90,989	49,248	188,824
1972	127,500	54,039	329,854

The above figures for the Olympic National Forest represent the Quinault Lake District, and the State sales represent those in Jefferson County Forks District only, since it borders on the reservation. Export restrictions are imposed on USFS timber, but not on the timber sold from reservation or State lands.

Page 22 - It is probable the Bureau will continue to rely on the USFS Regional Branch of Insect and Disease Control for overall forest pest detection and control. To augment this service, our Foresters are constantly alert to outbreaks of disease and the presence of destructive insects. If warranted, a report would be prepared and more intensive inspection requested by the USFS. There is presently a dwarf mistletoe project in operation on the Quinault Reservation.

Page 24 - Timber appraisal objectives by the Bureau may not be spelled out in a single statement; however, the objectives are reasonably outlined in 53 IAM 1.2.1, Timber Sales Policy, and 53 IAM 4.3.2, Forest Officer's Reports. Virtually no advertised sales have been let on the Quinault in recent years. Most of the non-contracted timber remaining on the reservation is located in the Queets area, and has been sold under the Special Allotment Timber Cutting Permit system. The standard appraisal system is applied to these permits. The timber owner is supplied with this information and is thus able to bargain with prospective buyers. The Quinault Allottees Association has voiced strenuous opposition to advertised timber sales, supposedly because of right-of-way problems; however, they have rendered approval to the Special Permits which encounter the same right-of-way issues.

Page 27 - Log price data for Western Washington appraisals usually include water, export and inland prices supplied by the Industrial Forestry Association. The published reports indicate about 30 percent of cedar production is exported. This information was secured by tabulating the IFA reports for calendar year 1972 and computing the export volume percentage for western redcedar. Occasionally local price data is used in appraising small sales for alder, cottonwood and young growth conifer. USFS average cost allowances are adjusted in accordance with local conditions as mentioned by Mr. Briegleb.

Page 29 - Boom, raft and local tow cannot be considered inappropriate costs in appraisals relating to the Crane Creek Unit because ITT Rayonier Inc. transports its logs by truck to a reload yard, then by rail to a point seven miles outside the city of Hoquiam where they are unloaded in the river, rafted and towed to their mill. This is a legitimate cost. It is not used in the Taholah Contract because all transporting of logs is carried on by trucks, since there are no navigable waters used.

Page 41 - Our objective in appraising Indian timber is to obtain the best realistic value of the timber for the Indian people. In order to obtain this value, it doesn't seem necessary that a concise policy statement is needed, since the most current log value and collected cost data are used. Policy statements in CFR 141 and 53 IAM, mentioned above, adequately spell out objectives to be achieved in timber sales management. The complexity of ownership and management entities on Indian lands present a vastly greater scope for consideration than that on lands administered by single entities as the USFS and SDNR. Bureau Foresters are confronted with the needs of individual Indians, group ownerships, Tribal goals, public concerns, and various Government interests when developing timber sales. However, a handbook is in the process of development, and no doubt an attempt will be made to present a statement of objectives sought in the appraisal process.

Page 46 - Road Maintenance. The very broad and general contract provision (Section 39 Timber Sale Regulations) has provided the basis for request for road location and requests for maintenance and repair. Upon request, the response has been good from both companies. Modification of the contracts appears impossible to require the purchasers to go to a more elaborate road plan and construction program. The roads, as stated by the writer of the report, apparently are well maintained and he observed none in disrepair. The operators have upgraded the roads by more concentrated efforts in blading, roadside brush control, culvert replacement and repair, and reditching. The continuation of this action appears promising, since our requests for improvements have been followed by the purchasers. We will continue in an effort to maintain this level of performance or improve upon it.

Page 47 - Road Right-of-Way Acquisition Practices. The Branch of Forestry is preparing a map of roads on the reservation from those roads which are now in existence and which would serve as resource management roads after the Taholah and Crane Creek Unit contracts are terminated. The program will be in conjunction with input from the Quinault Tribe and the Branch of Roads who will obtain the necessary rights-of-way. Roads to be selected will be those which will require the least number of miles to provide the fastest access

to all parts of the reservation. These roads will be used for resources management purposes in all of its phases, plus access to other users and especially the Indian people to reach their own allotments and for whatever use they wish. This will most likely become a costly project in considering the large amount of right-of-way payments to be made and possible construction of some new connecting roads. It may not become very difficult in phases but terrifically time consuming. Roads will be classified in several categories depending on use and area to be covered, and will be maintained in condition good enough for continuous small vehicle traffic. The State, under the fire protection contract, also maintains some roads so they are useable in fire season.

Page 52 - Timber Sale Supervision. Statement - Similar written guidelines for Forest Officer's engaged in sale supervision for BIA and State were not found. Response - A rough draft of "Timber Sale Administration Handbook" has been written but not edited. It consists of guidelines to timber sale officers, which, if utilized, will lead to better management and cooperation between purchasers of timber and BIA personnel. Attached to it will be documents entitled "General Operating Procedures" and another entitled "Utilization Standards for the Crane Creek and Taholah Units". These documents attempt to clarify and standardize activities on the two units, and can also be a help to administrators of other smaller sales.

Page 54 - Pickup Scale. Since the investigation upon which the report was written, the pickup scale picture is much more gratifying. With the assistance of timber inventory personnel and the institution of sample pickup scale procedures, the area of backlog has been decreased considerably. Additional part-time assistance has been contemplated to do pickup scale on the two units. Prospective employees would most likely have to be retired log scalers or those layed off recently by the Scaling Bureau.

The comment that headquarters for timber sale officers on or near the reservation rather than at Hquian would be another efficiency is well taken and is factual. Driving time currently takes three hours per round trip and longer when road conditions are bad (ice or snow). Headquarters for at least some of the field personnel

nearer or on the reservation would be welcomed. Two timber sales personnel have been assigned to quarters at Lake Quinault. This will provide some savings in travel time. The workload created by cedar salvage is nearly as great as the regular logging operations, with generally 20 salvage operators needing surveillance.

A job-load analysis has been made by Forestry personnel and concluded that two field men can satisfactorily supervise four logging sides only. A study was made in 1970 by the Forestry Branch which compared the number of men assigned to timber sale administration on the USFS Quinault Ranger District, SDNR Forks District and BIA Hoquiam Field Station. Figures indicated that if the State and Forest Service were in the realm of adequate staffing, the BIA was grossly understaffed. Here again the solution appears to be that the allowable timber cut should be reduced drastically on both units, or the staff at least doubled on each unit. A temporary solution was affected by diverting more staff time from other sections to sales administration. Obviously this is hurting other programs.

Page 57 - Answered under Page 54.

Page 69 - Sustained Yield Timber Management. In reference to this subject or management practice, the current staff would be inadequate to provide the time to develop a sustained yield program, especially in light of the fact that the major part of the mature and over-mature merchantable timber is under contract. Consolidation of all the timberland base must first be accomplished, and studies and various measurements of timber growth rate etc. must be made.

Page 58 - The Bureau recognizes the disadvantages of natural regeneration and has taken steps to alter the policy toward this all important management responsibility. Recent regeneration surveys have revealed those areas deserving of artificial regeneration and has resulted in thousands of acres of poorly stocked stands being planted. This effort has been going on since 1969, and the program will continue in the old cut-over areas such as Point Grenville and Cook Creek. On the two active large units, planting is proposed for those cutting blocks that have no natural seed source available. Planting provisions are also made in the Special Timber Cutting Permits. Seedlings are now

ordered two years in advance, and with assurances of continued funding, the problem of adequate plants and species is minimized greatly.

The report mentions that the State DNR and USFS burn their cutting blocks and schedule planting the winter following logging and site preparation. The State and USFS do not engage in the intensive cedar salvage operation such as the Bureau must do in order to maximize receipts and utilization. Furthermore, a run-away slash fire on the Quinault Reservation would be serious indeed for the allotted landowners, the purchasers, salvage operators and Bureau. Individual Indians would demand reimbursement for their losses, the purchasers generally have 20 to 40 million board feet of down timber on the ground, and millions of dollars worth of equipment are located at 15-20 operating sides. It is hoped that better utilization of cedar by-products will become a reality in the not-too-distant future, and through this means provide a better seed bed and planting site.

Page 87 - The report recommends the two large contracts be modified and proposes several suggested changes. It is the consensus of the Bureau that approval of the allottees is necessary to modify the contract. This would be a formidable task. Reducing the annual cut can be accomplished without modification; however, this develops a problem of contract extensions which does require a modification. The report suggests a regularly scheduled stumpage rate adjustment. This is being attempted now on a quarterly basis and experience shows that it is cumbersome. Relief from slash burning requirements may be granted on a limited basis, and may be administered by reference to specific areas or conditions.

Page 89 - The Bureau is providing assistance to the Indian people in achieving their objectives of land ownership. The Quinault Tribal Council has repeatedly sought means of securing the ownership of allotments and fee patented tracts on the reservation. The Council's goals is to eventually own the entire reservation in Tribal status. Current efforts point toward FIA financing. However, the allottees goals must be an element of consideration as long as there are allotments.

The idea of preparing the logging and road plans for the entire contract period may be an excellent idea, especially when dealing with one owner. This concept is in general use throughout the Bureau for short-term contracts, although an annual log plan may be required. A long range plan of logging may require frequent modification if individual Indian hardship cases are to receive consideration.

It is noted that logging practices have changed drastically since 1951 when the Taholah Contract was executed. A logging plan for the 30 year period, based on the old system of high-lead logging, would be inappropriate today. Furthermore, road requirements for today's logging systems are not the same as that experienced 20 years ago.

Page 91 - Regarding timber sale supervision, it can be said that a Handbook is being designed; however, the Forestry Branch has prepared in 1970 a set of general instructions to timber sales administrators which provide a basis for decision making in the field. A formal workload analysis will be requested of the Branch of Personnel in PAO in view of the apparent overload indicated when comparing the Hoquiam staff with adjacent land management entities. A sample waste scaling technique is now in practice and will go a long way toward relieving the backlog of pickup scale. Automation of the scale on Crane Creek Unit has contributed to the more rapid and greater accuracy in auditing of scale volumes from individual allotments. It is hoped that this can be extended to the Taholah Unit.

Page 92. Efforts have been made to improve communications with both the Tribe and Quinault Allottees Association through frequent discussions, telephone conversations with Tribal leaders and routinely supplying copies of correspondence relating to Tribal interest in forest management affairs. Communication problems between staff and line supervisors may exist at times; however, it usually takes a developing crisis to bring the matter into focus and efforts are then made to alleviate the particular communication problem.

Page 92 - Under investment in timber growing, the contractor recommends a level of timber harvest be developed jointly. Securing a consensus of opinion from the many individual land-owners appears remote. It seems that individual Indians should be afforded the privilege of participating in a management decision affecting their land similar to that exercised by non-Indians on fee lands. It has been suggested that allottees enter into some form of management agreement with the Tribe. Furthermore, such an agreement would go a long way toward solving the right-of-way problem that threatens to become a major concern when the two large unit contracts have expired.

The Bureau is attempting to invest allottees funds in intensive forest management practices through the contributory funds in lieu of administrative fees approach. The Quinault Allottees Association, through their attorneys, have resisted this method of financing because they believe the allottees are entitled to free services of this nature. This will probably be resolved in the Courts.

Tree planting is being currently financed from BIA funds and this results in about 1,000 acres being planted yearly. Non-stocked burns have been receiving priority, with newer logged areas being considered as second priority. The feasibility of a Quinault Nursery was the subject of a recent conference with the Tribal representatives; however, they had other priorities.

Page 94. The Bureau is cognizant of the fisheries value to the Indian people and have made significant improvements within this field. Logging plans for individual cutting blocks will contain stipulations relative to stream protection and rehabilitation during and following logging. A stream rehabilitation contract with the Quinault Tribe was let in FY 1973 on the Queets Unit, and indications are that this contract will be a continuing item if deemed essential. It was anticipated that contributory funds would have financed this program, but it now appears that the BIA will have to provide the necessary financing from appropriated funds.

Page 94 - Expertise from other agencies will be sought in the development of a Wildlife Habitat Management Program. It may be essential the Tribe purchase those particular areas that could be considered sensitive such as elk calving grounds. A program of beaver control is going to be important if hazard to standing timber is to be minimized from this rodent's dams.

Page 96 - Every effort will be made to solve land management problems, and input from the Tribal Council and allottees will be encouraged in every phase of research and action. The heirship and ownership problems have been recognized for years; however, the laws governing this situation are prescribed by Congress, and past legislative efforts by the Bureau have failed to effect a solution. However, the effort will be continued, and possibly with increased Tribal pressures Congress may enact legislation that will alleviate this perplexing problem.

In summary it can be noted that the Branch of Forestry has made significant improvement in management practices, and that these improvements were motivated by public pressures from concerned environmentalists, Tribal leaders, fisheries management people and allottees, and acknowledgment of many deficiencies by BIA Foresters who needed some moral support to put into effect those controls and stipulations they felt essential to meet the newly demanded standards. Bureau Foresters are endeavoring to involve the Indian people in the management decision processes, and at the same time are trying to minimize the spectre of termination. Every effort is being made to improve timber sale administration of the Taholah and Crane Creek Contracts without jeopardizing the well being of the individual Indian timber owners.

This Agency's response to the listed recommendations can be summarized as follows:

BREACH OF CONTRACT FINDINGS:

1. Modification of Contracts. A legal opinion concerning
& the approval of all allottees to a Modification should
2. be secured before any significant time is spent on
this aspect.
 - a. The two units can be administered under the General Timber Sale Regulations, although the Standard Provisions would be an improvement.
 - b. Reduction in cut would bring with it the necessity for extending the contract period, which would require a Modification of Contract. The Taholah Unit has but six years remaining, and the timber quality is such that it may be the purchaser's decision to forego extension.
 - c. A Modification action required.
 - d. Stumpage rate adjustments are now on a regular interval basis, using IFA quarterly reports.
 - e. The Forest Officer in Charge is providing substantial input into the logging plans wherein timber is designated for cutting. The term selective logging is primarily an academic issue now. Cutting boundaries are approved by the Forest Officer in Charge after examining the location on type maps, aerial photos, logging block map, and finally on the ground. Bureau layout of lines would be welcomed; however, this would increase the workload immensely.
3. Annual cut restrictions can be effected by letter; however, the extensions of time created by this action require Modification of Contract.

4. Slash disposal by burning appears to be the prerogative of the Officer in Charge. Relief from the slash requirements in Articles 25 & 26 of the General Timber Sale Regulations may be given in writing, but should be specific so as not to preclude the use of fire if such use is deemed necessary by the Officer in Charge.

RESOURCE MANAGEMENT:

Objectives - A concise statement may be appropriate; however, the CFR and IAM guidelines do spell out objectives and policy. The objectives must include some recognition that allotments do exist, and that they will be managed with recognition of the owner's needs.

Multiple Use of Resources

Individual Indian needs receive substantial priority in designing logging plans and much of this need cannot be foreseen with any degree of dependability to allow more than one year's lead time in developing the plan. Multi-discipline input is now being received, although in a limited amount because of the other agencies workloads. Additional staffing to alleviate this bottleneck in production is being requested.

Forest Residues

This is receiving study and attention.

Timber Appraisal

1. A statement of objectives will be a part of the new Handbook which is being designed for appraisers.
2. IFA prices and techniques of assembling the data have been the subject of discussions within the BIA, and no doubt will be examined.

3. Section 11 of the contracts refers to stumpage revisions when the PNLA indices become unavailable. The contractor recommends a complete reappraisal be instituted when economic conditions warrant; however, in another section of his report he recommends that appraisals be conducted at regular intervals. A complete reappraisal entails considerably more data research and collection than a stumpage revision based on comparative changes in economic features. For example, inventories of remaining timber would be essential, and road amortization schedules would need to be developed as periods of time elapsed since the last appraisal.

ROADS

Securing of easements in all probability would be extremely costly. If purchased from Government funds, the roads could be construed as open to public access. The Quinault Tribe has exhibited the attitude that they want complete control of access to Indian lands. However, this issue will be pursued further.

TIMBER SALE SUPERVISION

1. Written guidelines have been in existence since 1970.
2. Workload is excessive under present staffing. Ceiling limitations and budget constraints have limited the personnel actions. Staff members from the Inventory Section have been detailed to timber sales administration in an effort to relieve the workload.
3. The Lake Quinault Station has been returned to the BIA, and two men are now stationed at this location. It is planned to convert the Station to an Intensive Forest Management headquarters.
4. Pickup scale is now being performed by sampling.

5. Communications with Tribal leaders and Indians has improved significantly. Much routine correspondence is routed to the Tribal Office. Decisions affecting resources management are discussed with Tribal and Indian representatives before implemented, and generally before formulation.
6. Top management action concerning Forestry activities may be appropriate; however, specific areas should be pointed out by the contractor.

TIMBER SUPPLY - INVESTMENT IN TIMBER GROWING

1. Allowable cut levels can only be determined after the essential forest inventories and research have been performed. Individual Indian needs have to be recognized. Some form of land consolidation, either through outright purchase or management agreement, should be attempted. On the surface, ownerships appear to be stabilizing; however, the fact that non-Indians are inheriting more and more land each year seems to have been overlooked, as well as the ever-enlarging complexity of ownership generated through probates where no Will was executed. Some allotments have as many as 150 owners, with several unprobated estates existing, and compounded by the fact that before the unprobated estates are probated, more deaths will occur.
2. Investments in timberland are encouraged by the Bureau, and assistance is rendered to secure funding and development of supporting detail to justify actions.
3. Nursery management is a highly technical operation, and in a recent discussion with the Quinault Tribe, it was a general consensus that this phase of management would take a lower priority.
4. Pre-commercial thinning is a positive program already outlined for execution provided funds are available. It was hoped that the contributory fund in lieu of administrative fee deduction would provide the money

needed to do this important work; however, the Quinault Allottees Association, through their Attorneys, has discouraged this system.

5. Forest fertilization is planned for the forests administered by the Bureau, and other agencies engaged in forest nutritional research will be contacted. It has already been proposed that the reservation be soil type mapped and soils analysis be conducted before fertilization is attempted. A thick impervious hardpan is prevalent throughout the western half of the reservation, creating many swampland conditions and restricting forest regeneration.
6. Cooperation with experts in tree improvement programs can be expected. Also, seed collection has been discussed with the Quinault Tribe under some contract arrangement.

WATERSHED PROTECTION AND FISHERIES

1. This important resource is receiving much more consideration than it did in the past, and efforts are currently in effect to protect streams and even to rehabilitate those streams that received adverse treatment from past logging practices. This is a monumental task; however, it is the intention of the Bureau to pursue this action to a satisfactory conclusion. There is a stream rehabilitation project going on under Bureau auspices in the Queets area.

WILDLIFE MANAGEMENT

1. Wildlife management has received nowhere the attention afforded fisheries, and probably because the Indian people do very little hunting compared to fishing for a livelihood.
2. It may be well to identify specific areas which need special treatment, such as elk calving grounds. The Tribe may want to purchase these areas. Coordination with other Government agencies will be encouraged; however, the Indian people are suspicious about cooperative deals concerning their resources.

AESTHETICS AND RECREATION

1. The Tribe is aware of its potential in the field of natural areas along the Pacific Ocean, Quinault River and Quinault Lake. The Bureau has encouraged cooperation between the Park Service and the Tribe to develop plans for managing the Ocean and Quinault Lake frontage. This will be pursued further as the Tribe indicates this is their desire.

FOLLOW-UP ACTION

Federal regulations specify that individual Indian needs be one criteria to consider in management decisions which can complicate the decision making process when long range Forestry action is contemplated. Solutions to the ownership problem have been studied, but legislative proposals by the Bureau have been unsuccessful to date. However, attempts will be continued, and with Tribal input, may eventually be successful.

(Sgd.) George M. Felshaw

Superintendent

Enclosures

Hoquiam Forestry ✓
Everett Forestry
Everett Mailroom
Chrony

OEPaakkonen/WHCarey/JMJackson:kf
8/29/73



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

November 25, 1975

Address Reply to the
Division Indicated
and Refer to Initials and Number
DMM

90-2-20-926
90-2-20-923
90-2-20-924
90-2-20-925

AIRMAIL

Mr. Elwood R. Maunder
Executive Director
The Forest History Society
P.O. Box 1581
Santa Cruz, California 95061

Dear Mr. Maunder:

In my phone call to you on November 24, 1975, you kindly discussed with me the Government's desire to obtain an expert on forest history in Helen Mitchell, et al. v. United States, Docket Nos. 772-71 through 775-71, before the Court of Claims.

In these cases the plaintiff Indians seek to recover damages due to alleged mismanagement by the Bureau of Indian Affairs of the forests on the 200,000-acre Quinault Indian Reservation on the Olympic Peninsula in Southwest Washington. Only 4,000 acres of forest are owned by the tribe. The great bulk of the forest is divided into approximately 2,400 allotments in 40- and 80-acre parcels owned by thousands of allottees who do not live on the reservation. The dominant species are western red cedar, Douglas fir, and hemlock.

The United States as the defendant is searching for an impartial and objective historian in the field of forest history. Such an expert should already have come acquaintance with the history of logging since the 1920's on federal, state, and private industry forests on the Olympic Peninsula.

Such an historian should have knowledge of the historical progression of logging on that peninsula in relation to its impact on the environment. He should know when managers of

Dd J 737 8200
Hh - 739 5048

forests on the peninsula began to reflect in their management their positive reaction to ecological pressures. The historian we seek should be able to determine whether there was any significant lag on the part of the Bureau of Indian Affairs forest managers in responding to the movement for preservation of the environment as compared with their counterparts managing forests controlled by private industry, the Washington State Department of Natural Resources, and other federal agencies such as the Forest Service, Park Service, and the Bureau of Land Management.

The forest history expert we seek should be impartial and objective in his studies and analysis and in compiling and writing his report. The report should be sustained by documents cited in footnotes to which appropriate references are made in the text.

It is conceivable that the expert witnesses we have already retained, who are professional foresters, will do this type of study and report adequately. Nevertheless, we wish to be certain that we will be fully prepared to show, if such be true, that the Bureau of Indian Affairs forest management, particularly as to ecological problems, reasonably conformed at various stages and times with the then current and prevalent state of the art.

We are also interested in comparing the Quinault forests with state, federal, and private industry forests on the Olympic Peninsula as to fire prevention measures, types and extent of reforestation, and the kinds and extent of clear-cutting.

The forest history expert should also be one who can lucidly and forthrightly present his conclusions and opinions on the witness stand and back them up. He should likewise be prepared to undergo intensive, probing cross-examination upon every phase of his report and the exhibits which support his conclusions and opinions.

When you can spare the time and opportunity, we should appreciate your please suggesting to us the names of historians in the field of forest history who possess the qualifications sketched in this letter.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By:

David M. Marshall
David M. Marshall
Attorney



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

November 25, 1975

Address Reply to the
Division Indicated
and Refer to Initials and Number

DMM

90-2-20-926

90-2-20-923

90-2-20-924

90-2-20-925

AIRMAIL

Mr. Elwood R. Maunder
Executive Director
The Forest History Society
P.O. Box 1581
Santa Cruz, California 95061

Dear Mr. Maunder:

In my phone call to you on November 24, 1975, you kindly discussed with me the Government's desire to obtain an expert on forest history in Helen Mitchell, et al. v. United States, Docket Nos. 772-71 through 775-71, before the Court of Claims.

In these cases the plaintiff Indians seek to recover damages due to alleged mismanagement by the Bureau of Indian Affairs of the forests on the 200,000-acre Quinault Indian Reservation on the Olympic Peninsula in Southwest Washington. Only 4,000 acres of forest are owned by the tribe. The great bulk of the forest is divided into approximately 2,400 allotments in 40- and 80-acre parcels owned by thousands of allottees who do not live on the reservation. The dominant species are western red cedar, Douglas fir, and hemlock.

The United States as the defendant is searching for an impartial and objective historian in the field of forest history. Such an expert should already have come acquaintance with the history of logging since the 1920's on federal, state, and private industry forests on the Olympic Peninsula.

Such an historian should have knowledge of the historical progression of logging on that peninsula in relation to its impact on the environment. He should know when managers of

Dd J 737 8200
Office - 739 5058

forests on the peninsula began to reflect in their management their positive reaction to ecological pressures. The historian we seek should be able to determine whether there was any significant lag on the part of the Bureau of Indian Affairs forest managers in responding to the movement for preservation of the environment as compared with their counterparts managing forests controlled by private industry, the Washington State Department of Natural Resources, and other federal agencies such as the Forest Service, Park Service, and the Bureau of Land Management.

The forest history expert we seek should be impartial and objective in his studies and analysis and in compiling and writing his report. The report should be sustained by documents cited in footnotes to which appropriate references are made in the text.

It is conceivable that the expert witnesses we have already retained, who are professional foresters, will do this type of study and report adequately. Nevertheless, we wish to be certain that we will be fully prepared to show, if such be true, that the Bureau of Indian Affairs forest management, particularly as to ecological problems, reasonably conformed at various stages and times with the then current and prevalent state of the art.

We are also interested in comparing the Quinault forests with state, federal, and private industry forests on the Olympic Peninsula as to fire prevention measures, types and extent of reforestation, and the kinds and extent of clear-cutting.


The forest history expert should also be one who can lucidly and forthrightly present his conclusions and opinions on the witness stand and back them up. He should likewise be prepared to undergo intensive, probing cross-examination upon every phase of his report and the exhibits which support his conclusions and opinions.

When you can spare the time and opportunity, we should appreciate your please suggesting to us the names of historians in the field of forest history who possess the qualifications sketched in this letter.

Sincerely,

Assistant Attorney General
Land and Natural Resources Division

By:



David M. Marshall
Attorney

December 3, 1975

Mr. David M. Marshall
Assistant Attorney General
Land and Natural Resources Div.
U.S. Department of Justice
Washington, D.C. 20530

Dear Mr. Marshall:

Mr. Maunder is currently involved in project work for St. Regis Paper Co. in New York and has turned your letter of November 25 over to me for reply.

Your description of the historian you seek is very complete, except for information on when the research is to begin, how much time is available, and what sort of budget is available. If we could know more about the time constraints, we could recommend historians to you in better conscience.

Sincerely,

Harold K. Steen
Associate Director

HKS:rb



Forest History Society, Inc.

Post Office Box 1581, Santa Cruz, California 95061 / Telephone: (408) 426-3770

December 23, 1975

Memorandum to: Members of the Executive Committee

From: Elwood R. Maunder, Executive Director

Will you please review my letter to Mr. David M. Marshall here attached with a copy of the proposed budget in the amount of \$22,433. You will see this program calls for no fund raising on our part at all, and will indeed contribute substantially to meeting some of our needs during the remain of this fiscal year. Your approval to go forward is requested and I will look forward to hearing from you individually by the end of the first week in January.

ERM:rb

January 14, 1976

Memo to: Pete Steen

From: Woody Maunder



Frank Kaufert has suggested to me that you and Bob Ficken might profit from talking with George Drake, Hal McClary and Gus Arneson all of whom were involved in forest management practices on the Olympic Peninsula during the 1910-1950 period.

Drake is retired and lives in Santa Barbara, California; Hal McClary may be still employed in a top position with Simpson Company, but has also a private consulting business in Seattle where he lives. I am not sure where Gus Arneson resides, but perhaps Frank can clue us in on that if you feel inclined to pursue his suggestion.

ERM:rb



UNIVERSITY OF MINNESOTA
DULUTH

Office of the Director

Special Programs
409 Administration Building
Duluth, Minnesota 55812

February 12, 1976

Mr. Harold K. Steen
Associate Director
Forest History Society
P.O. Box 1581
Santa Cruz, CA 95061

Dear Mr. Steen,

A brief absence from the University plus the fact that I wanted to re-examine some of the material has delayed my reply to your letter of January 29, 1976. I hope the following comments will be useful to you. I have avoided citing long quotations, but would be pleased to offer, should you desire, xerox copies of documents which I have summarized.

It seems to me that the history of P.L. 273 from its introduction into the Congress by Senator McNary until the signing of the Forest Service-Simpson agreement in 1946 was an attempt to stabilize the environment over an extended period of time, in this case 100 years. The purpose of the legislation was not to advocate environmental awareness by incorporating into an agreement special practices which one side (the U.S. Government) or the other side (the private operator) hoped to see adopted as desirable environmental safeguards. Both Simpson and the Forest Service were basically following procedures and practices which for that time were considered environmentally sound. It may be that the Forest Service considered Simpson's operations environmentally sound, and this attitude prompted the government to act initially with that company. I am of the opinion, however, that the decision to begin implementation of P.L. 273 with Simpson was based on additional considerations, e.g., for several years prior to the passage of P.L. 273, representatives from Simpson, the Forest Service, and the state of Washington had discussed how a cooperative sustained yield unit might be formed. Simpson's proposal in 1944 to the Forest Service to form a sustained yield unit under P.L. 273 and other Simpson documents review these discussions. Forest Service reports dated before March, 1944, indicate the same thing. In short, there was no division in basic forest management between the Forest Service and Simpson. The state of Washington passed enabling legislation for sus-

Mr. Harold K. Steen
February 12, 1976
Page 2

tained yield as early as 1939 and 1941. During the course of the F.S.-Simpson negotiations, however, the state of Washington was forced out by legal provision which required competitive bidding on all timber land sales.

The final draft of the Simpson-Forest Service agreement rather carefully describes (although, as George Drake says in his interview, not with a lot of "whereas's" and "wherefore's") methods of fire prevention, disease control, cutting practices (size of timber, clear cutting, and partial cutting), reforestation (both natural and planted), road construction, plus a variety of other subjects all of which led to protection of the environment in the forest as well as the communities involved.

One might inquire that if the Forest Service and Simpson were of such like mind why it took two years to work out the agreement. The answer, I think, is not simple, but, ~~I think~~, quite logical. A number of persons from Simpson and the Forest Service need to be consulted as the negotiations progressed. Shuttling the documents between points in the Pacific Northwest (Portland, Olympia, Shelton) and Washington, D.C. took time. The legislation required that owners of land within the proposed boundaries of the sustained yield unit had to be notified and a public hearing held prior to finalization of the agreement. Following the hearing individuals or parties were given 30 days to file a statement with the solicitor.

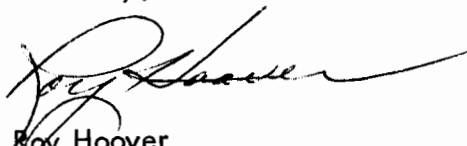
In summary, there was no change in attitude on the part of Simpson or the Forest Service. The implementation of P.L. 273 as the Shelton Sustained Yield Unit represents two organizations that shared similar goals and objectives agreeing to work together cooperatively toward stabilizing the environment over a 100 year period.

Do not misinterpret my comments. I am convinced more than ever of the value in narrating the history of the implementation of P.L. 273. It may help us to better understand the nature of our society as we try to stabilize our environment.

This information may not be what you bargained for. Again, I would be pleased to send documents, offer additional comments, or whatever you like. Most of what I said here (with a little less editorializing and personal comment) will be discussed in my article.

Thanks again for your letter. Writing this has been a good exercise for me.

Sincerely,



Roy Hoover

Pete

20
February 3, 1976

Memorandum to: Robert E. Ficken and Harold K. Steen

From: Elwood R. Maunder

Subject: Reporting of progress on your work as assigned by the FHS for the fulfillment of its contract with the Land and Natural Resources Division of the Department of Justice - Contract J-42454

I draw your special attention to page 6 of the above named contract on which in Section 4, paragraph A, subparagraph 1 the Society, as the consultant, is required to present a monthly invoice showing progress in performance by the consultant.

It is our intent, therefore, that we shall submit the first such invoice and progress report on March 1, 1976 and I shall request that you prepare for inclusion with that invoice a brief progress report of your work which I will have opportunity to examine prior to March 1, on or about February 27.

Subsequent monthly progress reports should be submitted by you to me on March 31, April 30, May 31 and June 30.

I draw your further attention to paragraph 3 on page 7 which indicates that a fifth payment to the Society shall be deferred until a reasonable time after the Department of Justice has received and approved as complete and satisfactory 10 copies of the report, 3 sets of supporting defendant's exhibits and a digest thereof in triplicate. If we are not to be put into a cash squeeze at the end of June we will have to promptly bill the Department of Justice at that time so that receipt of payment number five will not be delayed for too long a time. I would suggest, therefore, that during the month of June you give major assignment of your time to completing what is to be the final report, documentation in the form of defendant's exhibits and the digest which shall be due within 30 days after completion of the departmental review, approval, and our copy of the returned preliminary draft.

Assuming that Mr. Marshall will make prompt return of his comments and approval of our preliminary draft, and that it will be received here sometime before June 11, we will then be obliged to deliver to the Department of Justice a final report and all other supportive materials called for under the contract no later than July 12, according to paragraph 6, page 5, or by an earlier date in July if Marshall's response to the preliminary draft is received by us on an earlier date in June. In either event, the Society will be under the gun to pay salaries for June and July, monies for which will not likely be received until perhaps sometime in August or possibly later if the Dept. of Justice finds the final report to be either incomplete or unsatisfactory (see paragraph 3, page 7).

In the interest of maintaining the strictist kind of financial control over the costs of this project, you will be asked to submit monthly reports of all your expenses promptly at the same time you present your monthly progress reports. I draw your special attention to the details of the contract as listed under paragraph B on page 7 which call for the consultant to render a full accounting of all expenditures for the various budgeted items (other than travel and subsistence) when the 6th and final payment is billed.

The Society is not in such a strong financial position as to be able to sustain any over expenditure in this project and you will note that we, as the consultant, are held responsible to meet in full any such overexpended costs.



Forest History Society, Inc.

Post Office Box 1581, Santa Cruz, California 95061 / Telephone: (408) 426-3770

Pete

March 31, 1976

Mr. David M. Marshall, Attorney
Assistant Attorney General
Land and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Re: Contract J-42454; Helen Mitchell, et al. v. United States

Dear David:

Enclosed is our report and billing for March. With Joe Jackson as gracious host and guide, Alec, Bob, and I had a most fruitful tour of the reservation. The helicopter trip was especially valuable, and we all have a much better idea of the situation.

I was lucky to catch Dick Neely in his office. We had an enjoyable chat of an hour or so, and I feel better oriented as a result. It seemed unnecessary to see Vic Meeker, as I had already been exposed to more information than I could absorb.

Bob and I intend to begin assembling the pieces of report during April, in order to assure a full draft for your review by June 2. All goes well.

Sincerely,

Harold K. Steen
Associate Director

HKS:rb

March 31, 1976

Monthly Progress Report covering March 1976 for Department of Justice Contract J-42454; Helen Mitchell, et al. v. United States, Docket Nos. 772-71 through 775-71, before the Court of Claims (D.J. File Nos. 90-2-20-926, 90-2-20-923, 90-2-20-924, and 90-2-20-925).

From: Dr. Robert E. Ficken and Dr. Harold K. Steen of the Forest History Society, Inc.

On March 16 Dr. Steen and Dr. Ficken accompanied Alec Jackson of Greenacres Consulting Corporation on a tour of the Quinault Indian Reservation. After conferring with Joseph Jackson and his staff at the Bureau of Indian Affairs office in Hoquiam, Steen, Ficken, and Alec Jackson inspected forest practices on the reservation and on nearby State of Washington National Forest, and several private lands. Joseph Jackson and his staff served as guides and answered questions during the inspection which was conducted both from the air and on the ground.

On March 17, Dr. Steen conferred with C. Richard Neely in Portland. He also made arrangements with the U.S. Forest Service to allow Dr. Ficken access to pertinent Olympia National Forest records held at the Federal Records Center in Seattle.

Throughout the month of March, both Steen and Ficken continued research in the published and unpublished materials relevant to the history of forest practices on the Quinault reservation.

INVOICE



Forest History Society, Inc.

Post Office Box 1581, Santa Cruz, California 95061 / Telephone: (408) 426-3770

March 31, 1976

To: Land and Natural Resources Division
Department of Justice
Washington, D.C. 20530

Re: Contract J-42454; Helen Mitchell, et al. v. United States

As per page 6 of the above contract

Second payment now due

\$3,738.

First payment was received
3/29/76: Thank you.

April 30, 1976

Mr. David M. Marshall, Attorney
Assistant Attorney General
Land and Natural Resources Division
U.S. Department of Justice
Washington, D.C. 20530

Re: Contract J-42454; Helen Mitchell, et al. v. United States

Dear David:

Enclosed is our report and billing for April. Bob Ficken and I continue to make satisfactory progress. With the June 2 deadline clearly in mind, we are beginning to assemble the draft report.

Sincerely,

Harold K. Steen
Associate Director

HKS:rb
Encl.

Signed in his absence

Monthly Progress Report covering April 1976 for Department of Justice Contract J-42454; Helen Mitchell, et al. v. United States, Docket Nos. 772-71 through 775-71, before the Court of Claims (D.J. File Nos. 90-2-20-926, 90-2-20-923, 90-2-20-924, and 90-2-20-925).

From: Dr. Robert E. Ficken and Dr. Harold K. Steen of the Forest History Society

Dr. Ficken continued examination of BIA records at the Federal Records Center in Seattle, Washington. He also examined pertinent collections at the University of Washington. In addition, he travelled to Olympia to search through the records of the Department of Natural Resources and meet with staff of the Olympic National Forest.

Dr. Steen continued study of the various processed reports relevant to the lawsuit. He also began analysis of Washington State legislative history on slash disposal and reforestation requirements for private property, and on the problems of managing small ownerships.



Forest History Society, Inc.

Post Office Box 1581, Santa Cruz, California 95061 / Telephone: (408) 426-3770

April 30, 1976

To: Land and Natural Resources Division
Department of Justice
Washington, D.C. 20530

Re: Contract J-42454; Helen Mitchell, et al. v. United States

As per page 6 of the above contract

Third payment now due

\$3,738.

1st payment rec'd. 3/29/76

2nd payment rec'd. 4/21/76

Thank you.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
OLYMPIC NATIONAL FOREST
P. O. BOX 2288, OLYMPIA, WASHINGTON 98507

6230
June 1, 1976



Forest History Society, Inc.
P. O. Box 1581
Santa Cruz, California 95060

Gentlemen:

Please accept my deepest apology for not responding to your letter earlier. The fact that it had not been answered just came to my attention. I am this date notifying the Federal Records Center that you may inspect our records in the 2410 and 2430 series excluding those referring to the Simpson Sustained Yield Unit.

It may well be that a portion of the files you seek have already been destroyed, since the retention period is only a few years.

Sincerely,

IRENE E. PAYNE
Administrative Officer

cc: Dr. Robert Ficken
3434 25th Avenue W. #401
Seattle, WA. 98199



United States Department of the Interior Forestry 339.4
Quin. Management

REAU OF INDIAN AFFAIRS

Western Washington Agency
Olby Avenue - Federal Building
Verett, Washington 98201

JUN 4 1976

ruz, President
Committee
fice

our letter of March 22, I have asked the Forest Manager
th a response. The enclosed memorandum is his review
of the matters which you discussed. Many of the alle-
ed in your letter were included as a part of the claims
ited States in Helen Mitchell, et al. v. United States.
divided by the attorneys for the United States that
should not be discussed during the pendency of the suit.

on for the establishment of a review board has considerable
merit. However, it should not serve to delay action with respect to
allotment owners' petitions for sale of their interests, as such delays
would subject the Bureau to adverse criticism from the Indian people
as well as the public. I suggest that we convene a conference of
tribal and allottee officials, as well as BIA personnel, to discuss
the merits of establishing a task force and board of review.

It is my judgment that the Bureau of Indian Affairs has made con-
siderable progress in the management of the Quinault forests, and has
responded to suggestions and criticisms for the improved management
of the timber resource. If a task force and board of review can serve
a constructive purpose for the better management of the Quinault
forests, I would fully endorse such a proposal.

Sincerely yours,

S. A. Lozar

Superintendent

Enclosure



San Marshall

UNITED STATES GOVERNMENT

Memorandum

TO : Superintendent
WWA - Everett

DATE: 6/01/76

FROM : Forest Manager,
Hoquiam Field Station

SUBJECT: Response to Joseph B. DeLaCruz's Letter of 3/22/76
re Management of Quinault Timber

The above letter was examined by appropriate members of the Branch of Forestry, and this response is a composite of their remarks. Some of the allegations touched upon the same claims made by the allottees in their action against the United States (Helen Mitchell, et al. v. United States). We have been requested by the Government's lawyers to refrain from discussing such matters during the pendency of the suit.

It might be well to point out that the Quinault Tribe, through Buy Indian Act Contracts, have a real opportunity to participate in managing the Quinault forest. Tribal impact has not been as positive as we had anticipated. Constructive input from the Tribe would have improved the overall management picture.

The first paragraph of Mr. DeLaCruz's letter spells out broad allegations of mismanagement which are unfounded. The size and complexity of management functions of the Branch of Forestry lends itself to occasional but mainly minor problems. However, these are infrequent, and when encountered they are corrected as soon as possible. When such problems occur, there is an opportunity for constructive input by the Tribe rather than such incidents being used to discredit the Bureau.

Some idea of the size of operations in only the permit segment can be gained by the fact that since 1966, 369 Free Use and 136 Special Allotment Cutting Permits were issued. Most of these permits were let on the Quinault Reservation. Concerning the Free Use Permit, the same allottees in some cases applied for permits for a couple of consecutive years. Complaints by the permittees have been very few in respect to problems with shake operators assisting them, and in receiving payment for their products. Although the permit operations are the responsibility of the permittee, the Forestry Branch investigates each complaint in an effort to assist the Indian landowner. Most of the problems stem from poor record-keeping by both the cutters and permittee. If the issues can't be resolved, we recommend cancellation of the Free Use Permit and go to a Paid Permit wherein the Bureau supervises cutting and paying provisions. In the last six years there have been only four (4) Free Use Permit complaints which involved two non-payments and two



trespasses into adjacent allotments. The trespasses were resolved. Three problems arose in the 136 Special Allotment Cutting Permits. One of the problems occurred near the Deming, Washington, area and was resolved. However, the two on the Quinault will be difficult to take care of because of the absence of bookkeeping by the permittee. One of the two Quinault permit problems involves the Myron Garfield Permit Q-2-75, and we are still investigating this complaint. We have had problems with only one supervised timber sale. This has occurred recently, and is still under administrative adjudication. This problem involves the Holech Logging Unit which will, in my opinion, be resolved in favor of the allottees in the near future. The logs are secured in the name of the Federal Government, and if it becomes necessary to resell the logs, there is every indication the allottees interest will be more than adequately protected.

The question of manpower is always a problem. In any operation, governmental or private, a balance must be found between the number necessary to perform a job and the maximum number that could be utilized. If we had more positions, we could provide more services to Indian people. However, we must find the optimum number which will assure the continued protection and utilization of the Quinault forests as well as provide those services necessary to sustain our present program. Our staff performance compares very favorably with other forestry organizations. A recent comparison with Bureau of Land Management forestry staffing reveals that we are doing the same volume of work but with less manpower. Besides our usual field work of inspecting logging activities, we are expected to render services to over 5,000 allottees having an interest in the Quinault forests. There are pending 130 requests for timber appraisals, which cover such things as value determinations for land transactions, land transfers, Special Allotment Cutting Permits, timber sales and salvage sales. We can process yearly about 15 Special Allotment Cutting Permit appraisals. In addition to this activity, we must cover the logging activity on the Crane Creek and Taholah sale units, as well as visit the permit areas where logging is in progress. It is impossible for a forester to be at the logging site continually while logging is in progress. Nor is such inspection necessary. Periodic checking insures compliance with our logging requirements and also insures the necessary environmental protection. Any departures from such requirements during the absence of the forester are insignificant and are usually corrected at the forester's direction. However, there is an opportunity for the tribal assistants in helping us to provide greater supervision over the logging areas as well as providing additional services to the allottees.

Paragraph 2 implies that problems are due to the many types of permits. There are only three types of permits--these being Free Use, Paid and Special Allotment. There are very few allotments on the Quinault that are solely owned. Through the Power of Attorney method, the Bureau has made it possible for the co-owners of allotments to participate in the harvest of forest products from their property. Mr. DeLaCruz questions the wisdom of letting the Indian people have this privilege. Without this mechanism, there would be extremely few permits issued. Any sales would have to be conducted under total government supervision. I feel this would be a step backward, and not in the direction of self-determination.

Unfortunately the \$2,500 limitation on permit size is subject to the fluctuations of the economic trends. Inflation over the years causes a reduction in the quantity of products that the Indian is allowed to harvest under one permit. For example, the stumpage value of a cord of shakeblocks has risen from \$10 to \$50 within the last ten years. We have requested the Area Office to seek a permit limitation of \$5,000, which will allow the Indian permittee to harvest the same quantity as previously. We have heard nothing regarding that request.

Permit limits can be strictly enforced; however, this would require intensive supervision by Bureau personnel. This would serve to significantly decrease the number of permits allowable, and thus increase complaints and possibly encourage theft. Many of the permits do not cut out \$2,500 worth of material as is noted after field inspection. We have not discouraged the salvage, especially when the reproduction is small, because the income can be maximized and will hasten the time when no further disturbance in the regenerated stand will occur. We have been discouraging the use of heavy dozers for yarding shake logs. Nowadays much of the shake material is air-lifted by helicopter to loading areas.

It is our policy to issue a Free Use Permit to the allottee or a co-owner. We do not control who works for the permittee, and frequently these co-workers are non-Indians or non co-owners. We encourage the owner to supervise operations or at least be present and be knowledgeable of the operations. No doubt there will be times when the owner cannot be present and appearances will be that a non-Indian or non-owner has a Free Use Permit. If the allottee cannot supervise operations, we insist on the use of a Paid Permit. Many allottees object to the Paid Permit because the Bureau collects a five (5) percent administrative fee from the stumpage. 25 CFR 141 does not specify that the product cannot be sold. The statement that the recipient of the Free Use Permit

sometimes has no ownership interest in the property is totally untrue. Paid Permits are issued to other than allotment owners, but with the owner's permission. An accounting system similar to that used on timber sales is instituted, i.e. truck tickets are used from the allotment to the scale rack and attached to the scaler's ticket of which we get a copy. When the total number of cords allowed under the permit are removed, the permit is terminated. Payment for timber to be cut is made in advance by the purchaser. This money is distributed to the owners immediately after receipt, whether or not timber is cut. The opportunity for the allottee to receive less than fair payment for his salvage products is possible, but complaints are very few. Also, it has been noted that some permittees are receiving more than the stipulated stumpage rate.

Assistance in establishing allotment lines in cases of all timber cutting activities is a continuous activity of the BIA. Most trespasses occur over established lines, sometimes because of negligence on the part of the operator and sometimes because of disregard for property lines. It is also found that on the Taholah and Crane Creek Units, where the purchaser and sub-contractors are responsible for establishing allotment lines with the BIA inspecting, that trespasses still occur. These are usually discovered by BIA employees during their regular inspection of the purchaser's logging.

The model contract provided the allottee who obtains a Special Cutting Permit, containing three alternatives, is nothing more than a model. It was prepared by the Office of the Regional Solicitor. Since it is only a model, it is to be used only as such. Special Permit holders are encouraged to prepare their own with the help of an Attorney of their choice. We request that permittees provide us with a copy of their contract, and if they desire we will provide consultations concerning contract stipulations. There are no known instances of encouraging loggers with poor reputations to enter into contracts with Special Permit holders.

Advertised sales originate for various reasons. Occasionally a sole owner will elect to have an advertised sale because he is unable to attend to the administration of a Special Permit, or he may have confidence in the Bureau's ability to secure a better price for his timber. Blowdowns and fire will be cause for an advertised sale to expedite the movement of damaged timber. Occasionally a destitute allottee or co-owner of an allotment needs funds, but is unable to secure a consensus from the other co-owners. A 100% agreement is necessary for the use of a permit. Only a majority is needed for an advertised sale; however, we make a determined effort to get approval from all the owners. BIA manual requirements stipulate that non-trust interests approval be secured. However, if the non-trust interest refuses to agree to the sale, and we feel this is

jeopardizing the trust interest, we can appeal to the Commissioner, with cause, to over-ride the negative position of the non-trust interest. The owners of these allotments are scattered all over the United States and elsewhere. The addresses of some owners are unknown. For this reason we feel that a majority interest approval on advertised sales is adequate. Some allotments have over 200 owners. Each passing year finds it increasingly more difficult to locate all the owners, much less get their signatures on a Power of Attorney. One hundred percent approval on all sales would virtually eliminate advertised sales. It is rare that advance deposits are inadequate. More often the complaint is that our advance deposits are too great. Should the advance deposit fall below the stipulated amount to cover scale volume and down timber, all operations are suspended until the deposits are sufficient. The Holech Logging Unit is the only example I can recall where there was a deficiency in advance deposits. This unit operation has been under suspension for some time. A recent consultation with the trust owners was convened. Their recommendation was to allow the purchaser to make the necessary deposits and grant an extension of the contract. If the purchaser cannot make the required deposit, I am recommending we terminate the contract and resell the decked logs. It should be noted that the Holech Unit is 40% non-trust which is now owned by the purchaser.

Pre-sale inventories include log grading of the uncut timber. Thus, it is obvious that log grades affect stumpage rates. It therefore behooves the purchaser to buck the trees into the best grades at the time of felling. Grading logs requires some expertise, and to re-buck the logs would be a questionable act economically speaking.

Individual small loggers, as well as large company operations, do buck for grade in the woods. Contracts are made to brokers or jobbers for the end product before logging commences. Fallers and buckers are instructed to cut all the various lengths as requested by the purchaser to recover the highest grade possible for that particular type and size log. Sometimes logs of quality appear that have to be down-graded because of defect. If the defect can be bucked out and still leave a grade log, this is done but these cases are few and far between. Actually in relation to the total volume handled, a very small percent is re-bucked. In addition to the purchaser's own concerns, the Bureau Forester in charge of the timber sale unit activities periodically inspects the falling and bucking operations. Often these checks are made with the Agency Check Scaler along because he is recognized as the expert in log grading and scaling.

The issuance of Free Use and Special Allotment Cutting Permits is made in accordance with 141.19c of the CFR. The permit is issued only if 100% of the allottees has signed the proper Power of Attorney. The owner who is named to act as the Agent has been given authority by

all of the other owners to complete the sale. He is provided all the data necessary to complete the sale by the BIA. This includes the Forest Officer's Report, Environmental Analysis Memorandum, logging specifications and requirements and the Cutting Permit. The total estimated volume and the value of the timber is shown on these documents. Any "unfair" compensation would be because the permittee failed to follow the recommendations made by the BIA. This failure to follow recommendations is not peculiar to the Indian people, but is found throughout the timber industry when small landowners are involved.

The Government policy of requiring these permits assures that the owners are aware of the value of the timber, and places them in a position to conduct a fair transaction. The large percentage of allottees who have satisfactorily completed the sale of timber attests to the merit of the permit system. Rather than being a liability, the use of the permit is a large step in the achieving of self-determination, a goal toward which the Tribe is aiming.

The method of cruising and the type of timber appraisal used by the BIA are basically the same as those used in this area by most public and private timber operators. It may be noted that the Hoquiam Field Station was the first Forestry organization in the Grays Harbor area to use the prism method of cruising, and that method is the standard in use now. It should be again stated that the allottee is provided with a complete set of data pertaining to the volume and value of his timber. In counseling with the permittee, we answer any questions he may have concerning the permit or any of the data.

The insinuation that the "sufficiency and accuracy of Bureau cruises" is inadequate is made without knowledge of the data. Several of the Indian loggers rely on the Bureau evaluations and often consult with Bureau cruisers regarding the proposed sales. The accuracy of our sampling in most cruises is kept at approximately five (5) percent at one (1) standard deviation, with 68% confidence limits. In those cruises in which the variability of the stand is extreme, the number of plots is increased to attain a reasonable accuracy based on the area cruised and a good distribution of plots. At times a 100% cruise is made of the timber. The statistical evaluation of the cruise is made by the computer at the time that the volume and grade computations are made. The sampling error is shown on the Cruise Summary form.

Log grades are taken at 16-foot log lengths. This gives the highest possible grade to the timber on the stand, and makes proper bucking necessary to cut out the cruised grades. Although a faulty cruise could "short-change" the allottee, the reverse is also true and the allottee could be overpaid. Regardless of which way the cruise accuracy may be, our professional ethics dictate that we do the best job that we can do. It is expected that the prospective buyer will inventory and appraise the timber before he buys.

One advantage of the lump sum sale is to save the allottee the added expense of having his logs scaled. Because of the location of the delivery point for the products, it is sometimes advantageous to sell at a lump sum to save on extra hauling expenses. Lump sum sales have not, and are not, conducted on the Quinault Reservation, but have been restricted to other reservations. One of the permit requirements is to provide the Bureau with a cut-out volume when the logging is completed.

The Environmental Analysis Memorandum for each timber evaluation is written specifically for that unit. This Memorandum is prepared by one of the Foresters that helped cruise the tract, and thus has an intimate knowledge of the area. During the preparation of this document the various aspects of it are discussed with other Foresters on the staff. Information is solicited from the Quinault Resources Development Project, as well as from Sport Fisheries, and this is incorporated into the report. Soils are examined on a number of representative allotments covering the soil types which might be encountered when the Special Permit is being processed. The Soils Examiner is an expert in this field. Presently there is a soils inventory contract with Weyerhaeuser Company. This contract is funded through the Branch of Forestry's Buy Indian Contract with the Quinault Tribe. The cost of this survey will approach \$135,000, and will provide all the essential data to evaluate growth potential of the various soil types as well as the sensitivity to various types of logging operations.

The Bureau had been seeking a soils survey and sought the services of Mr. Carl McMurphy, a retired Soils Scientist with a forestry background. The Tribe opted for the Weyco study, and the Bureau went along. The Weyco study will be completed probably in September of 1976. The information will be useful in preparing the environmental assessment document. The Bureau has not ignored NEPA. All of the Foresters on our staff have attended symposiums on NEPA requirements and techniques in preparing environmental assessment or impact statements. Tribal input was sought; however, their priorities were elsewhere, and we are advised to use the Bureau of Sport Fisheries and Wildlife services. Bureau of Indian Affairs Soil Scientists were detailed to Western Washington Agency to provide soils protection guidance. It is possible some environmental degradation could have occurred because it is not practical to police the units all the time. It is possible for the Tribe to provide more assistance to the Bureau in this police action instead of being adversely critical. The Tribal Law & Order code provides for penalties for damages to the environment and inasmuch as the alleged damages are under the auspices of Indian permittees, the Code should be enforceable.

All Special Permits have a stipulation that the cut-over area will be replanted. The planting augments natural regeneration. We will conduct an in-depth examination of each permit and timber sale area for evidence of undue environmental damage. If we deem suspension is necessary, it will be invoked. I believe my Forestry staff is well qualified to make this determination, and we will accept input for consideration from other interested parties.

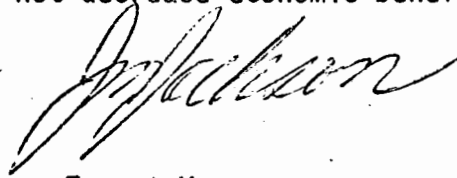
Mr. DeLaCruz's suggestion we maintain a list of unscrupulous timber operators for allottees use invites the Bureau of perform libelous acts, and is herewith unequivocally rejected. We encourage the allottee to contact several timber buyers both Indian and non-Indian to secure the best price and best treatment. The only alternative is to advertise under Bureau supervision all timber sold, but this will reduce the annual cut volume by at least 50 percent.

Increased supervision of all sale areas has been called for by Mr. DeLaCruz. Obviously, such a program would call for more personnel. If we are to keep the timber sales at their present level, more personnel would be required if we were to increase the amount of supervision. If we increase supervision without additional personnel, a reduction in the number of timber sales would be required. Reduction in timber sales would result in less income to the Indian people and fewer jobs for woods workers, many of whom are Indians. It is essential that efforts be made to maintain a high level forestry income for the allottees. In 1975, 2,000 Indians received more than \$9 million in stumpage payments from the Quinault Indian Reservation. More than 130 Indians are employed in the forest industry utilizing Quinault Indian timber. Indirect benefits to the community from our forestry activities are substantial. It appears doubtful that we can obtain the additional forestry positions required for the degree of supervision apparently wanted by Mr. DeLaCruz, and I am not sure that the increased supervision would benefit the resource or the Indian people in a significant way. Rather, the more feasible alternative would be to involve the Quinault tribal forestry department in our forestry program to a greater degree. At present the BIA is funding the tribal forestry department at a level of \$375,000 annually. A substantial portion of these funds could go towards assisting the Branch of Forestry in administering timber sales, as well as assisting us in the reforestation, timber stand improvement, rehabilitation of fish producing streams and other intensive forest management programs.

Priorities can be arrived at by convening a board of review; however, each member of the board probably will assess priorities based on his own position. It has been my observation that the priorities of the Tribe and Quinault Resources Development Project are not necessarily those of the allottees, and vice versa. Perhaps you would be willing to participate in this review board because I believe non-foresters can bring to the group some valuable ideas. The USFS does this with good success, although they are dealing in public property only.

In today's rapidly changing concepts involving the environment, technology and economics, it seriously behooves the Resources Manager to keep abreast of new developments in these fields. Academic achievement in the form of college degrees form the base on which a person builds expertise. A continuing amalgamation of practical experience and appropriate special training schools are essential if the professional is to keep well informed and expert in his field. Industry, academic institutions and Government Agencies recognize this need. Experience seems to earn the most respect. I subscribe to the experience attitude most, but I also put high value on special training. I have been responsible for approving the special training of our Foresters, but I do so in a calculated effort to provide the Indian people with technical and humane services second to none. Moreover, such training ultimately leads to more efficient and effective performance for the Bureau. The Bureau's services are not jeopardized nor significantly decreased because of the training programs. It should be noted that some training is accomplished during the employee's time off the job, and frequently at his own expense. I believe Mr. DeLaCruz's letter is unjustifiably critical even though he indicates he doesn't want to be.

As I stated above, I will negotiate with the Tribal representatives for a greater portion of the government contract monies to be diverted toward administration efforts in the forest utilization segment of our operations. Greater cooperative effort between the Tribe and the Branch of Forestry should alleviate the alleged discrepancies while at the same time not decrease economic benefits to the allottees.



Forest Manager

cc:

American Indian Policy Review Comm.

(Resource Task Force), Washington D.C.

Area Director, PAO, Attn: Forestry

Richard Hooley, Off. of Reg. Solicitor

Charles Hobbs, Wilkenson, Cragun & Barker

Don VanTechelen, Chairman, Quinault Allottees Comm.

Dave Marshall, Dept. of Justice

September 8, 1976

Professor Paul Stuart
G. W. Brown School of Social Work
Washington University
St. Louis, Missouri 63130

Dear Professor Stuart:

Thank you very much for your letter of 30 August and a copy of your paper on Indian policy. I'm not sure yet if I will use it in my study, but I will ask your permission before I do.

If I do use it, it will be for a confidential report to the Department of Justice. After the report is entered into evidence, probably next summer, then I will be free to publish as I see fit. It is a fascinating assignment, and trying to understand the impact of the Dawes and Wheeler-Howard Acts on Indian lands forestry has added much to my education. I'll gladly share my findings with you as soon as it is appropriate to do so.

It looks as though we have overlapping interests; let's keep in touch. For your information I've enclosed a brochure that explains what we do.

Sincerely,

Harold K. Steen
Associate Director

HKS/1k

Enclosure

WASHINGTON UNIVERSITY



ST. LOUIS, MISSOURI 63130

THE GEORGE WARREN BROWN
SCHOOL OF SOCIAL WORK

August 30, 1976

Dr. Harold R. Steen
Associate Director
Forest History Society
P.O. Box 1581
Santa Cruz, California 95061

Dear Dr. Steen:

Thank you for your interest in my paper. I'm sending you a copy. Since I'm revising it for possible publication, may I ask that you not quote from it without first contacting me for permission to do so?

I would also appreciate very much any comment you may have after reading the paper, as I know almost nothing about forest practices on Indian reservations. I'd be interested in hearing about your work as well.

The difficulty in tracking me down resulted from the fact that my appointment is in the School of Social Work, not the Department of History. I'm glad you persevered in your search.

Sincerely,

A handwritten signature in cursive script that reads "Paul Stuart".

Paul Stuart
Assistant Professor

P. Stuart/rad
enc.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

PACIFIC SOUTHWEST FOREST AND RANGE EXPERIMENT STATION
1960 ADDISON STREET POST OFFICE BOX 245
BERKELEY, CALIFORNIA 94701

September 10, 1976

Harold K. Steen
Associate Director
Forest History Society, Inc.
Post Office Box 1581
Santa Cruz, California 95061



Dear Pete:

It was good hearing from you. Nick Popoff was one of our fire students thru 1970. He did a good job up until the time he had a severe accident during a bicycle race in Portland. He was in a coma for at least a week, as I recall, and was a long time regaining emotional stability.

His thesis was concluded after the accident and we did have a difficult time toning down what was actually an "indictment." The Committee felt there was no reason to take great issue with his over-all conclusions, but I think one would be hard pressed to praise and verify a lot of the personal interviews at this point and time. As I recall his documented research was reasonably thorough and could be traced. My general reaction is that I would want to verify his most telling conclusions before I went to court with him.

Hope you do make it down to Berkeley one of these days, soon.

Best personal regards,

James L. Murphy
JAMES L. MURPHY
Project Leader

V. S.

9-27-76

Dr. Harold K. Steen.

Please note
on page 2 OF the
enclosed xerox copy
OF Quinault Newsletter
SD,

a comment about
a book on clearcutting.
I suggest You examine
the book, because
P/s. are probably
Familiar with it.

Dave Marshall



United States Department of the Interior

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

IN REPLY REFER TO:

Forestry - 060
Quin. Newsletter

QUINULT NEWSLETTER NO. 80

STUMPAGE RATE REVISION:

Under delegation of authority from the Commissioner of Indian Affairs, the Area Director revises stumpage rates to be effective August 1, 1976 as provided by the Crane Creek and Taholah Logging Unit Contracts, No. I-101-IND-1902 and No. I-101-IND-1766 respectively. The new rates are as follows:

Crane Creek Unit:

<u>Species</u>	<u>Stumpage Rate</u>
Western white pine	\$ 84.99
Amabilis fir	143.74
Western redcedar	180.32
Sitka spruce	193.56
Douglas-fir	153.58
Western hemlock and other species	112.01

Taholah Unit:

<u>Species</u>	<u>Log Grade</u>	<u>Log Grade Stumpage Rate</u>
<u>Western White pine</u>	Peeler	\$236.32
	Special Mill	133.05
	No. 1	147.13
	No. 2	48.28
	No. 3	26.33
Amabilis fir	Peeler	\$229.99
	Special Mill	166.79
	No. 1	186.64
	No. 2	124.92
	No. 3	93.50



Western Redcedar	No. 1	\$276.76
	No. 2	190.28
	No. 3	86.81
Sitka spruce	Select	\$423.23
	Special Mill	201.93
	No. 1	324.23
	No. 2	125.41
	No. 3	83.73
Douglas-fir	Peeler No. 1	\$355.47
	Peeler No. 2	237.03
	Peeler No. 3	204.00
	Special Mill	131.71
	Sawmill No. 1	166.90
	Sawmill No. 2	108.99
	Sawmill No. 2	78.01
Western hemlock & other species	Peeler	\$233.80
	Special Mill	164.65
	No. 1	186.82
	No. 2	105.74
	No. 3	81.57

Allottees Fund Credit:

Total amount credited to the Quinault Allottees Fund Accounts as of July 19, 1976, is \$520,199.35.

Timber Harvesting Methods:

Clearcutting is the silvicultural method most used on the Quinault Reservation for harvesting timber. This method and other methods were analyzed in a research paper titled, "Effects of Wood Products Harvest on Forest Soil and Water Resources, with Emphasis on Clearcutting in Moist Climates." by James H. Patrie with conclusions as follows:

1. There is little evidence that conventional wood products harvest--including clearcutting--will deplete nutrient levels in most forest soils. Depletion following greater wood utilization on shorter rotations is possible and must be guarded against carefully. It was noted that forest residues after logging contribute nutrients to the soil as they decay.

2. Soil erosion rates can be accelerated unacceptably during poorly regulated logging, regardless of the silvicultural system used. Logging residues absorb kinetic energy of rainfalls thus helping to prevent erosion. Erosion usually can be held to acceptable levels by intelligent regulation of logging practices.

3. A number of forest cutting practices are known that increase the low flows and local basis typical of forest streams in late summer. Prudent logging usually has little adverse effect on water quality, or on regional flooding. Flow increases tend to be least in dry climates, however, the adverse effects on water quality may be greater than those characteristic of the moist climate forests.

According to this analysis clearcutting does no more harm to streams and soils than does any other conventional harvesting method.


Superintendent

August 27, 1976

DAVID MARSHALL
U.S. DEPARTMENT OF JUSTICE
LAND AND NATURAL RESOURCES DIVISION
INDIAN CLAIMS SECTION
WASHINGTON, DC 20530

NIGHT LETTER, 9/30/76

For Delivery 10/1/76

The following is our understanding of the intent and substance of contract J 42454 between the U.S. Department of Justice and the Forest History Society, with special emphasis on sections pertaining to allowance for travel and subsistence. Costs of the project excluding travel and subsistence were estimated to be \$21,683. Expenses for travel and subsistence were estimated to be \$750 (IV B-1). In addition, a \$4,000 travel and subsistence contingency fund (IV C) was authorized if extraordinary and extensive travel was found to be necessary. The contract states that the total amount available is \$25,683, or \$21,683 plus \$4,000.

To date, the Forest History Society has received four equal payments of \$3,738, or \$14,952. Payment for \$537.51 of travel and subsistence expenses actually incurred have not been included in these payments, but a billing for this amount will be submitted at a later date, along with billings for the balance of the project. This means that of the \$4,000 travel and subsistence budget, \$3,462.49 remains.

We request that the \$3,462.49 travel allotment be made available for salary to employ Dr. Elmo R. Richardson of Seattle, Washington, for two months. Dr. Richardson will focus his research on forest practices on and adjacent to the Quinault Indian Reservation during the more recent times; especially from 1945 onward. It is during this recent period that the so-called environmental movement gained national momentum, and it is especially pertinent to compare the response and reaction of the Bureau of Indian Affairs to these changing times with comparable organizations. Funding at a lesser amount would reduce the intensity and scope of Dr. Richardson's inquiry and analysis and would in a like manner reduce the utility of the final report.

HAROLD K. STEEN
ASSOCIATE DIRECTOR
FOREST HISTORY SOCIETY
SANTA CRUZ, CA 95061

October 10, 1976

Dear Pete:

I wonder if I may make a few comments about yours and Ficken's study on the BIA and Quinault timber harvest. I don't know the details of your plans for revision, if any, but I thought I might mention these things for your consideration, and also to indicate to you how my devil's advocate mind works.

If a doubting Thomas kind of lawyer read this, he would question the authors about their own belief in several situations. Around page 37, is there any record of whether companies defrauded simply by not truly stating the amounts of reservation timber they had cut? Do you think they would have lied, or could have under the circumstances - that is, the Indians had no means of knowing how much, and no access to reporting their doubts if they had any. Similarly, page 38, was the cost of timber administration higher on the reservation than nearby ONF because the BIA men were an isolated group who could inflate costs with no one to check, whereas the ONF men were a larger group, with many persons involved who could and did check on them. That "great deal of work" on p. 39, is not explained. On p. 40, did "incompetent scalers" go there or did ordinary scalers do incompetent work because they were told or knew they could get away with it since it was just a bunch of Indians involved.

There is a much more substantial doubt in your account of the Williams matter. The point about her getting a third more than she would have gotten otherwise is not central. What is, is the fact that the Secretary of the Interior's order was made before it was known how much the income would be, and that ruling would have stood and been a precedent even if the income was less than the original deal would have brought her. So the Indian here is overruled; that is the important point. Similarly, p. 51, the BIA is cutting price for Smith company so that activity would result in advantage to everyone in the area, but the Indian was still low man on that totem pole and would get least of all those benefiting, or so it could be argued. P. 112, what the authors (you two) think of Ozette president's solicitude for cutting to help poor Indians cries out for expression here.

Summary pages: BIA attitude was surely one of trying to juggle all interests involved, and they did well at it. But the point that will be raised and is now being raised is shouldn't the BIA be solicitous of only one interest, the Indians', and hostile to all others? I think that the points in the study that establish BIA solicitude and conditions they had to juggle in order to express that concern, and the Indians' money-now attitude can be established in far briefer scope than 115 pages.

Tomorrow is a federal holiday so I cannot start at Sand Point Way, but will be doing bibliog. and background at UW. I have sent off some letters for other leads. I hope you will call me if I seem to be off the track.

Best,



October 14, 1976

Dear Pete:

As a young staff officer, Eisenhower learned the axiom that a subordinate always solves his own problems and gives the chief what information he needs when he needs it. I therefore am merely informing you that my task is not going to be as neat as yours was when writing on the period to 1945.

The material in the FRC here goes to 1944 for the most part with some files to 1949. But I am now on the lookout for files that are still retained in the BIA offices in the area. I have letters out to Pinckett at NA as well, and will go to Eugene and Olympia for McKay stuff and perhaps state material here if I see interrelationships. But the presence of opinions and problems concerning forests on the reservation can best be documented by the Forestry Department materials on this end and the materials in the BIA files at NA (or at the Depository in Suitland after 1956). I have learned from Congresswoman (Congressperson?) Hansen's papers at UW that as of the early 1960's, the activists at Quinault (Hank Adams of the youth group was one) were viewing timber access as insignificant in comparison with the needs for greater welfare appropriations. I have also looked at the Popoff thesis which you cite on p. 99 but then delete. I have a bit more to do at FRC but am making plans to tour the BIA offices as soon as I get permission, and also maybe to go to Oregon and DC.

As a result of all this correspondence, I'll need some more letterhead stationary and envelopes. . .

I have not got a precise idea of this assignment yet. Why is Mr. Marshall sending me material on the bills to apply the Monongahela decision? Of course, whatever is done about permitting clearcutting will affect Quinault, but since there is little timber left there, it is not the central problem of the period since 1945, or is it? I assume that the current debate is applicable, but I thought the suit against the court decision was another project, not this Quinault one. Perhaps he just thought I would be interested, and I am. I have found some items which will help me explain why BIA feels it was solicitous of Quinault interests, but I need much more substance especially for the period after the 1950's. I have written to my friend Clayton Koppes at Cal Tech (do you know his dissertation on Int. Secy Chapman) for some tips. If the Chapman Papers at the Truman Library have material, I may stop there too. There is a great deal concerning the timber industry's problems that I can document from the Wagner Papers at UW, but I will not go into the industry's concerns except as they are involved in the BIA policies and the tribal demands. I am going to talk to someone at Aloha, if I can, and also at the Hoquiam office. I have written to Everett and Portland for permission to use files.

Well, I hope this gives you an idea of how things look as I plunge into the thing. If you want to give me any warnings or admonitions, please call. I am out digging during the mornings, but am usually home by 3:30 or 4 PM. Best. *ll*

I haven't received copy of No contact so don't know if I get travel expenses or just

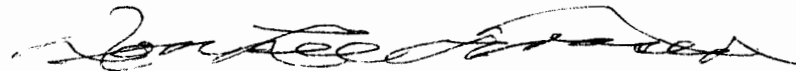
Mr. Harold K. Steen
October 15, 1976
Page Two

loggers who engage in such activities within the boundaries of the Quinault Indian Reservation. Thus far, our policy of accommodation seems to be working. At least we do not have litigation on this subject as yet.

I hope these observations will be of some assistance to you.

Sincerely yours,

BERT L. COLE
Commissioner of Public Lands



Don Lee Fraser, Supervisor

DF:lcs

P.S. Jefferson County is not a FIP
County, but we do provide farm
forestry, ACP, etc in the Quinault
Reservation.



OFFICE OF THE ATTORNEY GENERAL

Inter-office Correspondence


Date: October 15, 1976

To: Howard Stolaas
From: Larry Coniff
Subject: Proposed Letter for Don Lee Fraser's Signature - Indian Jurisdiction

Pursuant to your request, attached is a proposed draft of a letter to be signed by Don Lee Fraser in response to an inquiry from Mr. Steen for information regarding the nature and extent of state jurisdiction over logging activities within an Indian reservation.

As you will note from the text of the letter, I am being cautious about any broad statements regarding state jurisdiction, or the lack thereof. Generally speaking, the Indian tribes of this state are contending that no state jurisdiction of any sort attaches over Indian or non-Indian activities. These questions are being raised repeatedly in federal courts and, as I understand it, the state is resisting these contentions insofar as they apply to non-Indian activities within reservation boundaries. Also, one must consider the possible application of RCW 37.12 pertaining to the assumption of this state's jurisdiction over Indian reservations. Clearly, logging activities do not fall within the ambit of RCW 37.12.010 in any of the eight enumerated areas. However, it is my understanding that the Quinault Tribe has petitioned under RCW 37.12.021 for a full and total assumption of state jurisdiction which was then issued by former Governor Rosellini by proclamation. This proclamation was appealed in both the state and federal courts. However, it is further my understanding that Governor Evans purported to retrocede the prior assumption of jurisdiction over the Quinault Reservation. I am not too sure of the reported retrocession.

In any event, it's a real "swampy" area of law and one which does not easily lend itself to precision.


J. LAWRENCE CONIFF, JR.,

JLC:sg
Attachment



Forest History Society, Inc.

Post Office Box 1581, Santa Cruz, California 95061 / Telephone: (408) 426-3770

HKS
copy

October 19, 1976

Dr. Elmo Richardson
7868 Greenlake Drive, N.
Seattle, WA 98103

Dear Elmo:

The Department of Justice contract has finally arrived, and Woody signed it. Enclosed is the first sheet which contains rather loose instructions and the pertinent portions of the original contract. The total amount available to you is \$3,462.49. Travel and other expenses will have to come out of this sum, so your judgment must provide a balance. There is no disagreement that more of everything is needed, but \$25,683 is all history is worth to Justice. It took a lot of talking to get permission to use the unexpended travel monies to hire you.

At the risk of repeating what Bob Ficken may have already explained to you, please use the following procedure for supporting evidence. Each source is assigned a number (H-) which has nothing to do with the footnote number. For each source we have to supply Justice a Xerox copy of the page cited; if a letter, at least the first and last page; if a book, the title page and the page cited; if a journal article, the title page and the page cited. I will assign the document (exhibit) number, which I'm sure you will agree takes a great burden from you.

Under separate cover I'm sending you several depositions and reports, which I would like returned eventually. Ficken may have already supplied you, but it seems easier to send it all.

I have bits and pieces of ideas that may prove useful to you as the essay takes shape. I'll jot these things down and send them along shortly.

That's about it.

Sincerely,

Harold K. Steen
Associate Director

HKS/lk

Enclosure

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

PAGE 1 OF 3

1. AMENDMENT/MODIFICATION NO. <u>1</u>	2. EFFECTIVE DATE	3. REQUISITION/PURCHASE REQUEST NO.	4. PROJECT NO. (If applicable)
5. ISSUED BY CODE Land and Natural Resources Division Department of Justice Washington, D.C. 20530		6. ADMINISTERED BY (If other than block 5) CODE 2583 681508	

7. CONTRACTOR NAME AND ADDRESS CODE FACILITY CODE Forest History Society, Inc. P.O. Box 1581 Santa Cruz, California 95061 (408) 426-3770 (Street, city, county, state, and ZIP Code)	8. AMENDMENT OF SOLICITATION NO. DATED (See block 9) MODIFICATION OF CONTRACT/ORDER NO. J-42454 DATED 1-31-76 (See block 11)
---	---

9. THIS BLOCK APPLIES ONLY TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in block 12. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation, or as amended, by one of the following methods:

(a) By signing and returning _____ copies of this amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE ISSUING OFFICE PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If, by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided such telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

10. ACCOUNTING AND APPROPRIATION DATA (If required)

11. THIS BLOCK APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS

(a) ☐ This Change Order is issued pursuant to _____
The Changes set forth in block 12 are made to the above numbered contract/order.

(b) ☐ The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation data, etc.) set forth in block 12.

(c) ☒ The Supplemental Agreement is entered into pursuant to authority of mutual agreement
It modifies the above numbered contract as set forth in block 12.

12. DESCRIPTION OF AMENDMENT/MODIFICATION

The subject contract is modified as follows:

- The scope of the report under "Consideration" on pages 1 and 2 of the contract is to be expanded as follows:
 - The contractor shall enlarge its historical study of logging on the reservation in relation to logging on the Olympic Peninsula generally so as to treat in more depth and detail the developments of the past twenty-five years.
 - The contractor shall broaden its historical study to include the period since World War II so as to cover more fully the impact of the environmental movement on logging on the reservation and the response by the loggers and the Bureau of Indian Affairs personnel to the newly recognized environmental factors.
 - In the performance of "a" and "b", above, the contractor may employ Dr. Elmo R. Richardson for a period of approximately two months.
- The foregoing additional work is to be accomplished within the existing contract's monetary limitation of \$25,683.00
- Payment for the additional work must not cause total payments to exceed \$25,683, which is the amount of the contract as set out on the cover page. Therefore, the con-

Except as provided herein, all terms and conditions of the document referenced in block 8, as heretofore changed, remain unchanged and in full force and effect.

13. <input type="checkbox"/> CONTRACTOR/OFFEROR IS NOT REQUIRED TO SIGN THIS DOCUMENT <input checked="" type="checkbox"/> CONTRACTOR/OFFEROR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN 4 COPIES TO ISSUING OFFICE	17. UNITED STATES OF AMERICA
14. NAME OF CONTRACTOR/OFFEROR Forest History Society, Inc. BY <u>Elwood R. Maunder</u> 10/16/76 (Signature of Contractor/Offeror)	18. NAME OF CONTRACTING OFFICER (Type or print) BY _____ (Signature of Contracting Officer)
15. NAME AND TITLE OF SIGNER (Type or print) ELWOOD R. MAUNDER	16. DATE SIGNED 10/16/76
19. DATE SIGNED	

UNITED STATES OF AMERICA
GENERAL SERVICES ADMINISTRATION



DATE: January 19, 1976

National Archives and Records Service

Washington, DC 20408

REPLY TO
ATTN OF: NNFN

SUBJECT: Quinault forest and allotment records

Dr. Harold K. Steen
Associate Director
Forest History Society, Inc.
P.O. Box 1581
Santa Cruz, CA 95061

The records of the Bureau of Indian Affairs in the National Archives include several series concerning forests and land allotments for the agencies that had jurisdiction over the Quinault reservation. The agencies with successive jurisdiction over the reservation were the Quinaielt Agency, 1861-89; the Puyallup, 1890-1909; the Cushman, 1910-1914; and the Taholah, 1914-1939. In order to locate information on Quinaielt forest lands and allotments, it would be necessary to make an item by item examination of pertinent series. Incoming correspondence relating to the Washington Superintendency, 1853-80, which includes letters concerning the Quinaielt Agency, is reproduced on rolls 907-920 of National Archives microfilm publication M234, Letters Received By The Office Of Indian Affairs 1824-80. M234 can be borrowed on interlibrary loan by writing the Chief, Archives Branch, Federal Archives and Records Center, 1000 Commodore Drive San Bruno, California 94066. Roll 15 of M5, Records of the Washington Superintendency of Indian Affairs, 1853-74, consists of letters from the Quinaielt Agency, 1861-74. The roll can be purchased for \$12 by sending a check or money order payable to the National Archives Trust Fund (NEPS) and addressed to the Cashier, National Archives (GSA), Washington, DC 20408.

The Bureau's records after 1880 have not been microfilmed. The Letters Received, 1881-1907, require the use of indexes and registers to locate particular items. There is also a segregated file of correspondence concerning the Quinault, 1890-1907, in Special Case 147, which relates to allotments.

The Bureau's Central Files, 1907-39, include records relating to Quinault forests and allotments filed under the Puyallup, Cushman and Taholah jurisdictional heading.

The Puyallup records include 1 file on Quinault forests (#2099-08-339) and $\frac{1}{2}$ linear foot of materials on allotments, 1907-09. The Cushman records include $\frac{1}{2}$ linear foot on forests, 1911-16, and 1 linear foot on allotments, 1910-15. The Taholah records include 9 linear feet of forests, 1915-39, and 2 linear feet on allotments, 1914-49.



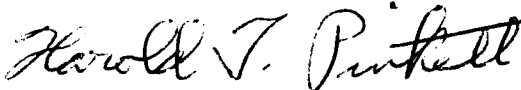
Keep Freedom in Your Future With U.S. Savings Bonds

The Central Files, 1907-53, of the Office of the Secretary of the Interior include timber files for Cushman and Taholah as well as allotment files for Taholah. Since records concerning Quinault forests are not segregated in the files, the search would again require an item by item examination of the documents.

The records of the Forest Service include a 10 page file on forests on the Quinault reservation in January, 1909. We found no other materials relating to Quinault timber in the Forest Service records.

There are also records of the Bureau of Indian Affairs that may be pertinent to your research in our Archives Branch, Federal Archives and Records Center, 6125 San Point Way NE, Seattle, Washington 98115. There consist of 63 linear feet of records of the Taholah Agency relating to its forest program, 1914-50.

I hope that this information will enable you to decide whether a trip to the National Archives will be necessary for your research. David Marshall called me as a reference in your project statement.

A handwritten signature in cursive script, reading "Harold T. Pinkett". A horizontal line is drawn across the signature.

HAROLD T. PINKETT, Chief
Natural Resources Branch
Civil Archives Division

October 20, 1976

Dear Pete:

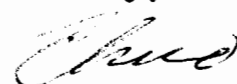
I just got the box of materials from Bob Ficken. He told me of something that I should have known from the beginning: that I should be having three copies made of each of the documents I intend to cite. Well, I am into the sources fairly deeply so that will mean I must go back and dig many out for copying. You see, I don't copy or have copies made in my own routine because of the cost and the fact that it does duplicate effort. I am glad I learned of the requirement at this stage, though, because I will be getting into much more. Will you please tell me of how this copying ordering should be financed? Also, is there any other requirement involved in the Quinault case that I should be aware of?

I am somewhat worried by what you and he say about the distrust or discontent expressed by Marshall about what you two asserted in your report, and about the prevailing distrust toward FHS as not being a friend of BIA. The materials I have found so far, some very good, are certainly continuations of the emphasis in your report, namely, that BIA was trying to juggle many balls at a time, that they did ok under that circumstance, and if they seemed to disappoint the Indians it was in part because the Indians wanted everything cut right now and found every regulation even those on behalf of their continued interests to be evidence of BIA's perfidy. As to the BIA's solicitude for lumber companies, of course the documents will not reveal or conceal such a thing, and there is no room for inferences in a legal brief. In sum, I will proceed as an historian, not as a ~~member of~~ partisan of either side. Will you please indicate that to Mr. Marshall and will you please tell him that I have not heard from any of the BIA offices about permission to use their files. I should think that this case would impel them to want their side well presented; tell him that if there is any weakness in the BIA's presentation it will reflect lack of cooperation on their part. I assume that in this as in all things, I should always talk to Marshall through you, rather than directly. That is the sort of sensitivity that you must tell me about, because I have a rather bold approach to research. If I had depended upon the other guy to set things up for me, I would never have written the stuff I have written in the past twenty years.

I have found some good material at FRC, but coverage is spotty and there are a lot of questions to answer yet.

Thanks for
additional information,

Cordially,



Nov. 12, 1976

Dear Pete:

First the good news. I have had a very productive two weeks of research at Hoquiam, Portland and Eugene. The people at BIA have been uniformly cordial and helpful, especially Vic Meeker at Portland-Forest Branch, BIA (would you please ask Ron Fahl to send him a copy of my Olympic article as a mark of appreciation for his help). I found some very important material, but of course could not get at everything so I will be back at Hoquiam in a few weeks and to Portland again next month sometime. But I have enough to lay out a chron-topic draft during the next three weeks or so. As you know, the subject is so much more complex in the period since 1945, and the answers so much more contentious. I do not think that I can do more than record what the issues were and suggest why some things happened.

I frankly feel at this stage that BIA people are not greatly disturbed by the case, and I therefore think that that attitude may account for why Justice is unwilling to support more extensive preparation for the case. I also feel that their side can still stand fairly well, but unless they assert their reasoning, and have BIA men assert their reasoning on such issues as stumpage rates and financial arrangements in the contracts granted to the companies, they can very well lose their case. The factor of "it may be correct but it ain't right" in this case is very strong, and may under present climate of opinion prevail. In short, I think that BIA timber management on Quinault was responsible but not perceptive in the period since 1945. As I said before, if the government loses its case, it will be because they have not anticipated consequences and interpretations, and did not do so in the past. I am going to talk about consequences in my presentation. If they don't think that is what they want from me, then I am sorry for their myopia.

The bad news is that I have received no check from Justice. I wonder if they have ever heard of "No tickee, no washee" (all racist inferences aside). If you can get on their collective and leviathan-like tail on this, I would appreciate it.

Cordially,



January 5, 1977

Dear Pete:

We certainly covered alot of topics when I called yesterday. I look forward to your comments on the draft, and indication of deadlines. I am taking these two weeks to wind up the Eisenhower ms and send it off at last. Then I'll return to the hunt on Quinault. I'll go back to Hoquiam and Portland and polish off another draft including your additions and suggestions, all that before I take my R and R in mid February. I doubt if I can find substantial BIA sensitivity to conservation simply because the overwhelming theme is sustained yield as a means to meet the main aspect of trusteeship: income for the Indians. But I'll say something on the subject.

I suppose my phone conversation revealed that I am a bit strung out waiting for one of a half dozen job possibilities to happen. Same thing last year at this very time, and none of those happened at all. I hope you did not misunderstand me on that. I want work, not income. I feel so very wasted when I am not employed, because sustained life for me means creativity and human associations. I wanted to know if I was officially still under FHS aegis even though the Quinault thing was winding up, so that I can accurately represent myself on job applications. I certainly appreciated the notice about the Forest Service historian vacancy. The FS and Civil Service offices here did not encourage me -- evidently unless you are on the CS list you have slight chance, and that category is currently not being listed -- but I sent in my vitae anyway and asked them to say whether or not I could be considered. I also thank you for including me in your pitch to Interior. That project is obviously a cooperative matter, and so I will not again apply as an individual. I should think that somebody would mention my name anyhow. It is certainly well beyond my reach as far as trying to attract attention.

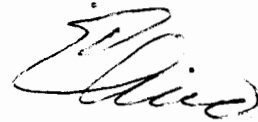
Your kind invitation to participate in the Dallas program prompted me to retrieve from my thoughts a project that I have had in mind for a few years (pace Bob Burke and CCC). Here it is:

Coping with a "new broom"; the recent instance of Interior Secretary Walter Hickel.

If the panel is to measure response to environmental distress, then the other side of the same coin is the inertia involved in response. Much of that inertia is spelled politics and the personalities of public administration and that is my meat. With all of his fortitude, Hickel not only was up against the traditions of pressures and procedures, the expectations traditionally accorded a "new broom", but was faced by new obstacles that included instant sensitivities (remember how Jackson grilled him at the confirmation hearings) and a developmentitis that had by then reached international proportions.

There are a host of topics to measure with: Alaska oil and the establishment of EPA. Moreover, because the Hickel tenure and its collapse provided the first indication that something was malfunctioning in the Nixon White House, there was enough coverage of it to provide material for analysis even though primary sources are still closed. Hell, you might even get Hickel to come and participate! So let me know if this is acceptable and has sufficient appeal to those involved in the Dallas program. I think that I can work it up within that ten month period, whether or not I am gainfully employed.

Best to you and Ron
and a murrain on
Woody for being in
the Virgin Islands
when I would have
gladly shared my
vast knowledge of
the Carribbean as
his guide...



RECEIVED
JAN 17 1971
FOREIGN AFFAIRS DIVISION

~~CONFIDENTIAL~~

to Dr. R. L. ...
David Marshall

EARLE R. WILCOX

Forest Management Consultant
9650 S. W. Murdock Street
Tigard, Oregon 97223
Telephone (503) 639-3981

MAR 7 1977

Assistant Attorney General
Land and Natural Resources Division
Department of Justice
Washington, D.C. 20530

Attention: Mr. David M. Marshall, Attorney

Dear Mr. Marshall:

For your immediate information I am enclosing a copy of the keynote address which I presented at the First National Indian Timber Symposium held in Seattle from February 23 to 25, 1977. You will be particularly interested in the remarks I have made on page 9 concerning the Quinault Reservation.

It was partially because of BIA's failure to at least attempt to complete a constructive plan for the Quinault that caused me to withdraw my earlier acceptance to serve as a defense witness. Not only did the Bureau, at the Area Office level, "hide its head in the sand" with respect to BIA's responsibility for developing an adequate plan for the Quinault, but during the so-called realignment of BIA's Central Office staff in 1973 and 1974, the Bureau virtually destroyed the only portion of the Branch of Forestry that had any up-to-date expertise in forest management planning, namely the Indian Forestry Center in Denver.

In any event, after having made my presentation on February 23, it has occurred to me that you should be made aware that I have willingly "exposed" the government for what is so obviously its failure to complete the most basic of management tools, namely, a plan of forest management. Further, the extent of exposure to justifiable claims on most other reservations is rapidly expanding.

Incidentally, Alex Jackson attended the full three day symposium. He and I had the opportunity for brief discussions concerning the Quinault cases.

Sincerely,

Earle R. Wilcox

Earle R. Wilcox

Enclosure

YOUR FORESTRY PROGRAM

THE WORD "EVOLUTION" IS DEFINED AS THE PROCESS OF DEVELOPMENT OR CHANGE, WHEN APPLIED TO MAN, EVOLUTION IS GENERALLY CONSIDERED AS A GRADUAL TRANSITION FROM A LOWER FORM OF LIFE TO HIS PRESENT STATUS AS A "SUPERIOR BEING." HOWEVER, I HAVE AN INDIAN FRIEND WHO ONCE PUT THE WORD IN ITS PROPER PERSPECTIVE IN TIME WHEN HE SAID, JOKINGLY, THAT HE SIMPLY HAD TO BELIEVE IN EVOLUTION. "THE REASON," HE SAID, "IS THAT I JUST CAN'T BELIEVE THAT GOD WOULD PERMIT THE CONTINUATION OF WHITE MAN'S PRESENT LEVEL OF DEVELOPMENT."

IN A SOMEWHAT LESS JOKING MANNER, I FEEL THE SAME WAY ABOUT THE PRESENT LEVEL OF DEVELOPMENT IN THE MANAGEMENT OF YOUR FOREST LANDS. DURING THE PAST 36 YEARS I HAVE HAD THE OPPORTUNITY TO WORK FOR AND WITH YOU IN THE DEVELOPMENT OF YOUR FOREST RESOURCES. I HAVE WITNESSED THE EVOLUTION--HAVE PARTICIPATED IN THE CHANGES IN THAT PROGRAM--DURING MOST OF THAT PERIOD. THE BRANCH OF FORESTRY AT ONE TIME WAS RECOGNIZED AS BEING AMONG THE MOST PROGRESSIVE, AT LEAST WITH RESPECT TO ITS MANAGEMENT PRACTICES IN THE WESTERN PINE REGION, IN WHICH ABOUT 80 PERCENT OF THE INDIAN FOREST LANDS ARE LOCATED. YET, IN MORE RECENT YEARS, THE PROGRAM HAS LAGGED BEHIND ALL OTHERS IN PROGRESS TOWARD INTENSIVE MANAGEMENT.

IN SPEAKING ABOUT THE DECLINE IN YOUR FORESTRY PROGRAM I SPEAK SOMEWHAT IN THE TONE OF A MOTHER HEN CONCERNED OVER HER OFFSPRINGS. I HAVE BEEN, AND REMAIN, EXTREMELY PROUD OF HAVING BEEN PART OF THE BUREAU'S BRANCH OF FORESTRY. THE EARLIER-DAY QUALITY OF THAT ORGANIZATION WOULD NOT HAVE BEEN POSSIBLE WITHOUT THE DEDICATED SUPPORT OF ITS MANY COMPETENT AND LOYAL EMPLOYEES. MANY OF THOSE WHO ARE NOW IN KEY POSITIONS ARE PERSONS WHO EITHER STARTED THEIR FORESTRY CAREERS UNDER MY SUPERVISION, OR HAVE WORKED WITH ME AS THEY ADVANCED INTO HIGHER LEVELS OF RESPONSIBILITY. IT IS GRATIFYING TO KNOW THAT MOST OF THOSE EMPLOYEES HAVE REMAINED DEDICATED UNDER SERIOUS PROGRAM HANDICAPS.

BEFORE PROCEEDING, I MUST COMPLIMENT BIA FOR ITS CONSTRUCTIVE ACTION IN SPONSORING THIS MEETING, AND FOR INSISTING THAT YOU, THE INDIAN PEOPLE, DEVELOP YOUR OWN AGENDA. AND SINCE THIS IS YOUR PROGRAM I FEEL HUMBLE IN HAVING BEEN CHOSEN FOR THIS SPOT IN THE PROCEEDINGS. IN THE SELECTION OF ALL OTHERS, THE PROGRAM COMMITTEE HAS DONE A SUPERLATIVE JOB. THE SELECTION OF TOP MANAGEMENT PEOPLE FROM PRIVATE INDUSTRIAL FORESTRY ORGANIZATIONS IS EXTREMELY APPROPRIATE. THEIR VIEWS CONCERNING INTENSIFIED MANAGEMENT EFFORTS AND ALLOWABLE ANNUAL CUTS ON THEIR RESPECTIVE PROPERTIES CAN BE RELATED DIRECTLY TO MANAGEMENT TREATMENTS THAT ARE SUITABLE FOR YOUR OWN LANDS; BECAUSE INDIAN LANDS, TOO, ARE PRIVATELY OWNED. ALTHOUGH THEY ARE NOW BEING MANAGED IN TRUST BY THE FEDERAL GOVERNMENT, THEIR FOREST RESOURCES MUST BE MANAGED MORE NEARLY IN THE MANNER THAT THEY WOULD BE MANAGED BY A PRUDENT PRIVATE LAND OWNER THAN IN THE MANNER WHICH THE GOVERNMENT TREATS ITS OWN FOREST RESOURCES.

THERE ARE PERSONS WHO WILL DISAGREE WITH THIS CONCEPT OF TREATING INDIAN LANDS AS PRIVATE LANDS, RATHER THAN IN THE MORE CONSERVATIVE TREATMENT APPLIED, FOR INSTANCE, TO NATIONAL FOREST LANDS. I SUSPECT, HOWEVER, THAT THOSE SAME PERSONS WOULD BE THE FIRST IN LINE OBJECTING TO ANY EFFORT TO IMPOSE THE SAME RESTRICTIONS ON EXPORTING INDIAN TIMBER TO OTHER COUNTRIES THAT HAVE BEEN IMPOSED ON PROPERTY OWNED BY THE GOVERNMENT. IN SHORT, THE SAME EMPHASIS ON "DOLLARS AND SENSE" FOREST MANAGEMENT MUST BE APPLIED TO INDIAN LANDS AS IS NOW BEING APPLIED TO OTHER PRIVATELY-OWNED FOREST LANDS BEING MANAGED UNDER SUSTAINED YIELD. THERE SHOULD BE LITTLE QUESTION AS TO WHETHER FAILURE TO DO SO WOULD PROVIDE THE BASIS FOR JUSTIFIABLE CLAIMS AGAINST THE GOVERNMENT.

LET US GO FROM THE PRECEDING GENERAL COMMENTS TO SOME SPECIFIC ITEMS. WHAT DOES THIS FORESTRY PROGRAM MEAN TO YOU, THE OWNERS, AND TO AMERICA, THE COUNTRY IN WHICH YOU LIVE? WE WILL START WITH AN OVERVIEW OF THE IMPACT WHICH THE PROGRAM

HAS ON THE ECONOMY OF THE NATION AS A WHOLE. THE TOTAL ALLOWABLE CUT FROM ALL INDIAN LANDS IN THE COUNTRY IS SLIGHTLY OVER ONE BILLION BOARD FEET (SCRIBNER VOLUME) EACH YEAR. BUT JUST HOW MUCH IS ONE BILLION BOARD FEET? FIRST, IT REPRESENTS ABOUT TWO PERCENT OF THE TOTAL VOLUME OF TIMBER REMOVED EACH YEAR FROM LANDS OF ALL OWNERSHIPS COMBINED. BUT PERHAPS IT WILL BE MORE UNDERSTANDABLE TO USE THE FOLLOWING YARDSTICK. IF THE ONE BILLION BOARD FEET THAT SHOULD BE HARVESTED EACH YEAR FROM INDIAN LANDS WERE CONVERTED INTO LUMBER AND PLYWOOD, IT WOULD PROVIDE ENOUGH TO BUILD OVER 100,000 SINGLE FAMILY HOUSES. THAT NUMBER OF HOUSES WOULD COMFORTABLY SHELTER OVER 400,000 PEOPLE, OR MORE THAN THE ENTIRE POPULATION LIVING WITHIN THE CITY LIMITS OF PORTLAND, OREGON!

IN A NATION THAT NEEDS OVER 25 MILLION NEW HOUSING UNITS DURING THE NEXT 10 YEARS, IN ADDITION TO INCREASING NEEDS FOR ALL OTHER TYPES OF WOOD PRODUCTS, THE INDIAN FOREST LANDS ARE CERTAIN TO CONTINUE THEIR ROLE IN SUPPLYING AN IMPORTANT PART OF THE NATION'S TOTAL TIMBER NEEDS. IN FACT, AS CONTINUING WILDERNESS SET ASIDES AND OTHER WOOD UTILIZATION RESTRICTIONS ARE IMPOSED ON FEDERALLY-OWNED LANDS, THE INDIAN FORESTS, AS PRIVATELY-OWNED PROPERTIES, SHOULD PLAY AN INCREASINGLY IMPORTANT ROLE IN THE NATION'S WOOD FIBER ECONOMY.

OF MORE IMMEDIATE INTEREST TO YOU, THE OWNERS, IS THE INCOME FROM SALES OF STUMPAGE AND THE JOB OPPORTUNITIES PROVIDED WITHIN YOUR COMMUNITIES BY WOOD USING ENTERPRISES DEPENDENT IN WHOLE, OR IN PART, ON INDIAN TIMBER. THE TOTAL RECEIPTS FROM THE SALES OF STUMPAGE ON ALL INDIAN LANDS DURING 1976 HAS BEEN ESTIMATED AS OVER 50 MILLION DOLLARS. THIS WAS NOT A "ONE SHOT" BENEFIT, BUT REPRESENTS AN ANNUAL INCOME FROM A RENEWABLE RESOURCE--ONE THAT WILL PROVIDE CONTINUING MONETARY BENEFITS, NOT ONLY TO YOU, BUT TO ALL FUTURE GENERATIONS OF INDIAN PEOPLE.

AS AN ILLUSTRATION OF THE MAXIMUM BENEFITS PROVIDED TO A SINGLE TRIBE FROM

ONLY THE SALES OF TIMBER, LET US LOOK AT THE PROGRAM ON THE YAKIMA RESERVATION. DURING THE MOST RECENT 5-YEAR PERIOD, INCOME FROM THE SALES OF STUMPAGE ON THAT RESERVATION PROVIDED AN AVERAGE OF OVER 11 MILLION DOLLARS PER YEAR. DURING THE MOST RECENT YEAR (1976) THE ESTIMATED STUMPAGE RECEIPTS WAS ABOUT 14 MILLION DOLLARS, OR ALMOST 31 PERCENT MORE THAN THE AVERAGE FOR THE PRECEDING FOUR YEARS. ALTHOUGH WE CAN ANTICIPATE PERIODIC SLUMPS TO OCCUR IN THE ANNUAL STUMPAGE RECEIPTS AT YAKIMA, THE LONG TERM TREND IN SUCH RECEIPTS, BOTH THERE AND ELSEWHERE, SHOULD BE UPWARD AT A RATE THAT WILL EXCEED THE INCREASE IN PRICES OF MOST OTHER COMMODITIES.

WITH RESPECT TO THE CONTRIBUTION OF INDIAN FOREST LANDS TOWARD EMPLOYMENT OPPORTUNITIES, IT HAS BEEN ESTIMATED THAT ALL SUCH LANDS PROVIDE A TOTAL OF 7,300 YEAR-LONG JOBS DIRECTLY IN THE LOGGING AND WOOD CONVERSION INDUSTRIES. IN ADDITION, THERE IS A "MULTIPLIER EFFECT"; THAT IS, EACH SUCH JOB IN THE BASIC INDUSTRY SUPPORTS TWO OR MORE JOBS IN YOUR LOCAL COMMUNITIES IN OTHER ACTIVITIES SUCH AS RETAIL AND WHOLESALE TRADE, SERVICES, TRANSPORTATION, COMMUNICATION, ETC. ALTOGETHER, YOUR FORESTRY PROGRAM PROVIDES THE BASIS FOR ALMOST 22,000 YEAR LONG JOBS ON AND NEAR YOUR RESERVATIONS. ADDITIONAL JOBS ARE PROVIDED BY OTHER FOREST USE ACTIVITIES, SUCH AS GRAZING, RECREATION AND WILDLIFE. CERTAINLY, ON THE MAJOR TIMBER PRODUCING RESERVATIONS, THE FOREST RESOURCES OFFER VALUABLE OPPORTUNITIES TO REDUCE UNEMPLOYMENT AMONG THE INDIAN PEOPLE.

UNFORTUNATELY, ALL INDIAN RESERVATIONS ARE NOT BLESSED WITH AN ABUNDANCE OF SUCH RENEWABLE FOREST RESOURCES. ABOUT HALF OF THE TOTAL VOLUME OF INDIAN-OWNED SAWTIMBER AND ALMOST TWO-THIRDS OF THE ANNUAL ALLOWABLE CUT IS CONCENTRATED ON THE RESERVATIONS LOCATED IN THE STATES OF WASHINGTON AND OREGON. BUT THAT DOES NOT MEAN THAT THE FOREST RESOURCES ON RESERVATIONS IN OTHER PARTS OF THE COUNTRY ARE NOT IMPORTANT. IN FACT INDIAN LANDS IN THE STATES OF ARIZONA AND NEW MEXICO

CONTAIN ABOUT ONE-FIFTH OF THE TOTAL VOLUME OF COMMERCIAL TIMBER ON FOREST LANDS OF ALL OWNERSHIPS IN THOSE TWO STATES. ALSO, THE TWO LARGE INDIAN FOREST PRODUCTS ENTERPRISES IN ARIZONA AND NEW MEXICO, THE ONE ON THE NAVAJO RESERVATION AND THE ONE ON THE FORT APACHE, BOTH RANK AMONG THE FIVE TOP PRODUCERS OF LUMBER IN THOSE STATES.

BUT INCOME FROM THE SALES OF TIMBER TO NON-INDIAN INDUSTRIES, AND WAGES EARNED FROM JOBS CREATED WITHIN THOSE ENTERPRISES, DO NOT REPRESENT THE ONLY BENEFITS TO YOU, THE OWNERS, THAT CAN BE GENERATED BY YOUR FORESTS. I HAD PLANNED TO DISCUSS THE POTENTIAL ADDITIONAL BENEFITS THAT YOU COULD REALIZE FROM DEVELOPMENT OF YOUR OWN LOGGING AND FOREST PRODUCTS INDUSTRIES. HOWEVER, THE PRIMARY EMPHASIS OF THIS CONFERENCE HAS BEEN DIRECTED TOWARD THE FOREST MANAGEMENT ASPECTS. HOPEFULLY, YOU WILL ARRANGE A SYMPOSIUM DEVOTED ENTIRELY TO INDIAN FOREST ENTERPRISES BEFORE THE END OF 1977.

AMONG THE SEVERAL ITEMS THAT I WAS ASKED TO COVER WAS THE WEAKNESSES IN YOUR FORESTRY PROGRAM; BUT STRESSING ITS CRITICAL WEAKNESSES WITHOUT ALSO STRESSING ITS BASIC STRENGTHS WOULD BE UNFAIR. ACCORDINGLY, LET US FIRST LOOK AT THE POSITIVE SIDE.

HISTORICALLY, THE PRIMARY PROGRAM STRENGTH HAS RESTED IN THE PROGRESSIVE THINKING AND THE DEDICATION OF ITS EMPLOYEES. TIME DOES NOT PERMIT RECITING THE NAMES OF ALL THOSE WHO WERE RECOGNIZED BY OTHER FORESTERS OF THEIR TIME AS BEING AMONG THE BEST IN THEIR PROFESSION. HOWEVER, I WILL CITE THREE. FIRST, MR. J.P. KINNEY FOUNDED THE BRANCH OF FORESTRY IN 1910, WHEN IT BECAME KNOWN AS THE "INDIAN FORESTRY SERVICE." THE PROCEDURES WHICH HE INITIATED FOR ORDERLY SALES OF TIMBER AND FOR THE PROTECTION OF THE FOREST RESOURCES HAVE CONTINUED INTO THE PRESENT DECADE.

I MENTION THE OTHER TWO, NOT ONLY BECAUSE OF THEIR IMPACT ON THE PROGRAM, BUT ALSO BECAUSE MANY OF YOU WILL REMEMBER THEM. MR. HAROLD WEAVER, FORMERLY AREA FORESTER IN BOTH PORTLAND AND PHOENIX, HAS BEEN RECOGNIZED WIDELY AS POSSIBLY THE MOST AUTHORITATIVE PERSON CONCERNING "ON-THE-GROUND" FOREST MANAGEMENT PRACTICES IN THE WESTERN PINE REGION; AND PERRY SKARRA, FORMERLY CHIEF OF THE BRANCH OF FORESTRY INITIATED PROPOSALS FOR PROVIDING INDIAN OWNERS OF FOREST LANDS WITH THE SAME ALTERNATIVES FOR MAXIMIZING PRODUCTION OF WOOD FIBER THAT WERE BEING DEVELOPED FOR MANY PRIVATELY OWNED INDUSTRIAL FOREST LANDS DURING THE 1960'S. UNDER SKARRA'S LEADERSHIP, BIA WAS THE FIRST OF THE FEDERAL AGENCIES TO RECOGNIZE THAT CUBIC VOLUME, RATHER THAN BOARD FEET, WAS THE ONLY RATIONAL MEASUREMENT STANDARD FOR PLANNING THE LONG RANGE DEVELOPMENT OF YOUR FOREST RESOURCES. TEN YEARS LATER, THE NATIONAL FOREST MANAGEMENT ACT OF 1976 HAS FINALLY PROVIDED THAT ROTATION AGES FOR TIMBER MANAGED BY THE FOREST SERVICE SHALL BE ESTABLISHED ON THE BASIS OF CUBIC MEASUREMENT.

IN ANY EVENT, YOU WILL UNDERSTAND HOW PLEASING IT WAS, IN 1972, TO RECEIVE THE FOLLOWING WRITTEN COMMENTS BY A FORMER ASSISTANT DIRECTOR OF THE PACIFIC NORTHWEST FOREST AND RANGE EXPERIMENT STATION. HE SAID: "OVER THE YEARS THE BIA FORESTERS HAVE DONE MORE WITH LESS THAN ANY OTHER GROUP OF FORESTERS IN THE UNITED STATES. THEY HAVE BEEN DOERS AND INNOVATORS, YET RESPONSIBLE MANAGERS OF THE RESOURCES ENTRUSTED TO THEM."

TWO OTHER FORESTRY PROGRAM STRENGTHS HAVE DEVELOPED RATHER RECENTLY. THEY RELATE TO THE FUNDING OF INTENSIFIED MANAGEMENT OF YOUR FORESTS. AFTER YEARS OF FALLING BEHIND OTHER ORGANIZATIONS, BOTH PUBLIC AND PRIVATE, IN OBTAINING FUNDS FOR FOREST IMPROVEMENT ACTIVITIES ON INDIAN FORESTS, THE SECRETARY OF THE INTERIOR ISSUED INSTRUCTIONS IN JUNE OF 1972 THAT PERMITTED YOU TO DIVERT THE TIMBER SALE ADMINISTRATIVE FEES INTO THE MANAGEMENT OF YOUR FOREST LANDS. PREVIOUSLY, THOSE

FEES HAD BEEN RETURNED TO THE FEDERAL GOVERNMENT TO COMPENSATE, EITHER IN WHOLE OR IN PART, ITS EXPENDITURES ON YOUR FORESTRY PROGRAM. AS SOME OF YOU KNOW, I FEEL THAT THE FEDERAL GOVERNMENT SHOULD PAY THE ENTIRE COST OF YOUR FORESTRY PROGRAM RATHER THAN TO FUND A SUBSTANTIAL PART WITH THIS "BACK DOOR" PROCESS OF USING YOUR MONEY. NEVERTHELESS, I BELIEVE THAT WE CAN ALL AGREE THAT THE PRESENT PROCEDURE IS A COMMENDABLE IMPROVEMENT OVER THE ONE THAT WAS PREVIOUSLY IN EFFECT.

THE SECOND OF THE RECENTLY-DEVELOPED PROGRAM STRENGTHS WAS THE LARGE AMOUNT APPROPRIATED SPECIFICALLY FOR FOREST DEVELOPMENT DURING THE SECOND SESSION OF THE LAST CONGRESS. IF THE SAME APPROPRIATION IS CONTINUED ANNUALLY, IT MAY NOT BE CONSIDERED AS TOO LITTLE; HOWEVER, IT MUST DEFINITELY BE LABELLED AS BEING 10 YEARS TOO LATE.

NOW LET US LOOK AT THE PRIMARY PROGRAM WEAKNESSES. IN DOING SO, THERE IS NO INTENT TO BLAME ANY EMPLOYEE NOW WORKING IN THE FORESTRY PROGRAM. IF BLAME IS CAST IN ANY DIRECTION LET MUCH OF IT BE DIRECTED TOWARD ME; BECAUSE DURING MORE THAN ONE-THIRD OF MY PROFESSIONAL LIFE IN THE BUREAU I WAS EITHER THE HIGHEST OR THE SECOND HIGHEST RANKING FORESTER IN THAT ORGANIZATION. ALSO, I ELECTED TO RETIRE IN 1973, RATHER THAN TO REMAIN IN THE BUREAU WHERE I MAY HAVE ASSISTED IN CORRECTING, OR HAVE PREVENTED THE AGGRAVATION OF THOSE WEAKNESSES.

UNDOUBTEDLY, THE MOST CRITICAL WEAKNESS IS THE LACK OF SUFFICIENT PERSONNEL TO PROVIDE, ADEQUATELY, FOR THE ADMINISTRATION OF TIMBER SALES AND THE PROTECTION OF YOUR NATURAL RESOURCES FROM WILDFIRES. LAST MAY, AT A TIMBER SEMINAR HELD IN GALLUP, MR. GREGORY STEVENS, FORESTER FROM THE WASHINGTON OFFICE, PRESENTED A PAPER WHICH, AMONG OTHER ITEMS, SHOWED THAT BECAUSE OF BIA'S UNDERSTAFFING, IT HAD BEEN POSSIBLE TO HARVEST ONLY 80 PERCENT OF THE ALLOWABLE CUT ON INDIAN LANDS

DURING THE PERIOD FROM 1970 TO 1974, INCLUSIVE. THE AVERAGE ANNUAL LOSS IN STUMPAGE DURING THAT FIVE-YEAR PERIOD WAS ESTIMATED AS 5.4 MILLION DOLLARS. ON THE YAKIMA RESERVATION ALONE, THE AVERAGE ANNUAL LOSS CAUSED BY IRRESPONSIBLE PERSONNEL CEILINGS AMOUNTED TO OVER \$2,000,000.

A SECOND PROGRAM WEAKNESS IS ALSO EMPLOYEE RELATED. THAT IS THE FEELING OF MANY NON-INDIAN EMPLOYEES THAT INDIAN PREFERENCE IN PROMOTIONS IS PREVENTING THEM FROM ADVANCING INTO HIGHER GRADES AS RAPIDLY AS WOULD BE POSSIBLE IN FORESTRY ORGANIZATIONS OUTSIDE THE BUREAU. A RELATIVELY LARGE NUMBER OF THE NON-INDIAN FORESTRY EMPLOYEES HAVE BEEN SEEKING EMPLOYMENT IN OTHER AGENCIES. THOSE WHO HAVE BEEN SUCCESSFUL TEND TO BE AMONG THE MOST CAPABLE; OTHERWISE THEY WOULD NOT BE SELECTED FOR SUCH OUTSIDE EMPLOYMENT.

ANOTHER SERIOUS PROGRAM DEFICIENCY IS ONE THAT BECAME AGGRAVATED FOLLOWING REALIGNMENT OF THE BUREAU'S CENTRAL OFFICE STAFF IN 1974. DURING THAT PROCESS, THE CENTRALIZED GUIDANCE OF THE PROGRAM WAS VIRTUALLY DESTROYED. THERE ARE CERTAINLY MANY PERSONS WITHIN THE BUREAU WHO FEEL THAT SUCH DECENTRALIZATION WAS AN IMPROVEMENT; BUT I SUGGEST THAT THOSE PERSONS SHOULD AT LEAST CONSIDER THE NEED FOR CENTRALIZED GUIDANCE IN LONG RANGE MANAGEMENT PLANNING ACTIVITIES. FOR INSTANCE, THE INDIAN PEOPLE IN THE SOUTHWEST SHOULD BE PROVIDED THE SAME MANAGEMENT ALTERNATIVES, INCLUDING THE DETERMINATION OF ALLOWABLE CUTS, THAT ARE PROVIDED FOR RESERVATIONS IN THE PORTLAND AREA OR IN THE BILLINGS AREA. UNFORTUNATELY, MOST OF THE AREAS HAVE BEEN "ORDAINING" A SINGLE ALLOWABLE CUT FOR EACH RESERVATION, RATHER THAN PROVIDING A RANGE OF TRULY RESPONSIBLE ALTERNATIVES, FROM WHICH THE INDIAN OWNERS COULD SELECT THE ONE BEST SUITED TO THEIR OVERALL, LONG RANGE PLANS FOR ECONOMIC DEVELOPMENT. IN CONTRAST, THE UNITED STATES FOREST SERVICE COMPLETED A STUDY IN OCTOBER 1976 (ONLY FOUR MONTHS AGO) WHICH DEVELOPED EIGHT DIFFERING MANAGEMENT ALTERNATIVES FOR ITS FOREST LANDS, FIVE OF WHICH REPRESENTED PLANNED

DEPARTURES FROM EVEN FLOW PRODUCTION. THREE OF THE ALTERNATIVES INVOLVED SUBSTANTIAL INCREASES IN HARVEST DURING EARLY DECADES FOLLOWED BY LATER REDUCTIONS. UNLESS SIMILAR TYPES OF ALTERNATIVES ARE DEVELOPED FOR THE SUSTAINED YIELD OPERATION OF YOUR PRIVATELY-OWNED, PREDOMINANTLY OVERMATURE FORESTS, THE PROGRAMS ON ALL OF YOUR RESERVATIONS WILL BECOME BOGGED DOWN IN LENGTHY LITIGATION. ALREADY A NUMBER OF TRIBES HAVE FILED JUSTIFIABLE CLAIMS AGAINST THE FEDERAL GOVERNMENT; AND THE LIST IS GROWING.

TO EMPHASIZE THE WEAKNESS IN THE BUREAU'S PLANNING EFFORTS LET ME CITE ONE SPECIFIC EXAMPLE. OVER TEN YEARS AGO, MR. HAROLD WEAVER, THEN ON THE WASHINGTON OFFICE STAFF, STARTED A REPORT WHICH INCLUDED JUSTIFICATION FOR THE INTENSIFIED DEVELOPMENT OF THE QUINAULT RESERVATION. CERTAINLY, THERE HAS NEVER BEEN A FOREST MORE DIRELY IN NEED OF POSITIVE CORRECTIVE ACTION AND CONSTRUCTIVE PLANNING EFFORTS THAN THE QUINAULT, WHERE THE COMPLICATED LAND OWNERSHIP PROBLEMS BECAME EVEN MORE COMPLEX DURING THE 1960 PERIOD OF SUPERVISED LAND SALES AND ISSUANCE OF FEE PATENTS. YET TODAY THE BUREAU HAS NOT EVEN ATTEMPTED TO COMPLETE MR. WEAVER'S COMPREHENSIVE PLAN FOR THE INTENSIFIED DEVELOPMENT OF THAT RESERVATION.

THE COMPLETE INADEQUACY OF THE BUREAU'S FOREST INVENTORY DATA AND LACK OF PLANS AND GOALS WAS STRESSED IN A REPORT BY THE GENERAL ACCOUNTING OFFICE DATED AUGUST 18, 1975; YET TO DATE BIA HAS GIVEN ONLY "LIP-SERVICE" TO ANY EFFORT TO CORRECT THE SITUATION. I ASSURE YOU THAT THIS, THE INVENTORY AND MANAGEMENT PLANNING PORTION OF THE PROGRAM, IS ONE THAT IS AS DIRELY IN NEED OF UP-TO-DATE PROFESSIONAL GUIDANCE, AS THE TIMBER SALE ACTIVITY IS IN NEED OF ADDITIONAL PERSONNEL.

IN REVIEWING MY PAST ASSOCIATION WITH YOUR FORESTRY PROGRAM IT IS FITTING TO RECALL THE VAST CHANGES IN THE BASIC PHILOSOPHIES WHICH HAVE GUIDED ACTIONS BY THE BUREAU SINCE I STARTED WORK ON THE CROW RESERVATION IN 1940. MANY OF

YOU WILL RECALL THAT YEAR, ONLY SIX YEARS AFTER ENACTMENT OF THE INDIAN REORGANIZATION ACT. TRIBES WERE BEING ENCOURAGED TO ORGANIZE UNDER PROVISIONS OF THAT ACT; AND MANY OF THEM DID SO. THROUGHOUT THE BUREAU PRIMARY EMPHASIS WAS BEING PLACED ON THE STRENGTHENING OF TRIBAL GOVERNMENTS.

LATER, I WAS ASSIGNED FOR DUTY AT KLAMATH AGENCY WHERE AN ENTIRELY NEW BALL PARK OF INDIAN PHILOSOPHY WAS EMERGING--ONE CHARACTERIZED BY THAT UGLY WORD, "TERMINATION." LESS THAN A YEAR AFTER MY ARRIVAL AT KLAMATH IN 1952, CONGRESS PASSED HOUSE CONCURRENT RESOLUTION 108 WHICH DESIGNATED THAT THE KLAMATH RESERVATION AND A NUMBER OF OTHERS SHOULD BE FREED FROM FEDERAL SUPERVISION AND CONTROL AT THE EARLIEST POSSIBLE TIME.

LADIES AND GENTLEMEN, IT WAS NO HAPPENSTANCE THAT THE LARGEST RESERVATIONS THAT CONGRESS DESIGNATED FOR EARLY TERMINATION WERE THOSE WITH LARGE VOLUMES OF COMMERCIAL TIMBER. THESE INCLUDED KLAMATH, MENOMINEE, HOOPA VALLEY AND THE FLATHEAD RESERVATIONS. BY SUBSEQUENT ACTION CONGRESS ADDED THE COLVILLE RESERVATION TO THE LIST EARMARKED FOR EARLY TERMINATION. THOSE RESERVATIONS CONTAINED ABOUT ONE-THIRD OF THE TOTAL VOLUME OF TIMBER ON ALL INDIAN LANDS AT THAT TIME.

BUT WHY THIS INTEREST IN TERMINATING CONTROL OVER TIMBER OWNING TRIBES? THE REASON WAS VERY SIMPLE. TIMBER IS A RELATIVELY SLOW GROWING CROP. WHEN MANAGED ON A SUSTAINED YIELD BASIS, THE ANNUAL RETURNS SEEM SMALL WHEN RELATED TO THE VALUE OF THE ENTIRE STAND. ACCORDINGLY, WITHIN A TRIBE THAT OWNS A VAST QUANTITY OF TIMBER THERE INVARIABLY DEVELOPS A GROUP OF MEMBERS WHICH FAVORS SELLING THE ENTIRE FOREST, INCLUDING LAND AND TIMBER, FOR AN IMMEDIATE, SEEMINGLY LARGE SUM--AT LEAST LARGE WHEN COMPARED TO THE ANNUAL DIVIDENDS FROM SUSTAINED YIELD MANAGEMENT.

IT WAS THIS KNOWLEDGE, SO INDELIBLY INSCRIBED ON MY MEMORY BY THE PRESSURES

FOR TERMINATION FROM A RELATIVELY SMALL, BUT VOCAL GROUP AT KLAMATH, THAT HAS GUIDED MY ACTIONS SINCE 1960, AT WHICH TIME I WAS TRANSFERRED TO PORTLAND AS AREA FORESTER. BEFORE LEAVING KLAMATH, THE STAFF THERE HAD INNOVATED NEW, AND FOR THE TIME, VERY LIBERAL VIEWS CONCERNING ALLOWABLE CUT UNDER SUSTAINED YIELD MANAGEMENT. THOSE VIEWS BECAME THE ACCEPTED LONG RANGE MANAGEMENT POLICIES FOR THE EAST-SIDE FORESTS IN THE PORTLAND AREA DURING THE 1960'S. IN MOST INSTANCES THE ANNUAL ALLOWABLE CUTS WERE INCREASED BY AT LEAST DOUBLE THEIR PREVIOUS LEVELS. IT IS CERTAIN THAT THE INCREASED INCOME GENERATED BY THIS ACTION RELIEVED MUCH OF THE PRESSURE FOR TERMINATION THAT HAD RESULTED FROM THE EARLIER, EXTREMELY CONSERVATIVE TREATMENT OF INDIAN FOREST LANDS.

THE TERMINATION PHILOSOPHY PERSISTED INTO THE SECOND HALF OF THE 1960 DECADE; BUT ON MARCH 6, 1968 PRESIDENT JOHNSON DELIVERED A PRECEDENT-ESTABLISHING MESSAGE TO CONGRESS ENUNCIATING A NEW, COMPLETELY DIFFERENT POLICY FOR TREATMENT OF INDIAN PEOPLE AND THEIR TRUST PROPERTIES. AMONG OTHER THINGS, HE SAID THAT THE NEW DIRECTION WAS "....A POLICY OF MAXIMUM CHOICE FOR THE AMERICAN INDIAN; A POLICY EXPRESSED IN PROGRAMS OF SELF-HELP, SELF-DEVELOPMENT, SELF-DETERMINATION."

AT THE TIME OF PRESIDENT JOHNSON'S MESSAGE THERE WAS CONCERN IN THE MINDS OF SOME INDIAN LEADERS THAT THE TERM "SELF-DETERMINATION" WAS JUST ANOTHER WAY OF SAYING "TERMINATION." HOWEVER, THE ENACTMENT OF PUBLIC LAW 93-638, TOGETHER WITH THE ISSUANCE OF DETAILED REGULATIONS COVERING PROCEDURES FOR CARRYING OUT THE PROVISIONS OF THAT ACT, HAS UNDOUBTEDLY DISPELLED ALL OF YOUR FEARS CONCERNING THE FEDERAL GOVERNMENT'S PRESENT POLICY WITH RESPECT TO THE INDIAN PEOPLE AND THEIR TRUST PROPERTIES.

BUT WHERE DO YOU GO FROM HERE UNDER THIS NEW POLICY? I BELIEVE THAT THIS CONFERENCE IS A GOOD START ON YOUR JOURNEY INTO THE FUTURE. HOPEFULLY, IT WILL BE THE FIRST OF MANY SIMILAR SYMPOSIUMS DURING WHICH YOU WILL JOINTLY EXPLORE THE

POSITIVE ACTIONS WHICH THE NEW POLICY ON INDIAN AFFAIRS HAS MADE AVAILABLE, AND THROUGH WHICH YOU CAN OVERCOME THE EXISTING WEAKNESSES IN YOUR FORESTRY PROGRAM. I MUST EMPHASIZE THE WORDS "POSITIVE ACTIONS" IN MY PRECEDING STATEMENT; FOR THERE IS ABSOLUTELY NO PLACE FOR NEGATIVISM ON THE PART OF ANYONE WHO HAS RESPONSIBILITY FOR YOUR NATURAL RESOURCE PROGRAMS, AS YOU ENTER INTO WHAT IS CERTAINLY A VERY COMPLEX, BUT PROMISING FUTURE.

FIRST, LET US LOOK AT THE PROBLEM OF UNDERSTAFFING THAT HAS PREVENTED THE BUREAU FROM FULFILLING THE MOST BASIC OF ITS TRUST RESPONSIBILITIES, NAMELY, THAT OF SELLING AND ADEQUATELY ADMINISTERING THE HARVEST REMOVAL OF THE FULL ALLOWABLE CUT FROM INDIAN FOREST LANDS. THERE ARE MANY WHO FEEL THAT THE ADMINISTRATION'S REFUSAL TO AUTHORIZE AN ADEQUATE NUMBER OF FORESTRY POSITIONS IS A DELIBERATE EFFORT TO "ENCOURAGE" YOU, THE INDIAN OWNERS, TO TAKE OVER THE MANAGEMENT OF YOUR OWN FOREST RESOURCES. TO THIS, I SUGGEST THAT YOU SHOULD NOT OVERLY-FEAR THE CONSEQUENCES IF YOU DO. UNLESS BIA IS PROVIDED THE TOOLS WITH WHICH TO FULFILL ITS ENTIRE ROLE AS TRUSTEE MANAGER, YOU SHOULD SERIOUSLY CONSIDER TAKING OVER AT LEAST A PORTION OF YOUR RESPECTIVE FORESTRY PROGRAMS; FOR YOU WOULD HAVE NO RESTRICTIONS ON THE NUMBER OF EMPLOYEES WHOM YOU COULD HIRE TO DO THE JOB, THAT IS, OTHER THAN THE LIMITATIONS IMPOSED BY AVAILABLE FUNDS.

PLEASE UNDERSTAND THAT SUCH A TAKE-OVER COULD NOT BE DONE OVERNIGHT. ALTHOUGH THE AUTHORITY FOR YOU TO CONTRACT YOUR OWN FORESTRY SERVICES IS CONTAINED IN SECTION 271.32, OF THE REGULATIONS PUBLISHED NOVEMBER 4, 1975, THE PROCESS OF DOING SO COULD BE ACCOMPLISHED ONLY AFTER LONG AND CAREFUL PLANNING. EVEN NOW, AT LEAST ONE OF THE MAJOR TIMBER-OWNING TRIBES IS HAVING A STUDY MADE CONCERNING HOW IT CAN INSULATE A TRIBALLY-OPERATED FORESTRY PROGRAM FROM ITS TRIBAL POLITICS. IT SEEMS THAT SUCH INSULATION FROM POLITICAL MANIPULATION IS

A FUNDAMENTAL MOVE, ONE THAT WOULD PROBABLY BE REQUIRED BEFORE THE BUREAU WOULD RELINQUISH ITS DIRECT MANAGEMENT OF ANY SIGNIFICANTLY-SIZED INDIAN FOREST. ON THE BASIS OF MY OWN FAMILIARITY WITH TWO LARGE TRIBALLY-OWNED FOREST PRODUCTS ENTERPRISES, THE ONES AT NAVAJO AND AT WARM SPRINGS, I RECOMMEND THAT YOU STUDY THE POSSIBILITY OF ORGANIZING AND OPERATING YOUR OWN FOREST MANAGEMENT PROGRAMS AS TRIBAL ENTERPRISES UNDER THE OVERALL DIRECTION OF MANAGEMENT BOARDS SIMILAR TO THE ONES THAT GUIDE THE ACTIONS OF THOSE TWO FOREST PRODUCTS ENTERPRISES.

THE SECOND WEAKNESS THAT I MENTIONED WAS CONCERNING HOW INDIAN EMPLOYMENT PREFERENCES WAS CAUSING A GENERAL DOWNWARD TREND IN OVERALL QUALITY OF BIA SERVICES BECAUSE MANY OF THE MOST CAPABLE EMPLOYEES WERE FINDING WORK IN OTHER ORGANIZATIONS. AT THE RISK OF BEING OVERLY-PRESUMPTIVE, I SUGGEST THAT, IN FAIRNESS TO BOTH INDIAN AND NON-INDIAN EMPLOYEES, THE NEW SECRETARY OF THE INTERIOR SHOULD AGGRESSIVELY SPONSOR, AND THE INDIAN PEOPLE SHOULD SUPPORT, THE SAME LEGISLATION FOR EARLY RETIREMENT OF NON-INDIAN EMPLOYEES THAT WAS VETOED BY PRESIDENT FORD LAST FALL. SUCH LEGISLATION WOULD NOT ONLY BE FAIR TO SOME EXTREMELY DEDICATED EMPLOYEES, BUT ALSO, AFTER RETIREMENT MANY OF THOSE SAME EMPLOYEES WOULD BE AVAILABLE TO "WORK ON YOUR SIDE OF THE FENCE" AS YOU PLAN THE PROCEDURES FOR TAKING OVER PORTIONS OF YOUR COMPLEX FORESTRY PROGRAMS. IT WOULD BE DIFFICULT TO REPLACE THEIR YEARS OF EXPERIENCE WORKING FOR YOU WITHIN THE BUREAU, WITH TECHNICAL AND PROFESSIONAL ASSISTANCE FROM OUTSIDE SOURCES ALONE.

IN REGARD TO THE THIRD MAJOR WEAKNESS, NAMELY THE LACK OF STRONG CENTRALIZED DIRECTION, IT IS NOW OBVIOUS THAT IT IS TOO LATE TO TRY TO ESTABLISH ANY SEMBLANCE OF STRONG CENTRALIZED DIRECTION WITHIN BIA. AFTER ALL, THE NAME OF THE "SELF-DETERMINATION" GAME, ITSELF, IS SYNONYMOUS WITH "DECENTRALIZATION OF BIA."

BUT IF CENTRALIZED CONTROL WITHIN THE BUREAU IS NOT STRENGTHENED, HOW CAN

THE DETRIMENTAL EFFECTS CAUSED BY LACK OF CENTRALIZATION BE OVERCOME? I SUGGEST THAT THIS COULD BE ACCOMPLISHED, IN SUBSTANTIAL PART, BY THE INDIAN PEOPLE APPOINTING A CENTRAL FORESTRY STEERING COMMITTEE COMPOSED OF MEMBERS SELECTED FROM TIMBER OWNING TRIBES THROUGHOUT THE UNITED STATES. ALREADY A NUMBER OF THOSE TRIBES HAVE RETAINED THEIR OWN "OUTSIDE-BIA" FORESTRY ADVISERS; AND IT IS PROBABLE THAT THE NUMBER OF SUCH PROFESSIONAL ADVISERS WILL INCREASE RAPIDLY DURING THE NEXT FEW YEARS. SUCH A STEERING COMMITTEE, TOGETHER WITH ITS STAFF OF PROFESSIONAL ADVISERS, SHOULD MEET WITH TOP OFFICIALS OF BIA AT LEAST TWICE EACH YEAR TO REVIEW THE OVERALL DEVELOPMENTS IN THE TOTAL FORESTRY PROGRAM, AS WELL AS DEVELOPMENTS WITHIN INDIVIDUAL AREAS AND RESERVATIONS.

ALSO, SHORTLY AFTER ITS FORMATION THE STEERING COMMITTEE SHOULD PRESS FOR AND OBTAIN AN OBJECTIVE, PROFESSIONAL REVIEW OF THE TOTAL FORESTRY PROGRAM SIMILAR TO, BUT IN GREATER DETAIL THAN, THE STUDY OF THE INDIAN FORESTRY PROGRAM COMPLETED IN 1968 BY THE CONSULTING FIRM OF CORNELL, HOWLAND, HAYES AND MERRYFIELD. MANY THINGS HAVE DEVELOPED IN YOUR PROGRAM SINCE THAT STUDY WAS COMPLETED. IT IS NOW TIME FOR A RE-EVALUATION OF THE OVERALL STRENGTHS AND WEAKNESSES OF THAT PROGRAM--NOT BY BIA, NOR IN THE ABBREVIATED MANNER THAT I HAVE PROVIDED IN THIS REPORT. THE REVIEW SHOULD BE MADE BY AN OUTSIDE HIGHLY-QUALIFIED FORESTRY FIRM, OR BY A SPECIAL COMMITTEE COMPOSED OF KNOWLEDGEABLE, IMPARTIAL PERSONS.

I WILL NOW RETURN TO THE FIRST THREE WORDS AT THE START OF THIS REPORT, NAMELY, ITS TITLE: "YOUR FORESTRY PROGRAM." I USED THE SAME TITLE FOR A TALK AT A MEETING OF THE WESTERN INTER-TRIBAL CO-ORDINATING COUNCIL HELD IN SPOKANE IN 1968. I BELIEVED AT THAT TIME, AS I HAVE ALWAYS BELIEVED, THAT THE PROGRAM WAS, AND IS, YOUR PROGRAM. HOWEVER, UNTIL RECENTLY IT HAS BEEN CONTROLLED BY THOSE OF US WHO WORKED IN THE BUREAU. IT SEEMS PROBABLE THAT A SIZABLE PORTION OF THAT DIRECTION WILL EVENTUALLY--POSSIBLY SOON--BE IN YOUR HANDS, WITH THE BUREAU SERVING LARGELY

AS THE SUPERVISOR OF YOUR VARIOUS CONTRACTS. IT WOULD BE EXTREMELY PRESUMPTUOUS FOR ANYONE TO CONTEND THAT YOU WOULD BE LESS RESPONSIBLE IN THE DIRECTION OF YOUR OWN FORESTRY PROGRAMS THAN THE GOVERNMENT HAS BEEN IN ITS OVERALL DIRECTION DURING THE PAST 10 YEARS; THAT IS, IF THE TRANSITION TO YOUR CONTROL IS CAREFULLY PLANNED, AND IS GUIDED BY APPROPRIATE CONTRACT SPECIFICATIONS.

IN SUMMARY, LADIES AND GENTLEMEN, I SUGGEST THAT NOW IS THE TIME TO START THE POSITIVE PLANNING ACTIONS THAT WILL BE NEEDED TO ASSURE THAT YOUR FORESTRY PROGRAM DOES, INDEED, MAKE "DOLLARS AND SENSE."