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Early Years of the Black Hills National Forest:  
Establishment of Access Rights

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## Migration and the Early Years of the Black Hills National Forest: Establishment of Access Rights

For this session on contested rights and competing values I will talk about the role of migration and resource definition in the establishment of access rights to the Black Hills National forest during its early years. I am reporting some of the preliminary results of my dissertation research based on review of census data, local histories, newspaper articles, information of Sioux land claims and sacred practices and forest service historical documents.

The Black Hills are a small mountain range in present-day western South Dakota and eastern Wyoming. The entire mountain range is contained within a rectangle not more than 70 miles north to south and 40 miles east to west. Because of its wealth of minerals, it was referred to as the "richest hundred square miles in the world" (Chicago and NorthWestern, 1916). It also contains the only significant forest in the otherwise treeless Great Plains region. The time period examined in this paper is from the early 1870s until the early 1920s. This period encompasses Sioux ownership, Anglo-American settlement, the creation and early years of the Black Hills Forest Reserve.

Migration and resource definition have consistently been major

factors in the development of the region. There are three ways in which migration has been a factor: 1) initially claiming the area for the US by changing its resource classification from Sioux sacred land to gold mine; 2) implementing government resource policy through migration; and 3) using the protected area to stem out-migration.

Using 1870 as the starting point, the Sioux were the proprietors of the Black Hills. The Black Hills were and are sacred; they are the home of the Great Spirit, the center of everything that is. The early Anglo-American explorers or invaders acknowledged that the Sioux' defined them as sacred, but they did not recognize that as a "use". This was a resource definition conflict. The Anglo-Americans defined resources as identifiable objects which were actively utilized in some way. Consequently, they reported that the Sioux considered the Black Hills sacred, but they weren't using them (Dodge, 1876). These early reports of a lack of use of the Hills were self-serving and reflected a fundamental lack of understanding of Sioux culture. The Sioux did not leave the same tell-tale evidence of use as the Anglo-Americans were accustomed to seeing. It is only in recent times that archaeologists have seriously looked for and found, evidence of Sioux use. (See Cassells et als, 1984.) The second problem was that the two groups did not agree on what were

the resources. The Sioux were not using gold in accordance with US values and they were not exploiting or developing it. Despite treaty assurances that the US would stay out of the land west of the Missouri River and east of the Rockies, an army expedition led by General George Armstrong Custer conducted a reconnaissance mission in 1874 and reported gold and outstanding agricultural potential. The reports of gold precipitated the first migration of the period by prospectors and miners (Parker, 1966). This first migration did much to alter the definition of the Black Hills as a resource and to implement government policy.

Government policy is a strong influence on migration; influencing and even defining push and pull factors. The influence can be direct in terms of government-sponsorship or it can be indirect in terms of helping migrants who have moved spontaneously. Among the more common reasons for governments to sponsor migrations are to claim and establish sovereignty within a territory, and to control use of the territory. Here, the illegal, spontaneous migration of the prospectors and miners became government sponsored in order to claim the territory.

The discovery and development of gold was good for the nation as a whole and the presence of US citizens in the area gave the US a reason to acquire it from the Sioux. A full year before the Treaty of Laramie was

declared valid by the Congress in 1877, the Town of Deadwood had been platted, a government organized, banks established and the US was collecting revenue (Parker, 1981). In Custer the illegal migrants were escorted out of the area by the Army in 1875, but not before they had platted the town, made their claims and received assurance that they would be allowed back shortly. Under the Treaty of Laramie the Sioux were banished from the Black Hills and confined to reservations in the plains and badlands. The Sioux have never given up their claim to the Hills, they have tried every avenue open to them.

By 1897 the Forest had been re-defined as a mining resource. Grazing land and timber were important in supportive roles. Cattlemen were sponsored by the government through free grazing of their stock on public land and because of the subsidy the government provided them through a ready market for beef on the Indian Reservations (Pulling, 1940). Timber really neither received nor needed a subsidy; it was only important in its supportive role to mining (Linde, 1984). Lumbermen cut timber for the mines, the sluices and buildings. The market was entirely local. Because of the definition of the Hills as a mining resource, no other uses of the forest were seriously considered and conservation was not a factor. Around the mines the hills had been denuded, slash piles fueled forest

fires and the watershed was greatly damaged. The experience of deforestation in the East, particularly in Wisconsin and Michigan had prompted congress to provide for conservation of forests and protection of watershed through forest reserves in 1891. In 1897 the Black Hills Forest Reserve was created by Executive Order, but the protest was so loud and so vigorous against this government taking that actual creation of the reserve was postponed until 1898. By that time it had become clear that no miners or homesteaders would be disturbed by the Reserve and opposition had waned. After creation of the reserve, one of the problems for the government was how to implement its new policy of forest conservation with mining so well entrenched. Certainly mining was not going to be discontinued in this area.

One of the methods for accomplishing its goals was to sponsor migrants through Homestead Acts. There was plenty of agricultural land within the Reserve for more homesteaders. In 1906 Congress explicitly allowed homesteads on the forest on land more suitable for agriculture than timber (Department of Agriculture, 1906). Homesteaders performed valuable forest conservation services by being a stable population with a vested interest in the continued existence of the Forests, helping to protect the forest from fires and further establishing the US claim to the

Hills through the long-term presence of its citizens. It turned out that special rules had to be made to keep homesteaders on the Black Hills.

Normally continuous occupation was required before a settler could "prove up", but because of the severe winters in the Black Hills and other High Plains areas, homesteaders were abandoning their claims either during or after the first winter. In order to keep a stable population, the government allowed settlers to take "a leave of absence" from the Black Hills during the winter without disqualifying their claims.

With continued mining and lumbering activities, growing commercial activities and support and the concessions for homesteaders, population increased during the 1900-1910 decade. However, the population growth could not be sustained. The mining industry stabilized and while it was extremely profitable, it changed from placer mining where individuals could work on their own with pick and shovel to lode mining which required equipment and capital. Individual mining claims, though legal, were being discouraged by the Forest Service through challenges to the legitimacy of the claims. The prospector type miners moved on. Mining became industrialized, the jobs became day labor jobs. So too, the small sawmills started to fold and the lumber industry was being developed. In terms of resource development, these were positive trends, but the

population loss was troubling.

Almost by default, the homesteaders and stockmen who grazed their cattle and horses on the Forest became the government-approved stable community. They were given proprietary rights in the forest by the Forest Service as evidenced by the prohibition on sheep grazing in the Forest. Sheep had been prohibited from the Forest by Gifford Pinchot in 1909, but in 1911 permits for cattle and horses did not equal the available grazing land. A group of sheep farmers petitioned the Department of Agriculture to be allowed to use the allocated grazing permits. According to the Rapid City Journal a Forest Service official was sent from Washington, DC to investigate their request. He met with cattlemen before meeting with the sheep men and told them they had better apply for all allocated grazing permits. He took a vote among the settlers and stockmen and to no one's surprise they voted against allowing sheep and the government abided by the vote. (Rapid City Daily Journal, 8/25/09, 6/13/11 and 6/23/11) This example also points up that the amount of agricultural and grazing land was set and was allocated early, so it could not support population growth.

In the early 1920s in an attempt to stabilize forest-dependent communities, the Forest Service developed the working circle concept,



dividing the Forest into working circles geographically defined based on watersheds. Within each circle two or three lumber companies were picked to do business with the Forest Service. The goal was to sell timber to a few industries in each circle which could employ as many people as possible instead of having small sawmills drive each other out of business all the time. Even these supported firms could not employ enough people to stabilize the population and they certainly did not foster economic growth. One of the changes that came about was to look beyond timber and minerals for ways to use the national forest for economic development of the area. Tourism was the industry of choice. Commercial clubs were formed in all of the Black Hills towns and "boosterism" became a primary activity. The goal was to get tourists and to attract new residents. The Black Hills National Forest was advertised as a major recreational resource. Tourism was not new, since railroads had been promoting it from the time they first started making Black Hills runs, but it didn't take off until the mid-teens when automobile travel had become accessible to more Americans and automobile clubs had been formed. Again this was a government subsidized activity because national funds were needed to build roads. The Black and Yellow trail from Chicago to Yellowstone through the Black Hills and the Custer Hiway were major economic

developments for the Black Hills area. The Black Hills National Forest was re-defined as a scenic resource and the priority became building good roads through the Forest. "Responsible" people were allowed to lease 5 acre sites for summer homes and businesses.

By the early 1920s mining companies, lumber companies, stockmen, some homesteaders and the recreation industry had vested interests in the forest. There was little conflict among them. The area was established as within the control of the United States, although the Sioux had not given up their claim, they were excluded from use of the it. The government related to those vested interests as the legitimate users of the National Forest.

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