

In recent years several bills have been introduced which would have dealt with these lands. In the 89th Congress, your committee considered such a bill, S. 3085. The bill would have added some 18,000 acres of National Forest lands to the permit area of about 32,000 acres and declared the entire 50,000 acre area to be held in trust for the Pueblo de Taos. In our report on S. 3085 we strongly recommended that no additional National Forest lands should be made available for the use of the Pueblo de Taos, and that the present permit area should remain a part of the Carson National Forest. We stated that we believe the Taos special use permit adequately protects and provides for the interests of the Indians. At the same time, the permit allows the greatest possible public use and benefits consistent with Indian needs. We continue in these beliefs.

However, we have considered further the desires of the Pueblo de Taos. We recognize that the Indians desire firm assurance that the ceremonial areas will be protected and be available to them on a permanent basis. There is also a need to assure the many non-Pueblo residents who depend on the resources of the large Rio Pueblo de Taos watershed that these resources would be conserved and protected.

The 3,150 acre area which S. 1624 and S. 1625 describe encompasses Blue Lake and two other lakes that are reported to have special significance in the ceremonies of the Indians. The boundaries of this tract would generally be prominent ridges which could be identified, signed and posted.

We do not recommend that these lands either be conveyed to the Tribe, or transferred to Indian trust status as the bills would do. Instead we suggest that the following be substituted for the language on page 1 of either bill, beginning on line 3 and ending at the end of line 10:

That the Secretary of Agriculture is hereby directed to amend the permit granted to the tribe of Indians known as the Pueblo de Taos of New Mexico pursuant to section 4 of the Act of May 31, 1933 (48 Stat. 108), to provide also for the following:

The Pueblo de Taos Indians shall be permitted to have exclusive use of about 3,150 acres more or less in the Blue Lake Area and including Star and Waterbird Lakes. The Secretary of Agriculture shall continue to be responsible for protection of the area from fire, insects, and disease, and maintenance of sanitary conditions as a part of the Carson National Forest and for administering the regulations applicable thereto, subject to the provisions of the permit. Law enforcement officers will continue to be authorized to enter the area in performance of official duties. Within such area the cutting of timber, grazing of livestock, and construction of improvements will be limited to activities found necessary by the Indians in the performance of their ceremonials or for the provision of adequate sanitation for the protection of health. Such area lies in the headwaters of the Rio Pueblo de Taos, within the Carson National Forest, New Mexico, and is described as:

A legislative grant of exclusive use and possession of the 3,150 acre tract should meet Indian needs with respect to use of the Blue Lake area. It would assure them of perpetual use of Blue Lake; there would be no revocation of the permit. The area would be large enough to assure privacy and could be posted and fenced by the Indians. Non-Indian use could be restricted throughout the entire year.

We are concerned that transfer of the tract in trust or by outright conveyance, regardless of the acreage involved, would be a far-reaching, undesirable precedent. The Pueblo de Taos is seeking the area in partial settlement of a recent determination of the Indian Claims Commission. Thus, transfer to the Indians of any part of the area would be a payment to the Pueblo in land rather than in cash as is usual under the Claims Commission authorities. This would inevitably lead to many other demands by Indians for National Forest or other Federal lands in settlement of claims. It could also be considered as a precedent for payment-in-kind treatment for others.

We would have no objection to the other provisions of section 2 of S. 1624 and S. 1625. These could be beneficial in confirming and clarifying the Secretary of Agriculture's authority for protection and management of the remaining part of the permit area not subject to exclusive use and occupancy by the Indians, and the provisions relating to Indian and non-Indian use of the area.

To conform S. 1624 or S. 1625 with the amendment suggested above, all beginning with line 6 on page 3 of each bill through line 5 on page 4 should be deleted and the following inserted in lieu thereof: