Historical Background

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Ute History

This document will not attempt to summarize the entire Ute and Anglo history of the area. Instead we will mention some of the most salient points and activities that may have occurred on the South Unit. A more complete Ute history can be obtained from O'Neil (1973), Jorgensen (1964), Barton (1998) or O'Neil and Sylvester (1970). The South Unit appears to have been sparsely occupied during the historic period. O'Neil (1973) argues the Ute were very peaceful and friendly between themselves and outside groups until late in their history. "One explanation for the relative ease of relationships between the bands is that the area of residency was so vast that there was little cause for conflict over resources" (O'Neil 1973:3). This suggests that not all areas were occupied or used equally. "Much of this territory (Ute's), particularly much of the territory in Utah, is an alkaline desert. The latter areas were only periodically traversed and hunted in by the Ute. The bulk of the population was distributed throughout the valleys and parks in and adjacent to the Rocky and Wasatch Mountains. The Ute bands were closely associated with the distribution of the coniferous forests, and the large game animals and horses which these forested areas supported" (Jorgensen 1964:16-17). This suggests the Tavaputs was rarely used by Ute before the reservation period. Jorgensen's (1964:18) Ute band distribution map shows the Tumpanuwac extending into Strawberry Valley and the Yamparka along the Utah-Colorado border, but no band is shown in the Uinta Basin proper (Figure 11). Jorgensen (1964:29) placed the names on his map to show the usual location of large summer camps, where up to 1,000 Ute would gather to gamble, organize hunting parties, courted women or dispatch trading groups. Goss (2000) notes that each Ute group had a home territory through which they moved in a regular pattern. They would move up during the summer and down during the winter and reside in a particular area to gather important resources (like pine nuts) and conduct rituals (Bear Dance) to bring in the next season. They would then move to the next appropriate location. There was a right time and right place to be. You should never been in the mountains during the winter, for instance. "For the pre-horse Utes, you can see them distributed over this mountain landscape in small family camp groups that moved in what they considered a sacred domain through the year from one place to another. Each of these local groups, we could say, had a sacred mountain center and had mountains that were identified as margins in the four directions" (Goss 2000:42). "It may be that the Uintah Basin at the time of Escalante was a borderland to several bands but was not regularly occupied by any of them" (Lang 1953:4).

Jorgensen (1964:199) noted that in the early 20th century Ute continued many of the same practices as their ancestors. "They also supplemented their diet with the fish that they caught (using hooks and line) on the many streams and rivers along the northern end of the reserve. Women fished all year around. In the fall they gathered chokecherries, service berries, wild currents, wild plums, buffalo berries, and pinyon nuts." The men raised alfalfa, cattle, horses and hunted some deer, rabbits, elk and sage hens. "In the summers the Uintahs and White Rivers hunt in the Uinta Mountains. In the fall and winter they hunt in the foothills (Jorgensen 1964:228). However, no mention is ever made of hunting in the western Tavaputs.

The southern Tavaputs also has little evidence of Ute occupation. "While the Ute were apparently not living in the Price River area at the time of EuroAmerican contact, they certainly traveled there on a regular basis to trade with the Spaniards and later the Mexicans for horses and for slaves. They also traded with forts in the Uinta Basin, such as Fort Reed, Fort Uinta, Fort Robidoux, Fort Kit Carson, and Fort Davy Crockett" (Spangler 1993a:398). Most of the logical routes the Ute would have followed to travel in and out of the Uinta Basin probably did not pass through the South Unit, however.

Warfare seems to have been a significant factor that limited occupation of the Uinta Basin during the early historic period. When Dominquez and Escalante traveled through the Uintah Basin in 1776, they noted fighting between the Ute and Comanche and that the Ute had been forced to abandon the Uinta Basin because of the danger. Lang (1953:5) reasons that the Spaniards may have not seen any Ute who lived in the Basin because their route avoided the Uinta Mountain foothills where most Utes would have been camped. Clifford Duncan (personal communication, 21May1998) has suggested this fighting has been misinterpreted by later historians. Cuhma nuch, literally meant "other people" and could have referred to a number of tribes, not just the Comanche. This term was used for anyone that was not Ute. Lang (1953:5) seems to support this view, "Escalante reports also that the Timpanogits or Lagunas, as he called them, attempted to impede his progress by burning the grass so essential to his horses. This they did because they thought his party was one of the Komantcia (which means 'my adversary' or 'one who wants to fight me') who had actually driven the Timpanogits Utes out of Thistle canyon." Fremont (1887:396) visited the Uinta Basin in 1844 and commented, "the country we are now entering is constantly infested by war parties of the Sioux and other Indians, and is considered among the most dangerous wargrounds in the Rocky Mountains; parties of whites having been repeatedly defeated on this river." "In the early 1830's Warren Ferris reported that the Utes and Shoshones were at war, stealing one another's horses, women and children" (Jorgensen 1964:148). Barton (1998:19) suggests "hostility between the two tribes was probably a result of competition for hunting grounds, including those of the Uinta Basin." "Before the buffalo became extinct in the Uintah Basin in the 1830's, Utes from all parts of Utah hunted them there" (Smith 1974:53). Jones (1950:21) notes discrepancies among authors in when bison became extinct in the Uinta Basin. Estimates range from 1825 to 1832 and Jones feels the Utes acquisition of the horse and development of communal hunting practices were probably responsible for exterminating bison from the area. This period also coincides with the arrival of the first fur trappers, so the trappers may have had some influence on the local bison's decline. This influence could have been direct through hunting or indirectly through their changing of Native American hunting practices or by drawing more people into the basin for trade.

Fur Trade

After the brief visit by the Spanish, fur trappers were the next Europeans to enter the Uinta Basin. Etienne Provost spent the winter of 1824-25 at the forks of the White and Green Rivers (O'Neil 1973:19). We will probably never find remains of the brief forays during trapping episodes and the streams were undoubtedly quickly emptied of beaver if the trappers ever entered the South Unit. Unfortunately accurate records or journals were rarely kept by the trappers. An enigmatic "J.F. 1818" inscription exists in

Nine Mile Canyon near Nutters' Ranch and suggests trappers may have traveled across the Tavaputs. The Nutters say this date represents when the first French trappers arrived in the area (Barton 1998:24). In 1825 William Ashley camped just north of the Tavaputs. He sent one of his crew back to Ashley Creek to pick up supplies that had been left there. "Ashley and the rest of his men waited at Red Creek for Provost's return. Not wasting time, Ashley and some of his men trapped three beaver and caught between fifteen and twenty fish. Beaver trapping in the area was poor, however and not to the liking of Ashley" (Barton 1998:28).

"The trapper-trader descriptions of aboriginal peoples in the Uinta Basin and Uinta Mountains range from worshipful admirations to undisguised disgust. For example, in 1826 Jedediah Smith wrote of the Utes: 'I found these Indians more honest than any I have ever been with in the country… The Uta's are cleanly, quiet and active and make a nearer approach to civilized life than any Indians I have seen in the Interior' (Alley 1982:110). In 1834, Warren Angus Ferris, however described one band as 'by far the most miserable human beings we have ever seen' (Alter 1941:95)."

Fort Robidoux, a fur trading post, was established by Antoine Robidoux along the Uinta River in 1837. The post was burned in 1844 because of deteriorating relations between the Ute and trappers. "This post was placed in the Uintah Basin not because it was the center of Indian activity, but because of the many streams cascading out of the Uintah Mountains, all of which yielded beaver" (O'Neil 1973:21). Although, Jorgensen (1964:69) says "this area was frequented by Tumpanuwac and Yamparka Utes," he later qualifies the statement, "this was country that, for the most part, they had only traversed in the past" (Jorgensen 1964:73). While the post was in operation, the Uinta Basin was "scoured for fur" (O'Neil 1973:22). The relatively dry South Unit does not have many perennial streams. Any trapper incursions would have occurred on the western end on tributaries of the Strawberry River such as Timber and Beaver Canyons. Although, Ashley's earlier experience suggests there may not have been many beaver and the area may not have attracted trappers. Spangler (2002) lists a number of explorers, trappers, and others that passed just beyond the south end of the South Unit.

Reservations

President Lincoln set aside the Uintah Valley Reservation on October 3, 1861. A September 25, 1861 editorial in the Deseret News described the Uinta Basin as "one vast contiguity of waste and measurably valueless, excepting for nomadic purposes, hunting grounds for Indians, and to hold the world together." Congress confirmed the reservation in May 5, 1864. However, Congress never approved a treaty that was signed by O.H. Irish, the Superintendent of Indian Affairs for Utah, and several Ute chiefs. The treaty would have provided the Ute with an annuity, the right to fish and gather berries, a school, lumber mill, and other rights (O'Neil 1973:61-64). A great deal of friction, resentment and issues have arisen over the years because this treaty was never approved. Efforts began in 1862 to move the Ute to the reservation, but they were reluctant to leave their fertile areas when so little awaited them in the desert. O'Neil (1973) argues that one of the main reasons for the Black Hawk War was that groups did not want to move to the reservation. Because of the near starvation condition of many of the Ute during this period, the primary activity of the "war" was stealing cattle and horses to help feed the destitute. Sharp engagements often occurred during these raids or as militia chased

retreating raiders. Towards the end of the war Superintendent Head notes that Blawk Hawk spent most of the year on the Uintah Reservation. But during that time he "made two or three raids upon settlements in San Pita (Pete) county and a mining camp on the head-waters of the Sevill (Sevier) river, for the purpose of stealing stock" (O'Neil 1973:80). There is frequent mention of Ute coming to the reservation and going back to central Utah. However, no mention is ever made of which route they used to travel between the different areas. Although they may have crossed the Tavaputs or even the South Unit during these trips, this is only speculation. Ute elder Clifford Duncan (personal communication, 21May1998) noted that the Pahvant and Timpanogas bands were brought from the Wasatch Front and combined with the Colorado bands so that no one really knew the Uinta Basin very well. They probably stayed on well known paths away from the South Unit.

In 1872 Chief Douglas from the White River Band visited the reservation and ridiculed the individuals that were attempting to farm. He told them Washington didn't want them farming and called them squaws. He was able to persuade some individuals to "leave with him for a visit and council some point south" (O'Neil 1973:105). Again, no clear evidence where the "point south" was located.

"Abraham Lincoln's presidential proclamation specifically stated that all land drained by the Duchesne River was to be included in the reservation. Lands south of the divide that separate the drainage of the Duchesne River from Minnie Maud, Argyle, and the other creeks that are tributaries to Nine Mile Creek and a found just north of the Carbon County line were not included in the reservation" (Barton 1998:80). This describes the southern boundary of the reservation and what would eventually become the boundary of the South Unit. The Dawes Act or General Allotment Act of 1886 called for the annulment of reservations and distribution of small allotments to individual Indian families. The Ute were not ready for the allotments when the bill was passed and avoided partitioning of reservation lands for several years. "Congress finally took notice of this situation, and on May 27, 1902, another Act of Congress authorized an allotment of 80 acres of irrigable, agricultural land for each head of a family, and forty acres of such land to each other member of the Ute tribe then residing at the reservation. By Acts of Congress on June 19, 1902, March 3, 1903, and March 3, 1905, about 250,000 acres of non-irrigable land were set aside as a grazing reserve, to be kept intact as tribal land. By June, 1905, the allotment of land to individual Indians was completed, and unallotted land was opened to sale to whites by lottery" (Jones 1950:38). Before this happened, President Theodore Roosevelt removed 1,004,285 acres of land from the reservation in 1905 and transferred them to the Uinta National Forest. This acreage included all of the South Unit and portions of the Uinta Mountains. In 1908 the Ashley National Forest was created from the eastern portion of the Uinta National Forest and the South Unit became a part of the Ashley National Forest. The first forest supervisor, William Anderson, encountered problems establishing a forest boundary and determining proper use of forest lands. Unauthorized grazing was a major problem, but removal of timber, even by Indian Agency employees, also produced disagreements and confrontations.

Once many of the Utah Utes had relocated to the Uintah Reservation they face a variety of problems, not the least of which was starvation. Plagues of grasshoppers ate entire crops, corrupt or inadequate agents squandered resources, frequent changes in agents created confusion, and the remote location of the reservation made it difficult to

purchase or transport supplies all of which made life on the reservation very tenuous (O'Neil 1973). This caused many of the Ute to leave the reservation or travel to upper elevations to hunt, gather berries, or visit frontier settlements to beg or steal provisions. Agents were consistently admonished to keep the Ute on the reservation during the 1860's and 70's. "With crop failures at Uintah, the exiled and disposed Utes were frustrated and angry. Nine hundred returned to the area of San Pete in May, 1872, where they threatened the settlements" (O'Neil 1973:97). In addition, "Indians from Colorado and Arizona often collect at the agency during the winter…" (O'Neil 1973:96). "In 1868 Head admitted that few Utah Utes were living on the Uintah Reservation. He said that many were out pillaging in an attempt to eke out a livelihood" (Jorgensen 1964:82). This would place most of the Ute near Mormon settlements and no reason for them to be on the Tavaputs Plateau. "It was not until 1878-1879, when the Ute hunting areas were depleted and their population decimated, that they began to stay for more than half of the year on their reservation" (Jorgensen 1964:91). So between 1878 and 1905, when the South Unit was taken from the reservation, is probably when most of the physical evidence from Ute activities (corrals and CMTs) were created.

In spite of all the movement, no mention is ever made of the different routes that were used by the Indians as they came and left the reservation. Most of the discussion of travel off the reservation involves trips to the west (Strawberry especially), east to Colorado and north to Fort Bridger, Bear Lake or the Shoshoni Reservation. Except for returning to Colorado, there are no indications of where they may have gone to hunt or collect berries and roots. Clifford Duncan has identified one gathering location for Indian potatoes (Spring Beauty) in the eastern Uintas (Diamond Mountain). The Strawberry Valley has areas of wild carrot, bear root, camas and other plants utilized by the Ute that are actually relatively rare in the Uinta Basin proper. Barton (1998:55) notes "Strawberry Valley, and the Duchesne River and Rock Creek regions remained important for hunting and summer camping areas for the Utes, but few lived there." "After the Uncompahgre and White River Utes were removed from Colorado, they drifted back into the northwestern part of the state every fall around early October to hunt and trade. They claimed that when they consented to move to their new reservations they reserved the right to hunt on their old domain" (Rockwell 1998:179). This caused friction with the Colorado residents and eventually led to some fighting. The hunting trips to Colorado ended after the "Ute War" of 1897 (Rockwell 1998:188).

The Tavaputs Plateau is often mentioned in connection with grazing activities of the Uncompaghre Utes (e.g. Jorgensen 1964:174). However, this is almost always in reference to the Ouray Reservation, now usually called the Hill Creek Extension that is in on the eastern Tavaputs and still part of the reservation. Talking about the Ute between 1905 and 1950 Jorgensen (1964:198-199) notes, "their primary economic undertaking was farming, though most raised a few cattle. They had close and easily accessible summer range in the foothills of the Uintahs." The Western Tavaputs Plateau is not mentioned in any accounts. The Ute also grazed cattle in the Uinta Mountains. DeMoisey (1925) noted that "along the south boundary of the Reservation Lands added to the Forest was a strip reserved as Indian Grazing Land. Several Indians ran cattle here from Rock Creek to Whiterocks Canyon. There were few natural barriers to the drift of cattle from the Indian Grazing Lands to the Forest range. By arrangement between the Secretaries of Agriculture and Interior Departments, the Indians were allowed to graze up

to 1200 head of cattle and horses on Forest lands free of charge to cover this drift." Ute grazing rights on Forest ground was a contentious issue for many years and although reduced in number, the Ute continue to graze livestock on the Uintas south slope.

Grazing

The first clear documentation of activity on the South Unit begins with Anglo cattlemen. Grazing on the Tavaputs Plateau was important to ranchers in Duchesne County for years. "Cattle herds likely ranged through the area in the 1870's as they did throughout eastern Utah. The Midland Trail, which was well-established by the late 1860's, passed within two miles of the canyon (Nine Mile)…" which is just south of the South Unit (Spangler 1993a:437). Illegal grazing on the Uintah Indian Reservation was a problem for many years. "By 1887 prospectors and stockmen had moved onto reservation land" (Jorgensen 1964:122). "In addition to neighbors who trespassed on the reservation, there were cattlemen from other parts of Utah who annually trailed their cattle across the reservation on their way to market in Cheyenne, Wyoming. Frequently the trail herds lingered on the reservation lands for several months before being trailed on to Cheyenne" (Barton 1998:83). Much of this grazing activity was not documented. The exception is Preston Nutter. The Preston Nutter Collection at the University of Utah in Salt Lake City (PNC) contains a large number letters, certificates, photographs, financial records and other documents which give us insight to the lives of early cattlemen.

Preston Nutter was one of Utah's greatest cattle barons. His operation began in Colorado, but in 1885 he moved his herd to Thompson Springs, just east of the Green River in northeastern Utah. "From there, he ranged his cattle north into the Cattle Creek area of the East Tavaputs Plateau, which he recognized as good cattle country" (Webb 1987). Unlike many of the ranchers in the West, Nutter was lucky enough to survive the dangerous winter of 1886-1887 and soon looked for ways to expand his cattle operation. According to Robert Waugh (letter to the Secretary of the Interior, 23 April 1892, PNC), Indian Agent at Uintah and Ouray Agency, and good friend of Nutter, "in the extreme western part of the reservation, commonly known as Strawberry Valley, and comprising nearly one-fifth of the reservation is a very large body of lands suitable only for grazing purposes." Both Nutter and Waugh agreed that this area would become worthless if not opened for grazing leases. In 1893, Nutter was able to secure a five-year lease of range land (665,000 acres) on the western portion of the reservation, and his business began to grow.

After acquiring the land in Strawberry Valley, Nutter set up a partnership with two wealthy friends from New York in order to form the Strawberry Valley Cattle Company. Nutter then ventured south to find more animals and pastureland. In the northwestern corner of Arizona, the part of the state separated by the Colorado River, Nutter found "unsurveyed, unoccupied, non-mineral public land" with a number of good water sources. No other cattlemen in the area had claimed legal titles to the land, so by 1894, Nutter was able to acquire a large portion of the Arizona strip, along with 5000 head of cattle (Webb 1987).

Nutter's lease on Strawberry Valley expired in 1898. "Under pressure from sheepmen and settlers, the federal government decided to open the Ute Reservation to white settlement and use, and Nutter was able to get only a one-year extension" (Webb 1987). In 1899, with his rangeland in Strawberry Valley now out of reach and his

enterprise still growing, Nutter moved his headquarters to Nine Mile Canyon. "The U.S. Army built a road through the canyon in 1886 to haul supplies to Fort Duchesne, opening excellent summer range in the West Tavaputs Plateau. He found more summer range in the remote Range Valley country, higher up the Plateau" (Webb 1987). "At the peak of Preston Nutter's cattle operation, his cattle ranged across public lands from Blue Mountain on the Colorado-Utah border to the west Tavaputs Plateau, and south to the Arizona Strip in extreme northwestern Arizona. He owned several thousand acres in the bottoms of Nine Mile Canyon as well as on the mountains to the south and east of the canyon. On this sprawling ranch Nutter ran upwards of 25,000 cattle, which made him one of the largest cattle barons in Utah at the turn of the century" (Barton 1998:86).

Forest Supervisor Charles DeMoisey explained that the reason why Nutter moved from Strawberry Valley was the agency did not issue him a permit to graze after the area was transferred to the Forest Service. "The first sheep were taken into the higher country of the former Indian Reservation lands in the early 1900's under permit issued by the Indian Service or Department of Interior. Under the same permission authority, Preston Nutter grazed large numbers of cattle on Reservation Lands south of Duchesne. His prior use was not recognized here presumably because he was not a local settler and not so dependent as residents of the Uinta Basin" (DeMoisey 1925).

Nutter was also bothered by the huge increase in sheep grazing in eastern Utah. He felt sheep destroyed the range and could not be in the same area as cattle. Forest grazing permits for cattlemen were usually granted for lower elevations to avoid conflict with sheepmen at higher elevations in the Uintas (Barton 1998:137). In turn, most cattle would drift from summer range on the West Tavaputs Plateau to winter range in lower canyons along the Green River. The Nine Mile Ranch suffered a sharp decline around 1910 from competition with sheep herds on the Tavaputs Plateau (Geary 1981). During this time, a range war between cattlemen and sheepmen intensified. Each group did what they felt was necessary to ensure their herds survival. In one instance, a fence was built around one of Nutter's springs to keep the sheep in and the cattle out. He lost a number of cattle because of this incident and afterward did all that he could to be "rid of this sheep menace" (Preston Nutter to Bruce M. Cox, letter, 6 July 1908, PNC).

W. I. Pack, one of the original supervisors for the Uintah National Forest, had his fair share of dealings with Nutter. Pack notified him on several occasions about his illegal trespassing on the forest. At one time, Nutter was asked repeatedly to remove his illegal fencing or be brought to suit for his crime (W. I. Pack to Preston Nutter, letter, 5 November 1906, PNC). In another episode, Pack advised him that Rangers Irving P. Snell and Frank W. Thomas had counted 118 head of his cattle within the limits of the Uinta National Forest, assessing the damages at $35.40 (W. I. Pack to Preston Nutter, letter, 6 July 1908, PNC). The Utah Grazing Company also had claims against Nutter for trespass on the reservation. Fines increased from twelve dollars to over one hundred dollars between 1900 and 1903 because Nutter refused to pay (A. C. Hatch to Preston Nutter, correspondence letters, 1901-1903, PNC). Clearly, Nutter was not in a hurry to pay his trespass debts, nor keep himself or his cattle off the reservation lands.

Nutter was well respected his entire life, addressed as Mr. Nutter by everyone he met, but was a very intimidating businessman. He created many enemies over the years. He "was not a man afraid of a fight, either on the range or in the courts. Especially in the latter, he was a capable opponent, as he was willing to pay to secure good legal counsel

to win his cases. In fact, when asked later why he seemed to delight in the court battles, Nutter replied that it was because when he won he knew he was right" (Webb 1987). William Anderson, the Ashley's first Forest Supervisor had the privilege of meeting Preston Nutter on one occasion.

> In 1905, we finished the boundary marking to Indian Canyon. Therefore, in the Spring of 1906 I took up there to finish. It seemed that on east from there some irregularity in survey was evident, and I spent many days trying to follow out the line as it should have been. Finally I reached the ridge west of Sowers Canyon and there, to my surprise, before me were three large fields fenced and cross-fenced and the evidence showed that these fences weren't of recent construction. I went through all my maps and found I had a copy of the proclamation creating both the old Indian Reservation and the part that we were to take into the forest, and no patented lands were shown or mentioned. I rode down to the middle place and there met a man by the name of Hanson from Spanish Fork, Utah, who by the way was partially deaf. He informed me that Preston Nutter, a very prominent cowman owned one of these places and that a Mrs. Earl owned one and a man by the name of McCoy owned the other, but Nutter controlled them and besides that he had bought up quite a lot of old soldier script and had applied that on most of the live springs in the boundary and was at that time running several hundred head of cattle in that vicinity. Hanson further told me that Nutter had bribed the surveyors who had the contract to sectionize that part of the reservation, and that the outside boundary line, instead of following the water shed as it should have, had been made to cut out the territory controlled by Nutter. I tried for some time to see Mr. Nutter, and in the meantime, I wrote him several times, telling him I should like to see him, and that anyway his stock were in trespass and that he would be expected to make application for grazing permits, pay the fee and furnish salt as other people were doing.
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> Finally, one morning I rode out of Colton, Utah, going east and soon met a tall angular fellow coming toward me. I had never seen Nutter but surmised that it was he. I stopped and asked him if he were Mr. Preston Nutter. He answered in the affirmative. I then told him I was the Ranger there and wanted to talk to him. He answered, "Yes, I had heard about you, but I want you to know that I know my business and no young up-start like you can tell me my business." I tried as best I could to explain what the Service was and how we were trying only to get the cooperation of the people. He sat grinning at me and finally remarked again that he wasn't interested and that no up-start could tell him what to do. I tried to question him concerning the lands he claimed on the Forest and he was very disagreeable in his talk, repeating many times that I was a young up-start. Finally I said something that he contradicted flatly, branding me as a liar. I insisted that I was right and finally he said, "You don't mean to call me a liar do you, young pup?" and at the same time he put his right hand on the butt on a big pearl handled forty-five, slowly drawing it from the

> scabbard. His slow deliberation nearly cost him his life. Not seeing that I was armed, because of a leather fringed vest that I wore, he took too much time, grinning at me all the time. I flipped my gun out and at him before he had time to complete his draw. I was afraid, of course, so trembling I told him to put his hand back on his saddlehorn, which he did. Then I proceeded to tell him the rules and that he must abide by them, and further that I would report him for trespass. He sat for awhile, never changing the smile, and finally informed me that he would do as he pleased and rode away. We did institute trespass against him and the Supervisor took me off from the case, sending Inspector Jim Close to investigate it. I was warned so many times in the next few months to get out of the country that it sort of got to be a joke to some, but not to me, because Nutter employed some of the toughest characters in the country and I was threatened a lot. Finally, Close reported on the case and at one time, when I was in the Supervisor's office, he gave me the report to read. After reading it, he insisted that I give him my opinion of the report. I hesitated, because there was so much wrong in the report that I felt like some influence had been at work on Close. It seemed to me that it was up to some of the higher ups to uncover it. Supervisor Pack, however, was insistent, so I told him the report didn't cover the facts and invited him to get on his Pinto horse and go with me and I would show him. Close came into the office about that time and Pack informed him that I didn't agree with his report. Close answered that it didn't make any difference to him what I thought about it; his report went anyway. After several months of fighting one way and another, Mr. Nutter had to settle his grazing trespass, had to vacate his holdings and the Earl and McCoy place too. We took the Nutter Place for a Ranger Station. He was given some time to move his improvements which he never did (Anderson n.d).

Most of the South Unit permits issued by the Forest Service between 1916 and 1937 are for grazing activities (corrals, fences, spring developments, etc.). Cattle grazing continues to be an important activity on the South Unit. Although most of the currently used fences, troughs and other developments have been built within the last 35 years, there are still evidence and remains of older features. A number of early 20th century camps have been documented, especially in the eastern South Unit. (Camps are briefly described on pages 30-31 in the Ethnohistorical Data chapter of this report.) It is nearly impossible to associate a particular archaeological site with any documented permittee, but some of the camps probably belonged to illegal cattlemen or Preston Nutter's ranch hands.

Mining

Northeastern Utah has been a prominent area for mining activities for well over a century. Two substances in particular, gilsonite and elaterite, are one of the reasons for initial settlement, development and growth in the South Unit. Geologically, they are "a rather rare substance, being found in commercial quantities in only one place in the world- the Uintah Basin of northeastern Utah" (Bender 1970:13). Gilsonite can be found throughout much of the Basin,

but elaterite is found exclusively in and surrounding the South Unit. Both materials are very similar in appearance and composition, and have been mined with similar techniques since the early nineteenth century. Although elaterite's location makes it more pertinent to our discussion, gilsonite and its successful industry have been more adequately documented and will therefore be used as the basis for description of mining activities in the South Unit.

Gilsonite and elaterite have often been confused as one single material, their names used interchangeably to define a black, coal-like substance. They are in fact not the same mineral, but two distinct forms of hydrocarbon concentrated in different areas of the Uintah Basin. They are part of the family known as "asphaltites" which falls into the petroleum hydrocarbon series. Though the name may indicate a likeness to asphalt, gilsonite and elaterite are "as similar to asphalt as natural gas is to petroleum" (Crawford 1949:238). The minerals occur in long, vertical veins within the Uinta and Green River Formations. "These veins run for miles across the Basin in a generally northwest to southeast direction and vary in width from a fraction of an inch to 22 feet" (Bender 1970:13).

Gilsonite

As noted earlier, gilsonite can be found throughout much of the Basin, but is most heavily concentrated south of Vernal and Roosevelt, in the vicinity of the White and Green Rivers (Verbeek and Grout 1993). Numerous systems of veins exist, but the highest quantities are located in the Cowboy-Bonanza system between the Green River and Colorado border. The dikes in this area are over fifteen feet thick and have been mined to a depth of over one thousand feet. The longest gilsonite veins are located south of Cowboy-Bonanza, in the Rainbow system, measuring almost twenty miles in length (Verbeek and Grout 1993:HH8).

Gilsonite (scientifically known as Uintahite or Uintaite) is black, lustrous and brittle when in mass, but becomes brown and tacky when pulverized (Verbeek and Grout 1993:HH2). "When fused, gilsonite melts like tar and seals out the air that would support combustion" (Crawford 1949:236). "The low melting point, high solubility in oils, and near-perfect insulator qualities of gilsonite historically have lent it to a wide variety of uses" (Verbeek and Grout 1993:HH3). By the late 1880's gilsonite was patented and put into commercial use. It is refined for production as a base in paints, varnishes, lacquers, insulating and waterproofing compounds, roofing material, printer inks, and more recently for manufacture in the nuclear power industry. "For many years gilsonite was a component of the shiny black finish on the 'Model T' and other automobiles" (Bender 1970:14).

One of the earliest recorded uses of gilsonite was in 1869 at the Whiterocks Indian Agency. Early settlers in the Uinta Basin often mistook gilsonite for coal and unsuccessfully attempted to use it as fuel. "The agency blacksmith, John Kelly, asked the Indians if they knew where any "coal" was located. The replied that they knew where to find "coal" as described by Kelly, whereupon they brought him a quantity of gilsonite from the Carbon Vein south of the agency. The results of Kelly's use of this new "coal" were memorable because the ore burned at a high temperature, giving off a heavy, black smoke and a strong, petroleum-like odor as it melted and ran flaming from the forge, nearly burning down the blacksmith shop" (Bender 1970:14). Mr. Samuel Gilson, one of the early promoters of gilsonite, for whom the mineral was later nicknamed, did his fair share of experimenting as well. His wife, though understanding of his enthusiasm, was "not exactly overjoyed with her husband's discovery, since he filled practically every pot and pan in the house with the messy stuff in order to carry out his experiments" (Bender 1970:15). Mr. Busch of the Anheuser-Busch Brewing Company learned

of the unique sealant qualities of gilsonite and did what he could with the unique substance himself. He wasted little time in "experimenting with gilsonite as a replacement for an asphaltic product which he had been importing from Sicily to line his beer barrels. The experiment was a costly and disappointing failure, however, for the gilsonite coating flaked off and ruined the beer" (Bender 1970:19).

Methods of mining gilsonite have not changed drastically since the early 1880s. Open-cut mining operations are done by sinking vertical shafts every 100 to 200 feet, depending on the length of the vein. In most cases the veins are "essentially vertical and the wall rock, which is largely sandstone, stands very well" (Carey and Roberts 1949:40) (Figure 23). The gilsonite was manually picked in underhand slices, placed into sacks, hoisted to the surface if necessary, and loaded into wagons for freight transport to the nearest railroad (Figure 24). Vertical timber lagging was placed at 50 foot intervals inside the mines to protect miners from falling ore or wall rock (Carey and Roberts 1949:41). Planking was also used to construct horizontal catwalks for the miners (Verbeek and Grout 1993:HH7). Because gilsonite was often mined at depths of fifty or more feet, two-story mines were not uncommon. At least one two-story mine, 42Dc2302 (AS-1887), has been noted near the Forest boundary on the South Unit (Figure 25).

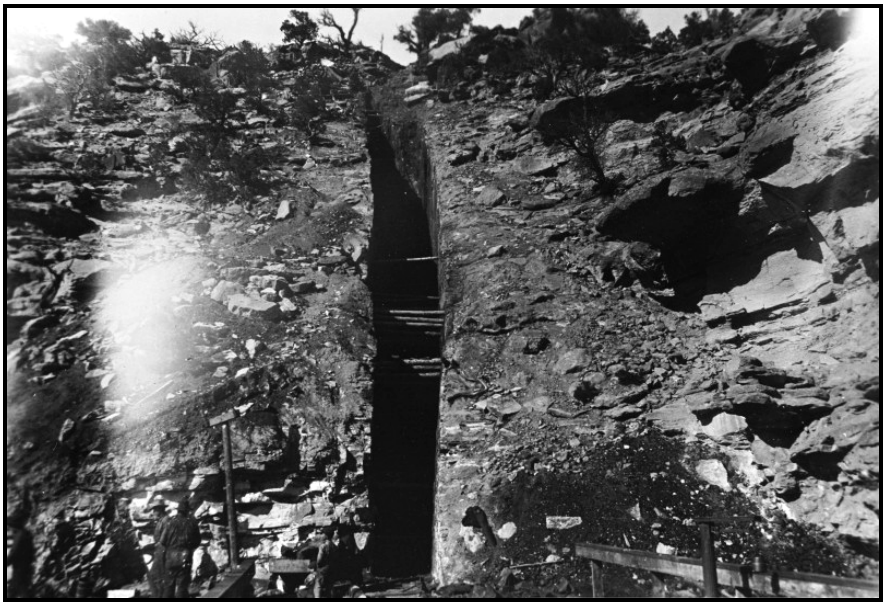

Figure 23. An open-cut gilsonite vein at the Black Dragon mine (Uintah County Library, 2002)

Mining of hydrocarbons can be a hazardous enterprise. Gilsonite dust melts at body temperature, making it extremely difficult to remove from skin, hair and clothing. Early miners would smear their faces with a thick coating of cold cream and wear silk stocking caps under their hard hats to keep the dust out. At larger gilsonite mines, if water was short during the summer, "miners were forbidden to waste any water by taking baths, the penalty being loss of job" (Covington 1964:6). Covington (1964:7) also mentions that some miners would "often go for months without a bath, the gilsonite forming a solid crust-like layer." In these extreme cases, kerosene was used to scrub the dust out of skin pores (Carey and Roberts 1949:41).

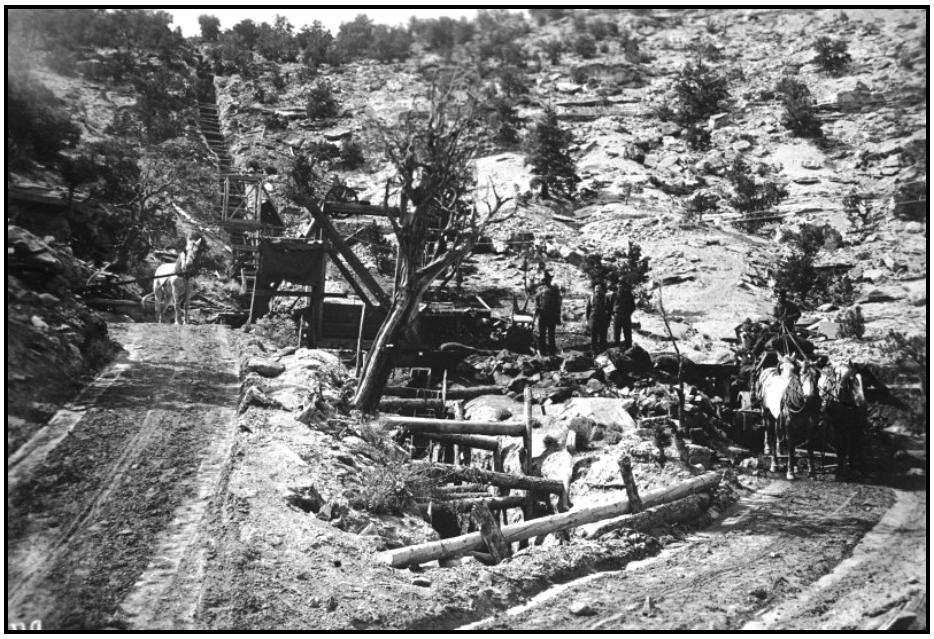

Figure 24. Thimble-Rock mine, about 1910 (Uintah County Library, 2002).

Explosions were another danger at the mines because of poor ventilation. "In coal mines if enough rock dust is used so that samples of fine material on the floor or walls of the workings contain 60-65% of rock dust there is little danger of a coal dust explosion. Gilsonite dust must contain from 90-95% of rock dust to render it safe. Below these percentages it will propagate an explosion" (Carey and Roberts 1949:45-46). To keep the work area free from dust, explosions were controlled by clearing the mines and exploding the dust. Burlap sacks were soaked with kerosene, ignited and then pushed into the mine (Carey and Roberts 1949:44).

Gilsonite mines are generally located in isolated areas of the basin, where extreme summer and winter temperatures can occur. Living at these locations was difficult for miners. "In 1907 wages were $3 per 8-hour day. The miner paid 75c per day for board and furnished his own tent" (Covington 1964:6). Although they worked very hard, activities such as baseball brought relief to miners during off-duty hours. "During the summer each mining camp had its own baseball team, and the rivalry between the various camps was intense, highly impassioned, and often violent. A barrel of beer was the usual prize for the winning team" (Covington 1964:7).

Illegal mining on the reservation

Mining occurred illegally on the reservation for quite some time before it was opened for settlement. Carey and Roberts (1949:9) state this was because "the first veins of gilsonite that were discovered were on the Uintah Indian Reservation and could not be exploited until that portion of the reservation containing the gilsonite, termed the 'Strip' was opened for purchasing." In 1888, Congress removed approximately 7000 acres from the eastern portion of the reservation, freeing the gilsonite deposits for legal mining claims (Bender 1970:17). The Strip was located near present day Gusher, about three and a half miles east of Fort Duchesne.

Because it was outside the jurisdiction of county and state authorities, the Strip became a thriving mining town with a reputation for illicit activities. The first gilsonite mine, called Pariette, was opened on the Strip in 1888. The success of this mine prompted the formation of

the Gilsonite Manufacturing Company in Salt Lake City in 1889 as well as further exploration and development of larger veins near Dragon, Utah (Carey and Roberts 1949:10). Promotional activities for the hydrocarbon were well under way, and in 1899 more than 2000 tons of gilsonite were shipped from the Strip. The average price received at the railroad was $50 per ton with production and hauling costs amounting to $21 per ton (Covington 1964:4).

The initial success of the gilsonite industry was greatly inhibited by transportation costs because of the "remoteness of the area and the rugged mountains between it and a railroad" (Carey and Roberts 1949:10). In order for the miners to keep up with increased demands, it was necessary to find a more efficient method of transporting gilsonite out of the Basin (Bender 1970:19). In 1904, a narrow gauge railroad was built from Mack, Colorado to Dragon, Utah for the sole purpose of moving ore from the gilsonite mines. The Uintah Railway traveled one of the steepest grades in the country, including about 5 miles over Baxter Pass through sharp hairpin turns at a 7.5 percent grade. The line was brought to fame because of this frightening pass, but only its memory exists today. The railroad was abandoned in 1938, when trucks became the popular and more practical mode of transport in and out of the Uinta Basin (Covington 1964:4).

Figure 25. Alison Leick in front of the two-story mine portal at 42Dc2302 (AS-1887).

Elaterite

As early as 1902, the Raven Mining Company began locating mineral claims on the reservation. Fifty of the original one hundred claims located were for elaterite, twenty-five for gilsonite. In 1905, at the opening of the reservation, "nearly 100 men gathered in Avintiquin Canyon at the elaterite deposits, some carrying guns. However, trouble was avoided when the men decided to race to the land office posting notices simultaneously" (Covington 1964:4).

Elaterite, also known as Wurtzilite, is concentrated to the south and west of Duchesne, including parts of the South Unit. Unlike gilsonite, elaterite is tough, not brittle, and "fresh flakes the size of a man's hand are often quite elastic" (Crawford 1949:256). It was named because of its resemblance to vulcanized or mineral rubber. "Like rubber, on ignition it will swell, 'blubber', and support a small candle-like flame, leaving a coke-like mass instead of leaving a sticky, stringy, tarry melt as does gilsonite" (Crawford 1949:257). Elaterite is "prized for the resilience it gives to certain gums, calking compounds and thick tarry waterproofing paints where brittleness is much to be avoided. It is normally mixed with gilsonite and cheaper diluents" (Crawford 1949:257). The largest vein occurs in Avintiquin Canyon with a radius of 10 to 15 miles. Elaterite veins are thinner than gilsonite veins, seldom reaching more than two feet in width. They are also considerably shallower, reaching depths of no more than 50 feet (Crawford 1949:256). The veins may run for a mile in length and are quite uniform in width over this distance. Several small patented land parcels around Indian Canyon were probably elaterite claims. A number of unpatented mines have been reported on the Right Fork of Indian Canyon, but we have not verified their existence.

Recent investigations

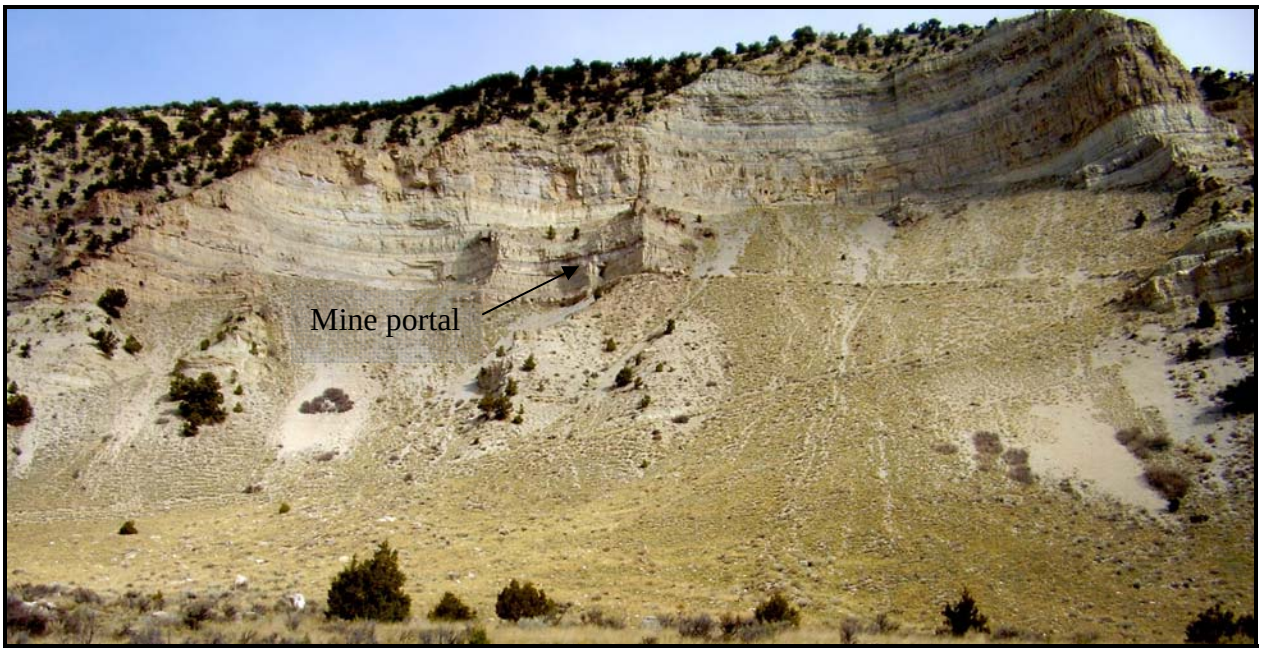

Figure 26. View of the historic road and mine portal at 42Dc2302 (AS-1887).

In April 2007 the Heritage crew located and recorded one of many abandoned elaterite mines in the South Unit (Figure 26). At 42Dc2302 (AS-1887), the mine portal measured approximately ten feet tall and thirty inches wide. A wood beam was secured horizontally about five feet above the ground at the front of the portal, most likely to support the sandstone walls (Figure 25). Elaterite in the upper portions of the canyon wall had clearly been removed, which suggests the wood may also have been used as a cross-beam for a catwalk inside the mine. At the base of the canyon wall, below the mine, we found remains of wooden platforms with large, secured chains. These platforms were probably used to haul the elaterite sacks down from the mine, to the base of the canyon wall, where they could be loaded onto freight wagons for

transport. Also associated with the mine was a base camp dating no later than 1945. The base camp consisted of a dense tin can scatter, wire nails, glass, and pieces of milled lumber.

Much of the evidence for mining activity on the South Unit is yet to be documented. Because gilsonite and elaterite are unique to the Uintah Basin and important to local economy, any features found related to either substance, such as abandoned mines, mining equipment, base camps etc. should be protected and immediately brought to the attention of proper authorities.

Homesteading

In 1905, Uinta and Ouray Reservation lands were opened to the public. A lottery system was instituted to proportion the lands and over 37,000 individuals applied. A total of 5,772 names were drawn and they were charged a $1.25 an acre, just as the Utes had paid. "Not all who filed for the right to take up land on the reservation actually took up land, and, of those who did try their hand at homesteading, perhaps more than a third left the reservation within a year of settling" (Barton 1998:113). The year 1905 came with above average precipitation, but when severe droughts started in 1906 many of the homesteaders quickly abandoned the Uinta Basin (Fuller 1990). Those who stayed were forced to contend with unplowed, undeveloped land covered in sagebrush, sand and rocks (Barton 1998:114). The greatest number of homesteaders arrived in 1907, traveling by "every conceivable means of transportation: wagons drawn by mules and horses, surreys, and buggies" (Barton 1998:115).

Homes, barns, corrals and other developments were built on many of these homesteads. "The earliest log cabins were usually one or two rooms with dirt roof and floors" (Barton 1998:119). Remains of these cabins or "soddys" are scattered throughout canyon bottoms in the South Unit. Dugouts, shanties, lean-tos or tents were also hastily built by homesteaders in order to demonstrate permanent occupancy of their land. Because it was necessary to prove up on their 160 acres by establishing some kind of residency, families used any means possible to create the appearance that someone lived there. Homestead inspectors could be easily tricked by tactics such as leaving clothes on a makeshift clothesline.

Trouble for homesteaders came not only from homestead inspectors, but from fellow homesteaders and also Utes, whom white settlers had learned to fear. In Duchesne County, "some homesteaders came with the mistaken idea that one of the reservation's assets was a mild climate. Others were misinformed by land speculators of the land's possibilities" (Barton 1998:117). Land promoters in particular focused on schemes to bring settlers onto their land. An example of "unscrupulous land schemers using misleading photographs and false promotional material" is the town of Fruitland. It was founded on a false pretence that the land would be suitable for growing fruit trees. Ready to invest their time and money, "the hopeful fruit farmers soon realized that, with the land at nearly 7000 feet in elevation and with an arid climate, the hope of producing fruit was fruitless" (Barton 1998:117). Whatever the difficulties they faced, these twentieth century homesteaders made a great impact on the development of the Uinta Basin.

A number of private inholdings exist in the bottoms of some canyons; like Indian and Sowers. A search of the Duchesne County Records Office shows that all of these were patented between 1911 and 1920. Alfalfa crop failures in 1923 caused some families to leave the county (Barton 1998:198), which was part of a nationwide trend to leave the farms and head to cities (Barton 1998:219). Most of the local homesteads were

vacated at this time, although a small number were occupied as late as the 1940s. Although most of these private lands still support livestock or hay production, families no longer live on any of them. In essence, any homesteading activity, likely to be encountered, on the South Unit is nearly a century old and should be treated accordingly.

Roads

In 1883, the Denver and Rio Grande Western Railroads completed a railway to Salt Lake City, crossing the town of Price on its main line. A few years later, "J.D.C. Atkins commissioner of the Bureau of Indian Affairs recommended the establishment of a fort near the Uintah Indian Reservation 'to discipline and control' the Ute, whose depredations in Colorado were causing consternation in the War Department" (Spangler 1993a:439). In 1886, Fort Duchesne was established. It was originally supplied by Fort Bridger via the Thornburgh road, but to make shipments quicker, a road was built from Price through Nine Mile Canyon, just missing the South Unit. "In 1886 and 1887 the Army detailed soldiers from Forts Douglas and Duchesne to improve the road and construct a telegraph line from the railroad to the post" (Batty 1970: 30).

"The route through Nine Mile Canyon to the railroad in Price was deemed the best route by the army. For the army's needs none of the existing roads provided what Nine Mile offered: the shortest distance from Fort Duchesne to a railroad, a more moderate grade, and a low pass through the Roan and Book Cliff mountains. It was so heavily used for twenty years that the road was aptly named the 'Lifeline of Uintah Basin'" (Barton 1998:71) (Figure 27). Nine Mile Road traffic picked up after 1905, and as Lawrence Odekirk recalls, "you could stand on a high peak at the head of Gate Canyon and trace the old stage road all the way to Vernal, 60 miles or more, by the dust churned up by hoofs and wheels." "The Nine Mile Canyon route was eventually eclipsed by alternative wagon and automobile routes" (Spangler 1993a:442). As early as 1895, the Raven Mining Company and residents of Duchesne opened a road from Duchesne to Helper by way of Castle Gate. "By 1905, however, there was a passable route from Duchesne, through Indian Canyon, to the railroad at Colton, a station located north of Castle Gate. Many of the early residents of Duchesne County used this road to enter the basin after the Uinta Indian Reservation was opened to homesteading in 1905" (Batty 1970:31). Road improvements were made in 1907 "so that gilsonite and elaterite could be more easily freighted from the mines near there [Duchesne] to the railroad" (Batty 1970:32).

Road improvements remained poor throughout the county because of a lack of funding. "Federal funds did come to the county in 1916 from the Federal Aid Act to help with road construction; the state also provided some labor for several years for road improvement in the county. For example, Governor Bamberger assigned convicts from the state prison in Salt Lake City to make improvements on the Indian Canyon road" (Barton 1998:221). The prisoners worked for two summers and significantly improved the safety and convenience of the road (Barton 1998:221). "One of the prisoners built a monument in Whitmore Park in honor of Governor Bamberger that became a well-known landmark to travelers passing over the road" (Batty 1970:34). "Although the Indian Canyon route to Price was shorter than the Nine Mile Road, it was often impassable during the winter because of deep snow and avalanches" (Batty 1970:34). There was no snow removal during these harsh winters, and snow would often pile up to five or six feet deep along the road. C.W. Wardle, a freight driver, explains that "you knew you had to get through, so you kept going until you did" (Vernal Express 1948). Despite difficulties with early freighting, the Indian Canyon road remained the primary mail route until 1934, when the Daniel's Canyon route became the main access road into the Uinta Basin. "The

gradual evolution of an extensive network of roads in the basin was in direct result of the needs of local residents, government agencies, the Army, mining companies and other economic interests" (Batty 1970:38).

Forest Service crews have located a myriad of roads near the top of Indian Canyon. A number of overlapping and interlocking routes built at different times has created a bewildering complex of corridors. These roads vary from barely discernable wagon roads to well made gravel roads with wood fences and high embankments. Short sections of particular roads can be assigned a period of use because of tree inscriptions or associated artifacts. Unfortunately, none of these segments have been pieced together into a coherent road system. The confusing spider web and superpositioning of the roads will require a considerable amount of future effort to fully document.

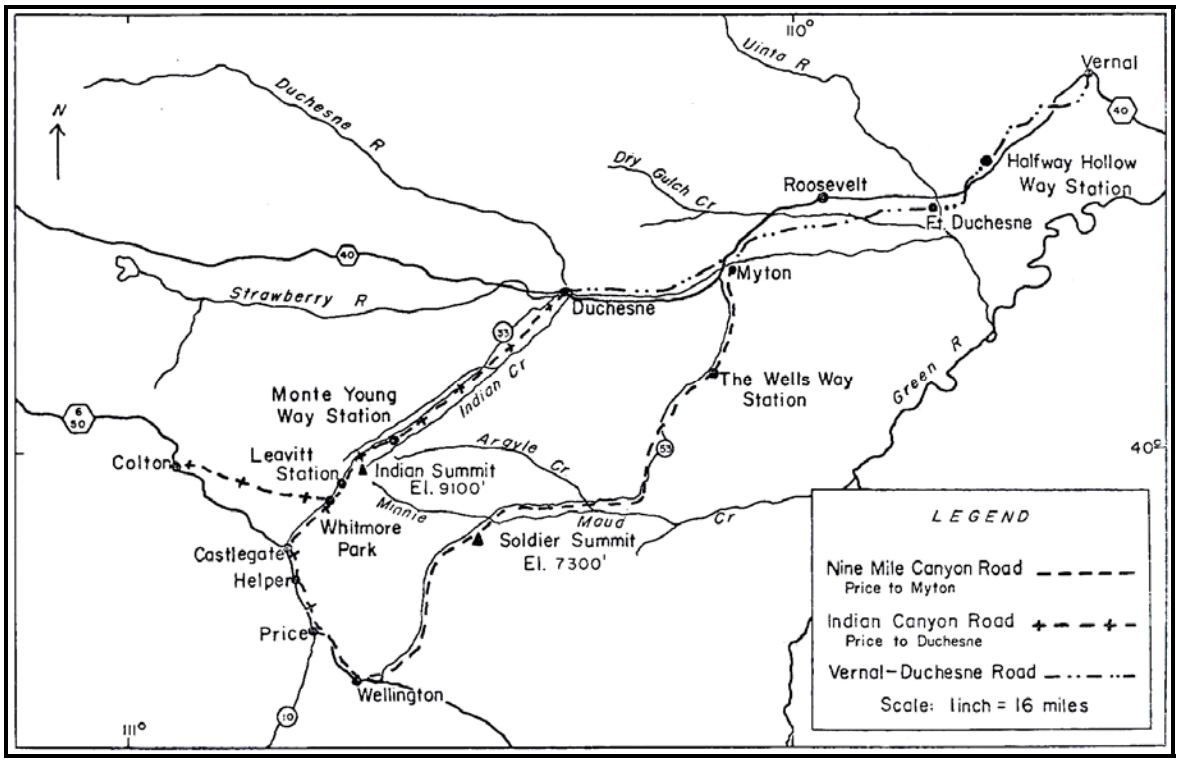

Figure 27. Nine Mile and Indian Canyon Roads (Geary 1981:33, Map 4).

Other Activities

"Sawmills at various locations, including Indian Canyon, Tabiona, and John Starr Flat above Neola, were in place by 1906-07" (Barton 1998:119). There is no clear indication of where this sawmill was located, but it probably had to be on the forest since there is limited timber lower in the canyon. Robert Krebs was issued a permit for a sawmill in 1924 that was associated with his travel stop on the Left Fork of Indian Canyon. The sawmill was located along the Left Fork Indian Canyon Road (Highway 33), about two miles north of the South Unit's southern boundary. He also received permits for a roadhouse, stable, store and service station at the same location.

Predator control was always an issue for stockman in Duchesne County. "Poison and trapping were heavily used at the turn of the century. From 20 March 1915 to 20 march 1916 bounty was paid by Duchesne County on eighteen bears killed. The federal

government also employed professional trappers at this time to curb predation" (Barton 1998:135). This program continued until recently. Nearly all the rockshelters in the South Unit have evidence of trapping. In one overhang an Ashley Heritage crew found the business card of a federal trapper that was more than three decades old. William Barton and other ranchers talk about their early efforts to remove wolves and other predators from the area.

A large number of axe cut stumps and abandoned stacks of juniper poles have been noted by Ashley Heritage crews. An occasional purple glass medicine bottle or broken whiskey jug indicate much of this activity occurred at the beginning of the 20th century, while the sporadic canning jar or pop bottle suggest the pole cutting continued well into the 1950s and later.

The archaeological evidence indicates the South Unit was frequently visited creating a historical landscape. So it is frustrating that so little historical documentation has been uncovered. Perhaps in the future additional diaries, accounts, letters, photographs, or other data will be discovered that shed more light on the people and activities that occurred in the region.