

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

Transcribed from the original manuscripts in the National Archives.

Editing and introduction by Dennis W. Baird.

Published by the University of Idaho Library, 1999.

Northwest Historical Manuscript Series

Original record source: National Archives and Records Administration,
Washington, D.C. RG 49 (General Land Office), Division R files, E. 918,
Box 12, Bitterroot Forest Reserve Records.

Contents

Introduction by Dennis Baird

Judge Heyburn petitions to reduce the size of the Bitterroot Forest Reserve

Supt. James Glendinning reports on the Buffalo Hump Region

Frank Fenn explains why the Reserve should be fully retained.

Map (inside cover): the Bitter Root Forest Reserve as it was originally established

Map source: National Archives, RG 49

Map (outside cover): the Bitter Root Forest Reserve in 1907

Map source: University of Idaho Library Map Collection

Cataloging record

The early years of the Bitterroot Forest Reserve: Major Frank Fenn reports to Washington / transcribed from the original manuscripts in the National Archives; editing and introduction by Dennis W. Baird. Moscow : University of Idaho Library, 1999.

1 v. ; 28 cm. (Northwest historical manuscript series)

Original record source: National Archives and Records Administration, Washington, D.C. RG49 (General Land Office), Division R files, E. 918, Box 12, Bitterroot Forest Reserve Records.

1. Fenn, Frank A. 2. Bitterroot National Forest (Idaho and Mont.)—History. 3. Nezperce National Forest (Idaho)—History. I. Fenn, Frank A. II. Baird, Dennis W. III. United States. National Archives and Records Administration.

SD428.B58E27 1999 wln99-195864

Editorial conventions

Spelling, grammar, and punctuation in the original manuscript have been retained in this edition.

Introduction and transcription ©1999 University of Idaho Library.

Printed on acid free paper by Ronald Rathbun.

Introduction

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Stuart, Idaho Sep. 2, 1901

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

Sir:

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

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

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

A brief examination of the citizens petition will be instructive. Almost three fourths of the signers are from Grangeville and Kamiah and Harpster, towns far without the Bitter Root Reserve. These signers are only interested in the welfare of the mining industry on the Reserve and to the extent that it affects their commercial relations with the people interested in mining directly. Among the petitioners from the places named we find practically all the business men there, as well as many farmers and others. At the time the petition was circulated there was rivalry between Grangeville and the town of Stuart for the control of the trade of the new mining camps. These competitors were striving to get wagon road communication with the ‘Buffalo Hump Country’. Grangeville, Kamiah and Harpster were at that time all business rivals of Stuart their expected to be terminus of the Clearwater Branch of the Northern Pacific Railway, and the three towns named imagined the Forest Officers located at Stuart were using their official positions to the advantage of Stuart as against the other competitors. In this connection I would respectfully refer to the official correspondence represented on the governments side by your office letters to Mr. James Glendinning as follows—letter P-L.M.S.-1899,-128, 126, of Dec. 20, 1899; letter P-J.B.S.-1900,-115, 640 of August 29, 1900; letter P-L.M.S.-1900, 125, 904 of October 24, 1900 [these letters are not in the National Archives], as furnishing valuable side light on this particular feature of the case.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

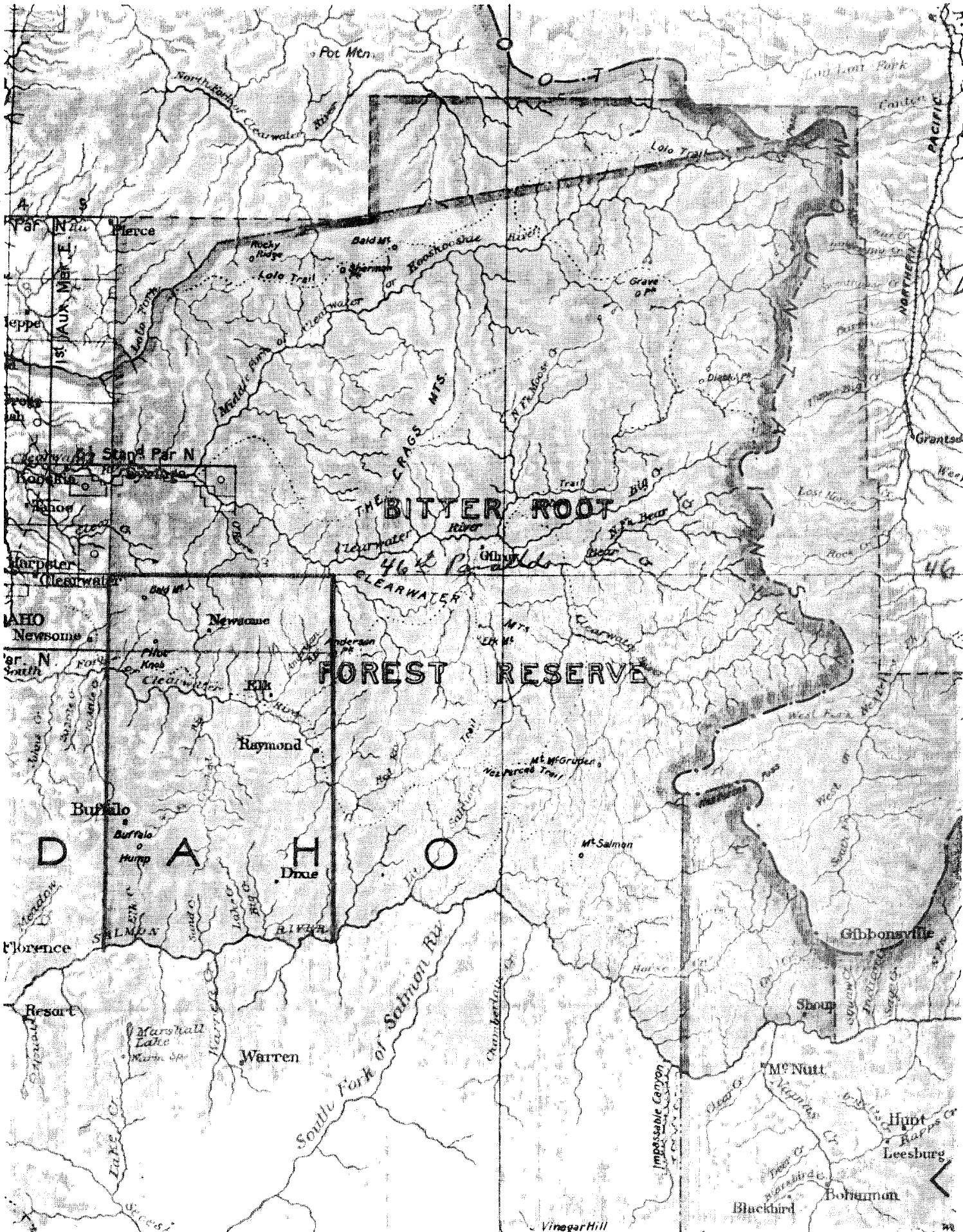
IV. As to 'Whether the land is better adapted to forest uses than other purposes, that is whether the preservation of the timber for present and future use, and as a water conservative is the foremost consideration with the land.' I unhesitatingly answer 'It is.' And I can but refer to what is hereinbefore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

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

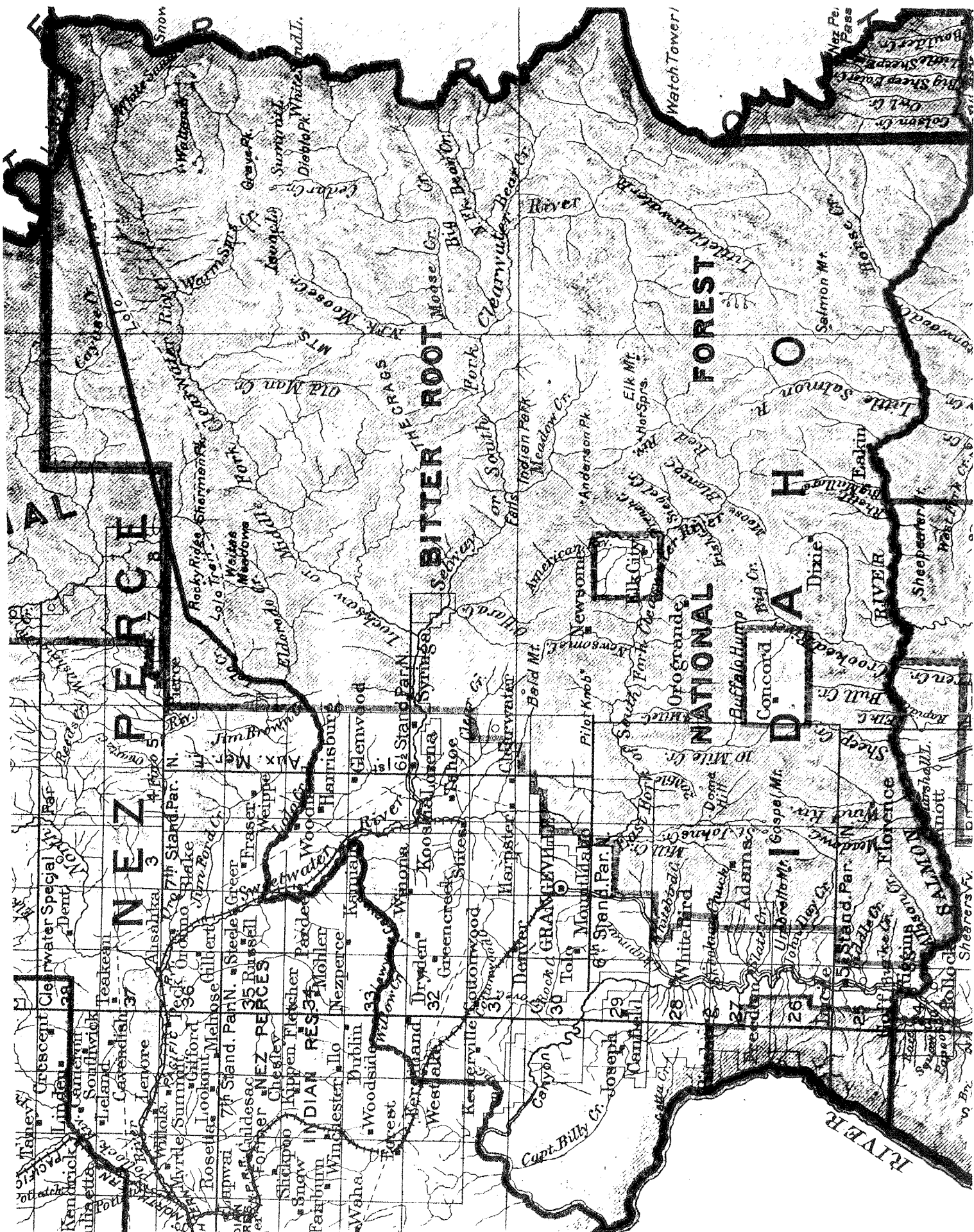
For the preservation of a fine body of timber and for the extension of fire patrol a few miles further from the mining centers where in the future a large supply of timber will be needed, I think the extension of the reserve so as to include all of Range 5 East lying between the Salmon River and the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

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

Very respectfully
F. Fenn
Forest Supt."



The Bitter Root Forest Reserve as originally established.



The Bitterroot National Forest as it looked in 1907.