

STATEMENT OF KENNETH B. POMEROY, CHIEF FORESTER, THE AMERICAN FORESTRY ASSOCIATION

Mr. Chairman and Members of the Committee: I am Kenneth B. Pomeroy, Chief Forester of The American Forestry Association. This non-profit, educational organization of nearly 60,000 laymen has worked diligently throughout its 93 year history "for wise use and intelligent management of natural resources".

The proposals of the Pueblo de Taos Indians in H.R. 3306 and related bills are of concern because they contain provisions of far-reaching consequences.

Four separate problems are involved. They are: 1) adequate compensation for just claims of the Indians, 2) precedent established by payment in kind, 3) protection of natural resources for the benefit of all persons dependent upon the watershed, and 4) precedent established by Congressional authorization for purchase of non-Indian grazing permits.

COMPENSATION

According to findings of the Indian Claims Commission in Docket No. 357, dated September 8, 1965, the Pueblo de Taos Indians held aboriginal title to 130,000 acres when this acreage was included in the Taos Forest Reserve (now Carson National Forest) by Presidential proclamation on November 6, 1906. A Pueblo Lands Board, authorized by the Pueblo Lands Act of 1924 (43 Stat. 636), valued the tract at \$160,835.94. Payment of this amount by the Federal government was completed in 1933, thus extinguishing the Indian claim to this 130,000-acre tract.

The Pueblo de Taos Indians had a second claim of 17,360 acres for lands taken from them by white settlers in the Taos Pueblo Grant, a tract confirmed to the Indians by the United States in 1864. This Grant has never been a part of the Carson National Forest.

The Pueblo Lands Board appraised the value of the second claim of 17,360 acres at \$297,684.67, but no cash award has ever been made to the Pueblo de Taos Indians.

Instead the United States by various actions initiated in 1927, and confirmed by Congress in 1933 in Public Law 28 dated May 31, 1933, gave the Indians free and exclusive use of some 30,000 acres in the Carson National Forest for a period of 50 years with an option of renewal for 50 years more.

The Pueblo de Taos Indians now ask that this tract plus 18,000 acres more, also in the Carson National Forest, be given to them and that the value of these 48,000 acres be set off against their claim for reimbursement for lands taken in the Town of Taos.

The American Forestry Association recognizes the validity of the Indian claim for compensation for the land taken in the Town of Taos. We urge that this obligation of the United States be honored as soon as possible. It should be done by subtracting the value of the special use permit from the \$297,684.67 due for lands taken in the Town of Taos and paying the balance to the Indians in cash.

PAYMENT IN KIND

Compensation should not be made by "payment in kind". Paying a debt with publicly owned land abridges the rights of all other citizens in property held by the United States. If such a procedure is applied to other situations, it could have unexpected consequences.

For example, the Indian Claims Commission has recognized the right of the Seminole Indians to about two-thirds of the State of Florida. A preliminary estimate has placed the value of the Seminole claim at \$34,000,000. Would the Congress consider settlement of their claim by giving the Seminoles the Everglades National Park? or the Ocala National Forest? or Eglin Field Air Force Base? or the Okeefeenoque National Wildlife Refuge?

I think the Congress was fully aware of the dangers inherent in "payment in kind" when it enacted legislation to establish the Indian Claims Commission. At that time the Congress specified that Indian claims will be paid in money.

PROTECTION OF NATURAL RESOURCES

Under the present special use permit, the Federal government protects and maintains the natural resources such as water, forage, and timber at no cost to the Indian users. Protection of the watershed is of special importance because water is vital to the continued existence of both Indians and non-Indian residents downstream. If the watershed is destroyed, many people will suffer.