

come to the tribe will probably average from \$550,000 to \$600,000. It is expected that this revenue will continue for several years.

In view of the above-mentioned annual income of the Klamath Indians from the sale of their timber which appears to be practically assured the reimbursable loan proposed under this measure could easily be repaid within the 3-year period provided for in the bill.

There are approximately 1,364 Indians who would be entitled to participate in this loan, which would amount to a per capita distribution of approximately \$202. The Indians of the Klamath jurisdiction have been used to receiving per capita payments substantially larger than the amount each individual will receive if this bill is enacted. It has been the practice to make per capita distributions to these Indians from their timber funds twice annually in amounts ranging from \$50 to \$400 per capita.

While some lasting benefit would undoubtedly be gained by some Indians who would share in this distribution, the precedent to be established and the present condition of the Federal Treasury would seem to warrant postponement of action on the bill.

The Director of the Bureau of the Budget has advised that this proposed legislation would not be in accord with the financial program of the President.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

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TO DEFINE THE EXTERIOR BOUNDARIES OF THE NAVAJO
INDIAN RESERVATION IN ARIZONA, AND FOR OTHER
PURPOSES

MAY 10 (calendar day, MAY 15), 1934.—Ordered to be printed

Mr. ASHURST, from the Committee on Indian Affairs, submitted the
following

REPORT

[To accompany S. 2499]

The Committee on Indian Affairs, to whom was referred the bill (S. 2499) to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes, having considered the same report thereon that it do pass with the following amendments:

On page 5, line 1 and line 2, strike out "or adjacent to the boundaries defined by this act:" and insert "the areas added to the Navajo Reservation pursuant to section 1 of this act;"

On page 8, line 1, after the word "of" strike out "\$461,879.38" and insert "\$481,879.38, reimbursable from Navajo's tribal funds", and page 8, line 6, after the words "improvements on", insert "any land within said boundaries or on."

The bill as amended has the approval of the Secretary of the Interior as set forth in letter of March 9, 1934, which is appended hereto and made a part of this report.

THE SECRETARY OF THE INTERIOR,
Washington, May 5, 1934.

HON. BURTON K. WHEELER,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR MR. CHAIRMAN: This is in further reference to your letter of January 27, requesting an opinion on S. 2499, a bill to define the exterior boundaries of the Navajo Indian Reservation in Arizona, and for other purposes.

Section 1 establishes certain definite lines as the exterior boundary of the Navajo Indian Reservation within the State of Arizona. These lines merely round out the present reservation, composed of part of the original area set aside under the Navajo treaty of June 1, 1868 (15 Stat. 667), and subsequent additions thereto by Executive order withdrawals and purchases. The area which would be added to the existing reservation as contemplated by the bill

Includes some public lands interspersed among privately owned lands, and also tracts which have been purchased from time to time for the Navajo Indians with their own tribal funds.

Section 2 grants authority under which certain private land owners within the proposed lines could relinquish their holdings and select lieu lands from the public domain outside of the lines but within the same counties, thus effecting consolidation and solidification of the holdings of both the private owners and the Indians. Provision is made that the lands relinquished to the Government within the proposed reservation boundary are to be held in trust for the Navajo tribe of Indians. This section also provides that no further allotments or Indian homesteads shall be made on the public domain to Navajo Indians within Apache, Navajo, and Coconino Counties, Ariz., which are the counties affected by the proposed reservation boundary line.

Most of the consolidations to be made under section 2 have been worked out pending approval of the bill.

Section 3 provides that after the completion of exchanges and consolidations within the proposed exterior boundary lines of the reservation as authorized by section 2 of the bill, the State of Arizona may solidify its school lands in the three counties mentioned.

Section 4 provides for the acquisition through purchase of certain privately owned lands located within the proposed reservation boundary, together with the improvements thereon, and also provides that in addition to purchasing the surface of the land only, the improvements on leased State school land within the boundary may be purchased under certain conditions set out in said section. Section 4 also contains an authorization for the appropriation of \$461,879.38 to purchase these privately owned lands. The amount mentioned is erroneous. The correct figure is \$481,879.38. See companion bill H.R. 8927. This amount indicates the money actually needed, based upon careful field examination and report by one of our field agents. Purchase of these privately owned lands will end a long drawn out range conflict.

It is of importance to observe here that section 1 (p. 4, lines 12 to 14, inclusive) contains a provision safeguarding the rights of the Hopi Indians to their lands, which are centrally located within the present Navajo Reservation.

It is observed that section 1 (p. 4, lines 24 and 25, and p. 5, lines 1 and 2) contains a provision which in effect would deprive the Navajo Indians of such rights as they may have under existing law to the proceeds or royalties from water-power development within the present reservation boundaries. The bill should be amended at this point so as to safeguard such rights as the Indians may have under existing law. It is accordingly recommended that the bill be amended as follows:

On page 5, strike out the last word in line 1, and the first eight words in line 2, substituting therefor the following: "the areas added to the Navajo Reservation pursuant to section 1 of this Act".

During the past 2 years representatives of the Indian Office held meetings with the boards of supervisors of all three counties involved, together with the local stockmen, and insofar as the boundary lines set out in the bill are concerned, it may be said that what opposition there was at first has now largely disappeared.

On page 7, lines 2 to 8, inclusive, provision is made that no more allotments or Indian homesteads involving public lands shall be made to Navajo Indians within the three counties involved. This is agreeable to this Department for the reason that we are in effect trading this right of the Indians in order to get solid areas which can be developed for them. The Indians will, however, be able to obtain homesteads as citizens on the public domain by paying the usual fees or commissions and receiving a fee patent for the land selected, which automatically would make the land taxable.

Careful field study has been made of the number of Indians in Arizona entitled to allotments on the public domain, and by checking the area of public land embraced within the boundary lines as described in section 1, it appears that the Indians will receive an area about equivalent to that to which they would be entitled, if allotted.

This proposed boundary extension represents the ultimate line to which the Indians can hope to expand their reservation. This fact is realized by the Indians themselves, as evidenced at their tribal council at Tuba City, Ariz., last November. They are aware that they must reduce the number of their sheep and goats to prevent overgrazing; that erosion and range control must be conducted continuously if they are to survive and make substantial progress.

The proposed boundary extension actually will not add any large areas of public land to the present reservation. The alternate or odd-numbered sections

within the townships involved were originally railroad grant lands which are now partly owned by the railroad and the balance by its grantees, and is practically all leased for the use of the Navajos.

A large acreage of the even-numbered sections was allotted to individual Indians and the even-numbered unallotted sections in Navajo County were reserved for the Navajo Indians by order of March 15, 1908. Hence, these particular sections have for years been reserved for Indian use.

This proposed legislation, which is related to S. 2531, Seventy-third Congress, second session, is indeed an emergency measure, as the future livelihood of these Indians depends on favorable action being taken. It not only is an emergency measure in regard to the Indians but also to the Federal Government, for the reason that if enacted, proper range management and control of soil erosion now in progress on the reservation will be continued, and unless this work is continued in the Navajo country, which is tributary to the Colorado River, soil erosion within the area in question will increase tremendously within the next decade, and result in heavy silt deposits within the Boulder Dam Reservoir, thus seriously damaging the future effectiveness of that project, together with the concurrent loss to the Government on its investment therein. There are enclosed maps with appropriate legend showing the areas involved.

Attention is also invited to the fact that the following changes should be made on page 8, line 6 (see companion bill H.R. 8927): After the word "on" insert the following: "any land within said boundaries or on."

In view of the foregoing, I recommend that S. 2499 be amended as suggested, and that it receive favorable consideration.

The Director of the Bureau of the Budget advised under date of April 19, 1934, that the proposed legislation would not be in conflict with the financial program of the President if modified to provide that the appropriation therein authorized "shall be reimbursable from funds accruing to the Navajo tribal funds as and when such funds accrue."

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

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