

“ELK NATIONAL PARK,” WASHINGTON.

MARCH, 23, 1904.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. SHIRAS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10443.]

The Committee on the Public Lands, to whom was submitted the bill (H. R. 10443) to set apart certain lands in the State of Washington as a public park, to be known as “The Elk National Park,” for the purpose of preserving the elk, game, fish, birds, animals, timber, and curiosities therein, beg leave to submit the following report:

We recommend that said bill be amended as follows:

First. On page 2, in line 4, strike out the word “twenty-five” and insert in lieu thereof the word “fifteen.”

Second. On page 7, in line 16, after the word “unperfected,” insert the words “bona fide.”

Third. On page 6, at the end of line 5, add the following paragraph:

Provided, however, That prosecution for violation of any regulation or law authorized by this act shall not be heard or determined in the United States court or before the United States commissioner until after the cession of the necessary jurisdiction over the park lands has been made by the legislature of the State of Washington.

Fourth. One page 6, strike out all of the last paragraph of section 5, being all of lines 6, 7, 8, 9, 10, and 11, and insert in lieu thereof the following paragraph:

That if any offense shall be committed in the said Elk National Park, which offense is not prohibited, or the punishment therefor not specifically provided for by any law of the United States, or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Washington enforced at the time of the commission of the offense may provide for a like offense in said State; and no subsequent repeal of any such law of the State of Washington shall affect any prosecution for said offense committed within said park.

Fifth. On page 3, in line 12, after the word “grant” strike out the words “restaurant and.”

Sixth. On page 9, beginning on line 6, strike out all of the last sentence of the bill after the words “if found therein.”

And as thus amended the committee recommend that said bill do pass.

This bill (H. R. 10443) provides for the establishment of a new national park in the northwestern portion of the State of Washington. In that particular portion of the State of Washington there is at present a very large forest reserve officially known as the Olympic Forest Reserve. This reserve contains 1,466,880 acres of land. By the terms of this bill it is proposed to create this national park within the limits of that present reserve. By the terms of this bill the area of this park will be 393,600 acres, or about 615 square miles, which is less than one third of the area of the existing Olympic Forest Reserve.

The provisions of the bill are indorsed by both the Commissioner of the General Land Office and the Secretary of the Interior, who both recommend the passage of the bill. The bill has been very carefully drawn and contains not only adequate provisions for the protection of the wild game, birds, and fish, and for the preservation of the timber and natural curiosities therein, but also contains ample provisions for the protection of the rights of the few settlers who have initiated claims on lands lying within the proposed boundaries of the park.

The lands lying within the proposed boundaries of this park are in every way suited to this purpose. It is a wild, beautiful, and almost uninhabited region lying in the heart of the Olympic Mountains. The lands are not now used for agricultural purposes, and by their very nature can never to any considerable extent be so used. Out of the 393,600 acres of lands proposed to be included within the boundaries of the park the Commissioner of the General Land Office reports that there are only about 1,280 acres to which private individuals have any claim; and under the provisions of the bill it is both possible and probable that these settlers will release these lands to the Government and take other lands in lieu thereof.

In the judgment of your committee the creation of a national park in this locality will be a wise move, and the conditions now existing are ideal for its present creation. At the present time there is a large band of live wild elk living in these mountains within the region which would be covered should this bill pass. This is one of the very few bands of elk yet remaining in the United States. These noble animals are now being ruthlessly slaughtered by pot hunters for hides and horns, and sometimes merely for the teeth, and the remainder of the carcass is left lying on the ground to rot. Congressman Cushman, who prepared this bill, has made a careful study of this subject. The particular reasons for these amendments are set forth in the letters of the Commissioner of the General Land Office and the Secretary of the Interior, which letters are attached hereto and made a part hereof, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, February 17, 1904.

SIR: On the 22d ultimo I received, by your reference for any information this Department can furnish to aid your committee in the further consideration thereof (H. R. 10443), entitled "A bill to set apart certain lands in the State of Washington as a public park, to be known as 'The Elk National Park,' for the purpose of preserving the elk, game, fish, birds, animals, timber, and curiosities therein."

In response I have the honor to inclose copy of a report on the bill, dated the 6th instant, by the Commissioner of the General Land Office. The Commissioner states that the estimated area of the proposed park is 615 square miles, and therefore suggests amending the bill by omitting the word "twenty-five," in line 4, page 2, and

inserting in lieu thereof the word "fifteen." With this amendment he recommends, for reasons, stated, that the bill be enacted into law.

Additional to the amendment proposed by the Commissioner I would respectfully suggest the following:

First. After the word "unperfected" in line 16, page 7, insert the words "bona fide" in order to protect the Government from possible claimants not acting in good faith.

Second. By section 5 of this bill, violations of the provisions thereof or the regulations promulgated by the Secretary of the Interior thereunder for the government of the park are to be heard and determined in the United States court in which the park lands are situated. Attention is respectfully called to the fact that in the organic act admitting Washington as a State no reservation was made for jurisdiction by the United States over lands thereafter set aside as national parks or forest reservations, and any legislation enacted by Congress providing a penalty for the violation of any provisions of such acts within the metes and bounds of forest reserves or national parks created in the State of Washington can not be enforced in the United States courts unless the State of Washington by appropriate legislation assents thereto. It seems therefore, that a provision should be added to the end of the second paragraph of section 5, along the following lines:

"Provided, however, That prosecution for violation of any regulation or law authorized by this bill shall not be heard or determined in the United States court or before the United States commissioner until after the cession of the necessary jurisdiction over the park lands has been made by the legislature of the State of Washington."

Third. Insert in lieu of the last paragraph of section 5 the following:

"That if any offense shall be committed in the said Elk National Park, which offense is not prohibited or the punishment therefor not specifically provided for by any law of the United States, or by any regulation of the Secretary of the Interior, the offender shall be subject to the same punishment as the laws of the State of Washington enforced at the time of the commission of the offense may provide for a like offense in said State, and no subsequent repeal of any such law of the State of Washington shall affect any prosecution for said offense committed within said park."

Fourth. In line 12, page 3, omit the words "restaurant and" after the word "grant," as it is believed that the grant of hotel privileges in this park will be sufficient for all practical purposes.

After being amended in accordance with the foregoing suggestions, I recommend that the bill be enacted into law.

Very respectfully,

E. A. HITCHCOCK, *Secretary.*

The CHAIRMAN COMMITTEE ON THE PUBLIC LANDS,

House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,

Washington, D. C., February 6, 1904.

SIR: I am in receipt, by reference from the Department on January 23, 1904, for report, of a letter dated January 21, 1904, from the chairman of the Committee on the Public Lands, of the United States House of Representatives, presenting and asking for information regarding H. R. 10443, Fifty-eighth Congress, second session, to set apart certain lands in the State of Washington as a public park, to be known as "The Elk National Park," for the purpose of preserving the elk, game, fish, birds, animals, timber, and curiosities therein, with boundaries described as follows:

Beginning at the northeast corner of section 6, township 29 north, range 9 west, of Willamette meridian; thence southerly along the section lines to the southeast corner of section 31 of said township; thence south 18 miles; thence east 28 miles; thence north 6 miles; thence east 3 miles; thence north 9 miles; thence west 9½ miles; thence north 3 miles; thence west 2½ miles; thence north 6 miles, more or less, to the south line of township 30 north; thence westerly 19 miles, more or less, along the township line between townships 29 and 30 to the place of beginning, and containing an area of 625 square miles, more or less.

As shown by the accompanying diagram, all the lands within the boundaries described are within the Olympic Forest Reserve. The proposed national park embraces an area of approximately 615 square miles, or 393,600 acres, of which an area of only 4,320 acres is surveyed, all the surveys being shown upon the diagram.

The records of this office show that only 1,960 acres of the surveyed lands have

been entered, all under the homestead laws, and of this area 1,200 acres have been reconveyed to the Government under the exchange provision of the act of June 4, 1897 (30 Stat. L., 36). Of the lands so reconveyed 680 acres have been thus far accepted, leaving an area of only 1,280 acres of adverse holdings within the surveyed portion of the proposed national park.

It is probable that nearly all the remaining adverse holdings will be acquired by the Government under the said exchange provision and under the appropriate exchange provision embodied in the bill, in case the bill is passed.

The records of this office make no showing as to any claims which may have been initiated upon the unsurveyed lands involved.

If it is practicable for the Department to assume direct control of the area in question as a national park, I consider the proposed measure advisable in all respects. It does not appear that the inclusion of the lands within a national park will in any way interfere with the purposes had in view in including the lands within the forest reserve; and the proposed action is clearly advisable so far as concerns the protection of game. Under the existing laws the forest-reserve officers have not sufficient authority in this respect, and, furthermore, their regular duties are of such a nature and so extensive as to prevent their giving the requisite attention to this feature.

I have the honor to recommend, therefore, that the inclosed bill be enacted into law.

The bill should be amended by omitting the word "twenty-five," in line 4, page 2, and inserting in place thereof the word "fifteen," the estimated area of the proposed park being 615 square miles.

I would respectfully suggest that the bill be referred to the Secretary of Agriculture for consideration by the Forester and report, in case the Department has not already made such reference.

Very respectfully,

W. A. RICHARDS, *Commissioner*.

THE SECRETARY OF THE INTERIOR.

The committee will insert in this report letters, resolutions, and documents pertaining to this subject, which seem to contain valuable information. Some of these communications seem to show both the wisdom and the necessity for the creation of this park:

PORT ANGELES, WASH., *September 15, 1903.*

DEAR SIR: Relative to the establishment of a game preserve in the Olympic Mountains, concerning which we had a conversation during your recent visit here, I have to say:

It has been twelve years since I first went into the Olympic Mountains, and I have made frequent visits there since that time. I have examined a greater portion of the parts which would naturally be used for a game preserve, and am thoroughly acquainted with all the different streams, peaks, trend of mountain ranges, and grass lands included in this region. The Olympic Mountains are located in the Olympic peninsula, in Clallam and Jefferson counties, State of Washington, forming the most northwesterly portion of the United States. In general terms this section is heavily timbered. The central portion is mountainous, ranging from 5,000 to 7,000 feet in height. It is characterized by numerous valleys and streams, interspersed here and there by prairies and timber and bench lands covered with a heavy stand of wild grasses.

Most of the streams have their source in the region around Mount Olympus, which is located in about the central portion of the Olympic Forest Reserve. This region is the natural home of the elk, as well as the deer, bear, and the cougar, besides other smaller animals, such as the fox, mink, and raccoon. The game birds are grouse and pheasants. The streams abound in mountain trout.

In this section are practically the only bands of wild elk in the United States. When I first visited the mountains they were very numerous, but now they are to be found only around the headwaters of the Elwha River and its tributaries, and the Solduck River, the Hoh and Queets rivers, and the Quinault River. There are now probably not more than 500 elk remaining in all this region. There having in the past been no restrictions, they have been slaughtered for the horns and teeth merely, and the carcasses left lying on the ground. In the winter when the deep snows are in the mountains the elk work down the streams toward the west coast to a lower altitude and return as the snow disappears. In my judgment the following boundaries would comprise about the proper territory for a game preserve:

Commencing at a point on the Elwha River in section 8, township 29 north, range

7 west, about 12 miles southwest of Port Angeles and running in a westerly direction, following the apex of a mountain range for about 10 miles to a point south of Lake Crescent, and in section 9, township 29 north, range 9 west; thence south about 22 miles, crossing and including the headwaters of the north and south branches of the Solduck and Hoh rivers to the south side of township 26 north, range 9 west; thence east about 24 miles, including the headwaters of the Queets River, to a point south of Mount Anderson; thence in a northerly direction, following the apex of a mountain range separating the Elwha and Dusewallips rivers, about 16 miles; thence in a northwesterly direction, following the ridge and passing south of Mount Angeles and over Hurricane Hill to the Elwha River, to a point about 2 miles south from the place of beginning.

If this territory should be regarded insufficient we see no reason why another tier of townships should not be added on the south.

The territory included in the above description is the natural haunt of the greater portion of the elk in summer and winter, and is unsuitable for settlement except a small portion in and along the Elwha River bottom to about 3 miles above the north boundary of the territory described, and so far there are only two permanent settlers in its limits. I would consider it eminently desirable to set aside territory in the Olympic Mountains to be used for the preservation and propagation of elk, and hunters rigidly excluded therefrom. If some action is not speedily taken the elk will be exterminated.

HORACE M. GUPTILL.

Hon. F. W. CUSHMAN, Tacoma, Wash.

It is proper to state that the boundaries of this park as defined in this bill are practically the boundaries described in the foregoing letter of Mr. Guptill, except that the same have been embraced and covered by a legal and proper description in technical terms of land description, as is explained in the following letter from the Commissioner of the General Land Office:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 19, 1903.

SIR: I am in receipt, by your reference, of a letter dated Port Angeles, Wash., September 15, 1903, from Horace M. Guptill, relative to the establishment of a game preserve in the Olympic Mountains, Washington.

In accordance with your verbal request for information as to the feasibility of describing the tract suggested by your correspondent, I am of the opinion that in some respects the said description might be made more specific by reference to definite public-land survey corners where the same have been established.

If it should be contemplated that the boundaries of the proposed preserve be actually surveyed and marked in the field, the boundaries could be more concisely followed by lines run on cardinal courses as follows:

Beginning at the northeast corner of section 6, township 29 north, range 9 west of the Willamette meridian; thence southerly along the section lines to the southeast corner of section 31 of said township; thence south 18 miles; thence east 28 miles; thence north 6 miles; thence east 3 miles; thence north 9 miles; thence west $9\frac{1}{2}$ miles; thence north 3 miles; thence west $2\frac{1}{2}$ miles; thence north 6 miles more or less to the south line of township 30 north; thence westerly 19 miles more or less along the township line between townships 29 and 30 to the place of beginning.

This description would certainly include all the lands described in your correspondent's letter and the directions given are cardinal courses with proper references to the controlling surveyed areas.

The lands described are all within the Olympic Forest Reserve, and do not cover any surveyed lands except small areas along the Soleduc and Elwha rivers. Aside from these small areas, it will probably be many years before there will be any demand or reason for surveying these lands.

Your correspondent shows a knowledge of the country covered by the proposed reserve, and I suggest that the description be referred to him for consideration and comment thereon.

I transmit a copy of the map of the Olympic Forest Reserve, whereon are shown in green shading the boundaries of the forest reserve; in blue shading, the tract, as nearly as may be, of his description; and in red, the tract as described herein.

Your correspondent's letter is herewith returned.

Very respectfully,

W. A. RICHARDS, *Commissioner.*

Hon. FRANCIS W. CUSHMAN,
House of Representatives.

The principal portion of the lands sought to be included within the boundaries of the park by this bill lie within the county of Clallam, in the State of Washington.

The following telegram received by Congressman Cushman from the county commissioners of that county shows that this bill has the local support and indorsement of the people most immediately affected thereby:

PORT ANGELES, CLALLAM COUNTY, WASH., March 7, 1904.

Congressman FRANCIS W. CUSHMAN,
Washington, D. C.

Have no objections to your Elk National Park bill. This bill absolutely protects game. Nonresident petitioners asking for all of forest reserve to be made game preserve know nothing of conditions. Clallam County to a man strenuously object to such a bill.

C. W. THOMPSON,

R. G. MORSE,

D. A. CHRISTOPHER,

Commissioners Clallam County, Wash.

The following resolution, passed by Tacoma Lodge No. 174 of the Benevolent and Protective Order of Elks, show the desire of the members of that order for the protection of these noble animals:

Whereas the press dispatches indicate that it has been reported to the President of the United States that the elk in the Olympic Mountains are being slaughtered for the sole purpose of obtaining their teeth to be used as personal ornaments; and

Whereas the President, while expressing keen personal interest in the report, expressed doubt as to whether adequate protection could be provided for these noble animals by the National Government unless a national park could be established in these mountains, and at the same time intimated that he favored the creation of such a park: Therefore, be it

Resolved by the officers and members of Tacoma Lodge, No. 174, Benevolent and Protective Order of Elks, That we earnestly request our Senators and Members of Congress to use their best efforts to have a national park established in the Olympic Mountains at the earliest possible day.

Resolved, That we suggest to our sister lodges in this State the propriety of establishing at once in the Olympic Mountains, under the direction of the State government or of the superintendent of forestry reserves as may be deemed most practicable, a sufficient police force to protect the elk from merciless and unlawful slaughter until such time as a national park can be created, and that we hereby pledge ourselves to raise, by personal subscription among our members or by contribution from our lodge funds, our full share of such fund.

Resolved further, That we hereby pledge ourselves to buy no more elk teeth until we can be reasonably assured that no elk are being slaughtered anywhere for the sole purpose of obtaining them.

The following letter also explains the ruthless manner in which the elk have been slaughtered in this region:

TACOMA, WASH., March 2, 1904.

MY DEAR MR. CUSHMAN: I think there is no doubt that we will raise money enough to police the reserve until your bill can be passed, because a number of Elks have already told me they would be glad to subscribe to such a fund. I have prepared a letter to the other lodges in the State, and I shall prepare another which will be sent to the lodges in the United States asking them to give their support, at least, by approving the last resolution. I noticed in a dispatch of yesterday or the day before that the President had also suggested that if the Elks would quit using elks' teeth they would help materially to preserve the elks from slaughter.

Sheller tells me that he has heard of one hunter who shot 19 elk on one occasion by running them into a windfall, out of which they could not escape, and then from a high log shot them down at his leisure. He says the fellow has been run out of the country. I am sorry he was not shot.

I have been writing the editorials for the Ledger for some weeks while James is away. I do not know how long I shall continue, but I shall keep the park proposition

before the people as long as I have the opportunity, and I will not fail to remind all of your interest in it and work for it.

Thanking you for that interest and work, I am, as ever,
Your friend,

C. A. SNOWDEN.

HON. FRANCIS W. CUSHMAN,
House of Representatives.

The following statement in relation to this subject was recently made by Mr. Rief, deputy game warden of the State of Washington upon his return from a trip into this region:

Early in January I heard that elk were being killed in the Olympic Forest Reserve for their teeth, and when I was called to Hoquiam to assist in the prosecution of a man named Cabbott for selling the skin and horns of an elk to eastern parties I learned from an Indian that a band of elk had been killed for nothing but their teeth. I immediately made up my mind to visit the place and agreed to pay the Indian to guide me.

We went up the river about 8 miles, where we struck the snow line, and from there we traveled on snowshoes about 16 miles. A short distance farther on we came to a band of 8 fine elk, stretched out dead in the snow. The two teeth, for which these noble animals were slaughtered, had been pried out, but otherwise the carcasses were undisturbed.

On my return I started an investigation and hope to apprehend the miscreants shortly. It is very difficult, however, to secure information regarding their identity, as people in that section of country are afraid that they will stop at nothing short of murder or arson if informed against.

Another case which I investigated was the slaughter of a band of eleven elk above Port Crescent. This was another case of slaying animals worth to the State \$1,000 each for two teeth worth \$5.

The Washington State Game and Fish Protective Association will take up this matter and nothing will be left undone to punish the wrongdoers to the full extent of the law. The association will press the Washington delegation in Congress to pass a law making the Olympic reserve a game reserve. Were such the case it could be patrolled and the slaughter of animals stopped.

The following resolutions by the Elks' Lodge of Port Angeles, Clallam County, State of Washington, shows that the passage of this bill is desired by many of those living in the vicinity of the proposed park, and by the members of the Order of Elks particularly:

PORT ANGELES, WASH., November 11, 1903.

Resolution.

Whereas by lack of protective legislation and other causes the elk and other game animals of the State of Washington, and the county of Clallam in particular, have been depleted very rapidly within the past few years; and

Whereas the Benevolent and Protective Order of Elks stands for the protection of the noble animal from which it derives its name; and

Whereas Congressman Cushman is endeavoring to forward protective measures in this line, and to have a game preserve formed in the Olympic Mountains: Therefore, be it

Resolved, That Naval Lodge No. 353, Benevolent and Protective Order of Elks, assist Congressman Cushman to the extent of its power in obtaining legislation for the protection of game, and the forming of a national park, not to include agricultural lands, in the Olympic Mountains.

And be it further resolved, That these resolutions be spread upon our records, and a copy sent to Congressman Cushman with the compliments of Naval Lodge No. 353.

N. M. HAWKINS, *Exalted Ruler.*
R. D. McLAUGHLIN, *Secretary.*

The Seattle Post-Intelligencer is the leading newspaper of the Pacific Northwest, and a recent issue of that paper contained a very able editorial on this subject which is worthy of reproduction herein:

ELK NATIONAL PARK.

The recent action taken by the Tacoma Elks, expressing disapproval of the practice of wearing elks' teeth as ornaments and advocating measures for the protection of the Roosevelt elk in the Olympics, is a good precedent for other members of the order.

President Roosevelt has been informed by members of the Washington delegation in Congress of the wish of the members of the Order of Elks to put a stop to the practice and their desire to have steps taken for the preservation of the bands in the Olympics.

The means by which this could be accomplished are at hand. All necessary to be done is to make of a considerable portion of the present Olympic Forest Reserve a national park, under precisely the same regulations as govern the National Park of the Yellowstone and others. Within the limits of the park the shooting of elk or other game animals would be forbidden by law, and the elk under such protection would increase in numbers, instead of remaining in constant danger of extinction, as they are now.

The "Elk National Park," intended primarily for the preservation of the greatest game animal left in America, now that the buffalo is extinct, would be a national institution.

It might properly be taken as the peculiar province of the members of the Order of Elks to work for the creation of such a park with such a title.

Without having given the matter due thought, members of the Order of Elks have contributed somewhat to the destruction of American elk through the market which they have created for elk teeth. They can do more than merely to undo this evil work by identifying themselves heartily and helpfully with the work of protecting the elk of the Olympics from extinction.

The Tacoma Elks have taken the first step in this direction, and the other lodges in the State would do themselves credit by following it up. It would be a great card for the order if, through the work of its members, the Elk National Park should become a reality at this session of Congress.