

Tract 6 is approximately 2,340 acres known as La Junta Canyon. It is part of the property acquired by the Forest Service in 1952 from the State of New Mexico, which had received the area as a lieu selection for the benefit of the University of New Mexico. The tract was occupied and used by the Indians until sale by the State of a timber contract in the 1940's. The tract is presently combined with Apache Springs for grazing purposes.

Forest Service statements to Congress have made much of the fact that tracts 1 and 6 were acquired from non-Indian owners in recent years, but they have not pointed out the fact that the Taos Indians originally owned and have always occupied those tracts. The Indians' interest in tracts 4, 5, and 6 was recognized by the act of March 28, 1928 (Ex. 30), authorizing withdrawal from entry of all Federal land in the Rio Pueblo watershed, and tracts 4 and 5 were withdrawn from entry by Executive Order 7361 dated May 5, 1936 (Ex. 49). As noted in the historical summary below, the Forest Service has offered to give the Pueblo free-use grazing permits to tracts 1 and 6 (subject to the existing rights of grazing permittees on tract 6), and has always recognized the Indians' special interests in those tracts.

In addition to protection of the existing non-Indian grazing permits, the bill provides for continued management of the entire area by the Forest Service. In the hearings on S. 3085 (89:1) in May 1966 the Forest Service objected to that provision on the grounds that it should not be responsible for management of land outside the boundaries of a national forest. In response to that objection the Pueblo has requested an amendment of H.R. 3306 to provide for management of the area by the Secretary of the Interior with authority to contract with the Forest Service for services or materials necessary or advisable in connection therewith. There is ample precedent for that proposal in such statutes as the acts of September 20, 1922 (42 Stat. 857) and June 25, 1947 (61 Stat. 177), 16 U.S.C. section 594, and such inter-departmental agreements as those between Interior and Agriculture dated May 1942 and January 11, 1943, all of which provide for Forest Service actions on Indian lands. The Forestry Division of the Bureau of Indian Affairs and the Forest Service have long cooperated in relation to forests on Indian lands, and they would cooperate well regarding the Blue Lake Area. Interposition of the BIA between the Pueblo and the Forest Service will undoubtedly improve communication and coordination regarding management of the Rio Pueblo watershed. Moreover, the Interior Department's regulations applicable to Indian forest lands, 25 C.F.R. section 141.3(e), permit "preservation of the forest in its natural state wherever it is considered, and the authorized Indian representatives agree, that the recreational or aesthetic value of the forest to the Indians exceeds its value for the production of forest products." That regulation will permit BIA management of the Blue Lake Area as an untouched natural area in accordance with the desires of the Taos Indians, a result that has never been assured under Forest Service management.

Trust patent status will mean that the land like all other Indian land, cannot be sold without congressional approval, and leases or other actions affecting the land must be approved by the Secretary of the Interior. Thus, the Pueblo will not be receiving the full economic value of ownership. That the Indians do not seek economic benefits is established by their consistent assertion of the religious significance