

Section 2 in each bill directs the Secretary of Agriculture to amend the permit granted to the Pueblo de Taos Indians, pursuant to section 4 of the Act of May 31, 1933 (48 Stat. 108), to exclude this 3,150 acres. Other provisions of section 2 set forth specific authorities for the Secretary of Agriculture to exercise in administering the remainder of the existing permit area as a part of the Carson National Forest. These include determining the total grazing capacity after consultation with the Pueblo de Taos officials; making timber and wood from the area available without charge to the Pueblo; selling timber and wood to the Pueblo and its members for commercial use at the appraised value; selling, with the concurrence of the Pueblo de Taos officials, such timber and other forest products to non-Indians; causing damaged timber to be removed from the area; taking whatever other steps he determines to be necessary to protect the area from fire, forest insects and diseases; permitting the Pueblo de Taos to have exclusive use of the area for its ancient ceremonies during the period of August 16 through August 31 of each year; cooperating with the Pueblo in the protection of the area from destruction or incompatible uses; and, if requested by the Pueblo, requiring persons other than members of the Pueblo de Taos to obtain permits to enter the area for other than official business.

In a recent discussion with Department officials, Taos Pueblo Governor Seferino Martinez stated that he reflected the opinion of the council and people of Taos in opposing these two bills, and expressed the Pueblo's continued support for legislation identical with that of H.R. 3306.

The Pueblo has a legitimate and just claim to the remaining 44,850 acres, which are included in H.R. 3306, but are not included in S. 1624 and S. 1625. This was decided by the Indian Claims Commission in *Pueblo de Taos v. United States of America*, Docket No. 357. In fact, the Indian Claims Commission determined that the Pueblo de Taos had Indian title to 130,000 acres, including the 48,000-acre "Blue Lake" area, before it was taken from the Pueblo in 1906 to be made a part of the Carson National Forest.

The Pueblo's insistence on a 48,000-acre area already represents a significant compromise when compared to the 130,000 acres that was found to belong to it before the 1906 taking. The 48,000-acre area is based upon the Indians' religious needs, and so important is this area to the practice of their religion that they are unwilling to consider a further reduction in their acreage. We have no doubt about the religious significance of the entire 48,000 acres to these Indians. The Taos Pueblo Indians' freedom to practice their religion depends on their being able to conduct their sacred ceremonies and religious contemplations in private. The entire watershed of the Rio Pueblo is also a part of the symbolism of Blue Lake because it is the area in which the Pueblo's religious life is practiced. It plays an important role in the physical, social, and political structure of the Pueblo.

Provisions contained in H.R. 3306 give the United States Government, through the Departments of Agriculture and Interior, authority to protect the forest and watershed within this area, as the Government has in other forest or wilderness areas upon which it has conservation and protection responsibilities. In addition, the bill fully provides for the protection of existing private claims in the 48,000-acre area.

H.R. 3306 provides that the land now permitted to the tribe under the 1933 Act will be held in trust for the Pueblo de Taos for traditional uses subject to existing rights owned or held by non-Indians by lease or permit. Provision is made for the Pueblo to purchase these rights and any improvements the non-Indians may have, if they are willing to sell. We appreciate the apprehensions that have been expressed about giving recognition to these leases and permits within the National Forest as vested interests. We have the same situation with regard to permits on public land, and we share the view that they are not vested interests. We therefore would not regard congressional action in this special case as a recognition of vested interests in permits and leases on the public lands generally.

Evidence developed by the Indian Claims Commission provides ample justification for returning the entire Blue Lake area to the Pueblo de Taos. Although this area may be desirable for outdoor recreation, we believe that the concepts of private property rights should apply to the 48,000 acres in question.

In summary, passage of either of the two bills, S. 1624 or S. 1625, would adversely affect the religion and culture of the people of the Pueblo de Taos and could lead to further disruption of the Pueblo's society. We believe that these consequences can be avoided by recognizing the justice of the Pueblo's claim as supported by the findings of the Indian Claims Commission.