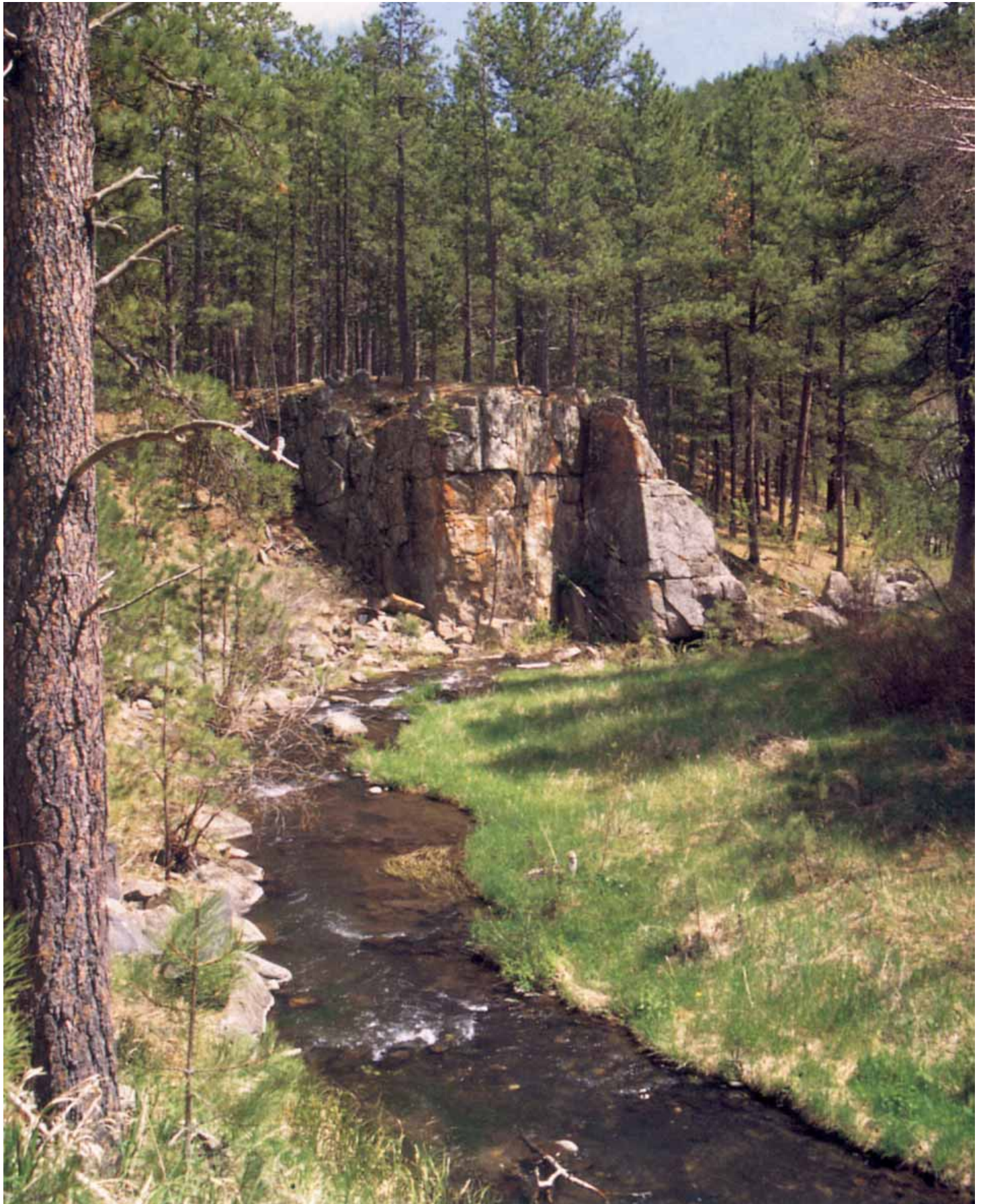


# EVERGREEN

The Magazine of the Evergreen Foundation, September, 1999

## **Case No. 1 Turns 100**

**The Federal Government Sold its First Timber Sale  
in November, 1899: A Look Back and a Look Ahead**



Jim Peterson

Jim Creek in South Dakota's Black Hills National Forest. This area was included in Case No. 1, the federal government's first regulated timber sale, sold 100 years ago this November. Apart from a few scattered stumps, there is little evidence of the old harvest. In fact, portions of the area have been thinned three times since the 1930s.

# TOURING AMERICA FOR FORESTRY

One hundred years ago this November, the federal government sold its first timber sale. Unlike the catchy names now given to timber sales, it was simply referred to as “Case No. 1.” It occurred in South Dakota, in the Black Hills Forest Reserve, now the Black Hills National Forest, not far from Mount Rushmore, one of America’s most revered landmarks.

In a very real sense, Case No. 1 marks the beginning of federal forestry in America. It also launched the career of one of the nation’s most distinguished conservationists – Gifford Pinchot, who six years later became the first chief of the United States Forest Service.

Given the Sierra Club’s long-standing claim that timber harvesting “destroys” forests—and the recent flurry of environmentalist-sponsored bills aimed at outlawing all logging in National Forests—we decided to visit the Black Hills to see what Case No. 1 looks like after 100 years of management.

In this special report, we present our findings in the form of a short narrative and—perhaps more important—a series of photographs that show exactly what Case No. 1 looks like today. What we found was a beautiful forest – an island of granite and trees that rises almost a mile above the Great Plains, one hundred miles north to south and fifty miles east to west. The Sioux called these hills “Paha Sapa” meaning “black hills,” a reference to their foreboding darkness when viewed from distant plains.

The Black Hills are remarkable for many reasons having to do with the region’s rich cultural and geologic history. But there is a rich forestry legacy here too, as you will soon learn. In all the years we’ve been touring American forests, we have never seen one that so aptly demonstrates the benefits of



To get to Case No. 1, follow Nemo Road northwest out of Rapid City. Watch for the U.S. Forest Service roadside information sign at Steamboat Rock Picnic Area.

forestry and the risks of neglect. We explain why in this special report.

For readers who are unfamiliar with our magazine, we want to take a moment to introduce ourselves. *Evergreen* is a publication of The Evergreen Foundation – a nonprofit research and educational group dedicated to restoring public confidence in science based forestry.

Apart from acquainting you with the history of Case No. 1 our objective is to get you to go look at the forest that is Case No. 1 today. If nothing else, seeing it ought to put your mind at ease the next time you hear someone talking about how logging destroys forests. As you drive through the old harvest site, remember that logging today is vastly improved from what it was 100 years ago. There just wasn’t the same concern for the environment that we all share today. Even so, it is still very difficult to find evidence of this first ever government timber sale. A few decaying stumps remain, and here and there grassy

indentations mark the paths of teams of horses used to drag logs from the woods. Otherwise, trees – many of them over eighty feet tall.

The mere presence of this forest attests to the resiliency of nature, but the real credit for the success of Case No. 1 belongs to the Forest Service and the Civilian Conservation Corps. In the 1930s and ‘40s, CCC boys thinned more than 260,000 acres of the Black Hills National Forest, including much of Case No. 1. Where thinning and later selection harvesting occurred, Case No. 1 has continued to grow and reseed itself, but where no thinning was done the trees stopped growing years ago. Though they are 80 to 90 years old, many are no bigger around than your forearm—a fraction of the size of trees the same age on sites that were thinned.

Those that have not already been killed by insects or disease soon will be. Eventually, fire will consume the remains, providing a stark contrast between the benefits of forestry and the consequences of neglect.

In the century since Case No. 1 was completed, five billion board feet of timber have been harvested from the Black Hills National Forest—all of it milled by South Dakota and Wyoming companies that sell their products in the Midwest. Despite 100 years of continuous harvesting, a 1986 inventory revealed the Forest contains 5.1 billion board feet of timber—meaning as much is timber growing in the Black Hills National Forest today as has been harvested in 100 years. Such is the remarkable legacy of one of America’s best-managed national forests.

Jim Petersen, Editor  
*Evergreen* Magazine

# Case No. 1: Then and Now

In the summer of 1874 - not quite 11 years after he won the Congressional Medal of Honor in the Battle of Gettysburg and less than two years before he was killed in the Battle of Little Big Horn - Brevet Major General George Armstrong Custer led an expeditionary force of 1,200 on a 1,200 mile trek through the Black Hills.

Apart from confirmation of the presence of gold in the Black Hills, the expedition's most enduring historical contribution was an extensive set of photographs taken by pioneer photographer William H. Illingworth. Seventy-three of his glass negatives survive today, and provide contemporary forest observers with a startling record of the difference between Black Hills forests then and now. Most apparent is the fact that there are far more trees in Black Hill's forests today than there were in 1874. The photographs, taken before logging began, also bear witness to a long history of fire, though none show grassy savannas punctuated by groves of large ponderosa pines, a setting often associated with fire-dependent ecosystems.

Between 1874—when gold was discovered near Custer City—and 1898, the year before Case No. 1 was sold to the Homestake Mining Company, miners and town builders harvested 1.5 billion board feet of timber from the Black Hills. They paid nothing for what they took. In fact, in 1878 a Congress anxious to aid the mining industry—which it viewed as a key player in western economic development—passed the Free Timber Act allowing miners to take from public land whatever timber they needed for their mining operations. The only restrictions: trees less than eight inches in diameter could not be cut and tree tops had to be disposed of to prevent forest fires. While these restrictions suggest the federal government had a passing interest in forest conservation, unregulated logging continued until

February 1897 when President Grover Cleveland created the nearly one million acre Black Hills Forest Reserve, outlawing logging and, in effect, mining, which could not continue without timber.

President Cleveland created this reserve—and 12 others—at the urging of the National Forestry Commission, a group appointed by the National Acad-

by the ruler of any nation in the history of modern or ancient times.”

Not all of the commission members agreed with Cleveland's order. Most notably, Gifford Pinchot, one of the era's leading conservationists and an early advocate for science-based forestry, had misgivings about the philosophical underpinnings of forest preservation.

He favored adoption of management principles developed in Europe at least a century earlier: efficiency, rational planning, scientific management and continuous production based on removal of old timber in order to encourage growth in the most desired tree species.

In June 1897, barely four months after Cleveland created the no-harvest reserves Congress bowed to western economic interests, ratifying the Organic Administration Act. Most significantly, the Act declared that the reserves existed “...to furnish a continuous supply of timber for the use and necessities of citizens of the United States.” It also gave the Secretary of the Interior the power to make

regulations under which mining, lumbering and grazing interests could use public forests.

That fall, Pinchot toured the Black Hills, and in a history making November 3 meeting, convinced Homestake Mining Company officials they should side with him in his quest to bring science-based management to the reserves. Mindful of how quickly its economic fortunes had been changed by Cleveland's order, company officials agreed to submit a formal request to the Secretary to purchase timber under terms spelled out in the Organic Act. It was a huge victory for the opportunistic Pinchot, who a year later was named Chief of Interior's Bureau of Forestry.

Three months later, in February 1898, Homestake Mining filed its formal written request to purchase timber from the federal government, but it would be



Looking up Castle Creek Valley. Compare the spruce and pine forests in this 1999 photograph to the trees in the 1874 photograph on the facing page, taken by Custer Expedition photographer William Illingworth. Note the sparse landscape punctuated by fire scars belying the mistaken notion that the Black Hills National Forest was a sea of old growth timber before white settlement began.

emy of Sciences, which had been asked by the government to prepare a “rational forest policy” for the United States. Several commission members visited the Black Hills and concluded that minus quick action its forests would soon disappear altogether to the detriment of government hopes for settling the West. In fact, as early as 1892, one Department of Agriculture field agent predicted that “it will be no wonder if in a short time the dark pine forest is gone and the name ‘Black Hills’ has become meaningless.”

Predictably, President Cleveland's action outraged miners and townspeople alike. In its February 27, 1897 issue, the Custer Weekly Chronicle declared, “The executive order...may be safely regarded as one of the most vital blows at civilization, so far as the Black Hills is concerned, that has ever been perpetrated

another year and a half before the application was approved, the sale volume estimated and the deal sealed. Nevertheless, Pinchot's timing had been perfect. Here was a brutalized forest in desperate need of scientific management, and here was a company that needed a long-term timber source in order to maintain its immensely profitable mining operation. It could ill-afford to further anger a conservation-minded citizenry that feared the nation might soon run out of timber.

"There is no other forest in the United States in which practical forestry is more urgently needed, or in which results of such importance may be more easily achieved," Pinchot wrote in a later report. "Upon its preservation depends the timber to supply a great and rapidly growing mining industry."

Logging on Case No. 1—the first ever government-regulated timber sale—began just before Christmas 1899. Homestake paid \$14,967.32 for about 15 million board feet of live and dead timber. Even then, it was an inconsequential sum for one of America's largest mining companies, but getting the wood proved to be quite another matter. It took an army of horse loggers about eight years to complete eight separate contracts, one for each section from which timber was harvested. In all, about 2,000 acres scattered across 5,100 acres were logged.

About 5000 board feet of timber was removed from each acre—in trees up to 30 inches in diameter. Initially, the government allowed loggers to remove all trees larger than eight inches in diameter, but required that two larger

trees be left on each acre as a seed source. But midway through the first year of harvest, the minimum diameter for trees harvested was increased to 14 inches which—counting seed trees—meant that about 500 board feet of standing timber were left on each acre. Clearly, the government's forest officers—those charged with enforcing the logging contract—saw themselves as managers of a forest they believed could produce timber in perpetuity. A 1924 Forest Service survey suggests their instincts were correct. It revealed per acre volume had already increased 441 percent, to 2,600 board feet per acre.

In the years since, portions of Case No. 1 have been separately harvested five times: a CCC thinning in the 1930s, a post and pole thinning in the 1960s and actual timber sales in 1977, 1989 and



The Custer Expeditionary Force—1,200 strong—winds its way down Castle Creek Valley in the summer of 1874. *Evergreen* editor Jim Petersen tried to duplicate this photograph but found he could not because a ponderosa pine forest now blocks the view William Illingworth had from the overlooking cliffs. Seventy-three Illingworth negatives survive today, providing contemporary forest observers with a comprehensive visual record of the difference between Black Hills forests then and now.



Jim Petersen



Jim Petersen

These two Black Hills photographs illustrate the power of forestry. The top photograph is of an old Case No.1 site that has been thinned several times since the 1930s. Note the crop of naturally regenerated seedlings growing beneath the tall trees. Now look at the bottom photograph, taken in a nearby stand with the aid of a powerful electronic flash. This site was harvested many years ago, but never thinned. The resulting stand—now about 60 years old—grew too dense to survive. Minus adequate sunlight, moisture and soil nutrients, it is dying. Compare the absence of vegetation on the forest floor to the abundance of seedlings and saplings in the top photograph.

1990. In a 1968 ceremony, the Forest Service commemorated the two billionth board foot removed from the Black Hills National Forest by harvesting a 203 year-old ponderosa pine from the Case No. 1 site near Nemo. The occasion marked the fourth time the Nemo site had been thinned since Case No. 1 crews left the tree behind in 1899. Reporters who attended the ceremony seemed to grasp its significance—and the role Pinchot had played in insisting that a well-regulated forestry program could serve the nation's economic interests while conserving its forest reserves.

“With harvest of the two billionth board foot, the Black Hills will have produced as much or more wood than there was estimated to have been standing when logging started here,” the Rapid City Journal noted in its June 23, 1968 edition. “Case No. 1 is more than history. The old sale area has been a proving ground for forest management. Here the basic precepts of careful logging were first laid out.”

Apart from representing a vast improvement over the hell bent free timber era, Case No. 1 became the economic cornerstone for dozens of still prosperous communities in rural South Dakota and Wyoming. Though it would be another 90 years before economic and ecological sustainability were seen as interdependent, Pinchot and his colleagues believed that if they managed the forest—making certain a new forest replaced the one that was harvested—they could also sustain the communities that purchased and milled federal timber.

Today, dozens of major federal laws and thousands of regulations—the Case No. 1 legacy—govern when, where and how logging occurs or if it can occur at all. In fact, many foresters now believe the regulatory process has become so cumbersome that it is counterproductive. Even more worrisome are the numerous proposals now before Congress that, if adopted, would outlaw timber management in National Forests. Before trading a century of success in forestry for a set of environmental unknowns, Congress ought to revisit the principles embodied in Case No. 1:

- The nation's timber supply is not inexhaustible.
- A well-regulated forestry program can serve the nation's economic interests while conserving its forest reserves.
- For conservation to succeed it must first be turned into an economic asset.

Based on what we saw in the Black Hills, these principles are as valid today as they were when Pinchot and the Homestake Mining Company came to terms with each other a century ago.



W. Kenneth Lee, Pope and Talbot

Thinning stimulates growth in forests, just as it does in gardens. These cross sections illustrate just how much growth can occur when competition for sunlight, soil nutrients and moisture is reduced. The top cross section is from a 190 year-old tree that was harvested from an overly dense forest. It measures six inches in diameter. The bottom cross section was taken from an 80 year-old tree in a stand that was thinned in 1964. It measured 23 inches in diameter when it was harvested in 1996. In its lifetime, the larger tree produced ten times more wood fiber than the smaller tree, even though it was 110 years younger when it was harvested. Apart from increasing growth, thinning also reduces the risk of wildfire and disease, thus maintaining the overall health of the forest. (Photograph retouched/reconstructed by E.T. Graphics)



Jim Petersen

A spruce forest shrouded in early morning fog in South Dakota's Castle Creek Valley. The Custer Expeditionary Force passed through this tranquil scene in the summer of 1874. (See Page 5 photograph) The spruce is South Dakota's State Tree and has twice served as the National Christmas Tree: 1955 and 1997.

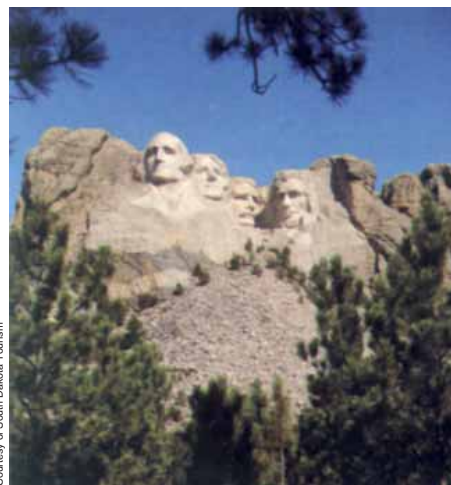


Jim Petersen

A few waist-high stumps—the only visible remnants of Case No. 1—can still be found scattered about the old harvest site. Loggers using two-man crosscut saws cut the trees at waist height because it was faster than bending over.

### Case No. 1 Contributors List:

- American Forest and Paper Assn.
- Black Hills Forest Resource Assn.
- Black Hills National Forest
- Black Hills Regional Multiple Use Coalition
- Black Hills Women in Timber
- Butler Machinery/Caterpillar
- Eddie's Truck Sales
- Evergreen Foundation
- Expedex Paper Company
- Keep South Dakota Green Assn.
- Mon-Dak Stihl
- Society of American Foresters
- SD Dept. of Agriculture-Resource Conservation and Forestry
- SD Society of American Foresters
- SD Tree Farm Committee
- Timbco Hydraulics
- Times Litho Printing
- WY State Forestry Division



Courtesy of South Dakota Tourism

Cover: Sunlight illuminates the face of a national treasure. The federal government's forestry program started near here a hundred years ago this summer.

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