

If the objection may occur to you that landing fields may be desired on reserved lands it seems to me that this objection might be satisfactorily met by the addition of a section providing for leasing, by the Secretary of the department concerned, of lands needed for such purposes.

The amendments suggested would seem to preserve and protect power resources without impairing the other purposes of your bill, and it is hoped that these suggestions may commend themselves to your favorable consideration.

Cordially yours,

FRANK R. McNINCH, *Chairman.*

The letter of the Secretary of the Interior, bearing date April 10, 1934, addressed to the Chairman of the Committee on Mines and Mining is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1934.

Hon. M. M. LOGAN,
*Chairman Committee on Mines and Mining,
United States Senate.*

MY DEAR SENATOR LOGAN: By letter of March 19 you submitted for report a copy of S. 2836, entitled "A bill to amend the Mining Act of May 10, 1872, as amended." The bill would amend sections 2337, United States Revised Statutes to provide for location "as mill site claims" of not exceeding 20 acres of public land for the purpose of ore-reduction works or other equipment for working and treatment of ores, "including landing fields and airports", payment to the United States to be made within 5 years from date of location, and full payment for the claim to be made at the rate of \$5 per acre or fraction thereof.

Section 2337, which is a part of the Mining Act of May 10, 1872, authorizes patents for not exceeding 5 acres of nonmineral land used and occupied by the owner of a mining claim for mining and milling purposes, or by the owner of a quartz mill or reduction works on the land. Mill sites under this section are auxiliaries to the working of mining claims, and the right of possession before patent is obtained is dependent upon actual occupancy and use for mining and milling purposes. The purchase price is \$5 per acre. This provision of the mining law serves a useful purpose, and I know of no reason for a change thereof. Under it the owner of a mining claim or group of claims can locate and hold a mill site for the convenient working of the claims and without making any payment or securing patent until he desires to patent his mining claims. A tract of 5 acres may ordinarily be sufficient, but the owner of a group of claims can locate and hold such number of mill sites as will satisfy his needs.

Since landing fields and airports have little relevancy to mining operations, it does not seem appropriate to attempt to accomplish the purpose of this bill by amending a section of the mining laws. If Congress considers that there is a need for legislation authorizing the acquisition of lands for private landing fields and airports, it would appear that this should be effected by an independent measure. Provision for leasing public lands for use as public airports, and for their withdrawal for the establishment of beacon lights and other air-navigation facilities, is made by the act of May 24, 1928 (45 Stat. 728).

I recommend that the bill be not enacted.

Sincerely yours,

HAROLD L. ICKES, *Secretary of the Interior.*

Calendar No. 1137

73D CONGRESS }
2d Session }

SENATE

{ REPORT
{ No. 1074

DEFINE THE EXTERIOR BOUNDARIES OF THE NAVAJO INDIAN RESERVATION IN NEW MEXICO, AND FOR OTHER PURPOSES

MAY 10 (calendar day, MAY 21), 1934.—Ordered to be printed

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

REPORT

[To accompany S. 2531]

The Committee on Indian Affairs, to whom was referred the bill (S. 2531) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, having considered the same report that it do pass with the following amendments:

On page 7, line 4, after the word "Indians", insert a comma and the following:

except sections 3 to 10, both inclusive, township 11 north, range 19 west, south half of township 11 north, range 20 west, south half of fractional township 11 north, range 21 west, New Mexico principal meridian, which lands are hereby added to the Zuni Reservation: *Provided*, That this section in order to exclude the town of Ramah, shall not apply to sections 1, 2, 3, 4, 9, 10, and 16, township 10 north, range 16 west, New Mexico principal meridian.

On page 9, line 8, after the "sum of \$482,136.22", insert "reimbursable from Navajo tribal funds,".

This bill as amended has the approval of the Secretary of the Interior as set forth in his letter of May 5, 1934, which is appended hereto and made a part of this report.

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

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

MY DEAR MR. CHAIRMAN: Further reference is made to your letter of January 31, requesting an opinion on S. 2531, a bill to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes.

Section 1 establishes certain definite lines as the exterior boundary of the Navajo Indian Reservation within the State of New Mexico. These lines would

add certain areas to the present reservation on the east and south, and also define four small outside areas for different Navajo Bands living therein. The lands involved are thickly populated with Navajo Indians and have practically been used by them exclusively for grazing purposes for years. The areas include public lands interspersed with tracts purchased for the Indians with their own tribal funds, also lands consolidated in the Government for their benefit pursuant to the act of March 3, 1921 (41 Stat. 1225-1239). Provision is made in this section that all prior valid rights and claims shall not be affected by the proposed legislation. Ten and one half townships of national forest land will be eliminated, for the benefit of the Indians, from the Cibola National Forest, pursuant to section 1. This elimination of forest land has had the approval of the local forestry representatives.

Section 2 would grant the State of New Mexico the right to relinquish to the Government for the Indians such tracts of school or other State-owned lands within the proposed boundaries, and to make lieu selections of equal value from the available vacant public domain within the State.

Section 3 is for the purpose of clarifying the Indian title to lands already consolidated for Indian purposes, pursuant to the act of March 3, 1921, supra. This section also extends the provisions of said act to three other counties and also provides that no further allotments or Indian homesteads on the public domain shall be made to Navajo Indians within the 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.

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 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 blocked-out areas of public land to the present reservation. Approximately a total of 340,000 acres of public domain are involved, but it should be borne in mind that this acreage is largely within areas consolidated or purchased for the Indians, or else is within an area heavily allotted to individual Indians.

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 in addition to purchasing the surface of the land only, that 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 \$482,136.22 to purchase these privately owned lands, which are located not only within the boundaries, as described in section 1 of this bill, but also within the area in southeastern Utah referred to by the act of March 1, 1933 (47 Stat. 1418). The amount mentioned indicates the money actually needed, based upon careful field examination and report by one of our field agents. Purchase of these privately owned lands, coupled with the boundary extension, will end a long-drawn-out range conflict.

During the past 2 years representatives of the Indian Office held meetings with various groups of local interested persons, and insofar as the boundary lines set out in the bill are concerned, it may be said that except for factional and minority differences of opinion, what opposition there was at first has now largely disappeared.

This proposed legislation, which is related to S. 2499, 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 coloring and legend showing the status and areas of the lands involved

Attention is invited to the typographical error on page 7, line 18, the word "a" should be changed to "the"; also the following change should be made on page 9, line 12 (see companion bill, H. R. 8982): After the word "on" insert the following: "any land including".

Since the introduction of the bill it has been definitely determined that the bill as drawn covers in some old cornfields and a peach orchard of the Zuni Pueblo Indians; also that the proposed line in part runs through the town of Ramah. Hence, in order to remedy these two matters, it is recommended that the bill be amended as follows:

On page 7, line 4, after the word "Indians" insert the following: "except sections 3 to 10, both inclusive, township 11 north, range 19 west, south half of township 11 north, range 20 west, south half of fractional township 11 north, range 21 west, New Mexico principal meridian, which lands are hereby added to the Zuni Reservation: *Provided*, That this section in order to exclude the town of Ramah, shall not apply to sections 1, 2, 3, 4, 9, 10, and 16, township 10 north, range 16 west, New Mexico principal meridian."

In view of the facts stated, I recommend that S. 2531 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. ICKER,
Secretary of the Interior.

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