

Serial 11900

84TH CONGRESS }
2d Session }

HOUSE OF REPRESENTATIVES }

REPORT
No. 2789

**PROVIDING FOR THE ACQUISITION OF NAVAHO INDIAN LANDS
REQUIRED IN CONNECTION WITH THE CONSTRUCTION, OPER-
ATION, AND MAINTENANCE OF THE GLEN CANYON UNIT, COLO-
RADO RIVER STORAGE PROJECT**

JULY 18, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed.

Mr. ENGLE, from the Committee on Interior and Insular Affairs,
submitted the following

REPORT

[To accompany H. R. 11685]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H. R. 11685) to provide for the acquisition of Navaho Indian lands required in connection with the construction, operation, and maintenance of the Glen Canyon unit, Colorado River storage project, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, line 1, strike out the word "camp"

Page 2, line 22, add a new sentence reading as follows:

The authority contained in this Act shall not extend to utilization by the Secretary of the lands hereinbefore described for public recreational facilities without the consent of the Navajo Tribe.

EXPLANATION OF THE BILL

This legislation would grant the United States immediate access to tribal lands of the Navaho Indians which are needed for the construction, operation, and maintenance of the Glen Canyon unit of the Colorado River storage project on which construction is expected to start this year. The Navaho Reservation includes all lands on the southeast side of the Colorado River in the vicinity of the proposed dam site.

The legislation also provides for negotiation between the Navaho Tribe and the Secretary of the Interior with respect to the price to be

paid for the lands needed for the entire Glen Canyon unit and on other terms with respect thereto. If the needed lands cannot be acquired by negotiation, they may be acquired through eminent domain proceedings, except that tribal land needed for public recreational facilities cannot be acquired without consent of the Navaho Tribe.

The legislation further provides that any lands which are obtained but later found not to be needed shall revert to the tribe. In addition, all mineral rights are reserved to the tribe subject to the right of removal thereof under such terms and conditions as the Secretary determines will not interfere with the purposes of the Glen Canyon unit.

Without congressional authorization as provided in this bill, the Secretary of the Interior lacks authority to acquire title to the tribal lands required and the Bureau of Reclamation has reported that without such authorization, it will be foreclosed from establishing a townsite and construction facilities on the Navaho tribal lands. Enactment of this legislation would make available to the Bureau of Reclamation for a townsite and construction facilities lands on both sides of the Colorado River and thereby permit the Bureau to make its decision with respect to these works on the merits of the case and the economics involved.

The Navaho Tribal Council, governing body of the tribe, has officially approved this bill, guided in part by recognition of the opportunity offered by construction of the Glen Canyon Dam for employment of Navaho labor and for increased economic opportunity on the reservation.

DEPARTMENT'S REPORT

The report of the Department of the Interior recommending enactment of this legislation follows:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., June 19, 1956.

HON. CLAIR ENGLE,
Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D. C.

MY DEAR MR. ENGLE: A report has been requested from this Department on H. R. 11685, a bill to provide for the acquisition of Navaho Indian lands required in connection with the construction, operation, and maintenance of the Glen Canyon unit, Colorado River storage project.

We recommend that the bill be enacted.

In substance section 1 of H. R. 11685 provides that, in aid of construction of the Glen Canyon unit of the Colorado River storage project, the United States shall have immediate access to tribal lands of the Navaho tribe needed for construction, operation, and maintenance of Glen Canyon Dam and related facilities. These lands lie on the east side of the Colorado River in Arizona.

Section 2 of the bill provides for negotiation between the Navaho tribe and the Secretary of the Interior with respect to the price to be paid for the lands needed for the entire Glen Canyon unit and on other terms with respect thereto. It also provides that, if the needed lands cannot be acquired by negotiation, they may be acquired through eminent domain proceedings. The rights needed by the United States will, in some cases, be the full fee. In other cases, its

needs may be fully met by rights of way, easements and the like. The provision of the bill requiring negotiation before condemnation leaves room for ironing out differences of opinion with respect to compensation and the extent of the tribal interest to be taken.

Section 3 of the bill deals with reversion of the lands in the event they are not needed for the purpose for which they are acquired and with the reservation of mineral rights to the tribe. These provisions, we understand, incorporate the principal restriction upon Federal acquisition by the United States which the Navaho tribe has insisted upon.

Construction of the Glen Canyon unit was authorized by the act of April 11, 1956 (Public Law 485, 84th Cong.). Funds for commencing its construction during the fiscal year 1957 have been requested by this Department and it is anticipated that on-site construction activities will begin during the year. Enactment of H. R. 11685 will assist in this. By limiting, as section 1 of the bill does, the Government's immediate rights to those of entry, it avoids the problems inherent in a legislative taking of the Indians' right, title, and interest in the lands, allows time for negotiation, and will, we hope, obviate any need for recourse to condemnation proceedings.

It is anticipated that the construction, operation, and maintenance of this unit will provide employment for many members of the Navaho Tribe. Its leaders have expressed the opinion that this employment is of the highest importance to the tribe. This will assure the utmost cooperation with the Secretary in the negotiations.

We suggest, in the interest of clarity, that the word "camp" be stricken from line 1, page 2, of the bill.

The Bureau of the Budget has advised that there would be no objection to the submission of this report to your committee.

Sincerely yours,

FRED G. AANDAHL,
Secretary of the Interior.

COMMITTEE'S RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H. R. 11685.

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